Ordinary Council Meeting (24 June 2026)

ATTACHMENTS

Number	Title
7.1.1(1)	Minutes of Ordinary Council Meeting held 27 May 2026
9.1.1(1)	Schedule of Submissions - Public
9.1.1(2)	Schedule of Submissions – Agencies and Public Authorities
9.1.1(3)	Schedule of Modifications
9.1.1(4)	Excerpt of RFQ 357 – Local Planning Strategy
9.1.1(5)	Local Planning Strategy Part 1 (modifications marked)
9.1.1(6)	Local Planning Strategy Part 2 (modifications marked)
9.2.2(1)	Monthly Financial Report - May 2026 – YET TO BE PROVIDED
9.2.3(1)	Forrest Products Commission Correspondence dated 20th March 2026
9.2.4(1)	Request for write off from Balingup Tourism Committee
9.2.4(2)	Balingup Tourism Committee - Financial Position
9.3.2(1)	Current and Proposed Organisational Structures
9.3.4(1)	2026 – 2027 Delegations Register
9.3.4(2)	New, Amended and Revoked Delegations

Minutes of Ordinary Council Meeting

Held on 27 May 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: 29 May 2026

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

Contents

1. Declaration of Opening / Announcement of Visitors 6
2. Attendance (OCM) 6
2.1. Apologies 7
2.2. Approved Leave of Absence 7
2.3. Application for Leave of Absence 7
3. Announcements from the Presiding Member 7
4. Declarations of Interest 7
5. Public Question Time 8
5.1. Responses to previous public questions that were taken on notice 8
5.2. Public Question Time 8
6. Presentations 8
6.1. Petitions 8
6.2. Presentations 8
6.3. Deputations 8
6.4. Delegates' Reports 8
Adoption by Exception 9
9.1.5 Development Application P25071 – Pine Plantation, Noggerup 10
7. Confirmation of Minutes 22
7.1 Ordinary Council Meeting Minutes 22
7.1.1 Ordinary Council Meeting held on 22 April 2026 22
8. Reports of Committees 23
8.1 Warren Blackwood Alliance of Councils Committee Meeting 23
8.1.1 Warren Blackwood Alliance of Councils Committee Meeting held on 21 April 2026 23
8.2 South West Country Zone Meeting 24
8.2.1 South West Country Zone Meeting held on 24 April 2026 24
8.3 Bush Fire Advisory Committee Meeting 25
8.3.1 Bush Fire Advisory Committee Meeting held on 30 April 2026 25
9. Reports of Officers 26
9.1. Director Operations 26
9.1.1 5-Year Capital Forward Roadworks Program 26
Cr Purich and Cr McNab re-entered the Council Chambers at 6:31pm. 33

9.1.2 Election of Office Bearers – Bush Fire Advisory Committee 33
9.1.3 Authorisation of Nominated Fire Control Officers 36
9.1.4. 2026-2027 Fire Prevention Order 40
9.2. Director Finance and Community 43
9.2.1 Schedule of Accounts Paid as at 30 April 2026 43
9.2.2 Monthly Financial Report for the period ending 30th of April 2026 53
9.2.3 Adoption of the Schedule of Fees and Charges 2026/27 58
9.2.4. Policy Review - Investments (FIN/CP-2) 65
9.2.5 Policy Review – Community Grants and Donations (COMD/CP-1) 68
9.2.6 Rescind - Group Valuation of Land Policy (Option 1 – Identical Ownership) (FIN/CP-10) 71
9.3. Chief Executive Officer 75
9.3.1 Review of Council Policy – Elected Members Allowances and Entitlements (EM/CP-5) 75
9.3.2 Strategic Risk Register and Endorsement 79
9.3.3 Review of Council Representation – Advertising of Discussion Paper for Comment 82
9.3.4 New Policy - Complaints Handling (EXE/CP-15) 87
9.3.5 Council Plan 2026-2036 – Endorsement to Advertise for Public Comment 91
9.3.6 Appointment to the South West Development Commission Board 95
9.3.7 Appointment of Independent Members - Audit and Risk Improvement Committee 98
9.3.8 Professional Development Event – Re-thinking Business as Usual 102
10 Elected Member Motions 104
11. New Business of an urgent nature introduced by Decision of the Meeting 104
12. Meeting Closed to the Public 104
12.1. Matters for which the Meeting may be closed 104
12.2. Public reading of Resolutions that may be made public 106
13. Closure 107

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 Grant Patrick	Cr Alex Purich	

Staff Present:

Nick O'Connor, Chief Executive Officer	Colin Young, Director Finance and Community
Loren Clifford, Executive Manager Corporate	Damien Morgan, Acting Director Operations
Meta Hazeldine, Manager Financial Services	Michelle Dennis, Manager Development Services

Other Members Present:

Public Gallery: 15 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:	67/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

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 Patrick, Cr Purich
Against: Nil.
Carried: 8/0

2.1. Apologies

Ross Marshall, Director Operations

2.2. Approved Leave of Absence

At the Ordinary Council Meeting held 22 April 2026, Council resolved the following:

"COUNCIL RESOLUTION 50/04-26

That Council approve Cr Leanne Wringe's request for a leave of absence for the May 2026 Ordinary Council Meeting.

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

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 Purich declared a proximity interest in relation to item 9.1.1, as his family own property on Brookhampton Road.

Cr Purich declared an impartiality interest in relation to items 9.1.2 and 9.1.3, as he is a member of the Thomson Brook Bush Fire Brigade (Brookhampton).

Cr McNab declared a proximity interest in relation to item 9.1.1, as she has property on Thomson Brook Road.

5. Public Question Time

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

Nil.

5.2. Public Question Time

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Keir Arney in relation to item 9.1.5, Development Application P25071 – Pine Plantation (presented at the Ordinary Council Meeting).

Kanella Hope in relation to item 9.1.5, Development Application P25071 – Pine Plantation (presented at the Ordinary Council Meeting).

6.4. Delegates' Reports

Nil.

Adoption by Exception

COUNCIL RESOLUTION:	68/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Amanda McNab

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 22 April 2026
8.1.1 Warren Blackwood Alliance of Councils Committee Meeting held 21 April 2026
8.2.1 South West Country Zone Meeting held on 30 April 2026
8.3.1 Bush Fire Advisory Committee Meeting held 30 June 2026
9.1.4 Fire Prevention Order
9.2.1 Schedule of Accounts Paid as at 30 April 2026
9.2.4 Policy Review – Investments (FIN/CP-2)
9.2.5 Policy Review – Community Grants and Donations (COMD/CP-1)
9.2.6 Rescind – Group Valuation of Land Policy (Option 1 – Identical Ownership) (FIN/CP-10)
9.3.2 Strategic Risk Register and Endorsement
9.3.3 Review of Council Representation – Advertising of Discussion Paper for Comment
9.3.4 New Policy – Complaints Handling (EXE/CP-15)
9.3.5 Council Plan 2026-2036 – Endorsement to Advertise for Public Comment
9.3.6 Appointment to the South West Development Commission Board

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

That Council move the order of business to allow item 9.1.5, Development Application P25071 – Pine Plantation, Noggerup be presented to Council prior to item 7.1.1.

COUNCIL RESOLUTION:	69/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council move the order of business to allow item 9.1.5, Development Application P25071 – Pine Plantation, Noggerup be presented to Council prior to item 7.1.1.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

9.1.5 Development Application P25071 – Pine Plantation, Noggerup

Report Details:			
Prepared by:	Manager Development Services		
Manager:	Director Operations		
Applicant:	Delta Forestry Pty Ltd for Cultura Australia Pty Ltd		
Location:	Lot 3711 and Lot 3734 (3543) Donnybrook-Boyup Brook Road, Noggerup		
File Reference:	A2205 (P25071)	**Voting Requirement:**	Simple Majority

Attachment(s):

9.1.5(1) March OCM Agenda Item and Attachments

Executive Recommendation

That Council:

A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25071 for a Tree Plantation (Pine) on Lot 3711 and Lot 3734 (3543) Donnybrook-Boyup Brook Road, Noggerup, subject to the following conditions and advice:

1. **The layout of the lots, firebreaks, exclusion, and planting areas to be in accordance with the Forest Management Plan and Development Application Plan (Attachment 9.1.2(8)) 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. **Prior to the commencement of any planting works, the Fire Management Plan prepared by Delta Forestry shall be amended to the satisfaction of the Shire. The amended Fire Management Plan shall include:**
   a) **Inclusion of the relevant local fire agency contact details at the beginning of the Fire Management Plan;**

   Once approved, the amended Fire Management Plan shall form part of this development approval and must thereafter be implemented and maintained to the satisfaction of the Shire.

3. **The applicant shall ensure that a single-page plantation map, containing the information required under condition 2. above and including details of fire management, 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 satisfaction of the Shire.

4. **Prior to the first restricted burning period following planting, access tracks, firebreaks, and turnaround areas for emergency fire vehicles, as depicted in the approved plans, must be adequately installed with a trafficable surface. These areas must include appropriate surface water engineering structures to control and capture surface water, minimizing the risk of soil erosion. The access tracks, firebreaks, and turnaround areas must thereafter be maintained to the satisfaction of the Shire.**

5. **The applicant shall, within 3 months of this approval, prepare and submit a Pest/Weed and Dieback Management Plan to the Shire. The plan must address the mitigation of dieback spread from the plantation into the adjacent Department of Biodiversity, Conservation, and Attractions managed land. The plan will be reviewed and approved by the Shire in consultation with the Department of Biodiversity, Conservation, and Attractions. Once approved, the Pest/Weed and Dieback Management Plan shall form part of this approval and must be adhered to at all times for the duration of the approval.**

6. **Setbacks:**
   a) **A minimum 6-metre setback must be maintained on either side of the watercourse and/or any drains, and a minimum 6-meter setback must be provided between all proposed plantation operation areas (this includes planting areas, access tracks and fire breaks) and existing native vegetation areas, with the setback located on the outside of the tree crown drip line if this line is further than 6m. The applicant must ensure that vehicles and planting works remain outside of these areas, to the satisfaction of the Shire.**
   b) **The plantation shall maintain a minimum 20-metre setback from all State Forest land; 15m from all other boundaries (excluding the front boundary), and 100m from the front boundary, to minimise the spread of pine wildlings and provide an appropriate fire management buffer.**

7. **Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any firebreak or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any road infrastructure, to the satisfaction of the Shire.**

8. **At least eighteen (18) months prior to any harvesting activities a Harvesting Plan is to be submitted to the Shire for assessment and written approval. The Plan shall be**

referred to relevant authorities, including Main Roads WA and the Public Transport Authority (PTA). No harvesting activities shall occur until the Harvesting Plan has been approved to the satisfaction of the Shire.

9. **Prior to the commencement of any plantation planting, the proponent shall submit a revised access/crossover location and design to the specifications of Main Roads WA and to the satisfaction of the Shire. No planting shall commence until the revised access design has been approved and the crossover has been constructed in accordance with Main Roads WA specifications to the satisfaction of the Shire.**
10. **Prior to the commencement of any plantation planting the exiting dwelling on Lot 3711 is to be demolished.**

ADVICE NOTES

a. **It is recommended that the applicant undertake public consultation, including to surrounding residences as well as the Noggerup townsite and affected agencies prior to:**
   i. **Planned/Prescribed burns;**
   ii. **Boundary fencing;**
   iii. **Use of herbicides/insecticides; and**
   iv. **Any other activity that the applicant considers may impact surrounding residences.**

b. **The Department of Water and Environmental Regulation has advised:**
   i. **Clearing of native vegetation is subject to the *Environmental Protection Act 1986 (EP Act)*, and in the event any clearing of native vegetation is proposed, the applicant must contact the Department's Native Vegetation Regulation section by email admin.nvp@dwer.wa.gov.au or by telephone 6364 7098 to determine if a clearing permit is required under the *EP Act*.**

   ii. **All operations must comply with the *Code of Practice for Timber Plantations in Western Australia (FIFWA 2014)*, with the following commitments:**

- **Machinery shall not enter the waterway or its foreshore areas.**
- **Maintain a minimum 6-metre non-planted buffer from the edge of the waterway, measured separately for each bank of the waterway. The buffer should be measured from the farthest of:**
  - **the outer edge of wetland vegetation, or**
  - **the two- to three-year average recurrence interval floodway, or**
  - **the high-water mark / bankfull level if no riparian vegetation exists.**
- **Detailed measures must be implemented to protect the waterway during operations and harvesting, including the design and construction of creek crossings, in accordance with Sections 4.3 and 4.5.1.7 of the Code of Practice.**
- **Pine wildlings must be managed within remnant vegetation areas over the life of the plantation.**
- **The use of herbicides, pesticides, and other pest control methods shall comply with all relevant State policies, procedures, and approved usage.**
- **Contact DWER's Bunbury Water Licensing Branch (9726 4111) to obtain a 'bed and banks' permit under the *RIWI Act* where any interference with the watercourse bed**

and banks occurs (e.g., for creek crossings).

c. The applicant is advised that the approved development is located within/nearby Place ID No. 19795 contained on the Department of Planning, Lands and Heritage Aboriginal Cultural Heritage Inquiry System mapping. Approval may be required under the *Aboriginal Heritage Act 1972* prior to the development commencing. The *Aboriginal Heritage Act 1972* requires that any proposed activities that may impact Aboriginal sites must undergo an approval process. This includes notifying the Aboriginal Cultural Heritage Committee, which assesses the significance of the sites and recommends whether consent should be granted. The applicant is advised to contact the Department of Planning, Lands and Heritage (DPLH) at 08 6551 8002 or at AboriginalHeritage@dplh.wa.gov.au.

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

i. Prior to undertaking any fencing, the proponent should liaise with the DBCA Wellington District Manager at wellington@dbca.wa.gov.au to confirm any requirements or approvals that may apply.

ii. The proponent is advised to update the Forest Management Plan (FMP) to:

- **Remove references to Blackwood district contact details, ensuring only DBCA Wellington District contacts are listed.**
- **Include liaison with DBCA Wellington District prior to undertaking any prescribed burning program to minimise potential fire spread to the adjacent national park.**
- **Any harvest debris, including heaping or burning of vegetated material, shall be located a sufficient distance from the Preston National Park to minimise the risk of weed spread, fire, or scorch. The location and management of debris must be confirmed with DBCA Wellington District prior to any works.**

iii. The proponent should ensure that wildling pine monitoring and control is undertaken along the boundary with the national park at the same frequency as weed and pest monitoring, in accordance with the Forest Management Plan, to minimise the spread of pine wildlings into the park.

e. In relation to the existing dwelling proposed to be demolished, the applicant is advised that a Demolition Permit approval must be obtained from the Shire prior to the commencement of any demolition works. Any demolition, removal, or relocation of structures containing asbestos must be undertaken in accordance with the requirements of the *Health (Asbestos) Regulations 1992* by an appropriately licensed contractor.

f. The applicant is advised that Donnybrook–Boyup Brook Road is under the control of Main Roads WA. In relation to the proposed new crossover, Main Roads WA advises that vehicle sight lines must be considered in accordance with the relevant Restricted Access Vehicle (RAV) Guidelines. This includes providing a minimum sight distance of 250 metres to the west to ensure safe vehicle movements.

g. Applicant is advised that all rainwater tanks with a capacity greater than 5,000 L, including firefighting water tanks, require prior approval from the Shire through the issue of a Building Permit. Such tanks must also comply with the setback requirements specified under Local Planning Scheme No. 7 (LPS7).

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

Strategic Alignment

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

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

Executive Summary

At its meeting held on 25 March 2026 (Council Resolution 36/03-26), Council resolved to defer consideration of Item 9.1.2 to obtain further advice regarding the potential impact of the proposed plantation on the groundwater resource relied upon by the Noggerup townsite.

The reason for deferral was that insufficient information had been provided to enable a determination of the application, and that additional opportunity should be given to address this matter. Council also requested that the Chief Executive Officer present a further report for consideration at the May Ordinary Council Meeting.

The applicant was advised of this outcome. On 8 May 2026, correspondence was received by all Councillors from HWLE Lawyers outlining reasons why no further information would be provided and requesting that Council determine the application based on the information currently available.

Officers recommend that Council consider the submission provided by HWLE Lawyers and grant approval, subject to conditions and advice.

Background

Proposal

An item was presented to Council at the March 2026 Ordinary Council Meeting (OCM) (refer Attachment 9.1.X(1)). At the Ordinary Council Meeting held on 25 March 2026 (Council Resolution 36/03-26), Council resolved to:

1. *Defer determination of Item 9.1.2 in order to obtain further advice for the Shire of Donnybrook Balingup regarding:*

a) The potential impact of the proposed plantation on the groundwater resource relied upon by the Noggerup townsite.

2. *Note the reason for deferral being that insufficient information had been provided to enable determination of the application, and that further opportunity should be given to address the matters outlined above.*
3. *Request that the Chief Executive Officer present a further report to Council for consideration at the May OCM.*

The applicant subsequently responded via correspondence from HWLE Lawyers, advising as follows:

"The Applicant does not propose providing information on groundwater resources and we:

(a) request the Council finally determine the Application at its Ordinary Council Meeting on 27 May 2026;and

(b) consider there is no proper basis for further deferral (as to do so will, in our view, constitute a failure to genuinely attempt to decide the Application on its merits)."

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Almost Certain	High	High (10)
Risk Description:	If the proposal is not approved, it is likely that the applicant will lodge an appeal to the State Administrative Tribunal (SAT), which may require Council to engage legal representation.		
Mitigation:	The Shire has an allocated legal budget to manage such matters. This potential cost should not deter Council from refusing the application if it considers refusal to be warranted on planning grounds.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Possible	Moderate	Moderate (5)
Risk Description:	If access to groundwater is impacted, this could have a significant effect on the health and wellbeing of residents within the Noggerup townsite.		
Mitigation:	Given the size of the lots in Noggerup and the required separation from onsite effluent disposal systems, it is unlikely that groundwater is being used as a primary drinking supply. Aerial photography suggests a prevalence of rainwater tanks in Noggerup, which reduces the likelihood of direct health impact.		

Financial Implications

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

Policy Compliance

Information relating to Shire policy was contained in the previous Agenda item (refer Attachment 9.1.5(1))

Statutory Compliance

The application has been assessed against the relevant provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7) and in accordance with Schedule 2, Part 9, Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is provided in Attachment 9.1.5(1).

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

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

(a) Granting development approval without conditions; or

(b) Granting development approval with conditions; or

(c) Refusing to grant development approval.

Provided the development is not exempt, as is in this case, it is open to Council to refuse a P use if its impacts are considered to be unacceptable,

Consultation

Information relating to public submissions, a petition and agency submissions was contained in the Agenda Item refer Attachment 9.1.5(1).

Officer Comment

Concerns were raised during public consultation regarding potential groundwater depletion. Submitters noted that *Pinus radiata* plantations can have relatively high-water uptake and may act as "biological pumps," potentially lowering the water table. Given the site's location within the headwaters of the Preston River, concerns were also expressed regarding potential impacts on aquifers and water availability for domestic, agricultural, and firefighting purposes.

Clause 67 of the deemed provisions sets out a list of potentially relevant planning considerations. If a consideration is relevant to a particular application, the Council is required to give it due regard. "Due regard" means to give the matter active, positive consideration. Among the potentially relevant matters listed in clause 67 is "the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource". It therefore follows that the potential impact of the proposal on groundwater resources can be characterised as a *potentially relevant* consideration.

As outlined in the Officer Comment under the Consultation section, the regulation and management of groundwater resources, including aquifer allocation and water licensing, falls under the jurisdiction of the Department of Water and Environmental Regulation (DWER) pursuant to the *Rights in Water and Irrigation Act 1914* (RIWI Act). Groundwater abstraction (e.g. from licensed bores) requires

approval under this legislation, and DWER is responsible for managing water resources at a catchment scale to ensure sustainable allocation.

DWER have informed that it does not have any data on the aquifer(s) makeup, extent and potential volumes. DWER did confirm that based on the slides provided directly to Council in March by the applicant, that slide three indicates that the geology under the plantation and the Noggerup townsites may be similar so that groundwater system under both the plantation and the townsite *ma*y be connected. However, the area for this proposal is within a "non-proclaimed" area for ground water under the RIWI Act, therefore DWER does not have any regulatory role in the take and use of the resource. This may suggest that access to groundwater is not a matter of priority from a water resource perspective in this area.

In relation to the site's location within the Preston River catchment, DWER has provided advice focused on waterway protection measures, including maintaining appropriate buffer distances to waterways, managing erosion and sediment during establishment and harvesting, and ensuring suitable design and approval of any creek crossings. DWER did not identify concerns regarding groundwater depletion impacts on the Noggerup townsite.

It is also noted that concerns regarding groundwater quantity impacts were not supported by specific evidence identifying affected bore users within Noggerup. Review of aerial imagery suggests that many dwellings utilise rainwater tanks, typically located adjacent to buildings, indicating that roof catchment may be the primary source of potable water for a significant proportion of residents. If the groundwater is not relied upon for drinking water, it tends to suggest that the risk of an impact to groundwater in Noggerup is to some extent reduced. As domestic rainwater collection is not regulated, and domestic bores (where present) are generally exempt from licensing under certain thresholds, there is limited available data confirming the extent of groundwater reliance within the locality. This factors into the reasonableness of requiring additional information regarding groundwater impacts.

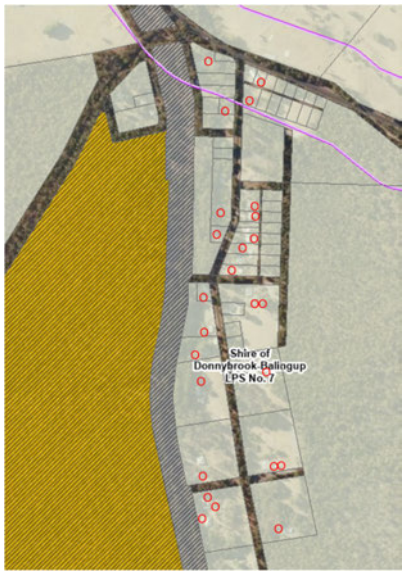


Figure 1 – Location of water tanks in Noggerup, with identified tanks indicated by red circles.

With respect to water quality, available guidance indicates that bore water should not be used for potable purposes without appropriate testing. This is particularly relevant in localities such as Noggerup, where smaller lot sizes and the presence of onsite wastewater systems may increase the risk of contamination.

The applicant's legal representative has advised that the preparation of detailed hydrogeological investigations would be disproportionate to the scale and nature of the proposal, noting the significant cost and time implications. Officers acknowledge that such investigations typically require assessment during peak groundwater periods (generally winter months, between August and October) to provide meaningful data. Given the statutory 90-day timeframe for determination, which has already elapsed, the application may be considered at risk of deemed refusal, thereby providing the applicant with the right to appeal to the State Administrative Tribunal.

Overall, based on the information available, relevant agency advice, and the absence of direct groundwater abstraction associated with the proposal, the potential impacts on groundwater resources are not considered sufficient to warrant refusal of the application. It is therefore considered that Council can discharge its obligation to give due regard to the relevant consideration of the "likely effect of the development on the natural environment or water resources" and may therefore lawfully determine the application.

Conclusion

While the correspondence from the applicant's legal representative does not provide any additional technical information with respect to the potential groundwater impacts, the proposal has been assessed against the provisions of Local Planning Scheme No. 7, the objectives of the General Agriculture zone, relevant State and local planning policies, and advice from government agencies and internal Shire service areas. Public submissions, including concerns relating to bushfire risk, water resources, visual amenity, and community safety, have been considered.

The amended proposal incorporates increased setbacks, including 100 m from Donnybrook–Boyup Brook Road, 20 m from State Forest (DBCA-managed land), and 15 m from all other boundaries, which appropriately mitigate potential impacts.

On balance, and subject to recommended conditions, the proposal is considered consistent with the orderly and proper planning of the locality and the intent of the zone. Approval is therefore recommended.

Cr MacCarthy put the following motion to Council:

MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:
Pursuant to Schedule 2, Part 9, Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse to grant development approval for Application P25071 for the works relating to tree plantation (pine) on Lot 3711 and Lot 3734 (3543) Donnybrook-Boyup Road Noggerup for the following reasons:

1. **The proposed development is not compatible with the existing and desired future character of the locality, having regard to its proximity to the Noggerup townsite,**
2. **The development would result in unacceptable impacts on the visual amenity, rural character, and liveability of the Noggerup locality,**
3. **The proposal presents an unacceptable risk of environmental impact to the adjoining Preston National Park and Preston River, including potential spread of wildings, weeds and dieback, and impacts on riparian values,**
4. **Insufficient information has been provided to enable proper assessment of the potential impact on groundwater resources, and the local government cannot be satisfied that the proposal will not adversely affect groundwater relied upon by the Noggerup community**
5. **The proximity of the plantation to the Noggerup townsite may increase bushfire risk and exposure, resulting in an unacceptable planning outcome,**
6. **The proposal fails to demonstrate safe and appropriate access to Donnybrook–Boyup Brook Road, a high-speed regional road,**
7. **The local government is not satisfied that the impacts of the development can be appropriately mitigated through conditions, noting the Applicant's refusal to accept minimum setbacks and access requirements, which are necessary to address site constraints and impacts.**
8. **Having regard to the cumulative effect of the above matters, the proposal does not represent an orderly and proper planning outcome, and refusal is warranted.**

Cr Lindemann put the following amendment to Council:

MOVED BY:	Cr Anita Lindemann	**SECONDED BY:**	Cr John Bailey

That point 2 be removed from the motion.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich
Against: Cr Patrick
Carried: 7/1

Cr Purich put the following amendment to Council:

MOVED BY:	Cr Alex Purich	**SECONDED BY:**	Cr Tyler Hall

That point 1, 3 and 6 be removed from the substantive motion.

For: Cr Hall, Cr Keown, Cr Lindemann, Cr McNab, Cr Purich
Against: Cr Bailey, Cr MacCarthy, Cr Patrick
Carried: 5/3

Cr Bailey put the following amendment to Council:

MOVED BY:	Cr John Bailey	**SECONDED BY:**	Cr Tyler Hall

That point 8 be removed from the substantive motion.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr McCarthy, Cr Purich
Against: Cr Patrick, Cr McNab
Carried: 6/2

Substantive Motion:

COUNCIL RESOLUTION:	70/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:
Pursuant to Schedule 2, Part 9, Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse to grant development approval for Application P25071 for the works relating to tree plantation (pine) on Lot 3711 and Lot 3734 (3543) Donnybrook-Boyup Road Noggerup for the following reasons:

1. **Insufficient information has been provided to enable proper assessment of the potential impact on groundwater resources, and the local government cannot be satisfied that the proposal will not adversely affect groundwater relied upon by the Noggerup community**
2. **The proximity of the plantation to the Noggerup townsite may increase bushfire risk and exposure, resulting in an unacceptable planning outcome,**
3. **The local government is not satisfied that the impacts of the development can be appropriately mitigated through conditions, noting the Applicant's refusal to accept minimum setbacks and access requirements, which are necessary to address site constraints and impacts.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr Purich
Against: Cr McNab, Cr Patrick
Carried:6/2

7. Confirmation of Minutes

7.1 Ordinary Council Meeting Minutes

7.1.1 Ordinary Council Meeting held on 22 April 2026

Minutes of the Ordinary Council Meeting held 22 April 2026 are attached as Attachment 7.1.1(1).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 22 April 2026 be confirmed as a true and accurate record.

COUNCIL RESOLUTION:	71/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That the Minutes from the Ordinary Council Meeting held 22 April 2026 be confirmed as a true and accurate record.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

8. Reports of Committees

8.1 Warren Blackwood Alliance of Councils Committee Meeting

8.1.1 Warren Blackwood Alliance of Councils Committee Meeting held on 21 April 2026

Minutes of the Warren Blackwood Alliance of Councils Committee Meeting held 21 April 2026 are attached as Attachment 8.1.1(1).

Executive Recommendation:

That the Minutes from the Warren Blackwood Alliance of Councils Committee Meeting held 21 April 2026 be received.

COUNCIL RESOLUTION:	72/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That the Minutes from the Warren Blackwood Alliance of Councils Committee Meeting held 21 April 2026 be received.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

8.2 South West Country Zone Meeting

8.2.1 South West Country Zone Meeting held on 24 April 2026

Minutes of the South West Country Zone Meeting held 24 April 2026 are attached as Attachment 8.2.1(1).

Executive Recommendation:

That the Minutes from the South West Country Zone Meeting held 24 April 2026 be received.

COUNCIL RESOLUTION:	73/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That the Minutes from the South West Country Zone Meeting held 24 April 2026 be received.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

8.3 Bush Fire Advisory Committee Meeting

8.3.1 Bush Fire Advisory Committee Meeting held on 30 April 2026

Minutes of the Bush Fire Advisory Committee Meeting held 30 April 2026 are attached as Attachment 8.3.1(1).

Executive Recommendation:

That the Minutes from the Bush Fire Advisory Committee Meeting held 30 April 2026 be received.

COUNCIL RESOLUTION:	74/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That the Minutes from the Bush Fire Advisory Committee Meeting held 30 April 2026 be received.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9. Reports of Officers
9.1. Director Operations

Cr Purich and Cr McNab left the Council Chamber at 6:29pm

9.1.1 5-Year Capital Forward Roadworks Program

Report Details:

Prepared by: Manager Works and Services

Manager: Director Operations

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

Attachment(s):

9.1.1(1) SoDB – Regional Road Group 5-Year Forward Roadworks Program
9.1.1(2) SoDB – R2R and Own Source 5-Year Forward Roadworks Program

Executive Recommendation

That Council:

1. **Notes and endorses the Shire of Donnybrook Balingup – Regional Road Group 5 – Year Forward Roadworks Program**
2. **Notes and endorses the Shire of Donnybrook Balingup – R2R, Other and Own Source 5 – Year Forward Roadworks Program**
3. **Notes and endorses the Chief Executive Officer to submit applications for funding for the projects within the forward roadworks programs outlined in points 1 and 2, from the funding sources outlined.**
4. **Notes and endorses the Chief Executive Officer to submit projects from the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements.**
5. **Notes and endorses the Chief Executive Officer to submit projects not within the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements and subject to Council being able to deliberate the inclusion of the project through its annual budget process.**

Strategic Alignment

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

Outcome:	8 - Safe and convenient movement of people into and around the district.
Objective:	8.1 - Improve road safety, connectivity and traffic flow for all users.
Item:	8.1.1 - Advocate for the State Government to upgrade and improve key regional transport infrastructure.
Outcome:	12 - A well respected, professionally run organisation.

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

Item: 12.1.1 - Prepare grant applications to secure funds needed to address community priorities and implement major projects.

Executive Summary

A "Capital Forward Roadworks Program" is implemented to provide a structured plan for future projects, allowing for better resource and budget allocation, efficient project timelines, stakeholder engagement, and proactive mitigation of potential issues.

This report presents to Council the Shires intended Roadworks Program from 2026/27 through to 2030/31 (5 financial years). The program has been structured on our 3 main ongoing funding sources, that are annually available to deliver road projects, being:

1. South West Regional Road Group (SWRRG) Project Funding for preservation, improvement, State Blackspot and Commodity Route projects.
2. Roads to Recovery (RTR or R2R); and
3. Own Source (Shire funds)

Background

There are many factors that need to be considered in the development of the Shire's annual capital forward roadworks program, including:

- The existing assets condition and priority against other road projects
- Remaining useful life of the asset
- Traffic volumes and speed
- Road safety concerns
- Site constraints and issues (i.e stormwater management, environmental, aboriginal heritage etc).
- Operational efficiencies
- Type of works required – renewal, upgrade and/or expansion; and
- Available funding sources for the delivery of the works

The Shire's road assets are independently assessed every five years through a visual condition assessment and valuation undertaken by external consultants. Inspection data is entered into the Shire's Asset & Work Manager system (formerly RAMM), which calculates an overall condition score and ranks roads for renewal priority only, relative to other Shire roads. Officers then apply the additional criteria outlined above to develop the forward capital roadworks program.

As a relatively small Local Government in terms of rate base, the Shire needs to maximise the external funds that it can attract for the delivery of renewal, upgrades and expansion works.

The State and Federal Governments are our biggest external funding providers for works on our Shire roads, with most of the State funding administered by the State Road Funds to Local Government Advisory Committee. The SWRRG co-ordinates an annual application process to determine the

distribution of these funds amongst member local governments of the region. Currently, there are four sources of road funding available through this process, being:

- SWRRG Project Grants – these are only for roads that have been approved for inclusion in Roads of Regional Significance (Roads 2040). Further details of this program available from the following links:
  https://walga.asn.au/awcontent/Web/Documents/Infrastructure/Roads-2040-Guidelines-and-Criteria-SLGR-with-Regional-Importance-(ID-693947).pdf
  https://walga.asn.au/getmedia/cab98deb-1fcd-4da8-8606-0c9efe61b7bd/Regional-Strategies-for-Significant-Local-Government-Roads-(Roads-2040)-South-West-with-appendix-May-2024.pdf
  The funding provides two thirds (67%) of total project costs with the other third coming from Council's own resources. The funding is split into two categories being:
    - Preservation Projects; and
    - Improvement Projects

  Local Governments of the SWRRG annually submit for this funding and can have road projects identified as "ongoing projects" meaning that it will have staged delivery across several years. This provides surety of funding and is why the SWRRG requires submission of 5 yearly programs as part of their annual submission process.

  State and Federal Black Spot Programs – are road safety funding initiatives that focus on high-risk roads. Their purpose is to improve road safety and reduce serious injuries and fatalities by treating locations where crashes are occurring, or where there is a clear risk of crashes occurring.

  Under the State Black Spot Program, funding covers 67% of total project costs, while the National Black Spot Program funds 100% of project costs.

  To be eligible:
    - National Black Spot projects must demonstrate a Benefit Cost Ratio (BCR) greater than 2, based on crash history.
    - State Black Spot projects must demonstrate either a BCR or be supported by a road safety audit.

  As the program operates on an annual basis and relies heavily on crash history, a local government can generally only determine eligibility each year. Earlier identification is only possible for State Black Spot projects where a road safety audit can demonstrate risk without sufficient crash history.
  Further details on these funding programs are available from the following links:
  https://investment.infrastructure.gov.au/sites/default/files/documents/black-spot-program-guidelines.pdf
  https://www.mainroads.wa.gov.au/globalassets/technical-commercial/road-safety/black-spot-program/development-and-management-guidelines.pdf?v=49701f

- Commodity Routes Funding (CRF) - Commodity Routes are roads used for high-priority transport tasks associated with moving commodities such as grain, timber, agricultural lime and iron ore. Funding is provided to upgrade or maintain these roads so they can safely and effectively support this transport role.
  Most of this funding is typically allocated to the Great Southern and Wheatbelt regions. Despite this, our Shire has been successful in securing funding from this relatively small pool in the past. The funding covers two-thirds (67%) of the total project cost, with the remaining one-third funded by Council. Projects may receive higher priority where the relevant industry also contributes towards the cost. Further details on the CRF is available from the following link:
  https://www.mainroads.wa.gov.au/49d4df/globalassets/technical-commercial/local-government-funding/local-government-commodity-freight-routes-fund-application-guidelines.pdf

The Federal Government also provides Roads to Recovery (R2R) funding through its Infrastructure Investment Program. The R2R Program supports the construction and maintenance of local road infrastructure across Australia, improving accessibility, safety, and economic and social outcomes for communities.

R2R is an ongoing program delivered in five-year funding periods, providing councils with a stable and predictable source of funding. The program is flexible, allowing local governments to determine which road projects best meet local priorities during each funding period.

The current five-year funding period commenced in 2024/25. Over the life of the program, the Shire of Donnybrook Balingup will receive a total of $3,726,166, which equates to approximately $745,233 per annum. No matching contribution is required for this funding.

There are also other Federal funding programs available from time to time; however, these are generally not ongoing and do not provide the same level of funding certainty. Examples include:

- Local Roads and Community Infrastructure Program (LRCI)
- Safer Local Roads and Infrastructure Program (SLRIP)
- Regional Road Safety Program (RRSP)
- Heavy Vehicle Rest Area Program (HVRA)

On occasion, the Shire also receives small private contributions toward roadworks. These contributions are typically minor and relate to works that directly benefit an individual landowner.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Likely	Major	High (16)
Risk Description:	There is inherent risk associated with budget planning relating to project costs, as cost is typically only estimates based on understanding of works prior to detailed investigation and planning.		
Mitigation:	Obtaining better understanding of major project costs and risks by undertaking detail designs of major works prior to setting annual budget allocations		

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Public concern with the process of determining which works are of highest priority to be funded within annual capital budgets		
Mitigation:	Development of a capital forward roadworks program that is reviewed annually.		

Financial Implications

To enable the preparation of the Capital Forward Roadworks Program, the Shire has assumed an annual contribution of $854,000 from its own-source funding. This figure was established through internal reviews of the previous year's contribution.

It is important for elected members to note that last year's Council resolution for the "Forward Works Program" included a requirement to increase its own source allocation by 3% each year.

At the Ordinary Council Meeting held 28 May 2025, Council resolved the following:

"COUNCIL RESOLUTION 87/05-25

1. *Notes and endorses the Shire of Donnybrook Balingup – Regional Road Group 6 – Year Forward Roadworks Program.*
2. *Notes and endorses the Shire of Donnybrook Balingup – R2R and Own Source 6 – Year Forward Roadworks Program.*
3. *Notes and endorses the Chief Executive Officer to submit applications for funding for the projects within the forward roadworks programs outlined in points 1 and 2, from the funding sources outlined.*
4. *Notes and endorses the Chief Executive Officer to submit projects from the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements.*
5. *Notes and endorses the Chief Executive Officer to submit projects not within the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements*

and subject to Council being able to deliberate the inclusion of the project through its Annual Budget process.

6. *Increase the contribution by 3% per year and increase the 25/26 budget own source funding by 3%.*

While this resolution provides for annual growth in the Shire's own-source contribution to capital roadworks, it reduces flexibility during the annual budget process to rebalance funding between maintenance and capital programs.

Maintaining flexibility for staff to recommend adjustments between capital and maintenance budgets is important, particularly in response to significant cost increases for materials and contractor services in recent years.

These cost pressures have affected several key operational contracts, including:

- Traffic Management Services – which has had a 41% per cent increase in hourly contractor rates following the establishment of the new Shire contract in 2025.
- Road Sweeping Services – which has had a 94% increase from when the new Shire contract was awarded in 2024.
- Wet Plant Hire – which had a 5 to 10% increase of rate costs under the new Shire contract awarded in 2025 and prior to further recent significant increases in fuel costs.
- Tree Pruning Services – the current contract expires in late 2026, with significant cost escalation anticipated through the upcoming tender process

Accordingly, retaining budget flexibility is critical to ensure the Shire can respond to escalating costs and maintain an appropriate balance between capital investment and essential road maintenance outcomes.

Policy Compliance

Nil.

Statutory Compliance

Nil.

Consultation

Typically, this occurs through our technical staff and elected member representative attendance at the SWRRG technical and elected member meetings. These meetings are held 3 times per year.

Officer Comment

A "forward capital roadworks program" refers to a comprehensive plan outlining the road construction and improvement projects that a Local Government intends to undertake over a period of time, detailing the specific sections of roads to be worked on annually, the type of improvements planned (like resurfacing, widening, or new intersections), and the projected funding allocation for each year within that timeframe.

Key points about a forward capital roadworks program are:
Long-term vision - It provides a long-term perspective on infrastructure needs, allowing for strategic planning and prioritization of projects based on their urgency and impact.
Phased approach - The program is usually divided into phases, with projects allocated to specific years based on funding availability and project complexity.
Community engagement – Advanced notification to the community on when works are planned for.
Funding considerations - The program outlines the estimated budget required for each project over the 5 years, taking into account potential funding sources like government grants or private contributions.
Regular review and updates - As priorities change or new issues arise, the program is typically reviewed and updated periodically to reflect current needs.
These 5-Year forward capital roadworks programs have been prepared for Council consideration based on the points above and is considered to reflect an approach that our Shire can sustain in the renewal, upgrade and expansion of Shire roads.

COUNCIL RESOLUTION:	75/05-26		
MOVED BY:	Cr Grant Patrick	**SECONDED BY:**	Cr John Bailey

That Council:

1. **Notes and endorses the Shire of Donnybrook Balingup – Regional Road Group 5 – Year Forward Roadworks Program**
2. **Notes and endorses the Shire of Donnybrook Balingup – R2R, Other and Own Source 5 – Year Forward Roadworks Program**
3. **Notes and endorses the Chief Executive Officer to submit applications for funding for the projects within the forward roadworks programs outlined in points 1 and 2, from the funding sources outlined.**
4. **Notes and endorses the Chief Executive Officer to submit projects from the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements.**
5. **Notes and endorses the Chief Executive Officer to submit projects not within the forward roadworks programs outlined in points 1 and 2, from alternate funding sources, if it is deemed to be of advantage to the Shire in satisfying our asset management requirements and subject to Council being able to deliberate the inclusion of the project through its annual budget process.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr Patrick
Against: Nil.
Carried: 6/0

Cr Purich and Cr McNab re-entered the Council Chambers at 6:31pm.

9.1.2 Election of Office Bearers – Bush Fire Advisory Committee

Report Details:			
Prepared by:	Community Emergency Services Manager		
Manager:	Director Operations		
File Reference:	FRC 01	**Voting Requirement:**	Simple Majority
Attachment(s):			

Nil.

Executive Recommendation

That Bush Fire Advisory Committee (BFAC) recommends Council:

1. **Endorse the recommended office bearers of the Bush Fire Advisory Committee:**
   - **1.1. Chief Bush Fire Control Officer: Mr Max Walker**
   - **1.2. 1st Deputy Chief Bush Fire Officer: Mr Bevan Dix**
   - **1.3. 2nd Chief Bush Fire Control Officer: Mr Tim McNab**
   - **1.4. Communications Officer: Mr Murray Webb**
   - **1.5. Fire Weather Officer: Mr Murray Webb**

2. **Request that the Chief Executive Officer facilitate authorisation of the endorsed Bush Fire Advisory Committee Office Bearers.**

Strategic Alignment

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

Outcome:	3 - The natural environment is well managed for the benefit of current and future generations.
Objective:	3.2 - Develop community readiness to cope with natural disasters and emergencies.
Item:	3.2.4 - Provide support for emergency services volunteers.

Executive Summary

The election of BFAC Office Bearers is a process that is undertaken annually. The Shire of Donnybrook Balingup Bush Fire Advisory Committee (BFAC) has considered and endorsed appropriately qualified and experienced officers for the positions of Chief Bush Fire Control Officer, 1st Deputy Chief Bush Fire Control Officer, 2nd Deputy Chief Bush Fire Control Officer, Communications Officer, and Fire Weather Officer.

Background

Pursuant to section 38 of the *Bush Fires Act 1954*, a Local Government is required to appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer.

In addition to this, the Shire generally nominates a second Deputy Chief Bush Fire Control Officer, a Communications Officer and a Fire Weather Officer, to enable the delegation of responsibilities and succession planning to take place.

Each April, at The Shire's BFAC Annual General Meeting, nominees for these positions are considered for endorsement to Council.

That BFAC recommends Council:

1. *Endorse the recommended office bearers of the Bush Fire Advisory Committee:*
   Chief Bush Fire Control Officer: Mr Max Walker
   1st Deputy Chief Bush Fire Control Officer: Mr Bevan Dix
   2nd Deputy Chief Bush Fire Control Officer: Mr Tim McNab
   Communications Officer: Mr Murray Webb
   Fire Weather Officer: Mr Murray Webb
2. *Request that the CEO facilitate authorisation of the endorsed Bush Fire Advisory Committee Office Bearers.*

Each nominee possesses the appropriate experience and qualifications to perform their respective nominated position.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Almost Certain	Catastrophic	Extreme (25)
Risk Description:	Non-compliance with the requirements of the *Bush Fires Act 1954,* resulting in the inability to effectively manage fire within the Local Government's tenure, which could result in major service disruption, loss of assets, loss of critical infrastructure and loss of lives		
Mitigation:	Endorse the appointments as per the committee's recommendation.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Section 38 (1) Bush Fires Act 1954

Section 67 Bush Fires Act 1954

Consultation

Internal Consultation

Shire of Donnybrook Balingup Bush Fire Advisory Committee.

Officer Comment

Each nominee possesses the appropriate experience and qualifications to perform their respective nominated position. It is recommended that Council endorse the Bush Fire Advisory Committee Office Bearers as per BFAC's recommendation.

COUNCIL RESOLUTION:	76/05-26		
MOVED BY:	Cr John Bailey	**SECONDED BY:**	Cr Tyler Hall

That Bush Fire Advisory Committee (BFAC) recommends Council:

1. **Endorse the recommended office bearers of the Bush Fire Advisory Committee:**
   - **1.1. Chief Bush Fire Control Officer: Mr Max Walker**
   - **1.2. 1st Deputy Chief Bush Fire Officer: Mr Bevan Dix**
   - **1.3. 2nd Chief Bush Fire Control Officer: Mr Tim McNab**
   - **1.4. Communications Officer: Mr Murray Webb**
   - **1.5. Fire Weather Officer: Mr Murray Webb**

2. **Request that the Chief Executive Officer facilitate authorisation of the endorsed Bush Fire Advisory Committee Office Bearers.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

9.1.3 Authorisation of Nominated Fire Control Officers

Report Details:

Prepared by:	Community Emergency Services Manager		
Manager:	Ross Marshall, Director Operations		
File Reference:	FRC 01, FRC 10A-FRC10L	**Voting Requirement:**	Simple Majority
Attachment(s):	Nil.		

Executive Recommendation

That the Bush Fire Advisory Committee (BFAC) recommends that Council:

1. **Endorse the following persons as Fire Control Officers for the period 30 June 2026 until 1 July 2027 pursuant to section 38 of the *Bush Fires Act 1954*, and the persons to be advertised in accordance with the *Bush Fires Act 1954*.**

2. **Request that the Chief Executive Officer authorise the following persons as Fire Control Officers for their respective brigade areas under Section 38 of the *Bush Fires Act 1954*.**
   - **2.1. Argyle Irishtown: Mr Jayden Hitchcock**
   - **2.2. Balingup Town: Mr Paul Davis**
   - **2.3. Beelerup: Mr Stuart Simmonds**
   - **2.4. Donnybrook Town: Mr David Tooke**
   - **2.5. Ferndale: Mr Jamie Thomson**
   - **2.6. Kirup: Mr Chris Wringe**
   - **2.7. Lowden: Mr Michael Anderson**
   - **2.8. Mullalyup: To be confirmed**
   - **2.9. Mumballup / Noggerup: Mr Garth Fitzpatrick and Mr Brendon Giudici**
   - **2.10. Thomson Brook: Mr Graham Foan (Thomson Brook) and Mr Tim McNab (Brookhampton)**
   - **2.11. Munro: Mr Tas Thamo**
   - **2.12. Upper Capel: Mr Bevan Dix**

3. **Endorses the Chief Executive Officer to appoint a Fire Control Officer for Mullalyup at a later date.**

Strategic Alignment

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

Outcome:	3 - The natural environment is well managed for the benefit of current and future generations.
Objective:	3.2 - Develop community readiness to cope with natural disasters and emergencies.
Item:	3.2.4 - Provide support for emergency services volunteers.

Executive Summary

Council is requested to endorse the Fire Control Officers as per the BFAC's Resolution.

Background

In Accordance with Sections 3.6 and 3.7 of the *Shire of Donnybrook Balingup Bushfire Brigades Local Law*, Shire of Donnybrook Balingup Bush Fire Brigades are to hold an Annual General Meeting (AGM) during the month of March, where a person is to be nominated to the Bush Fire Advisory Committee (BFAC) for the position of Fire Control Officer (FCO) until the next AGM.

Endorsed nominations for FCO by the BFAC are then submitted to Council for consideration and further endorsement. Upon endorsement from Council, the Chief Executive Officer is then requested to authorise the nominee for FCO under delegation.

The following nominations for FCO have been recommended to Council by BFAC:

BRIGADE AREA	OFFICER
Argyle Irishtown	Mr Jayden Hitchcock
Balingup Town	Mr Paul Davis
Beelerup	Mr Stuart Simmonds
Donnybrook Town	Mr David Tooke
Ferndale	Mr Jamie Thomson
Kirup	Mr Chris Wringe
Lowden	Mr Michael Anderson
Mullalyup	To be confirmed
Mumballup / Noggerup	Mr Garth Fitzpatrick Mr Brendon Giudici
Thomson Brook	Mr Graham Foan (Thomson Brook) Mr Tim McNab (Brookhampton)
Munro	Mr Tas Thamo
Upper Capel	Mr Bevan Dix

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Likely	Major	High (12)
Risk Description:	The inability to effectively address legislative responsibility and manage fire on private property within the local government area through the issuing of permits to burn and the overall management of wildfire situations.		
Mitigation:	Fire Control Officers are authorized to act on behalf of the local government for the purpose of managing wildfire situations, issue permits to burn whilst providing leadership and advice to the community.		

Financial Implications

Nil.

Policy Compliance

Fire Control Policy 8.2 – Bush Fire Advisory Committee Meetings

Statutory Compliance

Section 38, *Bush Fires Act 1954*
Section 3.6, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*
Section 3.7, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*
Section 3.11, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*

Consultation

Internal Consultation

Shire of Donnybrook Balingup Bush Fire Advisory Committee.

External Consultation

Local public notice will be undertaken to advertise the FCO appointments in accordance with the *Bush Fires Act 1954*. The proposed consultation will include:

- Advertisement in the Preston Press,
- Publication on the Shire's website consultation page,
- Promotion via social media platforms, and
- Notification through the e-Connect newsletter.

Officer Comment

It is recommended that Council endorse the nominations for the positions of FCO for each Bush Fire Brigade within the Shire and request that the Chief Executive Officer facilitate relevant authorisations in accordance with the *Bush Fires Act 1954.*

COUNCIL RESOLUTION:	77/05-26		
MOVED BY:	Cr Tyler Hall	**SECONDED BY:**	Cr John Bailey

That the Bush Fire Advisory Committee (BFAC) recommends that Council:

1. **Endorse the following persons as Fire Control Officers for the period 30 June 2026 until 1 July 2027 pursuant to section 38 of the *Bush Fires Act 1954*, and the persons to be advertised in accordance with the *Bush Fires Act 1954.***

2. **Request that the Chief Executive Officer authorise the following persons as Fire Control Officers for their respective brigade areas under Section 38 of the *Bush Fires Act 1954.***
   - **2.1 Argyle Irishtown: Mr Jayden Hitchcock**
   - **2.2 Balingup Town: Mr Paul Davis**
   - **2.3 Beelerup: Mr Stuart Simmonds**
   - **2.4 Donnybrook Town: Mr David Tooke**
   - **2.5 Ferndale: Mr Jamie Thomson**
   - **2.6 Kirup: Mr Chris Wringe**
   - **2.7 Lowden: Mr Michael Anderson**
   - **2.8 Mullalyup: To be confirmed**
   - **2.9 Mumballup / Noggerup: Mr Garth Fitzpatrick and Mr Brendon Giudici**

2.10 Thomson Brook: Mr Graham Foan (Thomson Brook) and Mr Tim McNab (Brookhampton)
2.11 Munro: Mr Tas Thamo
2.12 Upper Capel: Mr Bevan Dix

3. Endorses the Chief Executive Officer to appoint a Fire Control Officer for Mullalyup at a later date.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

9.1.4. 2026-2027 Fire Prevention Order

Report Details:			
Prepared by:	Community Emergency Services Manager/Manager Development Services		
Manager:	Director Operations		
File Reference:	FRC 01; FRC 04	**Voting Requirement:**	Simple Majority
Attachment(s):			
9.1.4(1)	Draft Fire Prevention Order (Print ready text)		
9.1.4(2)	Visual Sample		

Executive Recommendation

That Council:

1. **Adopts the draft 2026/27 Shire of Donnybrook Balingup Fire Prevention Order as recommended by the Shire of Donnybrook Balingup Bush Fire Advisory Committee.**
2. **Requests that the Chief Executive Officer facilitate the production and distribution of the 2026/27 Shire of Donnybrook Balingup Fire Prevention Order in accordance with Section 33 of the *Bush Fires Act 1954*.**

Strategic Alignment

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

Outcome:	3 - The natural environment is well managed for the benefit of current and future generations.
Objective:	3.2 - Develop community readiness to cope with natural disasters and emergencies.
Item:	3.2.4 - Provide support for emergency services volunteers.

Executive Summary

The Shire of Donnybrook Balingup Fire Prevention Order is a notice that is produced and distributed in accordance with Section 33 of the *Bush Fires Act 1954* and is presented for Council endorsement (Attachment 9.1.4(1)). Officers do not have delegated authority to undertake this task.

Background

The Shire of Donnybrook Balingup Fire Prevention Order determines the fire prevention requirements of owners or occupiers within the Shire of Donnybrook Balingup, such as the installation of firebreaks or the removal of flammable materials that may contribute to the spread of fire.

The Shire of Donnybrook Balingup Fire Prevention Order is included with the annual rates notice, which is distributed via post to all ratepayers within the Shire of Donnybrook Balingup. This notice is also available to all residents via advertising in the Preston Press and is published on the Shire website.

Each year, the Shire of Donnybrook Balingup Bush Fire Advisory Committee is provided an opportunity to review the requirements contained within the Shire of Donnybrook Balingup Fire Prevention Order. Other updates such as dates and contact names are performed by Shire staff.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Health; Financial; Service Interruption; Compliance; Community; Property; Environment	Likely	Catastrophic	Extreme (20)
Risk Description:	The uncontrolled spread of bush fire across the Shire, without the ability to adequately defend has the potential to cause significant damage to property, the environment, interrupt services and death.		
Mitigation:	The Fire Prevention Order shares the responsibility for bush fire across all landowners. It is the minimum standard to which annual inspections are considered.		

Financial Implications

The total cost of the production and distribution for the 2025/26 Fire Prevention Order was $3,498. The change to the presentation of the Fire Prevention Order may result in savings in printing/publishing.

Policy Compliance

Nil.

Statutory Compliance

Section 33 of the *Bush Fires Act 1954* enables a local government to specify and give notice of *"a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur"*. The establishment of a Fire Prevention Order, that is issued at the same time as the annual rates notice each year, achieves this requirement.

The Bush Fire Advisory Committee has been established under section 67 of the *Bush Fires Act 1954* with their purpose to advise *"the local government regarding all matters relating to the preventing, controlling and extinguishing of bus fires, the planning of the layout of fire-breaks in the district"*.

Consultation

Following this year's fire season, a workshop was held in March 2026 with Fire Control Officers and the Shire Rangers. This identified opportunities for improvement in the way that the Fire Prevention Order is published, including staggered inspection and compliance dates. These improvements were endorsed by the Bush Fire Advisory Committee at their meeting in April 2026.

Officer Comment

The Fire Prevention Order has historically prescribed a compliance date of 1 December. Inspections that identify non-compliance necessitating works often result in work being required during the higher

threat period or over the Christmas period when contractor availability is reduced and weather conditions and Fire Danger Rates are less favourable to undertake mitigation works.
To strengthen compliance outcomes and support a more managed, risk-based approach, it is proposed to stagger inspection and compliance dates, reflecting differing risk profiles across the Shire as well as recognizing managed land. This aligns the Shire with our neighbours in Collie and Bridgetown-Greenbushes.
This results in the following updates to compliance dates:

- Townsites: Compliance required from 1 November; aligning with the restricted burning period
- All other properties: Compliance required from 15 November

Work orders for non-compliant properties would be issued by mid-November. Follow up inspections would be completed prior to Christmas. This approach is intended to reduce late-season noncompliance, improve community preparedness and ensure that the Shire's compliance framework remains consistent, fair and regionally aligned.

As noted in the consultation section above, this approach was presented and supported by the Bush Fire Advisory Committee. Therefore, it is recommended that the draft Shire of Donnybrook Balingup Fire Prevention Order be adopted by Council.

COUNCIL RESOLUTION:	78/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. **Adopts the draft 2026/27 Shire of Donnybrook Balingup Fire Prevention Order as recommended by the Shire of Donnybrook Balingup Bush Fire Advisory Committee.**
2. **Requests that the Chief Executive Officer facilitate the production and distribution of the 2026/27 Shire of Donnybrook Balingup Fire Prevention Order in accordance with Section 33 of the *Bush Fires Act 1954.***

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.2. Director Finance and Community

9.2.1 Schedule of Accounts Paid as at 30 April 2026

Report Details:

Prepared by: Finance Officer

Manager: Manager Financial Services

File Reference: FNC 10/2 **Voting Requirement:** Simple Majority

Attachment(s):

Nil.

Executive Recommendation

That Council receive the schedule of accounts paid as detailed in the report for the period ending 30 April 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.

Item: Nil.

Executive Summary

Council is requested to receive the Schedule of Accounts Paid for the period 1 to 30 April 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 $1,447,537.42.

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.

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
CREDIT CARD				
	01/03/2026	SENDGRID	MONTHLY AUTOMATED EMAIL SERVICE, LINKED TO ENVIBE	133.19
	09/03/2026	MICROSOFT	AZURE USAGE CHARGES	248.41
	12/03/2026	DEPT OF TRANSPORT	VEHICLE REGISTRATIONS	33.30
	12/03/2026	AUSTRALIA POST	BLN BFB PO BOX RENEWAL	53.00
	12/03/2026	DEPT OF TRANSPORT	VEHICLE PLATE TRANSFER	32.00
	16/03/2026	MANJIMUP GATEWAY HOTEL	ACCOMMODATION - LGIS RISK FORUM	171.00
	16/03/2026	MANJIMUP GATEWAY HOTEL	ACCOMMODATION - LGIS RISK FORUM	169.00
	17/03/2026	EMERG SOLUTIONS	EMERGENCY RESPONSE SUBSCRIPTION	425.00
	18/03/2026	DEPT OF TRANSPORT	VEHICLE PLATE TRANSFER	19.40
	24/03/2026	CANVA	ANNUAL RENEWAL	209.90
	24/03/2026	MAILCHIMP	MONTHLY MARKETING SUBSCRIPTION	38.55
	24/03/2026	EMERG SOLUTIONS	BART SUBSCRIPTION RENEWAL	612.00
	30/03/2026	BENDIGO BANK	CARD FEES	20.00
DD29101.1	14/04/2026		**TOTAL: CREDIT CARD PAYMENTS**	**2,164.75**
EFT PAYMENTS				
EFT32837	02/04/2026	G JOLLIFFE	REFUND OVERPAYMENT OF RENT	103.29
EFT32838	02/04/2026	LUCID ECONOMICS PTY LTD	ECONOMIC DEVELOPMENT/TOURISM STRATEGY - PROJECT START UP	10,353.20
EFT32828A	02/04/2026	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 01.04.26	151,448.28
EFT32838B	02/04/2026	AUSTRALIAN TAX OFFICE	PAYG PE: 01.04.26	43,048.00
EFT32839	09/04/2026	ALFS MACHINERY PTY LTD	BOLTS, NUTS, WASHERS	71.40
EFT32840	09/04/2026	AUSTRALIA POST - ACCOUNTS	SHIRE POSTAGE	285.85
EFT32841	09/04/2026	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	EMPLOYEE UNION DEDUCTIONS	53.00
EFT32842	09/04/2026	AMITY SIGNS	REPLACEMENT STREET SIGNS, RURAL STREET NUMBER PLATE	362.45
EFT32843	09/04/2026	WINC AUSTRALIA PTY LTD - ACCOUNTS	STATIONERY SUPPLIES	260.41
EFT32844	09/04/2026	ALLENS TRAFFIC MANAGEMENT	TRAFFIC MANAGEMENT	3,949.00
EFT32845	09/04/2026	ASK WASTE MANAGEMENT PTY LTD	REVIEW AND UPDATE LCMP WITH BIOWINDOW LFG SYSTEM	893.75
EFT32846	09/04/2026	ABCO PRODUCTS PTY LTD	CLEANING CONSUMABLES	1,085.54
EFT32847	09/04/2026	APG PLUS	DBK ADMIN - REPAIR ZIP	558.25
EFT32848	09/04/2026	BUNBURY MACHINERY	PRESSURE WASHER, REAL, HOSE, GUN SWIVEL, FREIGHT	7,537.00
EFT32849	09/04/2026	BOC LIMITED	GAS SUPPLY	121.63
EFT32850	09/04/2026	BANKS PEST AND WEED CONTROL	PEST CONTROL	1,151.15
EFT32851	09/04/2026	BETTER TELCO SOLUTIONS PTY LTD - PHONE ACCOUNT	MONTHLY ACCESS FEE & SIP CHARGES	929.24
EFT32852	09/04/2026	BRIGHTMARK GROUP PTY LTD	CLEANING - MAR 26	18,401.78
EFT32853	09/04/2026	BRECKEN HEALTH CARE / MEDILOSS AUSTRALIA	PRE-EMPLOYMENT MEDICAL	173.80
EFT32854	09/04/2026	GEOGRAPHE FORD	VEHICLE REPLACEMENTS AS PER ASSET MANAGEMENT PLAN	55,532.50
EFT32855	09/04/2026	CITY & REGIONAL FUELS	PURCHASES ON FUEL CARDS & BULK FUEL - MAR 26	26,224.70

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

EFT32856	09/04/2026	DUG CROSS ELECTRICS	SUPPLY & REPLACE LED LIGHTS	1,163.00
EFT32857	09/04/2026	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	314.08
EFT32858	09/04/2026	DONNYBROOK MEDICAL SERVICES	PRE-EMPLOYMENT MEDICALS	340.00
EFT32859	09/04/2026	DONNYBROOK & DISTRICTS PLUMBING SERVICE	SUPPLY & INSTALL NEW WALL BASIN & MIXER, REPAIR BROKEN TOILET SEAT, REPAIR LEAKING SHOWER	1,848.00
EFT32860	09/04/2026	DBCEC (WA) PTY LTD	DOZER & EXCAVATOR HIRE	15,862.00
EFT32861	09/04/2026	ELECTSALES	PRESTON VILLAGE - REPLACEMENT OVEN	809.60
EFT32862	09/04/2026	FAIRTEL PTY LTD	DBK SES - PHONE & NBN SERVICE	159.97
EFT32863	09/04/2026	HASTIE WASTE PTY LTD	DBK WMF, BLN TRANS STATION - MANAGEMENT, SERVICING OF FRONTLINE BINS, PROCESSING OF MATTRESSES	40,753.50
EFT32864	09/04/2026	M HAZELDINE	REIMBURSE - STAFF TRAINING - PARKING & MEAL	85.54
EFT32865	09/04/2026	J HOLLETT	REFUND OVERPAYMENT OF RATES	493.85
EFT32866	09/04/2026	INFIELD SERVICES PTY LTD	INVESTIGATE & REPAIR FOAM SYSTEM	1,525.70
EFT32867	09/04/2026	ITR PACIFIC PTY LTD	CHOCKY BARS FOR LOADER DB1250	1,442.72
EFT32868	09/04/2026	JDSI CONSULTING ENGINEERS PTY LTD	REMEDIAL WORK STUDY FOR FLOOD REDUCTION	1,947.00
EFT32869	09/04/2026	SOUTH WEST LOCKSMITHS	SUPPLY & INSTALL SHIRE KEY LOCKS, DEADLOCK & REPAIR/REPLACE LOCK	1,133.70
EFT32870	09/04/2026	LAND INSIGHTS	LAND PLANNING STRATEGY	6,567.00
EFT32871	09/04/2026	NOLAN DRAFTING	DESIGN WORKS	4,200.00
EFT32872	09/04/2026	OFFICEWORKS	STATIONERY SUPPLIES	224.95
EFT32873	09/04/2026	OTIUM PLANNING GROUP PTY LTD	BALINGUP RECREATIONAL & SPORTING MASTER PLAN	12,056.00
EFT32874	09/04/2026	PRESTON VALLEY MAINTENANCE	INSTALL SHIRE SUPPLIED POSTS & TREE IDENTIFICATION SIGNS, REMOVE GRAFFITI, REPAIR DOOR LOCKS, CHANGES TO AWNINGS, INSTALL LOCK ON TOILET DOOR, INSTALL LAYFLAT HOSE TO STANDPIPE	3,943.50
EFT32875	09/04/2026	ROYAL LIFE SAVING SOCIETY WA INC.	COMMUNITY FIRST AID & POOL LIFEGUARD COURSE	2,565.00
EFT32876	09/04/2026	T RAYMENT	REFUND OVERPAYMENT OF RATES	1,500.00
EFT32877	09/04/2026	RECRUITWEST PTY LTD	CASUAL LABOUR HIRE	11,399.97
EFT32878	09/04/2026	RANGE HIRE	HIRE OF EARTHWORKS TRACTOR & BOWL	11,304.70
EFT32879	09/04/2026	RESIDENCE ON LANGLEY PARK PTY LTD	ACCOMMODATION - STAFF TRAINING	944.00
EFT32880	09/04/2026	SPENCER SIGNS	EMERGENCY MUSTER SIGNS, BLN TRANSIT PARK SIGNAGE	218.57
EFT32881	09/04/2026	SOUTHERN LOCK & SECURITY	SECURITY ACCESS CARDS & MONTHLY/QRT ALARM MONITORING	1,340.00
EFT32882	09/04/2026	SOS OFFICE EQUIPMENT	MONTHLY PRINTER METER READS	903.65
EFT32883	09/04/2026	SURVCON PTY LTD	SUBDIVISION/ROAD WIDENING SURVEY	4,950.00
EFT32884	09/04/2026	SEEK LIMITED	ADVERTISEMENTS - EXPRESSION OF INTEREST - INDEPENDENT ARIC MEMBERS & STAFF VACANCIES	1,501.50

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

EFT32885	09/04/2026	SYKES ENGINEERING PTY LTD TRADING AS SOUTHWEST ELECTRICAL & COMMUNICATION	INSTALL SHIRE SUPPLIED LED STREETLIGHT HEADS & REMOVE REPAIR & REINSTALL DAMAGED STREETLIGHT POLE	7,202.25
EFT32886	09/04/2026	SOUTHWEST SURFACING PTY LTD	MAINTENANCE PATCHING	11,550.00
EFT32887	09/04/2026	SUPAGAS	GAS SUPPLY	50.60
EFT32888	09/04/2026	SOUTHERN STAR BUILDING COMPANY & MAINTENANCE	CONSTRUCT & SUPPLY STEEL FRAMES FOR TREE IDENTIFICATION SIGNS. SUPPLY & INSTALL WINDOW AWNINGS	8,043.20
EFT32889	09/04/2026	SCAVENGER SUPPLIES PTY LTD	DEFIBRILLATOR BATTERIES	280.00
EFT32890	09/04/2026	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES	139.99
EFT32891	09/04/2026	THOMPSON SURVEYING CONSULTANTS	ARGYLE IRISHTOWN FIRE STATION CLEARING SURVEY	825.00
EFT32892	09/04/2026	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	84.18
EFT32893	09/04/2026	THE PRINT SHOP BUNBURY	TIMESHEETS	1,225.40
EFT32894	09/04/2026	TOTALLY WORKWEAR BUNBURY	PPC	255.42
EFT32895	09/04/2026	TELAIR PTY LTD.	MOBILE DEVICE PLANS	79.99
EFT32896	09/04/2026	P THOMPSON	REFUND HIRE OF CAT TRAP BOND	100.00
EFT32897	09/04/2026	LANDGATE - VALUATION SERVICES	INTERIM VALUATIONS	48.48
EFT32898	09/04/2026	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	21.08
EFT32899	09/04/2026	SYNERGY	ELECTRICITY CHARGES	9,944.63
EFT32900	09/04/2026	VEOLIA ENVIRONMENTAL SERVICES	STREET CLEANING	560.63
EFT32901	09/04/2026	WORK CLOBBER	STAFF UNIFORMS	2,643.00
EFT32902	09/04/2026	WORKFORCE ROAD SERVICES PTY LTD	TRAFFIC MANAGEMENT	23,059.05
EFT32903	09/04/2026	L WORSFOLD	REIMBURSEMENT - FUEL	119.70
EFT32903A	16/04/2026	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 15.04.26	150,700.99
EFT32903B	16/04/2026	AUSTRALIAN TAX OFFICE	PAYG PE: 15.04.26	45,099.00
EFT32904	23/04/2026	HARMONIC IT	MANAGED MONTHLY SERVICES	10,367.50
EFT32905	23/04/2026	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	EMPLOYEE UNION DEDUCTIONS	79.50
EFT32906	23/04/2026	AMITY SIGNS	RURAL STREET NUMBER PLATES	96.80
EFT32907	23/04/2026	ABCO PRODUCTS PTY LTD	CLEANING CONSUMABLES	4,067.74
EFT32908	23/04/2026	A & M MEDICAL SERVICES PTY LTD	ANNUAL DEFIB & OXYGEN UNIT SERVICE	373.34
EFT32909	23/04/2026	BUNNINGS GROUP LIMITED	PLANTS, RETIC COMPONENTS	708.37
EFT32910	23/04/2026	BDA TREE LOPPING	FENCELINE CLEARANCE AND TREE REMOVAL	2,200.00
EFT32911	23/04/2026	BLUE FORCE PTY LTD	MONTHLY EMERGENCY HELP MONITORING	420.75
EFT32912	23/04/2026	BLACKWOOD HEAVY TILT	TILT TRANSPORT FOR SEA CONTAINER	420.75
EFT32913	23/04/2026	DUG CROSS ELECTRICS	REMOVE/REPLACE OVEN, REPLACE - DOWN LIGHTS, LIGHTS, SOCKETS, FAN, EXHAUST FAN, RCD TESTING, NEW LIGHT FITTINGS IN OUTSIDE TOILET, REPLACE FLOURESCENT TUBE	5,618.00
EFT32914	23/04/2026	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	314.08
EFT32915	23/04/2026	CLEANAWAY OPERATIONS PTY LTD.	BLN TRANSFER STATION - RECYCLING	1,053.50

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

EFT32916	23/04/2026	CLEANAWAY	KERBSIDE BIN COLLECTION - GENERAL WASTE, PUBLIC STREET BIN COLLECTIONS	49,674.96
EFT32917	23/04/2026	CORSIGN WA	SUPPLY & INSTALL SIGNPOSTS	2,971.10
EFT32918	23/04/2026	CAFE 48	TRAINING REFRESHMENTS	775.00
EFT32919	23/04/2026	CONNECT CALL CENTRE SERVICES	AFTERHOURS CALL CENTRE - W&S, P&G, RANGERS	188.38
EFT32920	23/04/2026	CLEANAWAY PTY LTD	DBK WMF - RECYCLING BIN TRANSFER/PROCESSING	1,183.64
EFT32921	23/04/2026	CLEANAWAY OPERATIONS PTY LTD	BLN TRANSFER STATION - GENERAL WASTE COLLECTION & TRANSPORTATION	4,182.03
EFT32922	23/04/2026	CHOOKY'S LAWNS & MORE	COMMUNITY HOUSING - GROUNDS MAINTENANCE	1,386.00
EFT32923	23/04/2026	DONNYBROOK HARDWARE & GARDEN	DOG LEADS, ANIMAL FOOD, PEST CONTROL, WATER TAP TIMBER, SPRAY PAINT, SCREWS/WASHERS/BOLTS & NUTS, KWIKSET, GAS	535.45
EFT32924	23/04/2026	DONNYBROOK FRUIT BARN PTY LTD	BFB - DIESEL - FEB/MAR 26	663.40
EFT32925	23/04/2026	DONNYBROOK & DISTRICTS PLUMBING SERVICE	INVESTIGATE PLUMBING BLOCKAGE, TOILET/SHOWER INSPECTION/MAINTENANCE	979.00
EFT32926	23/04/2026	TYRES AND MORE DONNYBROOK	SUPPLY & FIT TYRES	490.00
EFT32927	23/04/2026	DONNYBROOK FARM SERVICE	VCMP - TICKET BOOTH, RETIC COMPONENTS, POOL CHEMICALS, PLANTS, PEST CONTROL	6,730.85
EFT32928	23/04/2026	DONNYBROOK FRESH SUPA IGA	ESL, ADMIN, W&S, DBK REC CTR & COUNCILLOR GROCERIES & MTG REFRESHMENTS	920.18
EFT32929	23/04/2026	DONNYBROOK BUILDING COMPANY	DELIVERY AND COLLECTION OF TOILET	330.00
EFT32930	23/04/2026	DELL FINANCIAL SERVICES PTY LTD	LEASE PAYMENTS FOR DELL PCS	3,106.38
EFT32931	23/04/2026	DEPARTMENT OF LOCAL GOVERNMENT INDUSTRY REGULATION AND SAFETY	BSL COLLECTIONS	4,684.25
EFT32932	23/04/2026	ELECTSALES	PRESTON VILLAGE - REPLACEMENT OVEN	809.60
EFT32933	23/04/2026	FOOD TECHNOLOGY SERVICES PTY LTD	ON SITE ENVIRONMENTAL HEALTH OFFICER ASSESSMENT SERVICES PLUS TRAVEL	6,208.18
EFT32934	23/04/2026	GUARDIAN FIRST AID AND FIRE	VCMP - PLANNED SERVICE & MAINTENANCE OF FIRE EQUIPMENT	470.80
EFT32935	23/04/2026	HASTIE WASTE PTY LTD	SERVICING OF FRONTLINE WASTE BINS	201.60
EFT32936	23/04/2026	SKIPPERS PLUMBING SERVICES	REPAIR LEAKING TAP & FILTER	309.32
EFT32937	23/04/2026	HYDRAULINK SOUTH WEST	HYDRAULIC HOSE BUCKET GRAB	270.81
EFT32938	23/04/2026	JACKSON MCDONALD	CONTRACT OF SALE, TEMPLATE LICENCE	13,371.33
EFT32939	23/04/2026	JAMBOP MUSIC AND DANCE	MUSIC & DANCE CLASSES	150.00
EFT32940	23/04/2026	P JACKSON	REIMBURSE - POLICE CHECK	99.00
EFT32941	23/04/2026	D JOHNSON	REFUND DOUBLE BOOKING	130.95
EFT32942	23/04/2026	KMART SOUTH BUNBURY - 1187	DBK REC CTR - ITEMS & PRIZES FOR SCHOOL HOLIDAYS	102.00
EFT32943	23/04/2026	P KEOWN	REFUND OF CANDIDATE DEPOSIT	100.00

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

EFT32944	23/04/2026	LIVING SPRINGS WATER PTY LTD	BOTTLED SPRING WATER & ANNUAL RENTAL	221.00
EFT32945	23/04/2026	LINDSAY TRANSPORT PTY LTD	FREIGHT CHARGES	269.86
EFT32946	23/04/2026	MAIN ROADS WA - EAST PERTH	CONTRIBUTION FOR BRIDGE SUBSTRUCTURE REPAIRS	21,998.34
EFT32947	23/04/2026	METAL ARTWORK BADGES	NAME BADGES	43.67
EFT32948	23/04/2026	MCLEODS BARRISTERS & SOLICITORS	PREPARATION & LODGEMENT OF NOTIFICATIONS ON TITLES	2,260.36
EFT32949	23/04/2026	A MITCHELL	REFUND OF CANDIDATE DEPOSIT	100.00
EFT32950	23/04/2026	MICROSOFT REGIONAL SALES CORPORATION	MICROSOFT 365 BUSINESS PREMIUM & EXCHANGE ONLINE PLANS	2,589.29
EFT32951	23/04/2026	MANJIMUP FREIGHT DISTRIBUTORS & BMI LOGISTICS	FREIGHT CHARGES	46.71
EFT32952	23/04/2026	NESPRESSO AUSTRALIA	COFFEE	320.00
EFT32953	23/04/2026	PRESTON PRESS	SHIRE CONNECT	500.00
EFT32954	23/04/2026	PRESTON VALLEY MAINTENANCE	CONCRETE PAD FOR BATTERY STORAGE, INVESTIGATE REPAIR/REPLACE BROKEN TILE TO ROOF	3,025.00
EFT32955	23/04/2026	PFD FOOD SERVICE PTY LTD	KIOSK STOCK	337.90
EFT32956	23/04/2026	PRESTON POWER EQUIPMENT	MOWING HEAD AUTOCUT, REPLACE BROKEN WHEEL ARM	365.00
EFT32957	23/04/2026	PICTON CIVIL PTY LTD	WATER CART DRY HIRE	10,395.00
EFT32958	23/04/2026	PROGRAMMED PROPERTY SERVICES	PRESTON VILLAGE - EXTERIOR PAINTING	12,089.00
EFT32959	23/04/2026	REPCO - DONNYBROOK	GEAR OIL, UHF MOUNT, GLOBES & CONDUIT TUBING	223.50
EFT32960	23/04/2026	RECRUITWEST PTY LTD	CASUAL LABOUR HIRE	7,143.89
EFT32961	23/04/2026	STEWART & HEATON CLOTHING CO. P/L	BFB PPC	1,545.91
EFT32962	23/04/2026	SOUTHERN LOCK & SECURITY	RESTRICTED KEY CUT	132.00
EFT32963	23/04/2026	SURVCON PTY LTD	FEATURE SURVEY OF CLEARED AREA & RE-ESTABLISHING OFFSET PEGS	1,586.20
EFT32964	23/04/2026	SEEK LIMITED	ADVERTISEMENTS - STAFF VACANCIES	2,167.00
EFT32965	23/04/2026	SHRED-X PTY LTD & AUSTRALIAN PAPER RECYCLING	SECURE BIN PICK UP & DISPOSAL	110.51
EFT32966	23/04/2026	SMARTSHEET AUSTRALIA PTY LTD	ENTERPRISE PLAN PLUS ADDITIONAL LICENCES	1,546.44
EFT32967	23/04/2026	SYKES ENGINEERING PTY LTD TRADING AS SOUTHWEST ELECTRICAL & COMMUNICATION	DBK REC CTR - SOLAR PV & BATTERY ENERGY STORAGE SYSTEM, CARPARK METER BOX - INVESTIGATE FAULT TO POWER PANEL, DBK TRANSIT PARK - INVESTIGATE/REPAIR FAULT TO BBQ, EXTEND TRICKLE CHARGER TO DMAX	100,933.27
EFT32968	23/04/2026	SOUTH WEST PROPERTY MANAGEMENT	RENTAL SUBSIDY FOR CHILDCARE WORKER	869.05
EFT32969	23/04/2026	SOUTH WEST SEPTICS	EMPTY SEPTICS AT BLN VILLAGE GREEN & TRANSIT PARK	2,266.00
EFT32970	23/04/2026	J STASSE	REFUND OVERPAYMENT OF RATES	84.66
EFT32971	23/04/2026	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES	1,287.08

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

EFT32972	23/04/2026	TREEHOUSE CHILDCARE CENTRE INC	CHILDCARE WORKER - REIMBURSE FUEL COSTS	716.51
EFT32973	23/04/2026	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	114.33
EFT32974	23/04/2026	TOTAL TOOLS BUNBURY	LITHIUM FLOOD LIGHT KIT, IMPACT WRENCH, LITHIUM BATTERIES	1,145.00
EFT32975	23/04/2026	TPG NETWORK PTY LTD	MONTHLY IP LINE, STANDARD ACCESS & FAST FIBRE	1,304.60
EFT32976	23/04/2026	TOTALLY WORKWEAR BUNBURY	STAFF UNIFORM	471.28
EFT32977	23/04/2026	TELAIR PTY LTD	NBN SERVICES	678.90
EFT32978	23/04/2026	TANGO INFORMATION TECHNOLOGY PTY LTD	ICT STRATEGY DEVELOPMENT	22,000.00
EFT32979	23/04/2026	ABUNDANT ENTERPRISES	EVENT COVERAGE - AUSTRALIA DAY 2026	500.00
EFT32980	23/04/2026	H THORNE	REFUND OVERPAYMENT OF RATES	110.90
EFT32981	23/04/2026	EARTH 2 OCEAN COMMUNICATIONS	VHF RADIO & ANTENNA	2,338.90
EFT32982	23/04/2026	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	28,763.83
EFT32983	23/04/2026	SYNERGY	ELECTRICITY CHARGES	25,934.69
EFT32984	23/04/2026	WESTERN POWER - ELECTRICITY NETWORKS	APPLICATION COST FOR SOLAR & BATTERY INSTALL.	275.00
EFT32985	23/04/2026	WORKFORCE ROAD SERVICES PTY LTD	TRAFFIC MANAGEMENT	15,500.39
EFT32986	23/04/2026	L WRINGE	REFUND OF CANDIDATE DEPOSIT	100.00
EFT32987	23/04/2026	WA LASER ENGRAVING	COUNCILLOR NAME PLAQUE LABELS FOR CHAMBER	74.80
EFT32988	23/04/2026	WOODY'S MECHANICAL SERVICES PTY LTD	VEHICLE SERVICE	1,093.30
EFT32988A	30/04/2026	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 29.04.26	162,058.63
EFT32988B	30/04/2026	AUSTRALIAN TAX OFFICE	PAYG PE: 29.04.26	44,000.00
			TOTAL: EFT PAYMENTS	**1,324,456.55**
BANK FEES				
	30/04/2026	BENDIGO	BANK FEES	706.92
	30/04/2026	COMMONWEALTH	BANK FEES	205.50
	30/04/2026	TYRO	BANK FEES	1,083.63
	30/04/2026	PAYPAL	TRANSACTION FEES	7.64
	30/04/2026	EZIDEBIT	TRANSACTION FEES	49.50
	30/04/2026	SPACETOCO	TRANSACTION FEES	3,470.44
			TOTAL: BANK FEES	**5,523.63**
DIRECT DEBITS				
DD29053.1	01/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	20,433.31
DD29053.2	01/04/2026	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	20.34
DD29053.3	01/04/2026	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	383.22
DD29053.4	01/04/2026	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	339.81
DD29053.5	01/04/2026	HOSTPLUS	EMPLOYEE SUPER DEDUCTIONS	339.31
DD29053.6	01/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	321.71
DD29053.7	01/04/2026	RAIZ SUPER	EMPLOYEE SUPER DEDUCTIONS	167.48
DD29053.8	01/04/2026	HESTA SUPER FUND	EMPLOYEE SUPER DEDUCTIONS	343.05
DD29053.9	01/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	339.31

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

DD29053.10	01/04/2026	THE TRUSTEE FOR LILLY SUPER FUND	EMPLOYEE SUPER DEDUCTIONS	41.78
DD29053.11	01/04/2026	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	1,272.30
DD29053.12	01/04/2026	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	4,271.34
DD29053.13	01/04/2026	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,512.15
DD29053.14	01/04/2026	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	445.72
DD29053.15	01/04/2026	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	524.08
DD29053.16	01/04/2026	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	591.05
DD29053.17	01/04/2026	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	433.74
DD29053.18	01/04/2026	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	345.60
DD29055.1	01/04/2026	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	-530.77
DD29084.1	02/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	20.27
DD29085.1	02/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	87.15
DD29080.1	15/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	18,994.45
DD29080.2	15/04/2026	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	48.81
DD29080.3	15/04/2026	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	238.87
DD29080.4	15/04/2026	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	339.31
DD29080.5	15/04/2026	HOSTPLUS	EMPLOYEE SUPER DEDUCTIONS	352.20
DD29080.6	15/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	296.37
DD29080.7	15/04/2026	RAIZ SUPER	EMPLOYEE SUPER DEDUCTIONS	145.20
DD29080.8	15/04/2026	HESTA SUPER FUND	EMPLOYEE SUPER DEDUCTIONS	292.46
DD29080.9	15/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	346.26
DD29080.10	15/04/2026	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	1,197.13
DD29080.11	15/04/2026	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	4,508.50
DD29080.12	15/04/2026	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,447.62
DD29080.13	15/04/2026	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	464.00
DD29080.14	15/04/2026	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	440.13
DD29080.15	15/04/2026	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	719.51
DD29080.16	15/04/2026	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	417.67
DD29080.17	15/04/2026	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	363.70
DD29086.1	15/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	-69.72
DD29099.1	16/04/2026	SG FLEET AUSTRALIA PTY LIMITED	CESM - VEHICLE LEASE PAYMENT	1,018.60
DD29105.1	24/04/2026	WA TREASURY CORPORATION	LOANS NO. 90 & 93	21,206.55
DD29104.1	29/04/2026	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	19,057.79
DD29104.2	29/04/2026	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	15.25
DD29104.3	29/04/2026	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	163.51
DD29104.4	29/04/2026	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	339.31
DD29104.5	29/04/2026	HOSTPLUS	EMPLOYEE SUPER DEDUCTIONS	560.21
DD29104.6	29/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	319.53
DD29104.7	29/04/2026	RAIZ SUPER	EMPLOYEE SUPER DEDUCTIONS	153.12
DD29104.8	29/04/2026	HESTA SUPER FUND	EMPLOYEE SUPER DEDUCTIONS	294.63
DD29104.9	29/04/2026	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	301.38
DD29104.10	29/04/2026	TELSTRA SUPERANNUATION SCHEME	EMPLOYEE SUPER DEDUCTIONS	110.45

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 APRIL TO 30 APRIL 2026

DD29104.11	29/04/2026	IOOF PORTFOLIO SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	110.45
DD29104.12	29/04/2026	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	830.59
DD29104.13	29/04/2026	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	4,506.77
DD29104.14	29/04/2026	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,620.05
DD29104.15	29/04/2026	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	518.60
DD29104.16	29/04/2026	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	521.48
DD29104.17	29/04/2026	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	716.24
DD29104.18	29/04/2026	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	417.67
DD29104.19	29/04/2026	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	365.89
			TOTAL: DIRECT DEBITS	115,392.49
			TOTAL: PAYMENTS MADE FROM MUNICIPAL ACCOUNT	1,447,537.42

CERTIFICATION BY CHIEF EXECUTIVE OFFICER

This Schedule of Accounts Paid is submitted to the Council Meeting on 27 May 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:	79/05-26		
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 30 April 2026.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.2.2 Monthly Financial Report for the period ending 30th of April 2026

Report Details:

Prepared by: Manager Financial Services

Manager: Director Finance & Community

File Reference: Nil. **Voting Requirement:** Simple Majority

Attachment(s):

9.2.2(1) Monthly Financial Report for period ending 30th of April 2026

Executive Recommendation

That Council receive the Monthly Financial Report for the period ending 30th of April 2026 as per Attachment 9.2.2(1).

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance for the period ending 30th of April 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 6 August 2025, it was recommended Council adopt the following material variance reporting thresholds for the 2025/26 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:	Monetary loss that may or may not be managed within existing budget or may not impact a program or services		
Mitigation:	Reporting financials monthly		
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Meeting legislative requirement of financial reporting to the Council		
Mitigation:	Monthly reporting on financial reports.		

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

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

Policy Compliance

Nil.

Statutory Compliance

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

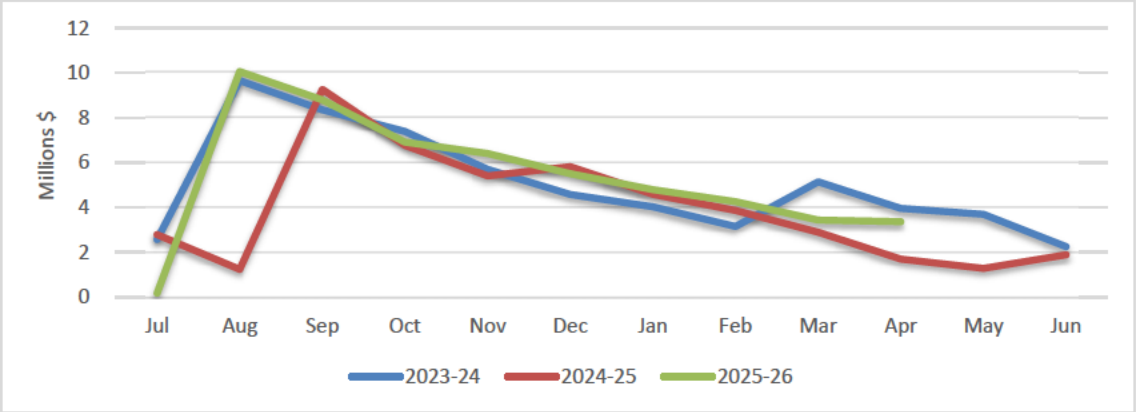
Consultation

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

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

Officer Comment

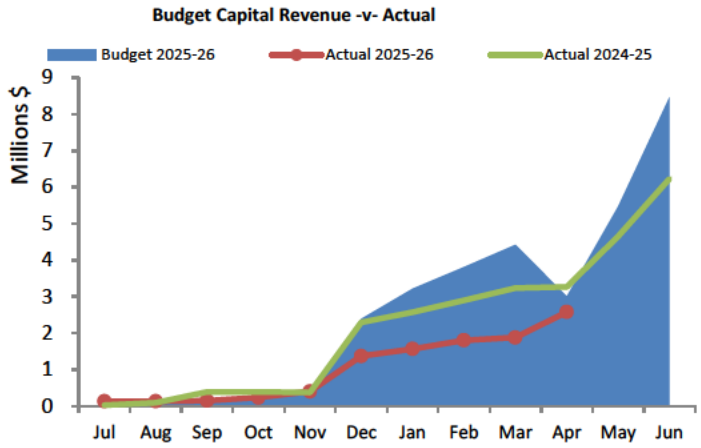
These statements compare year-to-date expenditure and revenue against the 2025/26 Adopted Original Budget which now includes further amendments and the Budget review adopted by Council. The Shire's surplus after imposition of rates was $3,007,324 which is higher than the year-to-date budgeted surplus of $1,145,400.



Operating Activities

Revenue was $13,128,478 which is greater than budget estimates. Key areas include:

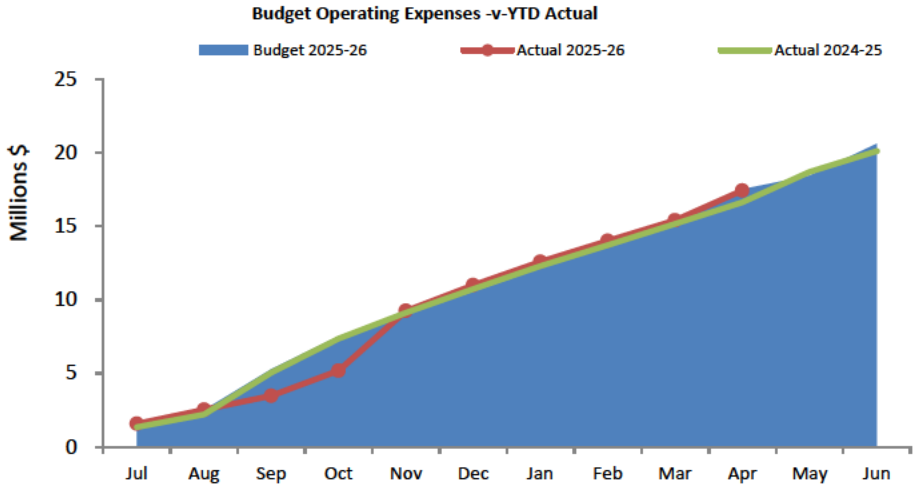
- Operating grants, subsidies, and contributions is 23.93% above budget estimates, mainly due to the General Purpose and Bushfire mitigation grant and reimbursements from workers compensation and leave entitlements.
- Fees and charges is slightly higher by 3.32% than budget estimates.
- Interest Revenue is 2.42% more than budget estimates.



Expenditure was $17,439,906 being 0.46% below budget estimates. Key areas include:

- Materials and contracts 10.67% below budget.
- Utility charges 2.12% below budget.
- Finance costs 27.17% below budget.

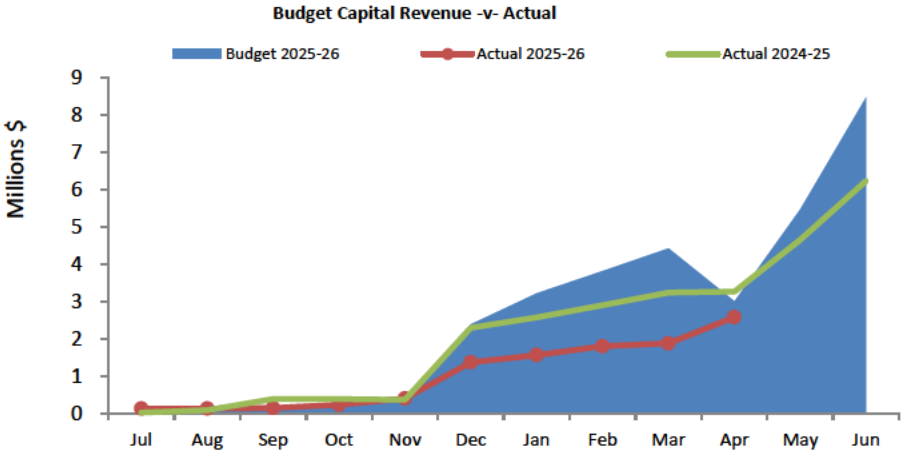
- Loss on asset disposals 169.04% above budget due to the disposal of vehicle involved in accident and bridge being moved on to private ownership.



Investing Activities

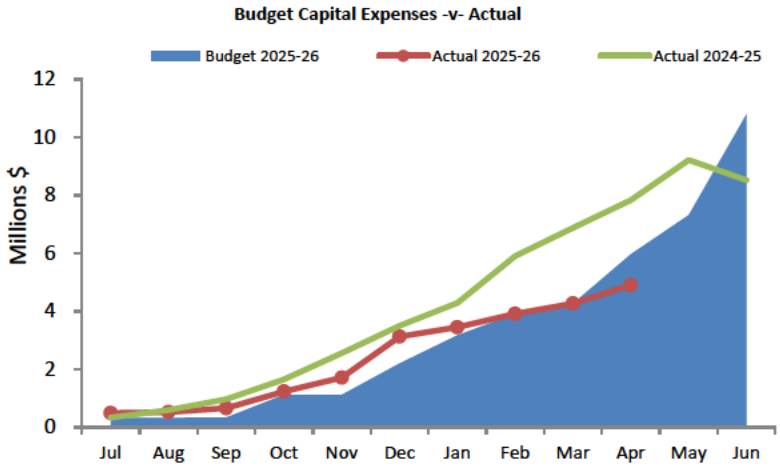
Inflows from investing activities was $2,888,713 and is 8.55% below the YTD budget estimates. Key areas include:

- Proceeds from capital grants, subsidies, and contributions: $2,612,435 being 13.73% below budget - refer to note 3 for explanation in the attached monthly financial report.
- Proceeds from disposal of assets $250,090 being 139.54% above budget - refer to note 3 for explanation in the attached monthly financial report.



Outflows from investing activities was $5,000,198 and is 16.15% below the YTD budget estimates. Key areas include:

- Payments for property, plant, and equipment $1,440,973 and is 22.23% below budget - refer to note 3 for explanation in the attached monthly financial report.
- Payments for construction of infrastructure was $3,466,873 and is 15.65% below budget - refer to note 3 for explanation in the attached monthly financial report.



COUNCIL RESOLUTION:	80/05-26		
MOVED BY:	Cr Tyler Hall	**SECONDED BY:**	Cr Alex Purich

That Council receive the Monthly Financial Report for the period ending 30th of April 2026 as per Attachment 9.2.2(1).

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

9.2.3 Adoption of the Schedule of Fees and Charges 2026/27

Report Details:

Prepared by: Finance Coordinator

Manager: Manager Financial Services

File Reference: FNC 04/3 **Voting Requirement:** Absolute Majority

Attachment(s):

9.2.3(1) Draft Schedule of Fees and Charges 2026/27
9.2.3(2) Discontinued Fees and Charges 2026/27

Executive Recommendation

That Council:

1. **Adopt the 2026/27 Schedule of Fees and Charges; and**
2. **Notes that it will determine the kerbside waste collection service charges at the time of adoption of the 2026/27 Annual Budget.**

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

Council is invited to consider and adopt the Schedule of Fees and Charges for 2026/27. Adopting the fees and charges ahead of the annual budget adoption will allow them to take effect earlier and spread the workload.

Background

Council adopts its schedule of fees and charges annually. The process for reviewing fees and charges commenced in March with relevant managers assessing the 2025/26 fees against the estimated costs of providing the service the subject of the fee. Staff have applied an average increase of 5% to the majority of fees and charges (subject to appropriate rounding) and is represented in the draft 2026/27 Schedule of Fees and Charges as per Attachment 9.2.3(1).

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Unlikely	Minor	Low (4)
Risk Description:	Delaying the adoption of fees and charges until budget adoption may have an impact on the Shire's forecast revenue for 2026/27.		
Compliance	Possible	Moderate	Moderate (9)

Risk Description:	Non-compliance with the *Local Government Act 1995*.		
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Inadequate stakeholder engagement can lead to perceptions of exclusion or disregard for community input.		
Mitigation:	Ensure transparency by effectively communicating the proposed 2026/27 fees and charges, including detailed explanations of any changes and the rationale behind them.		

Financial Implications

The draft 2026/27 Annual Budget will contain several income categories that will be estimated using the Schedule of Fees and Charges and previous actual revenue over past financial years. In 2025/26, fees and charges accounted for approximately 19% of operating revenue (which excludes capital grant income), it is expected that 2026/27 will be in the vicinity.

Policy Compliance

COMD/CP-3 – Community Engagement Framework

Statutory Compliance

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

Local Government Act 1995

Section 6.16(1) states:

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

Section 6.17(1) states:

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

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

Section 6.19 states:

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

(a) its intention to do so; and
(b) the date from which it is proposed the fees or charges will be imposed.

Waste Avoidance and Resource Recovery Act 2007
Section 67 and 68 provide the power to levy Rubbish and Waste Charges.

Consultation

Internal consultation was conducted with staff responsible for delivering various services as part of the preparation of the 2026/27 Fees and Charges, with a particular focus on the actual officer time required for certain services to ensure cost recovery where applicable.

At the earliest opportunity, Officers will arrange for a Local Public Notice to be issued to the community following the adoption of the 2026/27 Fees and Charges, which will be published on the Shire's website, Shire social media, Shire Newsletter/Email and Shire Notice Boards.

Officer Comment

Several new fees are proposed for introduction in 2026/27, and these are marked accordingly in the attached Schedule. There are several non-regulatory fees proposed for an increase or decrease outside of the default 5% to more accurately reflect the actual cost of delivering the associated services.

Statutory Fees and Charges
Fees such as development application fees, building fees, swimming pool inspection fees, and dog/cat registration fees—are regulatory, meaning Council does not have the discretion to set them above the limits established by applicable legislation. The regulatory fees listed in the Schedule reflect the rates current at the time of adoption and remain subject to change. Should legislative amendments change these fees during the year the revised fee automatically replaces the fee referenced in Council's Schedule of Fees and Charges without the need for Council to formally adopt the schedule. This is noted in the first page of the Schedule Attachment 9.2.3(1).

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

Effective Date and Adoption

The Schedule of Fees and Charges Attachment 9.2.3(1) outlines the fees that were applicable in 2025/26 alongside the recommended charges for 2026/27. Subject to Council adoption, the proposed 2026/27 fees and charges will take effect from 1 July 2026.

Increases

Health

- Retrieval and copying of health plans increased 12.16% this now aligns with similar Planning and Building fees and ensures actual cost recovery.

Housing

- Minninup Cottages and Langley Villas fortnightly rent increased in inline with the maximin Centrelink rent assistance limit. The increased fee is offset by the rent assistance increase by 75%, equating to actual increases in dollar terms for couples $25.84 and singles $19.43 per fortnight. Based on this increase residents on full aged care benefits contribute 18% of their income towards rent. This increase is being applied in accordance with Section 5.1.7.10RA – Current Rates of the *Social Security Guide.*
- Preston Village rental amounts will be determined by the residents at their annual residents meeting scheduled in May 2026 and any adjustment to the fee will be included in the Schedule presented to Council with the annual budget.

Community Amenities

- Interment fees increased 231% for cemetery work done outside normal hours and 69% for works carried on Saturday, Sundays and Public Holidays, they now align with the actual cost of the service.
- Cemetery Administration fees increased 17% after benchmarking with other local governments and ensuring the fee reflects the service provided.

Transport

- Initial supply and installation of a rural street number plate is increasing by 127%, after a full assessment of internal officer time, coordination with external agencies, and actual material costs was carried out.
- Replacement of an existing rural street number plate is increasing by 80%, with the lower percentage recognising the reduced administrative time compared with a first-time installation.

Economic Services

- Swimming pool inspection fee increased 50% to reflect actual annual inspection costs.

Reductions and fees with no change

Recreation and Culture

- Annual Grounds Rental charged to Blackwood United Football Club for the use of Balingup Oval has been reduced based on a service level review which also aligns with similar club rental charges.

- In Term Swimming entry fee at the Donnybrook Recreation Centre has been reduced by 22%. Recent industry trends have noted that some parents are unable to afford in-term swimming costs, and as a result the child is unable to undertake learning an important skill. Lowering the cost provides greater accessibility to more children. In addition, it was benchmarked against other centres to ensure it aligned with industry averages.
- No increase has been applied to the Donnybrook Recreation Centre court and equipment hire for squash, volleyball, badminton and pickleball – these fees increased significantly last financial year.

Economic Services

- Donnybrook and Balingup Transit Park fees remain unchanged due to an assessment confirming they are already at the higher end of industry averages.

New Fees

Law, Order and Public Safety

- Abandoned Vehicle Towing Administration Fee introduced to recover officer time for arranging towing and storage $145.00.

Housing

- Preston Village Kitchen hire fee separated from hall hire to allow optional add-on and streamline online bookings $10.00 per hour.
- Preston Village Exit Administration Fee introduced to recover officer time involved in calculating outgoing resident transactions, $1,650.00.

Community Amenities

- Town Planning R Code assessment fee introduced to enable cost recovery for consideration of pre-lodgement applications and applications lodged without a self-assessment, $145.00.

Recreation and Culture

- Donnybrook Recreation Centre Events & Activities fees (e.g., birthday parties, inflatable hire) and School Holiday Program fees - introduction of new programs and costs to provide flexibility for costing events and school holidays $96.35 for 2 hours.
- Three Phase power at various ovals and reserves $13.00 per hour.

Other Property and Services

- Officer time fees added to the schedule for cost recovery when processing applications and request outside of the normal scope. Administration Officer, $75.00, Senior Administration Officer, $85.00, Professional Officer $150.00 and travel time at $1.50 per km.

Discontinued Fees

Property

- Property listing fee removed due to privacy restrictions preventing listings for several years.

Governance

- Green Gold History Books removed from the schedule (book no longer in stock; available to borrow in both libraries).

Law, Order and Public Safety

- Cat Refuge Fees removed due to Local Law interpretation preventing the fee.

- Animal control trap bond and fees removed to encourage community participation in feral animal management and reduce administrative burden.

Housing

- Preston Village Hall and Kitchen combined hire fee removed; now separated for individual hire options.

Recreation and Culture

- Venue cancellation policies and bonds consolidated to avoid duplication.
- Rec Centre In-Term Swimming bulk ticketing removed; fee not used historically.
- Rec Centre Homeschool Sport entry removed; discontinued program.

Economic

- EV charging station fee removed as an external provider now manages the service.

MOVED BY:	Cr Tyler Hall	**SECONDED BY:**	Cr Alex Purich

That Council:

1. **Adopt the 2026/27 Schedule of Fees and Charges; and**
2. **Notes that it will determine the kerbside waste collection service charges at the time of adoption of the 2026/27 Annual Budget.**

Cr Bailey put the following amendment to Council:

MOVED BY:	Cr John Bailey	**SECONDED BY:**	Cr Grant Patrick

Change point 1 and 5 to state:

1. **Adopt the 2026/27 Schedule of Fees and Charges as presented with the removal of the Balingup Transit Park fees, and**
2. **Notes that it will determine the kerbside waste collection service charges, and Balingup Transit Park Fees at the time of adoption of the 2026/27 Annual Budget.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr McNab, Cr Patrick, Cr Purich
Against: Cr MacCarthy
Carried: 7/0

Substantive Motion:

COUNCIL RESOLUTION:	81/05-26		
MOVED BY:	Cr Tyler Hall	**SECONDED BY:**	Cr Alex Purich

1. **Adopt the 2026/27 Schedule of Fees and Charges as presented with the removal of the Balingup Transit Park fees, and**
2. **Notes that it will determine the kerbside waste collection service charges, and Balingup Transit Park Fees at the time of adoption of the 2026/27 Annual Budget**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr McNab, Cr Patrick, Cr Purich
Against: Cr MacCarthy
Carried: 7/1 by absolute majority vote

9.2.4. Policy Review - Investments (FIN/CP-2)

Report Details:

Prepared by: Director Finance & Community

Manager: Chief Executive Officer

File Reference: MONARCH-1594159990-152 **Voting Requirement:** Simple Majority

Attachment(s):

9.2.4(1) Council Policy FIN/CP-2 – Investments (Current Adopted Version)

9.2.4(2) Council Policy FIN/CP-2 – Investments (Reviewed Version)

Executive Recommendation

That Council notes the review and adopts Council Policy FIN/CP-2 – Investments.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

Council is requested to adopt the reviewed Council Policy FIN/CP-2 – Investments, following a scheduled policy review.

The review ensures the policy continues to support prudent financial management, capital preservation, liquidity and legislative compliance, while ensuring the policy remains clear, contemporary and fit-for-purpose. The updated version retains the intent and investment philosophy of the existing policy, with amendments focused on clarification, formatting consistency and strengthening governance alignment.

Background

Council Policy FIN/CP-2 – Investments was last reviewed and adopted by Council in August 2025. In accordance with the policy's review cycle and the Shire's Policy Framework, a further review has been undertaken to ensure the policy remains current, clearly articulated and aligned with operational practice.

The reviewed version of the policy:

- Retains the existing investment objectives and risk principles;
- Confirms permitted investment types under the *Local Government (Financial Management) Regulations 1996*;
- Maintains limits relating to credit ratings, counterparties and maturity profiles; and
- Clarifies reporting, diversification and liquidity requirements.

No substantive change is proposed to the Shire's investment approach. The review primarily improves clarity, consistency and governance presentation, supporting Council's oversight role while enabling effective operational management of investments under delegated authority.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Unlikely	Insignificant	Moderate (9)
Risk Description:	Council Resources are Invested in high-risk investment that result in financial loss to Council.		
Mitigation:	Adopt Council Policy FIN/CP-2 that clearly sets out the guidelines for investing Council resources.		

Financial Implications

Nil.

Policy Compliance

The reviewed policy has been assessed against the Shire of Donnybrook Balingup Policy Framework (EXE/CP-8) and continues to meet the criteria for a Council Policy, as it sets strategic direction for investment governance and risk tolerance.

Statutory Compliance

The policy supports compliance with the:

- *Local Government Act 1995;*
- *Local Government (Financial Management) Regulations 1996;* and
- *Trustees Act 1962.*

Adoption of an investment policy is a legislative requirement under the *Local Government (Financial Management) Regulations 1996*.

Consultation

Consultation was carried out with the Finance Manager and the Executive Leadership Team. The adopted policy will be published on the Shire's website.

Officer Comment

Council Policy FIN/CP-2 – Investments remains a critical governance instrument supporting prudent financial stewardship of Shire funds.

The reviewed policy strengthens clarity and usability while maintaining the existing investment philosophy and risk controls. Adoption of the reviewed policy ensures Council continues to meet its legislative obligations and reflects best-practice investment governance.

Clear Guidelines have been introduced limiting the investments to;

- State/Commonwealth Government Bonds.
- Interest Bearing Accounts.

- Bank Accepted/Endorsed Bank Bills.

Due to the clear instructions as to where investments can be made the option to appoint an investment adviser was removed from the policy and due to administrative efficiency, the requirement for revision has been moved from annual to biennial.

COUNCIL RESOLUTION:	82/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council notes the review and adopts Council Policy FIN/CP-2 – Investments.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.2.5 Policy Review – Community Grants and Donations (COMD/CP-1)

Report Details:

Prepared by: Director Finance and Community

Manager: Chief Executive Officer

File Reference: MONARCH-1594159990-143 **Voting Requirement:** Simple Majority

Attachment(s):

9.2.5(1) Council Policy COMD/CP-1 – Community Grants and Donations (Current Adopted Version)

9.2.5(2) Council Policy COMD/CP-1 – Community Grants and Donations (Reviewed Version)

Executive Recommendation

That Council:

1. Notes the review and adopts Council Policy COMD/CP-1 – Community Grants and Donations.

Strategic Alignment

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

Outcome: 13 - Increased community capacity.

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

Item: 13.1.1 - Support community initiatives through community grants, donations, and in-kind support via Shire Support Initiatives (SSI).

Executive Summary

Council is requested to adopt the reviewed Council Policy COMD/CP-1 – Community Grants and Donations, following a scheduled review of the policy.

The review ensures the policy remains contemporary, clearly articulated and aligned with Council's strategic objectives, funding priorities and administrative practices. The updated policy continues to support community capacity building through grants, donations and in-kind assistance, while clarifying eligibility, funding categories, timeframes and governance arrangements.

Background

Council Policy COMD/CP-1 – Community Grants and Donations was last reviewed and adopted by Council in May 2025. In accordance with the policy's review cycle and Council's Policy Framework, a further review has been undertaken to ensure the policy remains fit-for-purpose, administratively efficient and aligned with changing community needs.

The reviewed version of the policy:

- Clarifies definitions and eligibility requirements for Community Grants, Minor Cash Donations and Shire Support Initiatives;
- Refines application timelines to align with Council's budget adoption process;

- Updates funding categories and removes outdated references to Service Level Agreements;
- Improves clarity around assessment criteria, acquittal requirements and funding conditions; and
- Streamlines delegation and reporting arrangements.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Minor	Low (4)
Risk Description:	Reputational damage due to Community Members Request not being met.		
Mitigation:	Adopt the recommended policy that sets out clear requirements to apply for grants and donations.		

Financial Implications

For an allocation of up to $69,500 to be included in the Draft Budget annually.

Policy Compliance

The reviewed policy has been assessed against the Shire of Donnybrook Balingup Policy Framework (EXE/CP-8) and continues to meet the criteria for a Council Policy, as it establishes strategic principles and governance oversight for community funding.

Statutory Compliance

The policy supports compliance with the:

- *Local Government Act 1995;* and
- *Local Government (Financial Management) Regulations 1996.*

There is no statutory requirement for a local government to provide grants or donations; however, where such assistance is provided, it must be governed by transparent and accountable policy arrangements.

Consultation

Internal Consultation

Consultation was carried out with the executive leadership team, the Manager Community Services and the Senior Community Development Officer.

External Consultation

The adopted policy will be published on the Shire's website.

Officer Comment

Council Policy COMD/CP-1 plays an important role in supporting community capacity, participation and wellbeing across the Shire. The reviewed version strengthens governance clarity, removes outdated provisions and ensures the policy remains aligned with contemporary community

development practice and Council planning processes. Adoption of the reviewed policy supports transparent, equitable and strategic allocation of community funding.

COUNCIL RESOLUTION:	83/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. Notes the review and adopts Council Policy COMD/CP-1 – Community Grants and Donations.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.2.6 Rescind - Group Valuation of Land Policy (Option 1 – Identical Ownership) (FIN/CP-10)

Report Details:

Prepared by: Rates Officer

Manager: Manager of Financial Services

File Reference: Monarch-875934545-1738 **Voting Requirement:** Simple Majority

Attachment(s):

9.2.6(1) Council Policy FIN/CP-10 – Group Valuation of Land Policy (Option 1 – Identical Ownership)

Executive Recommendation

That Council:

1. **Rescinds Council Policy FIN/CP-10 – Group Valuation of Land Policy (Option 1 – Identical Ownership).**

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

This report recommends the rescission of Council Policy FIN/CP-10 – Group Valuation of Land Policy (Option 1 – Identical Ownership).

Council is requested to rescind the policy and continue to manage group valuation applications in accordance with Landgate's statutory framework and established administrative practices.

Background

In October 2023, Council received a request from a property owner to consider a group valuation, for rating purposes, of multiple adjoining rural lots that were part of one farming operation but in different ownership names as per the certificate title. As a result of this request, Council requested the Chief Executive Officer to develop a Group Rating Policy to be presented to the Council at the June 2024 Ordinary Council Meeting.

Council adopted the Group Valuation of Land Policy (Option 1 – Identical Ownership) in June 2024 to provide guidance on when Council would support applications for group valuation of contiguous land holdings for rating purposes.

This policy stated that ownership criteria for group valuing contiguous land must be identical ownership as per the Certificate of Title, this in in contrast to Landgate's Policy 4.310 that also stipulates they accept common ownership.

Recently a request was received to group value two lots that were in common ownership and used for the same purpose. The common ownership related to a couple where one owner appeared on both property titles and the other on only one. However, the current Group Valuation of Land Policy does not allow staff to forward their request to Landgate for consideration in accordance with Landgate's policy.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Possible	Insignificant	Low (3)
Risk Description:	Lack of criteria or direction on what land can be considered for group rating		
Mitigation:	Adopt a policy containing sufficient criteria for applicants to understand and for staff to use when determining support for applications for group rating		

Financial Implications

Group valuation requests that if the policy meets the guidelines and are approved by Landgate, it will result in a reduction to their valuation in the majority of cases. This will lead to a reduction to Council's rate income, unless the new valuation is implemented as at 1 July on the next financial year. If the group valuation is implemented on 1 July, then it will not impact Council's rate income.

Policy Compliance

This report recommends the rescission of an existing Council policy. No replacement policy is proposed, as group valuation matters are governed by State legislation and Landgate policy.

Statutory Compliance

Local Government Act 1995

Section 6.28(4) of the Local Government Act 1995 sets the requirement for Council to use the valuation in force as determined by the Landgate (Valuer General):

> ***6.28. Basis of rates***
> *(4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*

Landgate Policy

Landgate Policy 4.310 outlines the key principles used by Landgate (Valuer General) when determining if a group valuation can be applied to multiple rural lots.

"Rural land is to be valued as a single valuation entity if it can be demonstrated that:

- The lots are contiguous and in common ownership;
- The lots are used and occupied as one holding and would normally be expected to sell as one holding;
- The current conjoint use will continue into the foreseeable future;
- The basis of valuation is supported by sales evidence."

Contiguous has been defined as where land is physically abutting or is touching, however in context of valuation, a wider interpretation of the term is given that acknowledges the practical aspects of land utilisation and farming operations. Under the wider definition, land may be deemed contiguous if:

- Survey boundaries abut or adjoin.
- Locations or lots are separated by a road, drain or watercourse reserve.
- A property is actively used as one and would reasonably be expected to sell as one landholding, even though boundaries do not strictly adjoin.

To satisfy the same ownership requirements, one of the following conditions must be met:

- Locations or lots must have identical names as per Certificates of Title.
- Common ownership or occupied as per the definitions under section 1.4 of *Local Government Act 1995.*
- Where the names on the Certificates of Title for contiguous lots have common but not identical parties, the local governmental authority may endorse specific family names as being the "owner" for entry in the rate record and these will apply for entries on the valuation roll.

Consultation

Executive Leadership Team, Rates Officers and Manager Financial Services.

Officer Comment

The Valuer General, through Landgate, is the independent authority responsible for determining property valuations across Western Australia, including the approval or refusal of group valuation requests under Policy 4.310 – Group Valuations – Rural Unimproved Values.

When group valuation requests meet Landgate's Policy 4.310, Landgate is recommending the Shire support rate assessments that have identical or common names as per the certificate of title. Applications for group valuation are lodged through the relevant local government authority; however, Council's role is administrative in nature. Council may indicate support or no support for an application, but this does not bind or influence the Valuer General's determination.

The current Council Group Valuation of Land Policy delegates the Director of Finance and Community to approve group valuation of land requests, that meet the policy, to be forwarded to Landgate. However, as the group valuation of land approval is the responsibility of Landgate, all group valuation of land requests should be forwarded to Landgate for their consideration.

Rescinding the Group Valuation of Land Policy removes duplication with State policy, clarifies Council's limited role in the process, and ensures applicants are directed to the correct statutory framework governing group valuations.

COUNCIL RESOLUTION:	84/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. **Rescinds Council Policy FIN/CP-10 – Group Valuation of Land Policy (Option 1 – Identical Ownership).**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3. Chief Executive Officer

9.3.1 Review of Council Policy – Elected Members Allowances and Entitlements (EM/CP-5)

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-1594159990-89 **Voting Requirement:** Absolute Majority

Attachment(s):

9.3.1(1) Council Policy EM/CP-5 Elected Members Allowances and Entitlements (Current Adopted Version)

9.3.1(2) Council Policy EM/CP-5 Elected Members Allowances and Entitlements (Reviewed Version)

Executive Recommendation

That Council notes the review and adopts Council Policy EM/CP-5 Elected Members Allowances and Entitlements.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Executive Summary

This report presents the review of Council Policy EM/CP-5 Elected Members Allowances and Entitlements. The review incorporates amendments to formally recognise the Audit, Risk and Improvement Committee (ARIC) within the policy framework and to provide clear provisions for the payment of meeting attendance fees and reimbursement of reasonable travel and associated expenses for Independent ARIC Members, in accordance with State Administrative Tribunal (SAT) parameters.

Council is requested to note the review and adopt the revised policy.

Background

Council Policy EM/CP – Elected Members Allowances and Entitlements has been reviewed twice since its initial adoption in June 2019. The most recent review was in May 2025, where amendments were made to allow for Superannuation contributions.

The Salaries and Allowances Tribunal issued its latest determination on 7 April 2026, pursuant to sections 7A and 7B of the *Salaries and Allowances Act 1975*. This determination outlines the

remuneration, fees, allowances, and reimbursements applicable to Local Government Chief Executive Officers (CEOs) and Elected Council Members across Western Australia.

The Tribunal continues to apply a four-band model to classify local governments. This model considers both measurable and non-measurable factors such as population, budget size, and service complexity. Band classifications are reviewed only when a local government demonstrates a substantial and sustained change in scope or function.

Meeting Attendance Fees
Minimum and maximum fees are prescribed for attendance at council and committee meetings.

Annual Allowances
Presidents, and their Deputies may receive annual allowances in addition to meeting fees. Minimum and maximum fees are prescribed as per the determination.

Reimbursements and Allowances
Provisions are made for reimbursement of expenses and optional annual allowances in lieu of reimbursement.

Superannuation Contributions
Council opted in to allow Superannuation payments to be made to all Elected Members.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Insignificant	Low (3)
Risk Description:	Providing Inaccurate Advice/Information - Regulatory Changes: Changes in regulations not being promptly communicated or understood.		
Mitigation:	• Ensure internal policies are reviewed and revised as soon as regulatory changes are identified. • Subscribe to regulatory news feeds.		

Financial Implications

The Salaries and Allowances Tribunal has issued the Local Government Chief Executive Officers and Elected Council Members Determination No. 1 of 2026, which comes into effect from 1 July 2026.

Based on this determination and Council's adopted Elected Members Allowances and Entitlements Policy (EM/CP-5), the expected Band 3 fees and allowances have now been calculated. These amounts have been derived by applying the percentiles and rules specified in the policy to the SAT minimum and maximum ranges.

President		Annual cost
- President's allowance		$11,604.00
- President's Meeting attendance fees		$14,033.00
- President's allowance for ICT expenses		$2,750.00
- President's 12% Superannuation		$1,683.96
Deputy President		
- Deputy President's allowance		$2,901.00
- Deputy President's Meeting attendance fees		$11,432.00
- Deputy President's allowance for ICT expenses		$1,010.00
- Deputy Presidents' 12% Superannuation		$1,371.84
Elected Member (x7)	**Per member**	**7 x Elected Members**
- Meeting attendance fees	$11,432.00	$80,024.00
- Allowance for ICT expenses	$1,010.00	$7,070.00
- 12% Superannuation	$1,371.84	$9,602.88
Total		**$143,482.68**

NEW

Independent Audit, Risk and Improvement Committee Members

- Allowance of $1,215 per meeting (paid per meeting, not monthly)

Policy Compliance

Clause 4.9 of the Council policy ***EXE/CP-8 Policy Framework*** provides direction on when policy amendments shall be made. The amendments to EM/CP – Elected Members Allowances and Entitlements are a response to legislative changes.

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.

Section 5.99B(2) of the Act states that a local government may decide (by absolute majority) to pay superannuation contribution payments for its council members under this section.

The requirement to make superannuation contribution payments in respect of these fees and allowances is to be determined in accordance with *Commonwealth Superannuation Guarantee (Administration) Act 1992* (SG Act) and the further guidance provided in Superannuation Guarantee Ruling SGR 2009/2.

Consultation

Internal Consultation

Internal consultation was undertaken with the Executive Leadership Team.

Officer Comment

Council Policy EM/CP-5 outlines the allowances, entitlements, and reimbursement framework applicable to Elected Members. As part of this review, the policy has been updated to include:

- A definition for the Audit, Risk and Improvement Committee (ARIC); and
- Provisions relating to Independent ARIC Members, including meeting attendance fees and reimbursement of reasonable travel and associated expenses.

These amendments reflect current governance arrangements and ensure the policy appropriately supports the operation of an independent ARIC in line with legislative intent and good governance practice.

The proposed amendments are shown in Attachment 9.3.1(1), with tracked changes provided for reference. The percentile-based approach remains unchanged, as it incorporates the prescribed minimum and maximum amounts outlined in the determination.

COUNCIL RESOLUTION:	85/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council notes the review and adopts Council Policy EM/CP-5 Elected Members Allowances and Entitlements.

For: Cr Bailey, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich
Against: Cr Patrick, Cr Keown
Carried: 6/2 by absolute majority vote

9.3.2 Strategic Risk Register and Endorsement

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-907132295-85 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.2(1) Draft Strategic Risk Register

Executive Recommendation

That Council adopts the Strategic Risk Register.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

This report presents a proposed set of strategic risks for the Council's consideration and endorsement. While the Shire has an established Organisational Risk Management Framework and Policy, neither currently provides clear recognition or articulation of strategic risk at a whole-of-organisation level.

The identification of strategic risks is a necessary step in supporting effective governance, informed decision-making and alignment with Council's long-term objectives. The intent of this report is to seek Council's endorsement of the strategic risks as endorsed by the Audit and Risk Management Committee.

Background

The Shire has an established Organisational Risk Management Framework and supporting policy, which were endorsed by the Audit and Risk Management Committee and subsequently adopted by Council in December 2024 to guide the identification, assessment and management of organisational risk.

The current framework and policy do not explicitly recognise or articulate strategic risk, resulting in a gap between operational risk activity and Council's broader governance and oversight responsibilities. The identification of strategic risks is intended to address this gap and provide a clearer and more effective basis for Council's oversight.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
All Areas	Likely	Catastrophic	Extreme (20)
Risk Description:	Not addressing strategic risk exposes the organisation to unanticipated harm by allowing foreseeable threats to escalate into service failures, financial loss, regulatory breaches, and erosion of community trust, ultimately undermining Council's ability to achieve its objectives.		
Mitigation:	The mitigation is to actively identify, assess and manage strategic risks through an endorsed risk framework, with clear ownership, defined controls, regular monitoring, and timely reporting to Council to ensure risks remain within Council's risk appetite.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Nil.

Consultation

Internal

Internal consultation has been undertaken with the Executive and Management Team through ongoing risk assessment and decision-making processes.

The Audit and Risk Management Committee endorsed the Strategic Risk Register at its meeting on 5 March 2026.

Officer Comment

The draft Strategic Risk Register (Attachment 9.3.2(1)) identifies the Shire's most significant risks that may impact achievement of the Council Plan and long-term sustainability. The register groups risk across key strategic themes to support governance oversight, prioritisation and accountability.

At a high level, the strategic risks relate to:

- Organisational capacity and capability — including workforce attraction, retention, capability, culture, and the Shire's ability to deliver planned services and outcomes with available resources.
- Growth, planning and place management — including variability in development, planning framework pressures, and the implications of growth on service delivery, revenue and community expectations.

- Financial sustainability and delivery confidence — including changes in financial capacity, grant dependence, cost escalation, and the ability to deliver major initiatives and capital programs within agreed timeframes and compliance frameworks.
- Governance and stakeholder confidence — including the effectiveness of governance and decision-making, and changes in political/stakeholder relationships that may impact partnerships, advocacy and funding outcomes.
- Climate, environment and emergency management — including climate impacts on natural areas and community liveability, as well as high-consequence events such as natural disasters and other emergency scenarios.
- Compliance, records and ICT resilience — including non-compliance with applicable legislative and regulatory obligations, protection of records and information, and the Shire's ability to keep pace with a rapidly evolving ICT environment and cyber threats.
- Workplace health and safety — including the risk of ineffective WHS management and associated impacts on employee safety, operational continuity, cost and reputational confidence.

Following Council's review and endorsement, work will commence on the development of treatment plans, including mitigation actions, control improvements and (where required) control redesign to ensure the strategic risks are managed to an acceptable level and monitored through routine governance reporting.

COUNCIL RESOLUTION:	86/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council adopts the Strategic Risk Register.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3.3 Review of Council Representation – Advertising of Discussion Paper for Comment

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-108089137-33 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.3(1) Draft Discussion Paper 2026 – Council Representation

Executive Recommendation

That Council:

1. **Endorses the Discussion Paper 2026 – Council Representation, to be advertised for a period of six (6) weeks and invites submissions from the community.**

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

Council is undertaking a statutory review of its current representation arrangements to ensure they remain appropriate, effective and reflective of the Shire's community. A Discussion Paper – Council Representation has been prepared to outline the current arrangements, relevant considerations, and potential options for Council's future representation structure.

This report seeks Council endorsement to publicly advertise the Discussion Paper for a six-week period and invite submissions from the community, in accordance with the prescribed representation review process. Following the close of the submission period, a further report will be presented to Council outlining the outcomes of the consultation and any recommended next steps.

Background

An Elected Member Motion presented by former Councillor Lisa Glover, at its Ordinary Council meeting held 26 March 2025 Council resolved the following:

"COUNCIL RESOLUTION 51/03-25

"That Council:

1. *Request the Chief Executive Officer to investigate the process and timeline for the Shire of Donnybrook Balingup to reduce the number of Elected Members from nine to seven for the 2027 Elections and bring a report back to Council for consideration at its May Ordinary Council Meeting"*

At its meeting held 28 May 2025, Council considered a further report prepared in response to the March 2025 resolution. That report outlined the legislative framework and process requirements for undertaking a review of council representation, including the requirement to undertake a period of public consultation and the preparation of appropriate supporting information for the community. Council resolved the following by absolute majority:

> *"COUNCIL RESOLUTION 94/05-25*
> *That Council requests the Chief Executive Officer to commence the process to conduct a review of its system of representation."*

The draft Discussion Paper has been prepared in accordance with the process outlined in the May 2025 report

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Moderate	Moderate (6)
Risk Description:	Failure to undertake an open and transparent consultation process may reduce community confidence in Council decision-making relating to governance and representation.		
Mitigation:	Endorsing a structured consultation process, providing clear information through the daft Discussion Paper, and committing to transparent consideration of submissions received.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	If the consultation period is not undertaken in accordance with prescribed requirements (including duration and accessibility of information), there is a risk that any subsequent decisions may be challenged or require rework.		
Mitigation:	Ensure the consultation is conducted in accordance with legislative requirements by confirming the prescribed timeframe, issuing a compliant local public notice, and making information readily accessible to the community.		

Financial Implications

There are no significant direct financial implications associated with endorsing the advertising of the Discussion Paper.
Minor costs will be incurred in relation to:

- Advertising in the Preston Press, and
- Staff time associated with preparing, administering and reporting on submissions.

Any potential financial implications associated with implementing changes to Council representation would only arise at a later stage and would be considered separately by Council should changes be proposed.

Policy Compliance

The following policies are relevant to this recommendation:

- Community Engagement Framework – supports transparent decision-making and meaningful community consultation.
- Official Communications Policy – guides how information is communicated to the public, including use of digital and print channels.
- Social Media Policy – informs appropriate use of social media platforms for public notices and engagement.

The proposed consultation approach is consistent with the intent of these policies and does not require any policy variations or exemptions.

Statutory Compliance

Local Government Act 1995

The Act provides for the review of Council representation arrangements and establishes the framework for considering changes to councillor numbers, wards and related matters.

Guidance issued by Local Government Advisory Board (LGSB) confirms that:

- Council must formally resolve to undertake a review
- A minimum six-week public submission period must be provided
- Relevant information, including a discussion paper, must be made available to the community
- Council must consider submissions received before determining its preferred position

This report satisfies the requirement to endorse the commencement of the community consultation phase of the review.

Consultation

Internal Consultation

Preliminary consultation has been undertaken internally with senior staff to ensure the Discussion Paper is accurate, balanced, and reflective of Council's current arrangements. The review process and timeline have also been discussed with Elected Members through previous Council reports and briefings.

Community Consultation

To date, no formal community consultation has been undertaken on the specific options outlined in the Discussion Paper. This report seeks Council endorsement to commence that process.

The proposed consultation will include:

- Advertisement in the Preston Press
- Publication on the Shire's website consultation page
- Promotion via social media platforms
- Notification through the e-Connect newsletter

The consultation period will remain open for six weeks from the date of first advertisement.

Officer Comment

Discussion Paper

The draft Discussion Paper (Attachment 9.3.3(1)) has been prepared to present a range of unbiased alternatives to the current representation structure; it ensures all options can be objectively considered by the community. The paper does not promote a preferred outcome but rather provide balanced information to support informed community feedback. It includes background context, a summary of the advantages and disadvantages of each option, an overview of the review process, the key factors to be considered, and a range of representation scenarios. The paper also invites public submissions and encourages open and unrestricted community input to support a transparent and inclusive consultation process.

Process and Timeline

To ensure the change is implemented in time for the October 2027 Local Government Elections, the following process and timeline will be followed:

Process	Proposed Timeline	Completed
1. The council formally resolves (by absolute majority) to undertake a review.	28 May 2025	✓
2. The CEO undertakes an internal review of representation, including preparation of Discussion paper.	Mid–Late 2025 *(Delayed due to Extraordinary Elections)*	✓
3. The 6-week public submission period opens.	29 May 2026	
4. Information is provided to the community, including an unbiased discussion paper which should include a number of options for consideration.	29 May 2026	
5. The public submission period closes.	10 July 2026	
6. Council considers all submissions and relevant factors and makes a formal decision on the preferred representation structure.	22 July 2026	
7. Council submits a comprehensive review report to the Advisory Board for its consideration.	Late 2026	
8. The Advisory Board considers the council's review report, and if a change is proposed, a recommendation is submitted to the Minister for Local Government (the Minister).	Early 2027	
9. The Minister either accepts or rejects the Advisory Board's recommendation.	Early 2027	

Process	Proposed Timeline	Completed
10. Following completion of the required statutory paperwork by DLGSC, a final decision is made by the Governor in Executive Council.	Early 2027	
11. The process is formally concluded by the publication of any changes in the Government Gazette.	Early 2027	
12. Any approved changes will be in place for the next ordinary election where possible.	Early 2027	

The above timeline ensures that Council has adequate opportunity to undertake meaningful community engagement while meeting statutory deadlines. The process also allows for LGAB consideration and Ministerial decision-making without risking delays that could defer the implementation beyond the 2027 elections.

Next Steps

In accordance with the process outlined above, following the close of the submission period:

1. All community submissions will be reviewed and analysed
2. A further report will be prepared and presented to Council at its July 2026 meeting.
3. Council will consider the submissions and determine whether any changes to representation arrangements should be progressed
4. If applicable, Council's preferred position will be reported to the Advisory Board for its consideration.

Endorsing this recommendation does not pre-determine any future change to Council representation; it enables the next consultation stage to proceed in a transparent and structured manner.

COUNCIL RESOLUTION:	87/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. **Endorses the Discussion Paper 2026 – Council Representation, to be advertised for a period of six (6) weeks and invites submissions from the community.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3.4 New Policy - Complaints Handling (EXE/CP-15)

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-1594159990-91 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.4(1) Draft Council Policy EXE/CP-15 – Complaints Handling

Executive Recommendation

That Council:

1. Adopts New Council Policy EXE/CP-15 – Complaints Handling.

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

Council is requested to adopt the new Council Policy EXE/CP-15 – Complaints Handling, to provide a clear, consistent and contemporary framework for managing general administrative and service-related complaints received by the Shire. The policy establishes clear principles, pathways and responsibilities to support fair, timely and transparent complaint resolution.

The proposed policy aligns with current governance best practice, supports community confidence in Shire processes, and clearly distinguishes general complaints from matters that are subject to statutory processes, integrity frameworks or Codes of Conduct. Adoption of the policy will strengthen organisational accountability and ensure a consistent Shire wide approach to complaint management.

Background

The Shire regularly receives feedback, enquiries and complaints from community members regarding its services, decisions and interactions. While many matters are resolved informally, the absence of a single, contemporary complaints handling policy increases the risk of inconsistent treatment and unclear escalation pathways.

Recent local government reforms have reinforced the importance of clearly separating:

- general administrative and service complaints;
- conduct and integrity matters under Codes of Conduct; and
- statutory review or appeal processes.

Council Policy EXE/CP-15 – Complaints Handling has been developed to address this need and to replace previous arrangements with a modern, clearly scoped policy that reflects current sector expectations, Ombudsman guidance and organisational practice. The policy supports the Shire's Customer Service Charter and complements existing policies relating to records management, information access, misconduct and social media.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Almost Certain	Insignificant	Moderate (5)
Risk Description:	Ineffective complaint handling can undermine public confidence and escalate relatively minor issues into formal external complaints.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Almost Certain	Insignificant	Moderate (5)
Risk Description:	Staff may be unclear about how to manage or escalate complaints, leading to delays, duplication of effort or inappropriate handling of matters that should be referred through other statutory pathways.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Almost Certain	Minor	High (10)
Risk Description:	Without an adopted complaints handling policy, the Shire may manage complaints inconsistently, increasing the risk of perceived unfairness or reputational damage.		
Mitigation:	Adoption of the Complaints Handling Policy provides a clear, consistent and transparent framework for managing complaints, ensuring procedural fairness, supporting staff decision-making, and maintaining community confidence in the Shire's governance and service delivery.		

Financial Implications

There are no direct financial implications arising from the adoption of this policy. The policy will be implemented using existing resources and processes.

Policy Compliance

The proposed policy aligns with and is supported by the following Shire policies and documents:

- EXE/CP-8 – Policy Framework
- ADM/CP-1 – Records Management
- EXE/CP-13 – Social Media
- EXE/CP-14 – Official Communications
- EXE/CP-6 – Organisational Risk Management
- Code of Conduct for Employees, Contractors and Volunteers
- Customer Service Charter

- Information Statement

The policy has been drafted to operate consistently with these instruments and does not duplicate or conflict with existing misconduct, integrity or statutory complaint processes.

Statutory Compliance

While there is no statutory requirement under the *Local Government Act 1995* to adopt a complaint handling policy, the policy supports Council's broader obligations under the Act, including:

- Section 1.3 – General principles of local government, particularly accountability and transparency in decision-making;
- Section 2.7 – Role of Council, in setting policies that govern the conduct of the local government; and
- Section 5.41 – Functions of the Chief Executive Officer, in managing the day-to-day administration of the Shire.

The policy also aligns with requirements and expectations under the following legislation:

- *Freedom of Information Act 1992* – access to documents and review rights;
- *Public Interest Disclosure Act 2003* – reporting of disclosable conduct;
- *Corruption, Crime and Misconduct Act 2003* – handling of misconduct matters;
- *State Records Act 2000* – creation and management of complaint records; and
- *Work Health and Safety Act 2020* – managing unreasonable or unsafe conduct directed towards workers.

The policy has been drafted to clearly exclude matters that must be dealt with under these statutory frameworks.

Consultation

Internal Consultation

The policy has been developed in consultation with relevant internal stakeholders, including Executive and governance staff, to ensure it reflects operational realities and aligns with existing policies and procedures.

External Consultation

No formal external consultation has been undertaken, as the policy relates to internal administrative processes rather than changes to service delivery standards or regulatory functions.

Future Consultation

Upon adoption, the policy will be published on the Shire's website and communicated to staff. The Customer Service Charter and website information will continue to provide the primary interface for community awareness of how to raise complaints or enquiries with the Shire.

Officer Comment

The adoption of Council Policy EXE/CP-15 – Complaints Handling will provide Council, staff and the community with a clear and well-defined framework for managing general complaints in a consistent, fair and transparent manner. The policy strengthens governance arrangements, supports continuous improvement and reinforces the Shire's commitment to professional and respectful engagement with the community.

Council is therefore requested to consider and approve the Executive Recommendation contained in this report.

COUNCIL RESOLUTION:	88/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. Adopts New Council Policy EXE/CP-15 – Complaints Handling.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3.5 Council Plan 2026-2036 – Endorsement to Advertise for Public Comment

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-1278560804-82 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.5(1) Draft Council Plan 2026 -2036

Executive Recommendation

That Council endorses the Council Plan 2026-2036, incorporating the Local Public Health Plan, as attached, to be advertised and invites submissions from the community.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

Objective: 11.2 - Improve community consultation and engagement.

Item: Nil.

Executive Summary

The draft Council Plan 2026-2036 (Attachment 9.3.5(1)) has been prepared to provide an integrated strategic framework for the Shire's future direction, aligning community aspirations with service delivery, resourcing and outcomes.

The purpose of this report is to seek Council endorsement to release the draft Council Plan 2026-2036 for public comment. Consultation will ensure the community has the opportunity to review the priority projects and provide feedback prior to final adoption, supporting transparency and alignment with community expectations.

Background

The Shire has prepared a draft Council Plan 2026-2036 that integrates the Strategic Community Plan, Corporate Business Plan and Public Health Plan into a single document, consistent with the Integrated Planning and Reporting Framework.

The Council Plan provides:

- A long-term (10+ year) vision for the community;
- Strategic objectives and priorities; and
- A medium-term plan for delivery of services and projects

The draft has been informed through:

- Community workshops and engagement activities (including the FUTYR® Community workshops - Council plan held in Balingup and Donnybrook on 19 February 2026);

- Elected Member workshops (including the Draft Council Plan Workshop held 14 April 2026); and
- Several internal staff collaboration sessions.

The next stage in the process is to release the draft document for broader community consultation prior to consideration for adoption by Council.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Reduced community confidence if consultation is perceived as insufficient.		
Mitigation:	Provide transparent, accessible consultation process and clearly communicate opportunities to participate.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Minor	Moderate (6)
Risk Description:	Risk of non-compliance with Integrated Planning requirements if consultation is not undertaken.		
Mitigation:	Consultation process aligns with legislative and guideline requirements.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Insignificant	Low (3)
Risk Description:	The Council Plan does not reflect community priorities.		
Mitigation:	Undertake formal public consultation prior to adoption, as per the executive recommendation.		

Financial Implications

There are no significant direct financial implications associated with endorsing the advertising of the draft Council Plan.
Minor costs will be incurred in relation to:

- Advertising, and
- Staff time associated with preparing, administering and reporting on submissions.

Policy Compliance

The following policies are relevant to this recommendation:

- Community Engagement Framework – supports transparent decision-making and meaningful community consultation.
- Official Communications Policy – guides how information is communicated to the public, including use of digital and print channels.
- Social Media Policy – informs appropriate use of social media platforms for public notices and engagement.

The proposed consultation approach is consistent with the intent of these policies and does not require any policy variations or exemptions.

Statutory Compliance

Local Government (Administration) Regulations 1996

Regulation 19C outlines the following:

- Local governments must prepare a Strategic Community Plan covering at least 10 years.
- The plan must set out the vision, aspirations and objectives of the community.
- The plan must be reviewed at least every four years.
- Community consultation is required in the development or modification of the plan.
- Council must consider and adopt the plan by absolute majority.

While the "Council Plan" model is part of ongoing State Government reforms, it is intended to replace the Strategic Community Plan requirement and maintain similar consultation and planning principles.

Public Health Act 2016

Section 45 requires local governments to prepare a local public health plan for their district, which must be consistent with the State Public Health Plan and include, among other matters, an assessment of local public health needs and determinants, the establishment of objectives and policy priorities for the promotion and protection of public health, a framework for managing public health risks, and a report on the performance of the local government's functions under the Act. Endorsing the draft Plan for public comment supports compliance with these requirements.

Consultation

Internal Consultation

- Leadership Team involved in development and review.
- Cross-functional staff input provided to ensure alignment with service delivery and resourcing.

Elected Member Consultation

- Workshops held with Councillors to receive the feedback from the Community Scorecard and to review outcomes, priorities and structure of the draft Council Plan.

Community Consultation (Undertaken to Date)

The development of the draft Council Plan has been informed by a comprehensive community engagement program, including:

- Community benchmarking survey (MARKYT® Community Scorecard):
- The survey was distributed to the community in September 2025 and received 774 responses. This survey provided statistically valid insights into community satisfaction, priorities and service expectations.

Use of survey results:

The results of the benchmarking survey directly informed the identification of priority areas and projects within the Council Plan.

In particular, the survey:

- Identified key service areas of importance to the community;
- Highlighted gaps between community expectations and perceived performance; and
- Guided the prioritisation of projects and initiatives included in the Plan.

- Community workshops: Workshops were undertaken (including FUTYR® Community workshops - Council plan) to further explore community aspirations and validate survey findings.
- Engagement approach: Consultation activities were structured around understanding:
  - Where the Shire is now;
  - Where the community wants to be; and
  - How Council can achieve those outcomes.

Proposed Community Consultation

- Public advertising of the draft Council Plan;
- Availability via the Shire website and administration office;
- Opportunity for written submissions over a two-week consultation period.

Officer Comment

Following the consultation period:

1. Submissions will be reviewed and analysed by Administration.
2. Any proposed amendments to the priority projects outlined in the draft Council Plan will be incorporated as appropriate.
3. A further report will be presented to Council at its June OCM summarising submissions and recommending whether to adopt the Council Plan (with or without modifications).

COUNCIL RESOLUTION:	89/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council endorses the Council Plan 2026-2036, incorporating the Local Public Health Plan, as attached, to be advertised and invites submissions from the community.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3.6 Appointment to the South West Development Commission Board

Report Details:

Prepared by: Administration Officer Corporate Services

Manager: Executive Manager Corporate

File Reference: Monarch-857934545-1768 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.6(1) Letter from Hon Stephen Dawson MLC, Minister for Regional Development
9.3.6(2) Letter Seeking Local Government Nominations

Executive Recommendation

That Council:

1. **Notes the advice from the Hon Stephen Dawson MLC, Minister for Regional Development, confirming the appointment of Councillor Anita Lindemann to the South West Development Commission (SWDC) Board for a term expiring 30 April 2029; and**
2. **Supports and endorses the appointment of Cr Anita Lindemann as the Shire's representative on the SWDC Board.**

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Executive Summary

This report seeks Council's endorsement of the appointment of an Elected Member as a local government representative on the South West Development Commission (SWDC) Board.

The SWDC had two vacancies for Local Government representatives and sought nominations from South West local governments, with one nomination permitted per local government authority. By letter dated 30 April 2026, Hon Stephen Dawson MLC, Minister for Regional Development, advised that Cabinet had endorsed the appointment of Councillor Anita Lindemann to the SWDC Board pursuant to sections 15(1)(b), 15(3) and 16(c) of the *Regional Development Commissions Act 1993*, for a term expiring on 30 April 2029. Council endorsement is now sought to formally acknowledge and support this appointment.

Background

On 3 November 2025, the South West Development Commission wrote to local governments advising of vacancies for Local Government representatives on its Board. On 30 April 2026, the Minister for Regional Development, wrote to Cr Lindemann advising of her appointment to the Board.

The role of the South West Development Commission is to coordinate and promote economic and regional development within the South West region. Its objectives include supporting job creation, economic diversification, enabling infrastructure and services, and fostering vibrant and liveable communities.

The six-member Board comprises an independent Chair and representatives from local government and the broader community. The Board meets bi-monthly to set strategic direction and make decisions in relation to regional and economic development initiatives.

Board members are expected to have an interest in, and knowledge of regional issues. Relevant experience may include involvement in industry and business, employment, education and training, or tourism and recreation.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Unlikely	Insignificant	Low (4)
Risk Description:	No representation on the Board.		
Mitigation:	Appoint an Elected Member to the Board.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Nil.

Consultation

A merit-based selection process was undertaken by the South West Development Commission. Applicants were assessed on their capacity to make a meaningful contribution to the Board, including demonstrated involvement in the economic or social development of the South West region.

Officer Comment

It is noted that Board members are required to represent the interests of the South West region as a whole, rather than those of an individual local government or locality.

COUNCIL RESOLUTION:	90/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Anita Lindemann

That Council:

1. **Notes the advice from the Hon Stephen Dawson MLC, Minister for Regional Development, confirming the appointment of Councillor Anita Lindemann to the South West Development Commission (SWDC) Board for a term expiring 30 April 2029; and**
2. **Supports and endorses the appointment of Cr Anita Lindemann as the Shire's representative on the SWDC Board.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0 by en-bloc resolution 68/05-26

9.3.7 Appointment of Independent Members - Audit and Risk Improvement Committee

Report Details:

Prepared by: Executive Manager Corporate

Manager: Chief Executive Officer

File Reference: MONARCH-99592669-196 **Voting Requirement:** Absolute Majority

Attachment(s):

9.3.7(1) Expression of Interest Mr Phillip Anastasakis- Confidential
9.3.7(2) Expression of Interest Mr Alan Lamb- Confidential

Executive Recommendation

That Council:

1. **Appoints Mr Phillip Anastasakis as the Independent Presiding Member of the Audit, Risk and Improvement Committee (ARIC);**
2. **Appoints Mr Alan Lamb as the Independent Deputy of the Presiding Member of the ARIC; and**
3. **Acknowledges and thanks former independent committee members Mr Ian Telfer and Mr Angelo Logiudice for their time, expertise and dedication to the Shire.**

Strategic Alignment

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

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

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

Executive Summary

This report seeks Council approval to appoint an Independent Presiding Member and Independent Deputy of the Presiding Member to the Audit, Risk and Improvement Committee (ARIC), following the completion of an Expression of Interest (EOI) process and review of the WALGA panel of pre-qualified independent ARIC members.

The recommendation is made in accordance with Council's previous resolution to establish the ARIC and recruit independent members. The proposed appointments will enable the Shire to meet legislative requirements and formally transition from the Audit and Risk Management Committee (ARMC) to the ARIC.

Background

At its March 2026 Ordinary Council Meeting, Council resolved to establish an Audit, Risk and Improvement Committee (ARIC) and authorise the Chief Executive Officer to undertake an Expression of Interest (EOI) process to recruit independent members, including the Presiding Member and Deputy Presiding Member. This decision was made as part of the Shire's response to governance reforms introduced under the *Local Government Amendment Act 2024*, which require the establishment of an ARIC with independent leadership.

Following this resolution:

- An EOI process was undertaken; and
- A review of the WALGA panel of pre-qualified independent ARIC members; and
- Suitable candidates were identified for appointment based on merit and alignment with the selection criteria.

This report seeks Council's appointment of the recommended candidates to satisfy legislative requirements and complete the transition to the ARIC.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Almost Certain	Moderate	Moderate (9)
Risk Description:	Risk of non-compliance with legislative requirements if independent members are not appointed.		
Mitigation:	Appointment of qualified independent members consistent with legislative requirements.		

Financial Implications

Costs associated with independent committee members (e.g. sitting fees and reimbursements) will apply. These costs are expected to be accommodated within existing budget allocations or considered through normal budget processes. No immediate budget amendment is required as a result of this recommendation.

Policy Compliance

Nil.

Statutory Compliance

This decision is governed by:

Local Government Act 1995

- Section 7.1A – Requires the establishment of an Audit, Risk and Improvement Committee and prescribes independence requirements for the Presiding Member and Deputy Presiding Member.
- Sections 5.12 and 5.13 – Govern the appointment of committee members and presiding members.

Local Government (Audit) Regulations 1996 (as amended)

- Prescribe the functions of the ARIC, including oversight of audit, risk management and compliance.

The appointment of independent members is required to meet these legislative obligations and enable the ARIC to operate formally.

Consultation

Internal Consultation

- Executive staff involved in developing the recruitment process and assessing applications.

Elected Member Consultation

- Council previously considered and endorsed the establishment of the ARIC and recruitment approach through the March 2026 resolution.
- Applications reviewed by President

External Consultation

- An Expression of Interest (EOI) process was undertaken and publicly advertised to attract suitably qualified candidates.

No direct community consultation is required for this appointment process.

Officer Comment

Recruitment Process

- The positions were advertised on SEEK from 31 March 2026 to 15 April 2026.
- WALGA has prepared a panel of pre-qualified independent ARIC members
- Applications received were assessed against the advertised selection criteria, including relevant governance, audit, risk and local government experience.

Mr Phillip Anastasakis – Presiding Member

- Mr Anastasakis brings extensive experience in local government governance, audit and risk management, with a demonstrated ability to provide independent oversight and strategic advice. His background aligns strongly with the legislative intent of the ARIC and positions him well to lead the committee.

Mr Allan Lamb – Deputy of the Presiding Member

- Mr Lamb brings complementary skills and experience, supporting strong local government governance outcomes and providing depth to the committee's independent oversight function.

Council acknowledges and thanks Ian and Angelo for their valuable contributions to the Audit and Risk Management Committee. Their expertise and commitment have supported strong governance outcomes for the Shire.

Next Steps

Following appointment, the ARIC will be formally constituted.
The first meeting of the committee will be scheduled, noting that timing may need to be adjusted to accommodate member availability.

Upon commencement, the ARIC will assume responsibility for strategic audit, risk and improvement oversight, with Council holding ultimate responsibility for these functions.

COUNCIL RESOLUTION:	91/05-26		
MOVED BY:	Cr Grant Patrick	**SECONDED BY:**	Cr Alex Purich

That Council:

1. **Appoints Mr Phillip Anastasakis as the Independent Presiding Member of the Audit, Risk and Improvement Committee (ARIC);**
2. **Appoints Mr Alan Lamb as the Independent Deputy of the Presiding Member of the ARIC; and**
3. **Acknowledges and thanks former independent committee members Mr Ian Telfer and Mr Angelo Logiudice for their time, expertise and dedication to the Shire.**

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

9.3.8 Professional Development Event – Re-thinking Business as Usual

Report Details:

Prepared by: Administration Officer Corporate

Manager: Executive Manager Corporate

File Reference: Monarch-1233734878-48 **Voting Requirement:** Simple Majority

Attachment(s):

9.3.8(1) Re-thinking business as usual flyer

Executive Recommendation

That Council authorise Cr Lindemann's attendance at the Rethinking Business as Usual professional development event, to be held on 17 June 2026 at Capel Marron Farm.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

This report seeks Council approval for Councillor Lindemann to attend the "Rethinking Business as Usual" (RBAU) professional development event. The event is a full day program designed to challenge traditional thinking, promote innovation, and showcase alternative approaches to business and industry. Attendance will provide valuable insights relevant to local government operations and strategic decision-making, particularly in areas such as economic development, sustainability, and regional collaboration.

Background

The "Rethinking Business as Usual" event is a professionally facilitated development day aimed at encouraging participants to think beyond conventional approaches and explore innovative practices across a range of industries.

The event will be held on Wednesday 17 June, at Capel Marron Farm from 8:30am to 4:00pm. It brings together speakers and case studies focusing on areas including tourism, circular economy, waste management, food and agritech, advanced manufacturing, construction, and wastewater. The event is supported by the South West Development Commission and Innovative Industries of the Future, with ticket costs subsidised to encourage participation. Attendance by Elected Members provides an opportunity to gain insight into emerging trends and innovative practices that may be applicable to Council's strategic priorities and service delivery.

All Councillors were extended the invitation to attend the event. Cr Lindemann expressed her interest in attending.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Insignificant	Low (3)
Risk Description:	Non-compliance with Council Policy EM/CP-1		
Mitigation:	Approval and documentation to ensure alignment with EM/CP-1, including relevance to role, inclusion in the training framework, and appropriate reporting and recording of attendance.		

Financial Implications

The ticket cost for the event is $82.50, which has been subsidised by the event partners. Additional costs may include travel expenses.

Policy Compliance

EM/CP-1 – Elected Member Induction, Training and Professional Development

This policy establishes a formal and mandatory framework for the planning, approval and reporting of Elected Member training and professional development activities. The policy emphasises that professional development must directly support the performance and discharge of an Elected Member's statutory functions and align with the Shire's Training and Development Plan.

Statutory Compliance

Nil.

Consultation

External

Consultation was undertaken, with all Councillors invited to attend the event and Cr Lindemann expressing interest.

Officer Comment

Participation will enable Councillor Lindemann to gain knowledge and insights to inform Council initiatives, particularly in areas of sustainability, industry diversification, and future focused planning.

The subsidised cost represents good value for a full day professional development opportunity with diverse industry perspectives.

COUNCIL RESOLUTION:	92/05-26		
MOVED BY:	Cr Grant Patrick	SECONDED BY:	Cr Reggie Keown

That Council authorise Cr Lindemann's attendance at the Rethinking Business as Usual professional development event, to be held on 17 June 2026 at Capel Marron Farm.

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
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 RFT-366-AIVBFB Civils (Confidential)

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

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

12.1.2 RFT 04-2526 – AIVBFB New Shed (Confidential)

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

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

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

COUNCIL RESOLUTION:	93/05-26		
MOVED BY:	Cr Vivienne MacCarthy	**SECONDED BY:**	Cr Grant Patrick

That the meeting be closed in accordance with section 5.23(c) of the *Local Government Act 1995* to discuss the following confidential items:
12.1.1 RFT-366AIVBFB Civils (Confidential)
12.1.2 RFT 04-2526 – AIVBFB New Shed (Confidential)

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
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 items.

COUNCIL RESOLUTION:	96/05-26		
MOVED BY:	Cr Amanda McNab	**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 Patrick, Cr Purich
Against: Nil.
Carried: 8/0

The meeting was re-opened to the public at 7:07pm.

12.2. Public reading of Resolutions that may be made public

12.1.1 RFT 366-2526 – Argyle Irishtown Volunteer Bush Fire Brigade – Civils

COUNCIL RESOLUTION:	94/05-26		
MOVED BY:	Cr Grant Patrick	**SECONDED BY:**	Cr Tyler Hall

That Council:

1. **Requests the Chief Executive Officer to award RFT 366-2526 to DBCEC in accordance with their submitted price of $506,790.00.**
2. **Requests the Chief Executive Officer to provide advice to Tenderers in accordance with the *Local Government (Functions and General) Regulations 1996*.**

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

12.1.2 RFT 03-2526 – Argyle Irishtown Volunteer Bush Fire Brigade - Shed

COUNCIL RESOLUTION:	95/05-26		
MOVED BY:	Cr Anita Lindemann	**SECONDED BY:**	Cr Tyler Hall

Subject to Council's Approval of Item 12.1.1
That Council:

1. **Requests the Chief Executive Officer to award RFT 03-2526 to Rantam Pty Ltd T/A Sheds Down South in accordance with their Alternative Tender submitted price of $473,507.00.**
2. **On completion of the project and relocation by the brigade, endorses the disposal of the existing Argyle Irishtown Bush Fire Brigade facility in accordance with the *Local Government Act 1995* and removal from the Shires assets.**
3. **Requests the Chief Executive Officer to provide advice to Tenderers in accordance with the L*ocal Government (Functions and General) Regulations 1996.***

For: Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich
Against: Nil.
Carried: 8/0

13. Closure

The Presiding Member to advise that the next Agenda Briefing Session will be held on 17 June 2026 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 7:09pm.

Schedule of Submissions (Public Submissions) Donnybrook – Balingup Local Planning Strategy 2024

	Name and Email	Submission received	Considerations	Recommended modifications
	Names of submitters in no particular order: 1. [redacted] 2. [redacted] 3. [redacted] 4. [redacted] 5. [redacted] (not resident of the Shire) 6. [redacted] (not resident of the Shire) 7. [redacted] (not resident of the Shire) 8. [redacted] (not resident of the Shire) 9. [redacted] (not resident of the Shire) 10. [redacted] 11. [redacted] (not resident of the Shire) 12. [redacted] (not resident of the Shire) 13 [redacted](not a resident of the Shire) 14. [redacted] (not a resident of the Shire) 15. [redacted] 16. [redacted](not resident of the Shire) 17. [redacted] 18. [redacted](not Shire residents) 19. [redacted](not a resident of the Shire) 20. [redacted] (not a resident of the Shire)	Objections: A large number of objections have been received objecting to the proposal to include Lot 10 Old Padbury Road into Planning Area M. The objections have been summarised below: 1. It takes decades to create an Arboretum. 2. It is a significant asset to the Shire and the South West Region, with interstate and international visitors. 3. The walk trails through the park provide a sense of enjoyment, mental relaxation and is therapeutic. 4. Residential development next to it would disturb the tranquillity and devalue a beneficial community resource and reduce the enjoyment of the park. 5. The park must be preserved for the next generations to come and enjoy the unspoiled nature. 6. The park needs to be protected from encroaching residential development. 7. It is a state heritage listed park and a very special place not only for the local community but to many thousands visiting the park yearly. 8. The park was established and is looked after by local volunteers who help run the park. 9. The surrounding picturesque, pasture covered hills play a huge role in the overall ambiance of the park and adds to its tranquil appeal which in turn is so valued by the visitors. 10. A Special Control Area allows for a transition area between developed landscapes and the natural setting of the park. 11. Development on the edge of the park can easily bring in noise pollution, rubbish, light intrusion, and other harmful products. 12. No availability of services to support housing development in proximity to the park. 13. The park is a sanctuary for wildlife and native animals. The proposal is a threat to the biodiversity hotspot. 14. Development for housing brings with it weed invasions, a higher incidence of animal road deaths due to cars and trucks, and habitat destruction due to more frequent bushfires. 15. Mental health benefits to be able to relax in complete nature. 16. Small business will be affected if the park is impacted negatively. 17. Fire risk to residents who may live near the park. 18. Mental well-being of the small community affected. 19. Rezoning will affect the visual amenity of the park. The steep hill that has one access point needs to be considered as this would be disastrous in case of a fire for 124 proposed residential lots. 20. Access to water is also a concern with global predictions this will only get worse.	Lot 10 Old Padbury Road is affected by significant bushfire constraints, with a large portion of the site identified as Extreme hazard and other parts ranging from Moderate to Extreme. The site is also affected by steep topography, including slopes of around 12 degrees, and does not have secondary access. Together, these factors would make future rezoning to Residential or Rural Residential difficult to support. For this reason, Lot 10 is not considered suitable for inclusion in Planning Area M.	Remove Lot 10 Old Padbury Road from Planning Area M. • Update Part 1, s.3.0 text and map • Update Figure 12 Map

	Name and Email	Submission received	Considerations	Recommended modifications
	21. [redacted] (not residents) [redacted] (not a resident of the Shire) 23. [redacted] (not resident of the Shire) 24. [redacted] (not resident of the Shire) 25. [redacted] (not resident of the Shire) 26. [redacted] 27. [redacted] (not resident of the Shire) 28 [redacted] 29. [redacted] [redacted] 30 [redacted] (not resident of the Shire) 31 [redacted] (not a resident of the Shire) 32. [redacted] 33 [redacted] (not resident of the Shire) 34. [redacted] (not resident of the Shire) 35. [redacted] 36. [redacted] (not resident of the Shire) 37 [redacted] (not a resident of the shire) 38. [redacted] (not a resident of the Shire) 39. [redacted] (not a resident of the Shire) 40 [redacted]	21. Will have a negative effect on Balingup's Tourism. (Main drawcard to Town) 22. Water issues -town has water shortage. Not enough from current dam, currently diverted from Nannup. 23. Out of keeping with rural feel of entire Village. 24. Agriculture loss of prime Agricultural land. Once rezoned, it will be lost forever. 25. Road infrastructure. Dangerous bend with trucks coming around the corner. Totally inappropriate for housing development PLUS a tourist park. 26. Other land available. 27. Park must be saved forever. Would be ruined if this rezoning is allowed to happen. 28. The park is the largest attraction in Balingup and the jewel in the Donnybrook-Balingup Shire. Housing development will detract from the ambience and tranquillity of the park and destroy what volunteers have accomplished for the community. 29. This is more than about mere visual amenity; it is about having a protective buffer that can prevent introduction of disease, pests or hazardous management practices that could harm the vulnerable trees themselves. 30. Please make sure the residential development stays over the hill and out of sight of the park by reinstating a buffer zone. 31. The park attracted 100,000 visitors to the World Collection in 2022 with about 45,000 occurring in the autumn months. People who visit this beautiful natural space don't want to see a residential area right beside it. 32. It is the single most popular attraction in our shire and "arguably the most outstanding attraction in the Blackwood Valley" according to Scoop Magazine 2009. 33. I also question the immediate need to rezone further areas around the Balingup town site. The area along Walter Street underwent re-zoning some years ago. Not a single dwelling has been approved or constructed. I would expect that these properties should be developed and occupied before consideration if given to any further rezoning in Balingup. 34. Maps incorrect. Refer page 67, Figure 12.Maps submitted to WAPC for approval did not even have Balingup Golden Valley Tree Park zoned as Tourism. The major tourism attraction for Balingup, left off! Anyone looking at this map, would be totally unaware of the Heritage listed Park next door to development. 35. Lack of town amenities, such as shopping and medical care. 36. The current Local Planning Strategy (2014) states on Page 36 that "any proposed rural residential development . . . does not conflict with adjacent land uses", and on pages 57 & 76 that "Any proposed subdivision / development shall not negatively impact on the landscape, heritage and cultural values of the Golden Valley Tree Park." Having a residential / rural residential		

	Name and Email	Submission received	Considerations	Recommended modifications
	41 [redacted] (not a resident of the Shire) 42. [redacted] (not a resident of the Shire) 43 [redacted] (not a resident of the Shire) 44. [redacted] 45 [redacted] (not a resident of the Shire) 46. [redacted] (not a resident of the Shire) 47 [redacted] (not a resident of the Shire) 48. [redacted] 49. [redacted] 50. [redacted] 51. [redacted] (not a resident of the Shire) 52. [redacted] 53 [redacted] (not a resident of the Shire) 54. [redacted] 55. [redacted] 56. [redacted] 57. [redacted] 58. [redacted] (not a resident of the Shire) 59. [redacted] 60. [redacted] 61. [redacted] (not a resident of the Shire)	subdivision literally on the Park's doorstep and overlooking the Park is obviously in direct opposition to both these stated aims. 37. Lot 10 should remain as "General Agriculture" and its designation should be strengthened to provide the appropriate buffer such that housing cannot be developed on the hillside overlooking the Tree Park. 38. The tree park isn't even mentioned under the Shire's natural assets. 39. There is a lack of sufficient recognition of the listed heritage values of GVTP and the Golden Valley Homestead. This heritage implicitly includes the heritage value of the undeveloped pastoral landscape and viewshed surrounding the Tree Park which contributes significantly to its appeal and uniqueness in WA. 40. There appears to be a reduction from the previous LPS of the protection for surrounding landscape and viewshed of GVTP. 41. An example of cultural landscape protection elsewhere is that afforded to the heritage listed and historic Lanyon Homestead in the ACT, after suburban encroachment threatened it. The heritage documentation recognises that heritage protection extends beyond just the homestead itself and states that: 42. The link below is to a six-minute video that illustrates how ruinous to the bucolic feel of the park any houses on the horizons would be. GVTP is not very big in area and a large part of its magic is because the vistas from within it look out on horizons that are rural, natural ones, unobstructed by buildings and other obvious signs of development. https://photos.app.goo.gl/MJghJ1CekmDdEjvSA 43. For further views of the park please visit and browse the albums at Balingup Golden Valley Tree Park Facebook page, https://www.facebook.com/profile.php?id=100068542410469 44. The park has been a unique and successful partnership between the local community and DBCA (and its predecessors) over a very long period. It is at the very heart of the community and treasured. It has been cared for voluntarily over many years by local people who love it. It is also loved by many people who are not local. Loved is not too strong a sentiment in this instance.		

	Name and Email	Submission received	Considerations	Recommended modifications
	62. [redacted] (not a resident of the Shire) 63. [redacted] 64. [redacted] (not a resident of the Shire) 65. [redacted] 66. [redacted] 67. [redacted](not a resident of the Shire) 68. [redacted](not a resident of Shire) 69. [redacted] 70. [redacted] 71. [redacted] 72. [redacted] 73. [redacted] 74. [redacted] 75. [redacted] 78. [redacted] 79. [redacted] 80. [redacted] (not residents of the Shire) 81. [redacted](not a resident) 82. [redacted](not a resident of the Shire) 83 [redacted] 84. [redacted](not a resident of the Shire) 85. [redacted] (not a resident of the Shire) 86. [redacted] (not a resident of the Shire)			

	Name and Email	Submission received	Considerations	Recommended modifications
	87 [redacted] (not a resident of the Shire) 88 [redacted] 89 [redacted] (not a resident) 90 [redacted] (not a resident of the Shire) 91 [redacted] (not a resident of the Shire) 92 [redacted] (not a resident of Shire) 93 [redacted] (not a resident of the Shire) 94 [redacted] (not a resident of the Shire) 95 [redacted] (not a resident of the Shire) 96 [redacted] (not a resident of the Shire) 97 [redacted] (not a resident of the Shire) 98. [redacted] (does not live in Shire) 99. [redacted] 100. [redacted] 101. [redacted] 102. [redacted] 103. [redacted] 104. [redacted] 105. [redacted] (not resident of the Shire) 106. [redacted] 107. [redacted]			

	Name and Email	Submission received	Considerations	Recommended modifications
	108. [redacted] 109 [redacted] (not resident of the Shire) 110. [redacted] 111. [redacted] 112. [redacted] (not resident of the Shire) 113. [redacted] (not residents of the Shire) 114. [redacted] 115. [redacted] 116. [redacted] (not a resident) 117. [redacted] [redacted] 119. [redacted] 120. [redacted] 121. [redacted] 122. [redacted] 123. [redacted] 124 [redacted] 125. [redacted] 126. [redacted] 127. [redacted] 128. [redacted] 129 [redacted]			

	Name and Email	Submission received	Considerations	Recommended modifications
130	Golden Valley Tree Park Management	The Golden Valley Tree Park Management Committee's (GVTPMC) submission relates specifically to: • The omission of Landscape Protection from the draft LPS; • The omission of proper reference to the values and importance of the Golden Valley Tree Park; and • The proposal for land to the north of the Tree Park - Lot 50 (1) Southampton Road, Lot 600 South Western Highway, Lot 450 (17) Old Padbury Road, and Lot 10 Old Padbury Road, BALINGUP, in particular Lot 10 Submission recommendations: 1. The GVTPMC recommends that the revised strategy be revised to discuss in full the values and importance of the Golden Valley Tree Park and to include proper provisions to protect these values; 2. The GVTPMC recommends that the revised strategy be amended to include a section on Landscape Protection with the same aim and provisions as the existing LPS, to bring it in line and consistent with SPP 2.0. 3. The GVTPMC recommends that the revised LPS be amended to exclude Lot 10 from proposal M – Old Padbury Road. The GVTPMC contends that Lot 10 is part of the appropriate buffer to the Golden Valley Tree Park.	The submission is supported in part. The Golden Valley Tree Park is an important local landscape, recreation and tourism asset. Section 2.3 Environment would benefit from an additional planning direction that recognises landscape character and scenic values, particularly where future land use or development may affect sensitive landscape areas. There was strong community support of the tree park. The inclusion of a new Planning Direction enables consideration of specific protection clauses within LPS8. Refer to Submission 1 regarding Lot 10 Old Padbury Road	Modification supported in part Insert a new Planning Direction 22.5: "Provide protection to the existing Golden Valley Tree Park" Insert a new Action: "Rezone Lot 11 and Lot 2 (Reserve 54402) to a proposed 'Special Use' zone for the purpose of protecting the Golden Valley Tree Park and the homestead, which is a State Heritage listed place." Insert a Rationale: "The current use of the land needs to be identified in LPS8 to ensure ongoing use and protection of the Golden Valley Tree Park as a valuable natural asset with landscape values and the homestead that i a State Heritage listed place." Insert a timeframe of Medium Term.
131	[redacted]	Modification requested – Rural Land Use Diversification No. 1616 Brookhampton Road, Kirup is used for a reception centre and tourism accommodation. The lot has a split zone with General Agriculture and Priority Agriculture. The Priority Agriculture zoning restricts the use of the land for anything other than traditional rural land use. The submitters are looking to find a more sustainable balance between traditional and non-traditional rural land uses, whereby they can supplement the farming operations with low impact reception activities and tourist uses.	The draft LPS already addresses this matter through Section 12.0 Rural Land Use Diversification. Planning Direction 12.1 and Actions 12.1.1–12.1.2 propose reviewing land uses and zoning tables within the General and Priority Agriculture zones to identify compatible complementary/ "farm-gate" type uses that support diversification without compromising the primary agricultural purpose.	Modification not supported Notes: Retaining two zones on a single lot may not be the most contemporary scheme outcome. If the Shire wishes to support further land use diversification in similar circumstances, consideration could be given at Scheme review stage to whether a more flexible base zoning approach, supported by an additional planning control or policy overlay, would provide a clearer framework.
132	[redacted]	Modification requested – Rural Land Use Diversification No. 642 and 672 Hurst Road, Argyle are zoned Priority Agriculture, but it has been impossible to sustain an income. The Priority Agriculture zoning restricts the use of the land for anything other than traditional rural land use. The submitters are looking to find a more sustainable balance between traditional and non-traditional rural land uses, whereby they can supplement the farming operations with low impact reception activities and tourist uses.	Part 2 recognises that Priority Agriculture land is intended to prioritise agricultural use. Part 1 also includes actions to review the Zoning Table for the Priority and General Agriculture zones and consider compatible non-traditional, farm gate and rural diversification uses where they do not compromise the primary agricultural function of the land.	Modification not supported Refer also to Submission 131. Notes: If the Shire wishes to support further land use diversification in similar circumstances, consideration could be given at Scheme review stage to whether a more flexible base zoning approach, supported by an additional planning control or policy overlay, would provide a clearer framework.

	Name and Email	Submission received	Considerations	Recommended modifications
		The challenges pertaining to this property being used for rural purposes include: • In 2015/16 orcharding was ceased due to the land being surrounded on both sides by small acreage housing developments and ongoing complaints about gas gun and shotgun noise required to control pests. • A fee is paid every year in addition of rates to control pests. Rabbits, foxes, and kangaroos have impacted the orchards productivity when functioning; and now livestock farming. • Technically unable to draw water from or access the river.		
133	[redacted]	Modification to land use dedication requested. No. 90 Brockman Street, Balingup is privately owned and identified as infrastructure under the draft LPS.	As the subject land is privately owned and not currently used for public infrastructure purposes, the designation of "existing regional infrastructure and public purposes" may not accurately reflect the land's ownership or intended planning context. Amending the land use dedication to be consistent with the surrounding rural land uses would provide clearer strategic guidance for future planning documents.	Modification supported Amend the Balingup Townsite Strategy Plan Map (Figure 12) to change the land use dedication of No. 90 Brockman Street, Balingup from "Existing regional infrastructure and public purposes" to "Rural".
134	[redacted]	Modification to land use dedication requested. Lot 2 No. 1 Airstrip Road, Balingup was originally zoned "Rural" and was used for 100+ years for cropping and cattle/dairy but was rezoned to "Tourist" by the previous owners who financially benefited by subdividing their "rezoned" Lavender Farm. As the new owners of the lower half of the Lavender Farm, the submitters recognize the agricultural value of this land as well as its high risk for flooding and inappropriate value for "Tourist". The submitter is requesting that No. 1 Airstrip Road, Balingup be rezoned as "General Agriculture" or more ideally "Priority Agriculture" to allow chalets without compromising the use of irrigated land for agriculture where the current "Tourism" zoning does not allow this. The submitter has provided the following reasons for requesting the land to be zoned "General Agriculture" and not "Tourism": (i) the Land is completely endowed with "Class A" prime agricultural soils (and has been used for this purpose since the 1850's) with underlying voluminous high-quality groundwater. (ii) 90% of the property is at risk of flooding; and there is no safe place to build (e.g., tourist chalets) which is compounded by high risk (flood/fire) road access with only one (distant 500 m) exit/entry point permitted and with the only safe place to build now committed to the building of my home.	The Local Planning Strategy identifies the strategic intent for the land. The request to identify the site for a future rural zoning is supported, noting the agricultural use of the land and the site constraints identified by the submitter, including flood risk. Any formal change from Tourism to Rural would need to be progressed through the preparation of LPS8 or a separate scheme amendment process, supported by relevant technical information where required.	Modification supported Amend Figure 12 to change 1 Airstrip Road zone from "existing tourism" to "Rural".

	Name and Email	Submission received	Considerations	Recommended modifications
		(iii) $100K has been spent on water bores, solar water pumps, >3 km of underground pipes for irrigation, water tanks and fencing to establish "mixed agriculture", including truffle orchard, olive grove, nut and fruit trees, seasonal crops, and livestock. (iv) "intensive agricultural development" (over flood-risk land) is not permitted under "Tourism".		
135	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. Planning Area O – Balinga Drive and N – Jayes Road West Balingup tourism relies on a 'small village' image. Developing area O would simply elongate the town and we would become just another town on the highway. This year the Southwest experienced a drought and Balingup's regular water supply (Millstream dam) was unable to cope. The community was switched over to Nannup groundwater and many people were carting water for the first time. If the water supply cannot meet existing community needs, what impact will major sub-divisions have? 3. Submission in support of homestead lots and cluster developments but do not agree with constraining such developments within a 3km radius of Balingup townsite. Cluster developments are ideal for farmers living further out from town who wish to use a small part of their land for residential purposes. The submitter request that cluster developments be considered as a Shire-wide proposal.	1. Planning Area M – Refer to submission 1 2. The draft Strategy identifies Planning Areas N and O as Planning Areas to enable further investigation of their suitability for development, rather than to indicate that development is automatically supported. Any future development would require a scheme amendment process prior to rezoning, with matters relating to water supply, wastewater disposal, access, flooding, drainage and environmental constraints to be addressed at subsequent planning stages. In addition, the Strategy recognises that infrastructure provision must occur prior to development and may require the establishment of appropriate funding mechanisms, such as a Development Contribution Plan or other infrastructure delivery arrangements. 3. Support for homestead lots is noted and the Shire maintains its position that homestead lot provisions are appropriate within the Shire context. The proposed provisions include a minimum parent lot size of 60ha and a maximum homestead lot size of 5ha, ensuring that homestead lots remain genuinely ancillary to the farming operation and support agricultural succession without contributing to the fragmentation of productive agricultural land. As for cluster developments, a shire-wide application is not supported, the Shire recognises the Balingup community's expressed interest in alternative styles of development that support sustainable living within a rural environment. An indicative rural strata consideration area is identified on Figure 12 in the vicinity of the Balingup townsite. The identification of this area as a consideration area is deliberate, as it preserves the settlement hierarchy and protects Priority Agriculture land while establishing the strategic intent for further investigation of rural strata development. Detailed provisions including the extent of the area, future scheme controls and local planning policy settings will be determined at subsequent planning stages.	Planning Area O & N: Modification not supported. Rural strata / cluster development: Modification required. Amend the draft Local Planning Strategy to introduce provisions in LPS8 and Local Planning Policy to allow for the consideration of rural strata development and/or subdivision within the indicative rural strata area shown on Figure 12. Amend Actions 3.1.1 and 11.1.2 and their rationale. Insert a new action (11.1.3) and rationale. Amend Figure 12 to show the indicative boundary of the rural strata area to loosely follow the boundary of the plantation exclusion area, and exclude state forest and high priority agriculture land. Delete figure 6.
136	[redacted]	Modification requested – Homestead lots and rural strata	Refer to submission 135	Refer to submission 135

	Name and Email	Submission received	Considerations	Recommended modifications
		I would like to provide feedback regarding cluster developments in Balingup. I think they are an extremely positive and sustainable model as they ensure good agricultural land can be retained to be farmed whilst enabling clusters of houses to be developed as hamlets on poorer agricultural land on farms. I would not recommend restricting them to be within close proximity to the town. The hamlet at Wrights Bridge, 11 kms from Balingup is a good example of multiple small holdings in and around larger blocks and farms.		
137	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. Modification requested: 2. Planning Area P - Yabberup Hamlet The submitter's property (Lot 100) adjoins Lot 21. The submitter supports any reduction in bushfire risk on Lot 21. "Carters Fresh water mussel" exists in sections of the river at the bottom of Lot 21. Any changes to Lot 21 would need to consider the effect on the river. The submitter is concerned that people are using Lot 21 for illegal camping. If the property was to be developed as public open space for local residents and tourists, it would need to be carefully managed so as to not adversely affect those properties that adjoin Lot 21. The submitter recommends the lot to be used for purposes of a nature-based park. With the provision of a bore and planting of trees it would draw interest from locals and tourists and provide a habitat for wildlife.	1. Planning Area M – Refer to submission 1 2. The draft Strategy identifies Lot 21 (Reserve 6956) to be considered as a local reserve for Public Open Space. Operational matters relating to any public open space is outside of the planning scope.	Minor amendment supported Amend the term "Parks and Recreation" for Lot 21 / Reserve 6956 to "Public Open Space" in accordance with the Model Scheme Text.
138	[redacted]	Modification to land use dedication requested. The submitters are requesting that Lot 3 and 4 Cemetery Road, Donnybrook be considered for inclusion in the LPS. Both lots have previously been included in LPS7 and Local Planning Strategy 2014. Reinstating their inclusion in the new planning strategy would be beneficial for various reasons: • Unsuitable Agricultural Soil Conditions. The land is not suitable for farming due to poor soil quality and alternative uses should be explored to maximise the potential of the area. • Proximity to Town Boundary: The close proximity of the lots to the town site presents an opportunity for development that aligns with the town's expansion plans, while also avoiding excessive urban growth. • Access via Bitumen Road: This existing road infrastructure can support increased traffic flow and connectivity to the surrounding areas. • Previous Inclusion in Structure Plan: Both properties have been previously included in the local planning strategy, indicating that they have been recognised for development potential in the	The updated Local Planning Strategy is intended to reflect current planning policy and site constraints. While the land may previously have been identified for investigation, it has since been recognised as containing native vegetation identified as worthy of protection, which weighs against its inclusion for future Rural Residential development. This is consistent with the draft Strategy's direction under 22.1 to identify land for future development that minimises the removal of native vegetation. The land may also be affected by bushfire constraints. On balance, exclusion of the land from a Development Investigation Area is considered appropriate.	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
		past. Reinstating their inclusion in the new planning strategy would be consistent with previous planning decisions.		
139	[redacted]	Objection – Protection of Rural Land The subdivision provisions of the LPS affect the ability to subdivide Lot 100 No. 56 Old Meadow Rd, Lowden. A significant number of neighbouring and nearby properties have lot sizes significantly smaller than 114ha. Relaxing the constraints on subdivision is consistent with many of the overall objectives of this draft strategy and many state level planning objectives including: • Rural land use diversification • Attraction of new residents and business investment • Supporting the growth of strong and vibrant communities • Tourism Furthermore, the current classification of bushfire risk presents an unacceptable constraint to future development and subdivision. The submitter is not supportive of the draft strategy in its current form given the impediments to subdivision of rural land and the inconsistency with achievement of the stated planning objectives as a result.	56 Oldmeadow Rd is zoned as General Agriculture and is not identified for increased development intensity in the strategy. The draft generally seeks to avoid fragmentation of rural land and does not support rural subdivision outcomes inconsistent with Section 11.0 (Protection of Rural Land). Section 3.1 relates to Planning Areas and future Rural Residential outcomes and does not alter Scheme subdivision controls for rural-zoned land. Bushfire requirements under SPP 3.7/AS3959 must be addressed through the statutory planning process.	Modification not supported.
140	[redacted]	Objection – Proposed zoning Planning Area H – South Western Highway The proposed commercial zoning for Lots 461 & 467 South Western Highway under Planning Area H is not supported. Commercial zoning already exists the entire length of Donnybrook's main street and Collins Street and shops are either empty or underdeveloped. Commercial development on Lots 461 & 467 will draw commercial trade away from the Donnybrook town centre and create further issues with strip type development. Lots 461 & 467 should be retained and formalised to cater for its existing uses: • as a spill over carpark for itinerant workers which will cut the number of vehicles that travel daily to the mine site (ride sharing) and save premium carpark space in Donnybrook's main street. • as a break-up area for efficient RAV transport - funding to develop this area for this type of use may be able to be sourced through Main Roads WA.	The proposed Commercial zoning is intended to provide greater flexibility for future development opportunities on the land. It does not prohibit the site from being developed as a car park or highway rest/parking area, noting that such a use is permitted within the Commercial zone. Accordingly, the proposed zoning does not remove the site's existing function but rather enables a broader range of potential land uses to be considered over time.	Modification not supported
141	[redacted]	Objection – Proposed zoning Planning Area H – South Western Highway	Refer to submission 140	Refer to submission 140

	Name and Email	Submission received	Considerations	Recommended modifications
		The submitters operate a fuel and food business next to Lot 461 South Western Highway included under Planning Area H. The lot is used for parking cars, trucks, and caravans. This is the only car park providing space for drivers of large trucks to inspect their trucks and take their meal breaks.		
142	[redacted]	Objection – Proposed zoning Planning Area H – South Western Highway The proposed commercial zoning for Lots 461 & 467 South Western Highway under Planning Area H is not supported.	Refer to submission 140	Refer to submission 140
143	[redacted]	Objection – Proposed zoning Planning Area N – Jayes Road West Part Lot 78 Jayes Road, Balingup is subject to localised flooding and does not drain. The nearby properties that back onto Balingup Brook along Jayes Road are inundated with water during the winter months and water does not drain easily due to the high-water table in that area. The proposed lot to be developed is bordered by the brook on 2 sides and would be at yearly risk due to the low-lying land. In addition to have sewerage tanks sunk in this area could be deemed as a high-risk venture and a possible health and safety/environmental issue. The proposed site does not include entry points from either Jayes Road or Forrest Street. This would need to be rectified at a huge cost for the suggested 6 residential sites planned. There are no alternative entry points due to the brook on the north and west sides of the lot.	Refer to Submission 135	Refer to Submission 135
144	[redacted]	Submission to proposed Local Planning Strategy Lot 5 DP 64363, 35 Gemmell Road, Argyle My client requests her land be included as a Planning Area. The purpose is to enable completion of existing Rural Residential development that exists in this locality in Argyle and to achieve a more sustainable land use outcome than is presently possible for her lot. My client's land is presently zoned Priority Agriculture, and it is within Special Control Area 6 – Plantation Exclusion area. To the immediate north and north west is the Rural Residential zone which broadly allows for creation of 1-2ha lots. This defines the character of this area north of the Preston River including my client's land. Within the Priority Agriculture zone, to the east are other similar Rural Residential sized lots. My clients land comprises 8.8ha which includes Preston River frontage. This land is partially cleared / partially vegetated and is presently occupied by 2 dwellings. Although continued agricultural pursuit is clearly important across the Shire and should be preserved, the proposed LPS is not clear about Priority Agricultural land that is not of a sufficient size or cleared of vegetation and hence capable of agricultural use. It is also not clear	The draft Local Planning Strategy identifies the land broadly as Rural, reflecting its role within the rural landscape rather than confirming a specific residential subdivision outcome. It is noted that the landforms part of a broader rural area that functions as a buffer along the river corridor, and development intensity in this location may be constrained by the ability to achieve appropriate horizontal and vertical separation from nearby water resources. While the submission notes the presence of nearby rural lifestyle lots and limited agricultural viability, the Strategy seeks to maintain an appropriate rural buffer and avoid incremental intensification that may compromise environmental values and water resource protection. The identification of the land as Rural within the Strategy therefore remains appropriate, with the precise zoning and development potential to be determined through the preparation of the future Local Planning Scheme.	Modification not supported.

	Name and Email	Submission received	Considerations	Recommended modifications
		about land like my clients, which even if it was cleared and of a suitable size, it is curtailed for agricultural use given it is proximity to other lifestyle properties. These considerations seem to be broadly behind selection of some of the other proposed Planning Areas, to fill in the gaps and complete a logical pattern of development, but the selected Planning Areas have missed my clients land and the opportunity presented in this part of Argyle. Given the economics and despite the soil profile, there are very few farmers actively farming smaller lots like my clients in this immediate locality, on the northern banks of the Preston River and abutting the Rural Residential enclave that exists here. This part of Argyle is a locality that is now dominated and characterised by lifestyle properties. This is distinct to south of the river here which continues to be characterised by Agriculture – Intensive, largely fruit growing horticulture. The river provides a physical barrier to the existing agriculture south, providing desirable separation and buffer to the agricultural pursuits on the southern side which can create various amenity impacts such as noise and spray drift. Noise and spray drift generated on my client's land, to achieve intensive agriculture, would be unacceptable given the proximity of rural residential style development and homes that exist so close by. Realistically, my client's property has some constraint for redevelopment given existing vegetation, fire risk, proximity to the waterway, and in terms of ability to contain wastewater on site for additional homes however, these factors should not discount potential to investigate some further Rural Residential style infill subdivision of this lot. Further, it appears 35 Gemmell Road was overlooked when 67, 83 and 95 to 147 Gemmell Road to the north east were subdivided and/or included in the Rural Residential zone. This left a large, cleared, lower lying river frontage area at the back of these lots that is used for agriculture at 65 Gemmell Road with 2ha rural residential lots along the Gemmell Road frontage. Also similar is 31 and 43 Bendall Road adjoining to the east, and 57 Gemmell Road to the immediate west. Whilst these also remain in the Priority Agriculture zone, the size of these lots at around 2ha, accommodating a single dwelling with some hobby farm / lifestyle level activity, discounts them from Priority Agriculture type use as well. The same outcome of rural residential style lot size is desired and is achievable on my clients adjoining land at 35 Gemmell Road. Additional Use 1 is also permitted opposite my client's land at 44 Gemmell Road, permitting Short Stay accommodation on a 2ha sized lot. Similar is Additional Use 2 at 67 Gemmell Road nearby, also on a 2ha sized lot which allows for Restaurant use. On these small lots, this Additional use permissibility's arguably further limit ability to undertake typical		

	Name and Email	Submission received	Considerations	Recommended modifications
		intensive agriculture on my client's land. Finally, it is apparent that some further subdivision is possible in the existing Rural Residential area abutting here. Whilst most lots here are around 2ha in size, it may be possible for these lots to be subdivided to 1ha size which further increases residents in this locality. This intensification of rural residential use, within an existing rural residential area, is a desirable and economical infill style of residential development. Conclusion Investigation of Rural Residential over my client's land will not result in a huge additional lot yield but it may enable several positive outcomes to be achieved which align with other intents expressed in the proposed LPS and the other selected Planning Areas. For example, my client would like to stay living on her property into retirement however at this size, she has long found it too big to maintain as a lifestyle property. It is also too small and too limited in cleared area to offer for agricultural purposes, whether under her own hand as a viable very small crop or grazing property, or under lease to another farmer. Considering broadly the constraints of my client's land, even ability to excise perhaps 2-3 lots, retaining the existing houses on their own lots that are more manageable than now (so perhaps 4 lots in total), will create opportunity for others to live and make their home in this Rural Residential neighbourhood. Given its characteristics, this land is not suited for typical Priority Agriculture use and warrants investigation for Rural Residential purpose. This will achieve desired infill and the goal of more efficient, logical use of land, completing and complementing this Rural Residential locality.		

	Name and Email	Submission received	Considerations	Recommended modifications
145	[redacted]	1. Objection – Protection of Rural Land The submitters property Lot 101 (161) Irishtown Road, Donnybrook is 12.0368ha with a man-made lake reducing farm land area. The submitter states that the lot is ideal to support a Homestead option with a subdivision of the original farm house and perhaps provide several Rural Residential lots alongside Lot 100 as it has access from both Irishtown Road and Scaffidi Place. The land hosts a significant power supply. The property is not in the SCA4 for the protection of the Donnybrook Stone Resource. The protection of Rural Land is understandable; however, it is subjective to lay blanket conditions over landmasses. It is important the value of heritage and heritage properties that have been preserved are rewarded for their longevity and resilience in retention of the identity of place. This may be in the form of adaptive reuse inclusive of commercial opportunity or through the certain circumstances. Homestead lots, that would also assist open land for further investment into the region whilst retaining foundational and rural character. Irishtown is an under rated location and deserves greater consideration, inclusive of the ability of the Donnybrook stone quarries both in the recreation and tourism space inclusive of further research through the 2015 recommendation of archaeological digs, so too the Donnybrook gold fields require greater mining heritage management considerations.	Lot 101 is currently zoned Priority Agriculture, which reflects the Strategy's intent to protect productive rural land and avoid fragmentation of agricultural landholdings. The draft Strategy does recognise that rural land diversification may be appropriate in some circumstances, including consideration of compatible non-traditional or "farm gate" type uses within the General and Priority Agriculture zones. However, this is distinct from supporting residential subdivision of Priority Agriculture land. Regarding homestead lots, refer to submission 135	Modification not supported. Regarding homestead lots, refer to submission 135
146	[redacted]	Objection – Rural Townsite zoning Planning Area P - Yabberup hamlet I am gravely concerned with the proposed re-zoning in the Yabberup Hamlet, from Priority Agriculture to Rural Townsite / Reserve - Parks and Recreation, particularly given the fact that a definition of Rural Townsite / Reserve - Parks and Recreation does not currently exist. It is difficult to comprehend how any re-zoning can be proposed when the new zoning has not yet been defined. With the current standing of Priority Agriculture and the Shire's / Council's response to extractive industry applications, as well as its approach to mining tenements in the Preston area, there is little confidence that there is a strong appetite to protect the existing fabric and nature of the area, and any proposal for re-zoning should attract a much higher standard than merely the provision of a zoning title and a loose objective. Much more extensive information and local area engagement should be provided before any re-zoning. It would seem prudent that the Local Planning Strategy should not be able to proceed until such time that all pertinent information is available and exhaustive community engagement has occurred, following which, submissions can then be sought.	Planning Area P represents an established rural settlement comprising approximately 34 lots generally between 1–2 hectares in size, together with a community hall and recreation reserve. The existing settlement pattern is therefore not reflective of a typical Priority Agriculture locality. The proposed Rural Townsite designation is intended to rationalise the existing settlement pattern, rather than facilitate significant new development. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the purpose of the Rural Townsite zone is "to provide for a range of land uses that would typically be found in a small country town." This is considered appropriate for the Yabberup Hamlet settlement. The reservation of the public open space is also appropriate to reflect its reserve management purpose. The Strategy identifies only limited scope for minor infill development, with any future subdivision or development required to comply with SPP 3.7 and other relevant	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
			planning requirements. Detailed zoning provisions would be addressed through the preparation of the future Local Planning Scheme.	
147	[redacted]	Submission - Planning Area C Bendall Road Not against rezoning if minimum guidelines are met. To ensure Bendall Road does not deteriorate and to eliminate dust. Bendall Road needs to be Bitumen sealed to the most easterly block of the development regardless of whether it is primary or secondary access. Maintain visual amenity. See submission for pictures and further detail.	The draft Strategy identifies Planning Areas C as Planning Areas to enable further investigation of their suitability for development, rather than to indicate that development is automatically supported. Any future development would require a scheme amendment process prior to rezoning, with matters relating to water supply, wastewater disposal, access, flooding, drainage, environmental and bushfire constraints to be addressed at subsequent planning stages.	Modification not required.
148	[redacted]	Submission - Planning Areas D Morgan Rd North, E Morgan Rd South, and F Elma Lane North These areas will be important townsite expansion areas and should be connected to deep sewerage so that these areas can be developed into high density residential areas. Donnybrook has an existing deep sewerage system that has not reached its maximum capacity capability. This underutilised facility is only a short distance (approx.2 km) from these proposed planning areas. Connecting these areas to deep sewerage should be a priority so that the residential growth of Donnybrook townsite can be sustainably maintained. Also, Donnybrook has old residential areas that has no option but to rely on existing septic systems. Some of these septic systems are not coping during the wetter months due to poor soil types etc. Testing for sewerage seepage into road verges and existing drainage systems should be carried out during winter months to identify these problem areas. Once problem areas have identified, the proper authorities should be notified and these areas prioritized for deep sewerage, planning and funding asap. Testing and reporting should be completed under the strictest confidence so that problem areas that have been identified are not vilified or targeted by social media groups etc.	The draft Strategy identifies Planning Areas to enable further investigation of their suitability for development, rather than to indicate that development is automatically supported. Any future development would require a scheme amendment process prior to rezoning, with matters relating to water supply, wastewater disposal, access, flooding, drainage, environmental and bushfire constraints to be addressed at subsequent planning stages. The Strategy recognises that the limited availability of reticulated wastewater infrastructure across much of the Shire is a constraint to future growth. Section 28 – Wastewater Management identifies the need to advocate for expanded reticulated sewer services and upgrades to local wastewater infrastructure.	Modification not required. However, combining these areas as one Planning Area is recommended, given the proximity of these Planning Areas and their interdependent access and servicing requirements as well as the need for coordinated bushfire hazard separation.
149	[redacted]	Submission: 1. Business investment: need to encourage business into industrial zones by giving incentives. 2. Shire staffing: staff need more training in future strategic planning. 3. Heritage sites need protection. 4. What protection is in place to protect farming land? How will changes in zoning rules affect this?	Encouraging industrial investment aligns with the objectives of the draft Strategy. Section 18, Industrial Land Feasibility recognises the importance of industrial development within the Shire and includes actions to facilitate development of existing industrial land and investigate opportunities for government support to overcome site constraints. Comments relating to Shire staffing and training relate to internal organisational matters and fall outside the scope of the Local Planning Strategy. Heritage conservation is addressed under Section 6, Heritage Conservation, which includes actions to review the Municipal Heritage Inventory, prepare a Local Heritage	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
			Survey and Heritage List, and develop supporting planning policy. Protection of productive agricultural land is addressed under Section 11, Protection of Rural Land, which supports the objectives of State Planning Policy 2.5, Rural Planning and establishes a presumption against subdivision or rezoning of Priority Agriculture and General Agriculture land where inconsistent with the Strategy.	
150	[redacted]	Objection – Land use dedication Lot 253 (Lot 109) Jayes Road, Balingup is proposed to be re-zoned to 'High Priority Agriculture' (as revealed in map entitled 'Special Control Area- Balingup Rural Strata'). This property is currently zoned 'General Agriculture' and was included in the Local Planning Scheme No 7 (Updated to include AMD 13 GG 08/06/2021) with the 'Land Use Expectation' noted as being 'Rural Residential', and a summary of 'Matters to be Addressed in Structure Plan'. (Please see attached pages of LPS No.7 coversheet and page 139 of LPS No. 7, showing acceptance of Lot 109 Jayes Rd Balingup 'Land Use Expectation' as 'Rural Residential'.) The submission to change the zoning was very costly and took a long time to be processed and accepted. Being only 8.3 ha, and without irrigation, the property is non-viable as a 'High Priority Agriculture' business enterprise. Its only income has been from accommodation. We would therefore request that the zoning of General Agriculture (with the provision to allow the change to 'Rural Residential' if required), for 253 Jayes Rd Balingup, remains as currently shown as in LPS No 7.	Figure 6 – Special Control Area Map is not very clear. It was intended only to provide an overview of the area where Rural Strata would be contemplated. This is considered to be capable of being more clearly illustrated in Figure 12. Figure 12 shows 253 Jayes Road as being Rural.	Additional modification not required. Figure 6 – refer to submission 135.
151	[redacted]	Objection: 1. Cluster development in all zones In 1995 the submitters were members of a group that drew up a Community Plan detailing how Balingup Ward be developed. This was revised in June 1996 with additional community members. A copy of the plan is attached to the submission, and it was provided to the Shire Planner at the time. The vision for the Balingup Ward was: *The Balingup Ward will support a diverse range of sustainable work and living opportunities which protect the unique rural and natural character of Balingup town and surrounding areas.* A key component of the plan was the use of Cluster Developments rather than conventional subdivisions. These create a diversity of block sizes and, common areas for recreation and nature, and common infrastructure such as roads, water, wastewater systems, power, etc. which saves land and resources (Witchcliffe Eco Village is an example). 2. Planning Area O - Balinga Drive This area is along the highway and as local knowledge would tell you	**Cluster Development and Planning Area N & O** – Refer to Submission 135 The Strategy already recognises that the site contains waterways, wetlands and inundation-prone areas which may constrain development and reduce lot yield. **Planning Area M** – Refer to submission 1	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
		half the property is inundated over the winter months. It is therefore unsuitable for subdivision. 3. Planning Area M - Old Padbury Road – Objection same as in submission 1. 4. Planning Area N - Jayes Road West This area is flat and abuts the Balingup Brook. This is unacceptable as a planning area.		
152	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. Planning Area O – Balinga Drive and N – Jayes Road West While these areas are located within the town, they are subjected to flooding every several years and would need to be located further back from the Balingup Brook. In 2006 Balingup was concerned about the amount of good farmland surrounding the town that was being split into 5 – 10 acre lots. With consultation from the community, there was a plan put out by the Shire that no farmland could be subdivided down to less than 100 acres or 40 hectares. This was trying to control a development sprawl outside of the town, which was happening in Bridgetown, and make sure we kept sufficient farmland to secure a food source for the future. 3. Suggested areas for investigation Area to the south of the "Birdwood Park Avenue of Honor" was previously proposed but did not proceed due to the bridge leading to the Birdwood Park being a single lane bridge, and a double lane bridge was required. Delisle Street and Bailey Heights, within the townsite of Balingup there are several blocks around 2-5 acres with one house on them and difficult for people to maintain. These areas could be investigated for future sub -development. Areas within the town would require no additional infrastructure to be built and make better use of the facilities already provided by the Shire. Lot 72 Walter Street, Balingup - 30 Residential Lots for development. This subdivision area was identified by the community and approved in Oct 2012, with proposed access from Grimwade Road and Walter Street. In 2024 not one of these blocks has been sold.	**Planning Area M –** Refer to submission 1 **Planning Area N & O** – Refer to submission 135 The Strategy recognises the importance of protecting productive agricultural land surrounding Balingup. Protection of rural land and management of rural residential expansion are addressed through Section 11, Protection of Rural Land, consistent with the objectives of State Planning Policy 2.5 – Rural Planning. With respect to the suggested additional investigation areas, the Strategy has undertaken a strategic assessment of potential growth areas across the Shire. While the suggested locations are noted, the inclusion of additional planning areas would require further strategic assessment to ensure consistency with current State planning policy, environmental constraints, infrastructure servicing and bushfire risk considerations.	Modification not supported
153	[redacted]	Climate change Changes in environmental matters which are already evident have not been included in Part 1 of the Strategy for example, climate change.	**Raised Matters** The submission raises several matters relating to the content of the Local Planning Strategy, including: • Recognition of climate change within the Strategy.	Modification not supported.

	Name and Email	Submission received	Considerations	Recommended modifications
		Based on the lived experience of the summer just past and predictions of a drying climate the Shire needs to acknowledge climate change as a determinant in planning decisions. It is acknowledged that some indirect measures such as bushfire management and vegetation clearing are outlined. It is acknowledged that in part two of the Strategy climate change management will be in accordance with state government policy. Nonetheless, a separate statement on how the Shire intents to address climate change is required. It is suggested The Shire develop a proactive local policy toward management of climate change for inclusion in Part 1 of the Strategy Weightings The strategy needs to clearly outline weightings applied to economic, environment and social aspects of development proposals. It is not appropriate for weighting to be applied on a case by case basis. It is acknowledged that all proposals are not the same. Nonetheless clarity and consistency is required by proponents and ratepayers to maintain confidence in the decision making process. Outline which issues take priority when assessing development proposals, for example: • climate change; • water management; • primary production land management; • introduced pest species management; • conservation; • tourism; • resource development • infrastructure development The above list is not exhaustive. Basic Raw Materials It is suggest the Shire include an action to conduct a review to establish which activities in the 'in force' scheme which are clearly not commensurate with stated zoning objectives, for example, gravel extraction on land zoned priority agriculture. Where appropriate gravel 2 of 4 should source from land use areas where 'valuable community resources' are not disturbed unless necessary. Assessment of Planning Applications It is understood that planning application submitted to the Shire are being assessed on a case by case basis without reference to proximal activities. An example of this is the approved gravel pit in Yabberup and the Function Centre on the same property. Though separated by distance the issue of simultaneous operations needs to a determinant in any approvals process. A 'silo' approach to assessment of applications is not in the interests of all stakeholders nor in accordance with the principles identified within Australian Standard 4360 'Risk Management'. It is suggested that a statement be included in the Strategy that planning development assessments will consider the issue of incompatible proximal activities including simultaneous operations. The objective of this suggestion is to reduce risk. Support for Community Lead Actions	• Greater clarity regarding the weighting of planning considerations in development assessment. • Review of Basic Raw Materials (BRM) and potential land use conflicts. • Inclusion of guidance relating to the assessment of incompatible activities in planning applications. • Support for community-led actions relating to environmental and planning initiatives. • Greater emphasis on native vegetation protection and revegetation, particularly along river corridors. • Improved recognition of waterways and wetlands management. • Clarification of the role of State agencies in managing waterways. • Recognition of mining and exploration activities, including potential land use conflicts. **Consideration** • Climate Change The submission raises the need for clearer recognition of climate change within the Strategy. Climate-related matters are partly addressed through the Strategy's environmental framework and alignment with relevant State and regional policy, including the Western Australian Climate Policy. • Weighting of Planning Considerations The Strategy provides high-level strategic direction only. Development assessment in Western Australia occurs within the statutory planning framework and must consider the merits of each proposal having regard to the circumstances of the site and relevant planning policies. Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires decision-makers to consider a range of planning matters when determining development applications. As such, it is not appropriate for the Strategy to prescribe fixed weightings for planning considerations. • Basic Raw Materials The Strategy already recognises the presence of basic raw materials and extractive resources within the Shire and the need to manage potential land use conflicts through Section 20 – Basic Raw Materials and Section 4.3.5 – Resource Management.	

	Name and Email	Submission received	Considerations	Recommended modifications
		State that the Donnybrook Balingup Shire will support actions taken by ratepayers when undertaken in accordance with the principles outlined in the strategy. For example, when state regulatory agencies are proposing actions which are not commensurate with the planning principles outlined in the strategy. Native Vegetation and Protected Fauna and Flora It is suggested that Table 3 Environment: Planning Directions and Actions also include a planning direction to actively promote rehabilitation of degraded land using endemic native flora, especially along the Preston River corridor. Re-establishing endemic flora will, • provide opportunities for nutrient stripping of run off from adjacent pasture; • assist with stabilisation of valuable agriculturally productive soils adjacent drainage lines; • improve water quality; • improve aquatic ecosystem through provision of shade over waterway; • facilitate return of endemic fauna by providing suitable habitat; • Increase species diversity and species abundance; • promote competition between native fauna/flora and exotic pest species • commence addressing ecosystem imbalances; and • improve ecosystem health over time. Waterways and Wetlands It is suggested that Table 3 Environment: Planning Directions and Actions also include a planning direction to manage the following: 1. For existing arrangements where 'in force' conditions for release of stored water on private property are current confirm that landowners are compliant; and 2. Review adequacy of existing controls allocating water from Preston River, wetlands and groundwater aquifers for business and domestic purposes. 3 of4 The review should, • identify the adequacy of the existing arrangements, and • where change is needed inform Shire discussion with the Western Australian Department of Water And Environmental Regulation (DWER) to address local issues. Where new proposals request allocations of environmental water it is suggested conditions be placed on 'take' during times of environmental stress. Environmental water includes bore water abstraction, damming of drainage lines and pumping from wetlands or drainage lines. It is acknowledged that regulation of water in Western Australia is the responsibility of DWER. Nonetheless, informed discussion with DWER will, • establish local issues which may require regulatory amendments; and • assist meeting the objective of the Strategy Establish State government agency with responsibilities for management of waterways It is clear from discussion with public servants that identification of which state government agency has responsibility for management of river corridors is a vexed question. The importance of the waterways and wetlands within the Shire has been identified in Table 3	• Assessment of Incompatible Activities Land use compatibility and potential conflict between activities are addressed through the statutory planning framework, development assessment process, and via the scheme which is guided by the strategy. • Community-Led Actions Support for community-led initiatives is noted, however these matters are generally addressed through broader Shire programs and strategic documents rather than the Local Planning Strategy. • Native Vegetation and Revegetation The Strategy already provides direction for the protection and management of native vegetation through Table 22 – Native Vegetation and Protected Fauna and Flora. The intent of encouraging revegetation of degraded land is consistent with this section. • Waterways and Wetlands The Strategy already addresses the protection and management of waterways and wetlands through Table 23 – Waterways and Wetlands and the broader environmental framework. • State Agency Responsibilities The identification of specific State agency responsibilities is outside the scope of the Strategy, which provides a strategic land use planning framework rather than an operational management framework. • Mining and Extractive Industries Mining and exploration activities are regulated under State legislation, including the *Mining Act 1978*. The Strategy appropriately recognises extractive resources and associated land use conflict but does not regulate mining approvals directly.	

	Name and Email	Submission received	Considerations	Recommended modifications
		Environment: Planning Directions and Actions Section 23.0 of the Strategy. It is suggested that an action in the Strategy is to establish the legislative framework managing activities with river corridors. This will clarify to the Shire and adjacent landowners whom to liaise with regarding activities for rehabilitation in riparian areas. The objective of this action is to ensure a consistent of approach between landowners and regulatory agencies to improve riparian rehabilitation outcomes. Management of incompatible activities 4.0 Strategy Maps At a magnification of 600% using an adobe pdf reader I am unable to read text in the key or legends sections. Legibility of key information need to be addressed. Management of Incompatible Activities As identified in Part Two of the Strategy mining activities are occurring on land within the Shire. Section 120 (2) of the Western Australian Mining Act (1978) establishes that consultation with the Minister responsible for the Planning and Development Act (2005) only occurs when an application for general or mineral lease is sought. Other mining 4 of4 tenements are not required to consult with the Shire or impacted persons with the exception of those land uses outlined in Section 29(2) of the Mining Act (1978) and only when access is required to the initial 30m of the soil profile. The Strategy indicates that 49% of the Shire is vested in land managed by State government agencies with responsibilities for conservation and forest management. Recent changes to State government policy regarding access to state forest by the timber industry suggest mining opportunities in conservation and forest areas will be limited at best. This leaves the only areas outside open to mining (approx 51%) principally being private land. A possible scenario exists were a landowner may have an exploration license granted over their land by choice. After the tenure has been granted and activities such as drilling or seismic are proposed other legislative instruments may be triggered through for example, • the referral process (under the Environmental Protection Act 1986) or • approvals for actions outside the Mining Act (1978) e.g. if clearing of native remnant vegetation was proposed. Nonetheless, in all instances except those identified i.e. general or minerals lease, the Shire has limited opportunity to lodge a view on grant or refusal unless using the provisions of Section 42 of the Mining Act (1978) to lodge an objection. It is clear that the impacts of mining are inconsistent with the proposed land uses outlined in the Strategy. The 'status quo' is not an acceptable position as more mining tenement applications will be expected over the period of the Strategy. It is suggested that the Shire needs to develop a position on mining within the Shire. This position need to be stated in the Strategy		
154	[redacted]	Public drinking water source areas 1. I don't believe there is currently enough protection given nor proposed protections.	• Public Drinking Water Source Areas Protection of public drinking water sources is addressed through Section 24 – Public Drinking Water Source Areas of the Strategy. The draft	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
		2. With reference to 24.1.1 when will a review of the SCA for the PDWSA be done and will it be in the 24/25 Budget? 3. Why did the administration not recommend this review be carried out in response to the Electors Motion on this matter? 4. Will it be ok to put in a leach drain within metres of the water corp. town bores for the next 15 years? 5. What policy will be put in place to stop human waste from entering our drinking water source or will it be managed by water treatment? Waste water 1. How much available capacity is there currently at the Donnybrook Waste Water Treatment Plant? 2. What approaches have been made to the State Government for greater reticulated wastewater? 3. Is the lack of reticulated wastewater currently impacting on Donnybrook's growth? Sandhills Industrial area 1. Why does the shire propose such a large increase in Industrial land? 2. Would it be prudent to maintain the existing zoning until some of the current land is developed, then review the situation in 15 years? 3. While available industrial land is very important for growth, 400-plus lots appears reckless? Conflicts of interest 1. How were/are conflicts of interest managed regarding planning decisions? 2. Is there a register to capture the Administration/Developer relationships?	proposes the review and retention of a Special Control Area to ensure appropriate planning controls apply within these areas. Development within PDWSAs is also guided by SPP 2.9 – Planning for Water, the *Rights in Water and Irrigation Act 1914*, and relevant source protection requirements, with consultation undertaken with DWER where required. • Wastewater Servicing The Strategy recognises that the limited availability of reticulated wastewater infrastructure across much of the Shire is a constraint to future growth. Section 28 – Wastewater Management identifies the need to advocate for expanded reticulated sewer services and upgrades to local wastewater infrastructure. Where sewer is unavailable, development must address relevant servicing and environmental health requirements. • Sandhills Industrial Area The proposed Sandhills Planning Area is identified as a long-term industrial land supply area to support employment and economic growth. The scale of land identified does not mean immediate development of the whole area. Development would be subject to structure planning, infrastructure provision, environmental assessment and staging. As with all strategic planning documents, the Strategy may be reviewed periodically to ensure it remains responsive to changing circumstances and demand. • Conflicts of Interest Planning decisions are made through the statutory planning framework, and officers and elected members are subject to relevant governance, disclosure and conflict of interest requirements. These matters sit outside the scope of the Local Planning Strategy.	
155	Save Preston Valley Inc	• We understand that the Shire of Donnybrook-Balingup's strategic planning document supports the Strategic Community Plan 2032. As such the planning framework needs to go beyond built assets to the natural assets that support the economic (e.g. agriculture, tourism), social and cultural life of the community. First, and foremost this involves recognising the Preston River as a primary natural asset that supports the whole of the region. The need to protect this asset is vital in a drying climate. Without a healthy river system our ability to support prime agriculture our primary employer within the district and	The Strategy already recognises the environmental significance of the Shire's river systems, including the Preston River, through Section 4.4 – Environment. Protection of waterways and wetlands is further addressed in Table 23 – Waterways and Wetlands, including Planning Direction 23.1 and Action 23.1.1, which provide for the protection of waterways and the preparation of Scheme or policy provisions to guide development within proximity to them.	Modification not supported

	Name and Email	Submission received	Considerations	Recommended modifications
		contribute to the food security of those living in the South West, is significantly reduced. Without a healthy river system, the liveability of the region is negatively impacted both in terms of why people are attracted to living in the area and also in terms of supporting our growing tourism sector. • We ask that the Shire recognises the primary function of land and outlines development proposals that are incompatible for each zone. For example, mining in prime agriculture and water catchment zones. • We ask that the Shire includes planning direction to actively promote the rehabilitation of the Preston River. • We ask that monitoring protocols are outlined to ensure landowners are compliant with releasing stored water from their private property as per planning approvals. • We ask that the Shire includes a map of the water catchment of the Preston River and that all planning applications within the catchment are assessed in terms of the short, medium and long term impact on: o the Preston River's water catchment, o the agricultural and tourism industries o the health and wellbeing of those living in proximity to any proposed developments. • We ask that all applications be thoroughly investigated in terms of the impact on the water catchment as a whole and the impact on those 'down river' who rely on this asset is considered. • We ask that the Shire of Donnybrook-Balingup takes a whole-of-government approach rather than a siloed approach and that planning processes are integrated with other strategic documents to ensure decisions are made in context and adopt a multidimensional approach that seeks to optimise benefits and minimise negative impacts on the broader community. • We ask that a clear statement is made on how the Shire intends to address climate change. • Planning applications also need to be mindful of others living and working in proximity including built up areas not formally recognised as such (e.g. rural town sites).	The Strategy also recognises the need to manage potential incompatible land uses, including through Section 20 – Basic Raw Materials, which addresses land use conflict associated with extractive industries and priority agricultural land. Operational matters such as environmental monitoring and detailed water management requirements are generally addressed through the statutory planning framework and relevant State agency processes rather than through the Local Planning Strategy.	
156	[redacted]	Submission same as above.	Refer to submission 155.	Refer to submission 155.
157	[redacted]	Objection – Established Donnybrook Stone buffer affecting Planning Area G - Kelly Road and requesting an increased density Our property is impacted by a buffer zone regarding a potential Donnybrook stone resource that sits approximately due east of our property. We have had numerous discussions with DMIR'S regarding this potential resource and the impact it has on our property. DMIR'S have	The draft Strategy identifies Planning Area G – Kelly Road for future Residential R2.5 / Rural Residential development, which allows for minimum lot sizes of approximately 4,000 m² where subdivision occurs. However, portions of the area are affected by Special Control Area 4 (SCA4) associated with the Donnybrook	Modification supported in part It is proposed that density coding and indicative lot yield is removed from every Planning Area within the draft. This enables site specific analysis to indicate

	Name and Email	Submission received	Considerations	Recommended modifications
		never drilled the potential resource to determine if it is of significance or even of a suitable grade to mine. Also, they are actually unsure where the resource is located as they have relied on historical hearsay that it is thereabouts. DMIR'S have admitted this to us during a meeting that the buffer was implemented purely upon hearsay. Given this information we undertook at our own expense a drilling campaign along our Eastern boundary to determine if there was a resource on our land. The results were conclusively negative for a stone resource. Donnybrook sandstone is not in short supply as there are many sites scattered throughout the shire, but it is a difficult and very expensive product to produce hence it is borderline viable. We believe that it is unfair and commercially wrong to impact the development of our property and potentially also stop the opportunity for the shire to development a small rural lot precinct of 5000 – 10,000m^2 lots similar to what has been achieved in the Hills above Dunsborough. In regard to the draft LPS part 1 it has initially outlined for Lot 6 Grist Road to have a developable area of 17 hectares and an average lot size of 2 hectares. We feel that 2 hectare lots are a waste of valuable land and that a different zoning with a lot size between 5000 sqm and 10,000m^2 would be more appropriate and more in line with what buyers want. The lots could have onsite effluent management and catch their own rainwater making them self-sufficient and not impacting the already stressed Water Corp dams and sewerage system.	Stone resource, which has been identified by the Department of Mines, Industry Regulation and Safety (DMIRS). State Planning Policy SPP 2.4 – Basic Raw Materials requires planning frameworks to protect identified resources and manage potential land use conflicts. As outlined in the Strategy, the key planning challenge is balancing the protection of the Donnybrook Stone resource with future residential growth. While Planning Area G has been identified as having potential for residential expansion due to its proximity to the townsite, development is intended to occur outside the identified buffer / SCA4 area to minimise future land use conflict. Accordingly, the Strategy identifies the broader area for future consideration but supports development only where land is located outside the resource buffer, unless the status of the resource area changes through future review by DMIRS.	the likely lot yield and density for the Planning Areas on a case by case basis.
158	[redacted] (not a resident of the Shire)	No comment provided.	Noted.	
159	WAPRES	It is requested the phrasing and scope of Tree Farming within the proposed LPS be revisited to ensure this land use is accurately reflected and encouraged. LPS Issue / Opportunity 21.0 Tree Farming Significant changes are anticipated in the agroforestry industry with the recent ban on logging of native forests in WA from 2024 which may result in increased interest to establish tree farms within the Shire. This Issue / Opportunity is inaccurate and should be rephrased. This statement has negative connotation, especially when read in conjunction with the other columns, that Tree Farms are a land use that compel extra regulation because they are not desirable or create conflicts or amenity impacts, including over and above other typical rural land uses. These comments perhaps demonstrate a lack of understanding about how Tree Farms operate and how the industry is regulated. It is unclear what these significant changes in the industry being alluded to might be, but also how these might be relevant to land use planning considerations to be expressed in the updated LPS and then into the Scheme if not Local Planning Policy. What are these significant changes and why are they bad or require special regulation? The total Tree Farm estate in WA has also been demonstrably in decline yet the demand for timber products is increasing. This mismatch does not	Tree farming and agroforestry form part of the broader agricultural sector within the Shire and are recognised as legitimate rural land uses under the State planning framework, including SPP 2.5 – Agricultural and Rural Land Use Planning. The Strategy does not seek to prevent tree farming but to ensure that any expansion occurs in appropriate locations where potential land use conflicts, bushfire considerations and landscape impacts can be appropriately managed.	Modification not supported.

	Name and Email	Submission received	Considerations	Recommended modifications
		necessarily equate to negative land use planning implications or an excessive, threatening consumption of rural land, by new Tree Farms. Likewise, the banning of native forest harvest and Government incentive to support this transition as well as desired increase to the Tree Farm Estate does not mean or equate to all rural land being overrun with Tree Farms. Planning direction 21.1 Facilitate opportunities for agroforestry, tree farming and plantations in suitable locations where bushfire risk and land use conflicts can be appropriately managed Tree Farms support continued population growth, house construction, consumption of timberbased products etc., and they are part of the transition towards a low carbon future. These factors make tree farming essential. It is also flagged that the Model Scheme text terminology within the planning framework is now Tree Farm. It is agreed that within this broad definition there are different types of Tree Farms possible, for example for a plantation planted for harvest at full growth, trees planted in perpetuity for carbon sequestration without any harvest, tree planting for environmental outcomes etc. WAPRES agrees there is potential to provide this distinction within the overarching planning framework such as in the SPP or Model Scheme Text. Without clarity about what is meant by this different terminology within the LPS however, for certainty it is suggested Tree Farm should be the terminology consistently applied. Action 21.1.1 Review the existing Special Control Area (Plantation Exclusion Area) provisions and boundaries within the Scheme to ensure it remains appropriate and reflects community aspirations. Rationale Due to the impacts of tree farming, including the potential for land use conflict, this land use should be confined to suitable locations within the Shire to be reflected in the Scheme via a Special Control Area. We agree that a review of the Special Control Area (SCA) should occur, but with a view to facilitating and supporting ongoing Tree Farm development, not preventing it. This action should also set out that this review occurs in consultation with the timber sector and existing tree farm operators in the Shire, particularly to understand more about Tree Farms and how they operate, as well as why and where new Tree Farms are likely to develop given the characteristics of land in the Shire. Potential Tree Farm expansion across the Shire of Donnybrook-Balingup may not be as extensive as seems to be assumed. In any event, SPP 2.5 is clear, Tree Farming is a supported agricultural activity not one to be actively prevented. In reviewing the SCA and like in any planning investigation to review or apply policy guidance, it is also critical to establish an evidence-based approach. The basis for the current SCA is unclear and seems arbitrarily applied. Is it about landscape views, and if so, what is the rationale and evidence for this? What is the planning rationale that a view of growing trees is undesirable? If it is about fire		

	Name and Email	Submission received	Considerations	Recommended modifications
		risk, investigation and evidence is also required. Tree Farms are a considerable, long term financial investment and they are deliberately well managed to protect the asset, largely from fire. Like communities, Tree Farm operators want to manage, protect and be able to react should a fire occur, to protect their considerable economic asset, as well as to prevent the fire from spreading and impacting upon others. Engagement with operators and the timber sector more broadly also brings opportunity. The DFES Guidelines for Plantation Fire Protection and the Code of Practice for Timber Plantations are industry best practice. These are available to guide decision making. They set out the accepted operational management practices for Tree Farms, inherently to manage fire risk and to ensure they are well managed through all phases of preparation, planting, growth, thinning and harvest. Beyond this, various Tree Farm operators and several local governments across the South West are also signatories to the FIFWA Plantation Managers Fire Agreement. This is an alliance that includes the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA, who manage State and National Park reserves) to share resources and provide a unified approach in the control and management of wildfire within or near signatory's plantation estates. With full industry participation, including local governments who are responsible for local brigades, this enables a fire managing authority (which can be a local brigade, DBCA or DFES) to call upon the Plantation Industry to optimise and provide additional specialist fire-fighting resources during a bushfire event, particularly events impacting plantation. Action 21.1.2 Review the existing Local Planning Policy on private Tree Plantations and Agroforestry. Rationale Direction and guidance are required for the establishment and management of tree farms that reflects best industry practice and adequately addresses the impacts upon the community. To ensure currency, this is essential and should occur in the short term regardless of this LPS process. The current Shire policy relative to Tree Farms was adopted in 1999, 25 years ago. It was last reviewed in 2016. It has been superseded by many factors, including the DFES Guidelines for Plantation Fire Protection, as well as contemporary Scheme, policy and planning decision making standards. Of particular concern is the requirement of this policy to impose an additional bond of 50cents a tonne harvested and to use this to recover costs of road maintenance. Contemporary Plantation Management Plans include Harvest Management arrangements that guide and oblige a Tree Farm operator to work with a Local Government to inspect primary haulage roads prior to harvest with agreement to repair, within reason, damage attributable to the Action 21.1.2 Review the existing Local Planning Policy on private Tree Plantations and Agroforestry. Rationale Direction and guidance are required for the establishment and management of tree farms that		

	Name and Email	Submission received	Considerations	Recommended modifications
		reflects best industry practice and adequately addresses the impacts upon the community. short-term harvest operation. This is on top of usual development considerations and setting of DA conditions with need and nexus to the use being approved. In context of SPP 2.5, the further assumption in this Action that Tree Farming has an impact upon the community that is negative, is concerning. SPP 2.5 is clear that tree farming is supported. Whilst the SPP states that tree farming should be managed through planning strategies, schemes, and policies, this is generic and no different to any other land use. It is unclear what the exacerbated or potential land use planning conflict from a Tree Farm is, and why this would be sufficient rationale to limit or try to overregulate Tree Farms, particularly beyond the Guidelines for Plantation Fire Protection. Part 2 proposed LPS Part 2 of the proposed LPS essentially sets out the rationale for Part 1. Unfortunately, when it comes to Tree Farms, there is limited to no basis set out to explain or justify Part 1 Issue / opportunity 21.0 Tree Farms. In particular, the foundation Local Government Profile of the LPS at Part 2 section 4.0 does not but should recognise Tree Farm as part of the existing farming / agricultural profile of the Shire. There is a mismatch here, the Issue / Opportunity in Part 1 does not appear to have any evidential basis, if not a contradiction in Part 2. The land characteristics across the Shire of Donnybrook-Balingup mean that whilst there is theoretically some opportunity for new Tree Farms to establish, there are a range of factors that will influence interest or ability to establish new Tree Farms here. Part 2 Table 9, demographic profile and statistics demonstrates Agriculture, Forestry and Fishing are the highest proportion of employment in the Shire at 13.5%. Likewise, Part 2 Figure 9 shows that 31% of the Shire outputs come from Agriculture, Forestry and Fishing, only surpassed by Other. Part 2 Section 4.3.1 sets out perhaps some further contradiction to the Part 1 recommendations concerning Tree Farms given it recognises change across the agricultural sector (without elaborating on what this might be) and the risk this poses to falling agricultural employment in existing agricultural activities, in hand with necessity to identify growth opportunities and value adding industries. The Timber sector is back in a growth not a decline cycle and is favourable for addressing some of this aspiration and necessity. Further, visual amenity and landscape are recognised at Part 2 section 4.4.1 as some of the Shire's greatest assets. Historically, for at least the last 30+ years, this visual landscape has included areas of Tree Farms contributing, and positively, to this valued character		
160	[redacted]	Re Lot 2 Old Padbury Rd Balingup and Location 165, now Lot 10 Old Padbury Rd Balingup. Lot 10 adjoins the Golden valley tree park. Fact. At no stage have the owners of this land lodged or given approval for a subdivision plan to be lodged with the Shire of Donnybrook / Balingup	The submission provides historical context regarding earlier discussions for a limited cluster/conservation-style subdivision concept on Lot 10 Old Padbury Road. However, the site is significantly constrained by bushfire risk, steep topography, access limitations and its relationship to the Golden Valley Tree Park landscape setting. These	Refer to modifications recommended for Submission 1.

	Name and Email	Submission received	Considerations	Recommended modifications
		In 2006 the Balingup community had workshops on cluster developments for future residential development. Map attached show possible town site expansion, DIA 15. Lot 2 is marked with red lines. The adjoining block, Location 165, Lot 10 is to the South and adjoins the tree park. The plan also shows the ridge line of the hill on Lot 10. All land to the North of the ridge, town side, including all of Lot 2 faces North with no visual impact on the Tree Park. In 2007 I approached the National Trust and asked if they were interested in securing land free of charge to protect the aesthetics of the area. **Re, Letter of August 28th, 2007,** from Town planner Rob Paull to Alan Briggs of National trust. National Trust confirmed their interest in acquiring, free of charge, 27 acres (10.92Ha) of the 100-acre (40 Ha) block. Further, the open space areas seek to protect the existing water courses and vegetation. The open space design provides linkages for future residents and the extended community to the Golden valley park Although at very early stages, the overall concept for the land is to establish an extension to the Balingup Town site that ensures through open space buffers, such development will not negatively impact on nearby land owners. In addition, the residential development is to be nestled into the landscape and established in a cluster form. It is intended that design guidelines would be established to define a residential character that reflected Balingup. **The letter of the 16th of September 2007** from Rob Paull to Alan Briggs. Advising Alan that we would be placing the matter before Council a view that they recommend to the West Australian Commission to allow some discretion in the rural Strategy in relation to the development of both parcels. If granted it would: Enable the National Trust to secure the full lengths of both streams, giving a complete linkage joining the Golden Valley tree park to the South and the forest to the East. It is suggested that this would be done in the first instance, rather than a possible wait of 10 to 15 years. Both streams run into the Southern location 165 (lot 10) (Fact, that the stream on the West side of lot 10 runs through lot 2) and this is not at present included into the rural strategy, making the linkage impossible. Ensure that development would not impact on the park, as development would be facing towards Balingup town and enable us to create the best possible development, with a more suitable and realistic boundary. From early discussions with John (Bailey), I believe that you (National Trust) are in favour of securing all of the land in the first instance. **Letter of September 18, 2007.** From Rob Paull to the Shire. Confirms our effort to include any development up to the ridge acing North, overlooking town and no area overlooking the tree park. Around this time National Trust advised me of the Area required to achieve the linkage over the western stream to the park, an area of land	constraints limit the suitability of the land for future residential or rural residential intensification. On this basis, Lot 10 is not considered appropriate for inclusion in Planning Area M.	

	Name and Email	Submission received	Considerations	Recommended modifications
		North of the Boundary of lot 10 as a buffer to the balance rural land. And a section of land parallel to the pine plantation connecting the Park to any development on lot 2 and the North facing portion of lot 10. I explained to Alan that his proposal failed to protect the old Plain trees on Lot 10. This area would make a great amphitheatre. In effect other than the north facing section of Lot 10 (Approx 30 acres) the Bailey family would be providing National trust with approx. 115 out of the total 220 acres free of charge. Our agreement with national trust included Baileys paying $5,000.00 for the legal agreement with National Trust. Providing around $40,000.00 for landscaping with deciduous trees and walk ways around the reserve and back to town and the tree park. It was also agreed that a local levy would be imposed on the residents in that area to maintain the reserves. Landscaping could be carried out in the first year, well established by the time any residential development would be up and running. Further the Bailey Family were carrying all the risk, there was no guarantee that a subdivision would be approved or weather a development would be financially viable. I was invited to a meeting of the Golden valley park committee to discuss the proposal. There was an insistence by two members of the committee demanding I provide them with a subdivision plan. They could not accept that at that stage there was no plan. The plan depended on the requirements of National Trust and that agreement had not been finalised. Some members of the committee believed National Trust didn't know what they were doing so they would not support the proposal. Fact. National Trust were only going to control the land that our family gave them. There was no suggestion that National Trust would take over the Tree Park. I believed this proposal was great planning in 2007 / 2008 and I feel the same in 2024.		
161	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. Planning Area O – Balinga Drive The entry statement to Balingup town from the north is already about to be impacted by a large subdivision development south of Grimwade Road, between Walter Street and the South-Western Highway. As the lots there are neither town-lot size nor rural/hobby farm size, much of that land is likely to be poorly managed in terms of weed control, introduced animal pests, chemical use, and neglected structures. The impact of all those households disposing of waste water on the site, which drains to the creek running south along the Highway to the culvert near the Recreation Centre, is yet to be seen. But hypertrophy of that	**Planning Area M –** Refer to submission 1 **Planning Area O –** Refer to submission 135	Refer to modifications recommended for Submission 1 and 135.

	Name and Email	Submission received	Considerations	Recommended modifications
		tributary of the Balingup Brook is likely over time. I urge that Lot 62 Balinga Drive be preserved as farmland, both for the visual amenity and for the risks of sudden population increase I have outlined above.		
162	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. Planning Area O - Balinga Drive Floods infrequently, should housing be recommended there?	**Planning Area M –** Refer to submission 1 **Planning Area O** – Refer to submission 135	Refer to modifications recommended for Submission 1 and 135.
163	[redacted]	Objection: 1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. I am very concerned to see the proposed re-zoning of the vacant land (via Balinga Drive), parallel to the South West Highway. Development in this space will considerably impact the nature of the approach to the village, and significantly impact traffic at an already dangerous turn. I moved to Balingup for the space, quietness and village feel. I am a resident of Balinga Drive myself. I fully recognise that housing is needed, however, to develop the entrance to the village will totally alter the feel and tourism attraction to the village, and I will need to consider if it is somewhere I will want to remain living.	**Planning Area M –** Refer to submission 1 **Planning Area O** – Refer to submission 135	Refer to modifications recommended for Submission 1 and 135.
164	[redacted]	1. Planning Area M - Old Padbury Road – Objection same as in submission 1. 2. Planning Area I – Sandhills Road As noted in point (ii), the site contains a significant amount of native vegetation and may require a flora and fauna survey prior to development. Importantly, much of this area is already designated as Reserve 2052, which is an opportunity for protection of the natural environment here. It is unlikely that retaining the vegetation is compatible with industrial development. In which case, the most important question is whether the community accepts the clearing of this vegetation, and if this area is environmentally significant. This is not apparent in this strategy. Given this is the only Industrial development identified in the strategy, the Shire should possibly also consider whether there are other already-cleared areas around Donnybrook more suitable for an industrial area. GENERAL COMMENT It is hard to see how the draft strategy aligns with community expectations. From the minutes of the council meeting on	**Planning Area M –** Refer to submission 1 Planning Area I – Sandhills Road has been identified in the Strategy as a potential long-term industrial expansion area for the Donnybrook townsite. A significant proportion of the land within the precinct is already zoned General Industry under Local Planning Scheme No.7, with the remaining land zoned General Agriculture. The Strategy identifies the area to provide long-term industrial land supply given its proximity to the existing industrial estate and transport connections. The Strategy also recognises that the site contains significant native vegetation, and accordingly notes that flora and fauna surveys may be required prior to development. Any future subdivision or development would require detailed environmental assessment and planning approvals. In addition, portions of the area are currently subject to basic raw material extraction activities. The Strategy	Refer to modifications recommended for Submission 1.

	Name and Email	Submission received	Considerations	Recommended modifications
		Wednesday 23 March 2022 there was COUNCIL RESOLUTION 26/22, CARRIED 9/0 by En bloc Resolution, item number 2: that Council Instruct the Chief Executive Officer to continue preparing the draft Local Planning Strategy and Local Planning Scheme ensuring due regard is given to the responses and comments received within the survey results. When looking at M. Old Padbury Rd and I. SANDHILLS ROAD; it seems that due regard has not been given to the survey results. Relevant summary points that of the survey include: 1. The role of the Shire remaining transparent, using effective and clear consultation methods to reach a broad audience; 7. Protection of the existing rural, community lifestyle within the Shire; and 8. Protection and enhancement of the natural environment	therefore identifies that development within the precinct may be deferred until BRM resources are extracted and the land rehabilitated, at which point the suitability of the land for future industrial subdivision can be further assessed through the structure planning and statutory planning processes.	
165	Planning Solutions on behalf of [redacted] Pty Ltd	Lot 6 Grist Road, Donnybrook, a single landholding of approximately 45.63 hectares that is bisected by an unconstructed road reserve. The western portion of the lot (Portion A) is currently included within Planning Area G. The central portion (Portion B) is unencumbered by the Donnybrook Stone buffer and sits outside the current Planning Area G boundary. The eastern portion (Portion C) is affected by Special Control Area 4 associated with Donnybrook Stone extraction operations and is acknowledged by the submitter as having limited development potential. The submission makes four key requests: 1. Expand the Planning Area G boundary to include Portion B of Lot 6 (approximately 5ha), on the basis that it is unencumbered by the Donnybrook Stone buffer and is considered suitable for residential development. 2. Reduce minimum lot sizes across Planning Area G by applying a Residential R2.5 density code to facilitate lots of between 4,000sqm and 5,000sqm, rather than the current Rural Residential designation. The submitter argues this would increase housing diversity, respond to market demand for smaller lots, and improve development feasibility. 3. Realign the unconstructed road reserve that currently bisects the site through a land swap arrangement, to be investigated as part of the structure planning process. The submitter notes this realigned road could also serve as an east-west bushfire evacuation route north of Donnybrook. 4. Update Figure 7 and the Planning Area G figure to reflect the proposed boundary expansion and zoning changes.	Planning Area G is identified to enable further investigation of its suitability for development. Consistent with the approach applied across all Planning Areas, indicative lot yields and density coding have been removed and will be determined at scheme amendment and structure plan stages. The request to expand the boundary to include Portion B of Lot 6 is supported. Portion B is unencumbered by the Donnybrook Stone buffer and its inclusion within Planning Area G is considered appropriate to enable further investigation of its development potential as part of the structure planning process. The appropriate density, zoning breakdown and extent of developable land will be determined at scheme amendment and structure plan stages. The realignment of the unconstructed road reserve and its potential as a bushfire evacuation route are similarly matters for the structure plan and subdivision stages.	Modification supported in Part Amend Planning Area G to expand the boundary to include Portion B of Lot 6 Grist Road, Donnybrook. Update Figure 7 and the Planning Area G figure accordingly.

	Name and Email	Submission received	Considerations	Recommended modifications
		The submitter supports the requirement for a Structure Plan and notes that the proposed lots can be serviced through on-site effluent disposal and rainwater collection, consistent with SPP 2.9 Water.		

Schedule of Submissions (Agencies/Public Authorities) Donnybrook – Balingup Local Planning Strategy 2024

Draft Dated: 16 -08-2024

Name of Agency / Public Authority	no	Submission Received	Considerations	Recommended Modifications
Western Power [redacted]		Unable to provide general advice. Shire to do a self-assessment		No modification required.
Department of Energy, Mines, Industry Regulation and Safety [redacted]		No objections lodged.		No modification required.
Environmental Health Directorate [redacted]		No Objections Lodged General advice- health risks to consider when planning an area.		No modification required.
DPIRD [redacted]	a	The Shire's main economic driver is agricultural production, and this must be protected as it provides essential food products, employment and other value adding opportunities like food processing and rural tourism.	The Strategy recognises agriculture as a key economic driver of the Shire, as outlined in Part 2 Section 2.2 – Economy and Employment, and includes planning directions to protect rural land and support agricultural production. In addition, the Strategy applies the principles of SPP 2.5 – Rural Planning, including the identification of Priority Agriculture areas, to ensure agricultural land and activities are protected.	No modification required.
	b	DPIRD recommends that areas for Rural Residential development be close to existing settlements and are clearly identified in the Local Planning Strategy and Scheme.	The Strategy identifies areas suitable for Rural Residential development through designated Planning Areas, generally located adjacent to or in proximity to existing settlements and townsites. This approach aligns with the principles of SPP 2.5 – Rural Planning, which encourages rural residential development to occur in appropriate locations while protecting productive agricultural land.	No modification required.
	c	Objection DPIRD does not support homestead lots outside of the areas currently identified in DCP 3.4 - Subdivision of Rural land. A significant number of landholders own more than one lot and the establishment of homestead lots is therefore not required for succession planning.	Clause 6.6 of DCP 3.4 provides the established framework for homestead lot consideration. The Shire's position is that this framework should be extended to the South West given the significant agricultural character of the region and the genuine succession planning needs of the farming community.	No modification required.

			The proposed provisions include a minimum parent lot size of 60ha and a maximum homestead lot size of 5ha, ensuring that homestead lots remain genuinely ancillary to the farming operation and do not represent fragmentation of productive agricultural land in any meaningful sense. These parameters are consistent with the intent of clause 6.6 of DCP 3.4 and ensure the provision is targeted and limited in scope. The Shire acknowledges that detailed provisions will need to be developed through the scheme amendment process in consultation with DPIRD and DPLH to ensure the homestead lot framework is appropriately implemented within the local context.	
	d	Tourism developments within the agricultural zones must be appropriately sized and incidental to the agricultural use of the land.	The Strategy recognises that tourism uses may occur within rural areas but must remain compatible with the primary agricultural function of the land. This is addressed through Action 13.1.2, which identifies potential tourism land uses that may be appropriate in non-tourism zones while ensuring that development does not compromise the primary purpose or objectives of the applicable zoning. This approach ensures tourism development within agricultural areas remains appropriately scaled and compatible with surrounding agricultural activities.	No modification required.
	e	'Due to the impacts of tree farming, including the potential for land use conflict, this land use should be confined to suitable localities within the Shire to be reflected in the Scheme via a Special Control Area.' – DPIRD agrees with this approach and recommends that tree farming for carbon storage (long term) is not allowed on land zoned Priority Agriculture.	DPIRD's concern is supported. While the existing SCA6 review under Action 21.1.1 would address tree farming locations broadly, carbon storage tree farming represents an emerging and distinct land use that may result in the permanent removal of Priority Agriculture land from food production, an irreversible outcome that warrants explicit protection at strategy level. It is therefore considered appropriate to amend the rationale for Action 21.1.2 to explicitly address carbon storage tree farming on Priority Agriculture land. In addition, DPIRD's submission highlights a gap in the current land use definitions framework, there is currently no action equivalent to 27.1.1 that reviews and updates land use definitions to include tree farm / carbon farming as a distinct land use. A new action is considered necessary to address this gap and provide clarity on the permissibility of carbon farming across different zones.	Modification supported Add new action 21.1.3 to read: "Ensure tree plantations established for carbon sequestration and/or carbon storage tree farming are prohibited in the Priority Agriculture Zone in the future LPS8." Rationale "Priority agriculture land should be protected for ongoing food and fibre production, consistent with the intent and objectives of the zone. " Add a new action under Issue 21.1.4 to read: "Distinguish plantation-related land uses by recognising the difference between plantations associated with timber production and plantations established for carbon sequestration and/or carbon farming. Rationale "Tree plantations intended for harvesting can be returned to agricultural production at a later date. However, carbon farming and sequestration is

				intended to remain in perpetuity, thereby removing the land from agricultural production permanently."
	f	Planning Area G - Kelly Road North DPIRD does not support the proposed zoning of Residential/Rural Residential of this area as it is surrounded by agricultural land and therefore, isolated from any other form of residential development.	The Strategy identifies Planning Area G as a potential residential / rural residential expansion area due to its proximity to the Donnybrook townsite. Lots 115 and 116 are located directly north of existing residentially zoned land, and the required vehicular connection between Kelly Road and Irishtown Road would also connect Lots 115 and 116 with Lot 6 and Lot 2280, improving integration of the area with the surrounding residential pattern and road network. While parts of the area are affected by Donnybrook Stone / SCA4 constraints, these are recognised in the Strategy and development would be directed to areas outside the Special Control Area or otherwise subject to further assessment in consultation with relevant State agencies. Officers also note feedback from DMIRS that the extent of the Donnybrook Stone resource may be greater than currently mapped, and the future subdivision layout and lot yield may therefore need to be reconsidered at later planning stages depending on the confirmed extent of the resource.	Modification not supported.
	g	Planning Area L - Castle Street West DPIRD does not support the proposed zoning of Rural Residential of this area as it is currently zoned Priority Agriculture and situated adjacent to horticultural enterprises.	Planning Area L is a relatively small area of approximately 8.2 hectares, with an expected yield of only four lots, and is currently zoned Priority Agriculture. The land is also situated adjacent to existing horticultural enterprises. Having regard to its limited size, low development yield, agricultural zoning and surrounding agricultural context.	Modification supported. Delete Planning Area L – Castle Street West from the Strategy.
Department of Planning, Lands and Heritage [redacted]	a	The proposed Local Planning Strategy has been considered for its potential impact on heritage places within the Local Planning Strategy area and the following advice is given: The Shire of Donnybrook-Balingup is to be commended for proposing positive actions to ensure the long-term protection of places of cultural heritage significance including an update to Shire's Local Heritage Strategy and Heritage List and the development of specific heritage policies/ design guidelines. Where the document distinguishes between Aboriginal and other types of heritage, it is recommended that the term 'Historic Heritage' be used for consistency with State Planning Policy 3.5, Historic Heritage Conservation, and the Local Planning Strategy Guidelines (2021).	The use of the term "Historic Heritage" for consistency with State Planning Policy 3.5 – Historic Heritage Conservation and the Local Planning Strategy Guidelines is supported.	Modification supported. Amend Section 6.0 to use the term **Historic Heritage** where referring to non-Aboriginal heritage places, including the heading, Issue / Opportunity text, Planning Direction 6.1 and relevant actions under 6.1.

	b	It is noted in Part 1, Section 6.2.1, that the Shire will 'Investigate opportunities to recognise Aboriginal heritage within the planning framework…'etc. We suggest that the Shire consider how this recognition will occur, as places of cultural heritage significance included in a local heritage survey under the Heritage Act 2018 are distinct from Aboriginal sites protected under the Aboriginal Heritage Act 1972 (2023 amendment).	The Strategy already identifies that opportunities to recognise Aboriginal heritage within the planning framework will be investigated where appropriate and in consultation with the local Aboriginal community. The detailed process for how this recognition may occur can be considered through that future investigation.	Modification not supported.
DBCA [redacted]	a	DBCA considers that the Planning Directions and Actions identified in Section 2.3 Table 3 Environment should include an action for development proposals to be supported by a conservation survey where appropriate and this should be included as a provision within the Local Planning Scheme.	The Strategy already addresses environmental considerations through Issue 22.0 – Native Vegetation and Protected Flora and Fauna, including Action 22.1.1, which proposes establishing Scheme provisions to ensure due regard is given to protecting native vegetation during rezoning and structure planning processes. Conservation surveys may therefore be required on a case-by-case basis where development may impact native vegetation, rather than as a blanket requirement for all proposals.	Modification not supported.
	b	In relation to Section 3 Planning Areas, DBCA considers that impacts of development on native vegetation and/or threatened/priority flora, fauna or ecological communities should be a minimum consideration for all planning areas (p.30 Section 3.1).	DBCA's submission is noted. However, it is considered that detailed investigation of these matters is more appropriately addressed at subsequent planning stages, including prior to lodgement of any scheme amendment, structure plan or subdivision application.	Modification not supported.
	c	The following comments related to specific Planning Areas should also be considered: • Planning Areas A. B. C. E. K. and L. adjoin State Forest and further investigation should include consideration of this interface. Proposed development should not result in impositions being placed upon the management of the adjoining DBCA-managed land. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, pollution and/or Phytophthora dieback spread from a site into the adjoining State Forest.	DBCA's submission is noted. However, it is considered that detailed investigation of these matters is more appropriately addressed at subsequent planning stages, including prior to lodgement of any scheme amendment, structure plan or subdivision application.	Modification not supported.
	d	• Planning Area I - Sandhills Road adjoins nature reserve and includes unallocated Crown land (for which DBCA has some management responsibilities) along with potentially significant conservation values which require further investigation.	The need for further investigation of these values is acknowledged. However, detailed investigation of conservation values and the interface with adjoining nature reserve and Crown land is more appropriately addressed at scheme amendment and structure plan stages, prior to lodgement of any rezoning or subdivision application, through the relevant environmental assessment and approval processes.	Modification not supported.
	e	• Planning Area M - Old Padbury Road adjoins the Golden Valley Tree Park and further investigation should include consideration of this interface. Proposed development should not result in impositions being placed upon the management of the adjoining DBCA-managed land. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, pollution and/or Phytophthora dieback spread from the site into the adjoining freehold land.	It is acknowledged that proposed development should not result in impositions on the management of the adjoining DBCA-managed land. In this regard it is noted that Lot 10, which most directly adjoins the Golden Valley Tree Park, has been removed from Planning Area M following strong community opposition and technical constraints including extreme bushfire hazard ratings. The remaining lots within Planning Area M are considered to have a more limited interface with the Tree Park. Any future development will be required to address interface matters with adjoining land at scheme amendment and	Modification not supported.

			structure plan stages through the relevant planning and environmental approval processes.	
	f	• Planning Area S - Noggerup Hamlet adjoins and contains part of Preston National Park (R47661). DBCA considers that this land should not form part of the identified Planning Area and the land should be reserved for Environmental Conservation.	DBCA notes that Planning Area S adjoins Preston National Park and includes land with conservation values. While Planning Area S is retained to recognise and rationalise the existing settlement pattern, there is merit in clarifying the conservation outcome for land adjoining the National Park.	Modification supported. Amend Additional Consideration (i) so that Lot 90 on DP27671 (Part Reserve 31375) and Reserve 18567 are identified as Reserve – State Forest, and Lot 300 on DP36424 (Part Reserve 47661) is identified as reserve for Environmental Conservation
Department of Education		No objections		No modification required.
Department of Transport [redacted]	a	Consultation with Main Roads WA (MRWA) is recommended with regard to: Part 1 section 2.2 (15) - Bushfire access options via MRWA controlled roads to support tourism proposals, Part 1 section 2.4 (32) - Potential need to reduce speed limits along regional roads to enable intensification of development; and Part 1 section 3.1 – Access from regional roads to individual planning areas.	Consultation with Main Roads WA (MRWA) was undertaken during preparation of the draft Strategy and no comments were received. Requirements relating to bushfire access via MRWA-controlled roads, speed limit considerations and access from regional roads will continue to be addressed through consultation with MRWA during future planning processes where relevant.	No modification required.
	b	Part 1 section 2.4 (35) – DoT supports the commentary around pedestrian facilities, however notes that this heading includes bike facilities. It is recommended that a separate section regarding bike facilities is included to ensure provision for both pedestrians and bikes are clearly identified and planned for. There is a lot of potential for bike infrastructure to contribute to the tourism offerings of the Shire.	The submission is supported in part. The current actions already include reference to bicycle facilities, including bicycle racks and related infrastructure. However, the current heading and wording are primarily framed around pedestrian facilities, which does not fully reflect the broader intent of the section. Rather than introducing a separate action for cycling, the existing issue/opportunity, planning direction and action should be amended to refer more clearly to pedestrian and cycling facilities as part of active transport infrastructure.	Modification supported. Amend Issue / Opportunity 35.0 heading from Pedestrian Facilities to Pedestrian and Cycling Facilities / Active Transport Infrastructure. Amend the related planning direction and actions to consistently refer to pedestrian and cycling facilities, including footpaths, shared paths, bicycle parking and wayfinding signage.
	c	The Shire should ensure wayfinding signage for pedestrian and bike routes/trails is planned for and implemented.	Wayfinding signage for pedestrian and bicycle routes is addressed through the proposed amendment to Action 35.1.1, which includes provision for multi-use pathways and wayfinding signage.	Refer to Modification DoT [b]
	d	DoT reiterates the need to address State Planning Policy (SPP) 5.4 Road and Rail Noise, as described in Part 2.	The comment is noted. State Planning Policy 5.4 Road and Rail Noise apply to development adjacent to major transport corridors and will be considered where relevant during future planning stages such as rezoning, structure planning and subdivision.	No modification required.
	e	DoT notes that Part 2 section 4.5.2 – Transport Network - identifies the potential for the reinstatement of the Greenbushes-Bunbury Rail Line in some form. As the Shire has noted, this would be a major project at a state level, and further investigation will require consultation with the Public Transport Authority regarding the rail line, and with MRWA with regards to grade separated crossings.	The comment is noted.	No modification required.
	f	PTA had no comment to provide regarding the LPS.	Noted	No modification required.

DFES [redacted]	a	Planning Area A - Marshall Road Cannot comply with SPP 3.7. Recommend this area is removed from the LPS as a Planning Area. Compliance with Element 1: Location and Element 3: Vehicular Access is unable to be achieved. DFES would not be supportive of a reduced lot yield without secondary access due to the extreme hazard. Statement (ii) for PA (A) should be removed from the Strategy. Given the area identified for future subdivision has been through two planning phases (scheme amendment / subdivision) and no secondary access was identified, compliance with vehicular access for this site is unlikely. Notwithstanding DFES' concerns over the risk presented by the broader location, if the Shire is of the opinion that access constraints may be resolved in the future and wishes to include the area in the LPS contrary to DFES' recommendation, the Strategy should be modified to state that no further development will be accepted unless a secondary public road can be achieved.	This submission is supported in part. Significant work has been undertaken toward a Scheme Amendment for Planning Area A (refer Scheme Amendment 14). DPLH officer level advice indicates that up to 3 lots may be possible subject to demonstration of community benefit and an updated Bushfire Management Plan. Modifications to the existing Additional Considerations manages landowner and purchaser expectations and reflects the current state of planning work of the area, while maintaining that the yield is subject to conditions to be confirmed through the Scheme Amendment process.	Modification required. Remove Additional Consideration (ii). Renumber existing Additional Considerations (iii) and (iv) as (ii) and (iii). Add new Additional Consideration (iv) to read: "Further planning investigations have been undertaken in the context of a proposed Scheme Amendment for Planning Area A. Subject to the applicant demonstrating community benefit commensurate to the additional lot yield being sought, including but not limited to provision of an additional firefighting water tank, a contribution to Marshall Road upgrade, and emergency access between Marshall Road and Stremple Nook, and the preparation of and updated Bushfire Management Plan, to the satisfaction of the Shire and relevant agencies, a lot yield of up to three lots may be considered. This will be confirmed through the Scheme Amendment process."
	b	Planning Area B - Hurst Road Cannot comply with SPP 3.7 in the current form. Recommend this area is removed from the LPS as a Planning Area in its current form. Compliance with Element 1 and Element 3 is unlikely to be achieved for an 8-lot subdivision. Strategy should reduce the intensification that will allow compliance with the policy requirements.	Planning Area B's supporting bushfire analysis identifies the site as constrained, and full development in its current form is unlikely to comply with SPP 3.7. This is further reflected in Additional Consideration (i), which already acknowledges that battle-axe development is unlikely to be supported unless SPP 3.7 compliance can be demonstrated. Outright removal of Planning Area B is not considered necessary at this stage. In response to DFES' concern regarding development intensity, the indicative lot yield and density coding have been removed from Planning Area B, and from all Planning Areas across the Strategy, to avoid overstating development potential and to manage landowner expectations. Actual yield and density will be determined through detailed bushfire assessment and compliance with SPP 3.7 at scheme amendment and structure plan stages.	Modification required Remove the indicative lot yield and density coding from Planning Area B. This modification applies consistently across all Planning Areas in the Strategy.
	c	Planning Area C - Bendall Road Compliance with Element 1 is unlikely to be achieved for an 8-lot subdivision. The Strategy should consider lowering intensification. Compliance with vehicular access requires careful consideration and relies on a third party. The Strategy should strengthen any statements regarding the support of subdivision without secondary access given the extreme hazard. It is noted that the Strategy will condition the secondary access in the form of a public road. However, the Strategy should also note that any future subdivision design should incorporate hazard separation or defendable space.	Additional Considerations (i) and (ii) already require secondary road access to be identified and constructed in accordance with SPP 3.7 prior to subdivision, with the applicant/landowner responsible for all associated costs. Section 3.1(c) further requires SPP 3.7 compliance as a minimum consideration applying to all Planning Areas. DFES' concerns are therefore already addressed through the existing framework. Regarding the indicative lot yield, refer to submission by DFES [b].	Refer to modification DFES[b].
	d	Planning Area D - Morgan Road North Compliance with Element 3: will not be achieved without careful consideration of the road network in conjunction with the development	DFES raises concern that Planning Areas D, E and F should not be considered in isolation, and that access, road network planning and hazard separation need to be	Modification required

		of Planning Areas (E) and (F). Structure Planning across all three areas to ensure secondary access is provided at all stages of future subdivision and the inclusion of hazard separation in the form of roads and public open space is required.	addressed in an integrated manner across all three areas. This is consistent with the supporting bushfire analysis which identifies access as a key constraint and recommends the areas be considered together. Watercorp's submissions similarly highlight differing but complementary water and sewer servicing situations across the three areas, further supporting the case for integrated planning. Given the physical adjacency of the three areas, their interdependent access and servicing requirements, and the need for coordinated bushfire hazard separation, it is considered appropriate to combine Planning Areas D, E and F into a single Planning Area. This will ensure that structure planning, road network design, hazard separation and infrastructure servicing are addressed in a coordinated and integrated manner across the entire precinct.	Combine Planning Areas D, E and F into a single Planning Area, with Additional Considerations updated to reflect the integrated planning, access, hazard separation and infrastructure servicing requirements across the combined area.
	e	Planning Area E - Morgan Road South Compliance with Element 1 requires careful consideration due to the proximity of extreme hazard vegetation. The Strategy should note that any future subdivision design should incorporate hazard separation or defendable space in the form of perimeter roads or Fire Service Access Routes (FSAR). Compliance with Element 3: can be achieved through the connection of existing roads.		
	f	Planning Area F - Elma Lane North Compliance with Element 1 can be achieved. Compliance with Element 3: can be achieved through the connection of existing roads.		
	g	Planning Area G - Kelly Road North Compliance with Element 1 can be achieved with a reduction in density / lot yield due to topography and uncertain access. Compliance with Element 3 may be achieved with careful consideration of existing road reserve connections.	Section 3.1(a) and (c) already establish that Planning Areas are not automatically suitable for development and that SPP 3.7 compliance is required as a minimum consideration. The existing Additional Considerations further address access and SPP 3.7 compliance requirements at scheme amendment and structure plan stages. Regarding the indicative lot yield, refer to submission by DFES [b].	Refer to modification DFES[b].
	h	Planning Area H - South Western Highway Compliance with BPC can be achieved.	DFES comments are noted.	No modification required.
	i	Planning Area I - Sandhills Road Compliance with SPP 3.7 policy objective 5.4 cannot be achieved. Development of this area does not achieve an appropriate balance between bushfire risk management measures, environmental protection and biodiversity management. Recommend this area is removed from the LPS as a Planning Area.	Planning Area I – Sandhills Road is identified in the Strategy as a potential long-term industrial expansion area for the Donnybrook townsite. A significant proportion of the precinct is already zoned General Industry under Local Planning Scheme No. 7, with the balance zoned General Agriculture. It is also noted that the area adjoins nature reserve and includes unallocated Crown land with potential conservation values requiring further investigation. DFES' concerns are noted. The ultimate development outcome for the area will depend on the extent and timing of basic raw material extraction, rehabilitation, and any further bushfire and environmental assessment. Matters relating to the interface with the adjoining nature reserve, unallocated Crown land and conservation values are more appropriately investigated and addressed at scheme amendment and structure plan stages through the relevant planning and environmental approval processes.	Modification not supported.
	j	Planning Area J - Brookhampton Road North Cannot comply with SPP 3.7. Compliance with Element 1 is unlikely to be achieved due to the proximity of extreme hazard. Together with the landlocked nature of the lot (rail reserve) and that two public road access routes would be required through a number of reserves including the Kirup State Forest reserve (which forms part of the Brookhampton Road reserve) and parcels of Unallocated Crown Land (UCL) to achieve secondary access. Compliance with SPP 3.7 is not	The concern is acknowledged. Planning Area J is affected by bushfire and access constraints, and the existing road reserves are not currently constructed to a standard suitable to support residential development. However, the presence of road reserves indicates that there may be potential to achieve appropriate access, subject to further investigation. The identification of the land as a Planning Area does not indicate that rezoning or development is automatically	Modification not supported.

		considered achievable. Recommend this area is removed from the LPS as a Planning Area.	supported. Any future rezoning would need to be progressed through LPS8 or a separate scheme amendment process and supported by technical investigations, including confirmation of safe vehicular access, secondary access, bushfire management and road construction requirements.	
	k	Planning Area K - Kirup South Cannot comply with SPP 3.7. Compliance with Element 1 cannot be achieved. There is an extreme hazard vegetation on three aspects. Compliance with Element 3 requires further consideration. Dependent on the acquisition of private land to achieve secondary access to Kirup-Grimwade Road. Additional access to South Western Highway is not likely to be supported by MRWA. Recommend this area is removed from the LPS as a Planning Area.	DFES' concerns are noted; however, the existing Additional Considerations already comprehensively address the constraints identified. Additional Considerations (i) and (ii) require secondary road access to be identified and constructed in accordance with SPP 3.7 prior to subdivision, with Kirup-Grimwade Road identified as the likely secondary access route and the applicant/landowner fully responsible for all associated costs including any private land acquisition. Additional Consideration (iii) provides a reduced lot yield fallback subject to review and approval by DPLH in consultation with DFES, and Additional Consideration (iv) already flags that access to South Western Highway will require MRWA review and approval. These matters are more appropriately tested at scheme amendment and structure plan stages, where DFES and MRWA will have the opportunity to formally assess and condition any proposals. The indicative lot yield is based on total land area only and does not account for site-specific bushfire constraints, which will be addressed by the additional minimum consideration 3.1(o).	Modification not supported.
	l	Planning Area L - Castle Street Compliance with Elements 1 and 3 can be achieved. The Strategy should note that any future subdivision design should incorporate hazard separation between future development and the extreme hazard vegetation to the east	Refer to submission by DPIRD [g], which recommends removal of Planning Area L from the Strategy.	Refer to submission DPIRD [g]
	m	Planning Area M - Old Padbury Compliance with Element 3 requires careful consideration. The Strategy should limit intensification adjacent to South Western Highway where road connections may be possible and to avoid areas where topography and extreme vegetation make development unsuitable.	DFES' concerns are noted. Additional Consideration (i) already requires that any proposed access to South Western Highway be subject to MRWA review and approval, and Additional Considerations (ii) and (iii) require road upgrades as a condition of subdivision. These matters will be further tested at scheme amendment and structure plan stages. In relation to topography and vegetation constraints, Lot 10 Old Padbury Road represents the most constrained portion of Planning Area M, with the steepest topography and the most significant vegetation cover. In addition to the physical constraints identified by DFES, there has been strong community preference against the inclusion of Lot 10 given its adjacency to the Golden Valley Tree Park and the heritage-listed homestead. Additional Consideration (iv) already requires appropriate buffer and land use considerations for the protection of the adjacent State Heritage Place. On balance, it is considered appropriate to remove Lot 10 from Planning Area M, with the remainder of	Refer to modifications on Public Submission No. 1 relating to Lot 10 Old Padbury in Planning Area M.

			the Planning Area retained. The indicative lot yield will require adjustment to reflect the reduced land area.	
	n	Planning Area N - Jayes Road West Compliance with Element 1 can be achieved. Compliance with Element 3 can only be achieved by adjoining 2 local public roads to create loop / secondary access. The secondary access may be difficult due to the portion of the lot which is not proposed for development. Access on the west and north side is restricted by a waterway, however this planning area should be considered in conjunction with the adjoining Balinga planning area to the north to secure road access.	DFES' concerns regarding access are noted. It is acknowledged that Jayes Road and Forrest Street do not currently extend to Planning Area N and that achieving two compliant road connections may be challenging given the waterway constraints on the west and north of the site. The feasibility of achieving SPP 3.7 Bushfire compliant access will need to be demonstrated at scheme amendment stage to the satisfaction of the Shire and DFES. Notwithstanding this, Planning Area N is retained at this stage pending further investigation of access options.	No modification required.
	o	Planning Area O - Balinga Drive Compliance with Element 1 can be achieved. The Strategy notes that compliance with Element 3 is subject to approval from MRWA.	Comments are noted.	No modification required.
	p	Planning Area P - Yabberup Hamlet Compliance with Elements 1 and 3 can be achieved should development be considered.	Comments are noted.	No modification required.
	q	Planning Area Q - Mumballup Hamlet Compliance with Elements 1 and 3 can be achieved should development be considered.	Comments are noted.	No modification required.
	r	Planning Area R - Newlands Hamlet Compliance with Elements 1 and 3 can be achieved should development be considered.	Comments are noted.	No modification required.
	s	Planning Area S - Noggerup Hamlet Cannot comply with SPP 3.7. Compliance with Element 1 cannot be achieved due to the extreme hazard vegetation in the broader landscape. Recommend this area is removed from the LPS as a Planning Area.	Planning Area S – Noggerup Hamlet is included in the Strategy primarily to rationalise the existing settlement pattern within the Noggerup Hamlet locality, rather than to enable or encourage new development. The proposed zoning of Rural Townsite/Reserve – State Forest reflects the existing land use character of the area and provides an appropriate strategic planning framework for the existing settlement. DFES' concern is noted; however, removal of Planning Area S from the Strategy would not remove the existing settlement, it would simply leave it without a strategic planning framework, which is not considered to be in the interests of good planning outcomes for the locality. Additional Consideration (iii) already explicitly requires that no further subdivision will be supported unless it can be demonstrated to comply with SPP 3.7 and the relevant Government Sewerage Policy. It is noted that the Government Sewerage Policy has since been superseded by SPP 2.9 – Water Resources, and Additional Consideration (iii) should be updated to reflect this. This directly addresses DFES' bushfire concern by ensuring that any future subdivision is subject to full SPP 3.7 assessment. Additional Considerations (iv) and (v) further restrict development by	Modification not supported. However, modification required. Amend Additional Consideration (iii) of Planning Area S to replace the reference to the Government Sewerage Policy with SPP 2.9 Water.

			setting minimum lot sizes and requiring power supply and constructed road access.	
Water Corporation [redacted]	a	Planning Area A - Marshall Road The subject area falls outside a planned water scheme area (approx. 6.5km away from Donnybrook scheme and approx. 6.7km from Boyanup) and therefore a reticulated potable water supply is not immediately available, and it is not feasible to connect into either of these schemes due to costs and practicality. Alternative solutions should be looked at if connection to water is required. There is also no longterm plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	The draft Strategy identifies the land as a Planning Area to allow further investigation of its suitability for future development. This does not indicate that rezoning or development is automatically supported. Any future rezoning would need to be progressed through the Local Planning Scheme review or a separate scheme amendment process, supported by relevant technical investigations. The Strategy also already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) which is now superseded by SPP2.9 where reticulated sewer is not provided.	Modification required Amend Section 3.1(h) to replace the reference to the Government Sewerage Policy (September 2019) with SPP 2.9 Water to reflect the current superseding State planning policy.
	b	Planning Area B - Hurst Road The subject area falls outside a planned water scheme area (approx. 6.5km away from Donnybrook scheme and approx. 6.7km from Boyanup) and therefore a reticulated potable water supply is not immediately available, and it is not feasible to connect into either of these schemes due to costs and practicality. Alternative solutions should be looked at if connection to water is required. There is also no longterm plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	The draft Strategy identifies the land as a Planning Area to allow further investigation of its suitability for future development. This does not indicate that rezoning or development is automatically supported. Any future rezoning would need to be progressed through the Local Planning Scheme review or a separate scheme amendment process, supported by relevant technical investigations. The Strategy also already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) which is now superseded by SPP2.9 where reticulated sewer is not provided.	Refer to modification Water Corporation [a] for 3.1 (h)
	c	Planning Area C - Bendall Road The subject area falls outside a planned water scheme area (approx. 3.2km away from Donnybrook scheme) and therefore a reticulated potable water supply is not immediately available. Alternative solutions should be looked at if connection to water is required. There is also no long-term plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	The draft Strategy identifies the land as a Planning Area to allow further investigation of its suitability for future development. This does not indicate that rezoning or development is automatically supported. Any future rezoning would need to be progressed through the Local Planning Scheme review or a separate scheme amendment process, supported by relevant technical investigations. The Strategy also already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) which is now	Refer to modification Water Corporation [a] for 3.1 (h)

			superseded by SPP2.9 where reticulated sewer is not provided.	
	d	Planning Area D - Morgan Road North The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Donnybrook Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	Watercorp's submission is consistent with the Strategy's framework under Actions 29.2.1 and 29.2.2, which require connection to reticulated scheme water where available and establish appropriate distance thresholds for connection requirements. Given Planning Area D's proximity to the Donnybrook Water Scheme, connection is considered a realistic pathway subject to upgrade requirements to be determined by Watercorp at scheme amendment and structure plan stages. In relation to sewerage, Planning Area D falls outside a planned sewerage catchment with no long-term plans to provide reticulated sewer. On-site wastewater disposal will therefore be required and must comply with SPP 2.9 Water, consistent with Section 3.1(h) of the Strategy. Given that Planning Areas D, E and F are to be combined into one planning area, coordinated infrastructure planning for water and sewer across all three areas is encouraged.	Refer to modification Water Corporation [a] for 3.1 (h) and DFES [d, e, f]
	e	Planning Area E - Morgan Road South The subject area falls outside the existing scheme area however has been considered in our long-term scheme water planning. Reticulated water is not immediately available to serve the subject area. All water main extensions for the subject area, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area.	Watercorp's submission is consistent with the Strategy's framework under Actions 29.2.1 and 29.2.2, which require connection to reticulated scheme water where available and establish appropriate distance thresholds for connection requirements. Water main extension requirements will be determined by Watercorp at scheme amendment and structure plan stages. In relation to sewerage, Planning Area E falls outside a planned sewerage catchment with no long-term plans to provide reticulated sewer. On-site wastewater disposal will therefore be required and must comply with SPP 2.9 – Water Resources, consistent with Section 3.1(h) of the Strategy. Given that Planning Areas D, E and F are to be combined into one planning area, coordinated infrastructure planning for water and sewer across all three areas is encouraged.	Refer to modification Water Corporation [a] for 3.1 (h) and DFES [d, e, f]
	f	Planning Area F - Elma Lane North The subject area falls outside the existing scheme area however has been considered in our long-term scheme water planning. Reticulated water is not immediately available to serve the subject area. All water main extensions for the subject area, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. The subject area falls outside a planned sewerage catchment. This area is adjacent to the Donnybrook Sewer District, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area.	Watercorp's submission is consistent with the Strategy's framework under Actions 29.2.1 and 29.2.2, which require connection to reticulated scheme water where available and establish appropriate distance thresholds for connection requirements. Water main extension requirements will be determined by Watercorp at scheme amendment and structure plan stages. In relation to sewerage, Planning Area F is adjacent to the Donnybrook Sewer District, and Watercorp has indicated that if connection is required, their planning department would review proposed development to identify any	Refer to modification Water Corporation [a] for 3.1 (h) and DFES [d, e, f]

			necessary upgrades. Connection to the Donnybrook Sewer District is therefore considered a realistic pathway subject to upgrade requirements to be confirmed by Watercorp at scheme amendment and structure plan stages. This is consistent with Section 3.1(h) of the Strategy and SPP 2.9 – Water Resources. Given that Planning Areas D, E and F are to be combined into one planning area, coordinated infrastructure planning for water and sewer across all three areas is encouraged.	
	g	Planning Area G - Kelly Road North The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Donnybrook Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	The Strategy already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) now superseded by SPP2.9 where reticulated sewer is not provided.	Refer to modification Water Corporation [a] for 3.1 (h)
	h	Planning Area H - South Western Highway Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. Reticulated sewerage is not immediately available to serve the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.	Water Corporation notes that reticulated water is available to Planning Area H, while reticulated sewer may require extensions. This is addressed through Actions 28.1.2, 28.1.3, 29.2.1 and 29.2.2 of the Strategy.	Modification not supported.
	i	Planning Area I - Sandhills Road Part of this area is within the Sandhills Rd Booster water zone however majority of this area is outside of the existing and planned water zone. Further investigation will have to be done for this area to ensure that in can be catered for in the existing scheme and to identify any upgrades required to serve this area. Part of this area is within the Donnybrook Sewer district. Further investigation will have to be done for this area to ensure that it can be catered for in the existing scheme and to identify any upgrades required to serve this area.	The matter is addressed through Actions 28.1.3 and 29.2.1 and 29.2.3 of the Strategy and Minimum Consideration 3.1(h).	Refer to modification Water Corporation [a] for 3.1 (h)
	j	Planning Area J - Brookhampton Road North The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Kirup Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long- term plans to serve this area with a sewerage connection.	The matter is addressed through Actions 28.1.3 and 29.2.1 and 29.2.3 of the Strategy and Minimum Consideration 3.1(h).	Refer to modification Water Corporation [a] for 3.1 (h)
	k	Planning Area K - Kirup South The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Kirup Water Scheme, if a connection to the scheme is required then our planning department	This matter is addressed through Action 29.2.3 of the Strategy, which provides for alternative potable water supply where connection to reticulated scheme water is not available, together with Action 28.1.3 and Minimum Consideration 3.1(h) relating to wastewater servicing.	Refer to modification Water Corporation [a] for 3.1 (h)

		will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long- term plans to serve this area with a sewerage connection.		
	l	Planning Area L - Castle Street West The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Kirup Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long- term plans to serve this area with a sewerage connection.	Refer to submission by DPIRD [g], which recommends removal of Planning Area L from the Strategy.	Refer to submission DPIRD [g]
	m	Planning Area M - Old Padbury Road The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Balingup Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	It is noted that Planning Area M is adjacent to the Balingup Water Scheme, and Watercorp has indicated that if connection is required, their planning department would review proposed development to identify any necessary upgrades. The potential for connection to the adjacent Balingup Water Scheme is already contemplated within the Strategy's framework through Actions 29.2.1 and 29.2.2, which require connection to reticulated scheme water where available and establish appropriate distance thresholds for connection requirements. Given Planning Area M's proximity to the Balingup Water Scheme, connection to the scheme is considered a realistic pathway subject to upgrade requirements to be determined by Watercorp at scheme amendment and structure plan stages. In relation to sewerage, Planning Area M falls outside a planned sewerage catchment with no long-term plans to provide reticulated sewer. On-site wastewater disposal will therefore be required and must comply with SPP 2.9 Water, consistent with Section 3.1(h) of the Strategy.	Refer to modification Water Corporation [a] for 3.1 (h)
	n	Planning Area N - Jayes Road West The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Balingup Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long- term plans to serve this area with a sewerage connection.	The draft Strategy identifies the land as a Planning Area to allow further investigation of its suitability for future development. This does not indicate that rezoning or development is automatically supported. Any future rezoning would need to be progressed through the Local Planning Scheme review or a separate scheme amendment process, supported by relevant technical investigations. The Strategy also already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) which is now	Refer to modification Water Corporation [a] for 3.1 (h)

			superseded by SPP2.9 where reticulated sewer is not provided.	
	o	Planning Area O - Balinga Drive The subject area falls outside a planned water scheme area and therefore a reticulated potable water supply is not immediately available. This area is adjacent to the Balingup Water Scheme, if a connection to the scheme is required then our planning department will need to review the proposed development to identify any upgrades required to service this area. The subject area falls outside a planned sewerage catchment. There are no long- term plans to serve this area with a sewerage connection.	The draft Strategy identifies the land as a Planning Area to allow further investigation of its suitability for future development. This does not indicate that rezoning or development is automatically supported. Any future rezoning would need to be progressed through the Local Planning Scheme review or a separate scheme amendment process, supported by relevant technical investigations. The Strategy also already recognises this through the Water Supply and Wastewater Management planning directions (Sections 28 and 29). In particular, Action 29.2.3 provides for alternative potable water supply arrangements where reticulated water is not available. In addition, Minimum Consideration 3.1(h) requires compliance with the Government Sewerage Policy (2019) which is now superseded by SPP2.9 where reticulated sewer is not provided.	Refer to modification Water Corporation [a] for 3.1 (h)
	p	Planning Area P - Yabberup Hamlet The subject area falls outside a planned water scheme area (approx. 16.6km away from Donnybrook scheme) and therefore a reticulated potable water supply is not immediately available. Alternative solutions should be looked at if connection to water is required. There is also no long-term plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	Planning Area P is identified primarily to rationalise the existing settlement pattern within Yabberup Hamlet rather than facilitate significant additional subdivision. Water and wastewater servicing constraints are addressed through Action 28.1 and Action 29.2.3 of the Strategy, together with Minimum Consideration 3.1(h) requiring compliance with the Government Sewerage Policy now superseded by SPP2.9 where reticulated sewer is not available. In addition, Additional Consideration (iv) requires a minimum lot size of 1 hectare, which assists in accommodating on-site wastewater management systems consistent with the Government Sewerage Policy.	Refer to modification Water Corporation [a] for 3.1 (h)
	q	Planning Area Q - Mumballup Hamlet The subject area falls outside a planned water scheme area (approx. 27.1km away from Donnybrook scheme and approx. 20.4km from the Collie Scheme) and therefore a reticulated potable water supply is not immediately available. Alternative solutions should be looked at if connection to water is required. There is also no long- term plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	Planning Area Q is identified to rationalise the existing settlement pattern within the Mumballup Hamlet rather than facilitate additional subdivision. Servicing constraints are addressed through Action 29.2.3, which supports alternative potable water supply where scheme water is unavailable, and Action 28.1.3, which addresses on-site wastewater management requirements.	Modification not supported.
	r	Planning Area R - Newlands Hamlet The subject area falls outside a planned water scheme area (approx. 27km away from Donnybrook scheme and approx. 19.8km from the Collie Scheme) and therefore a reticulated potable water supply is not immediately available. Alternative solutions should be looked at if connection to water is required. There is also no long- term plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	Planning Area R is intended to rationalise the existing development pattern within the Newlands Hamlet and does not support further subdivision beyond the existing settlement form. Servicing considerations are addressed through Action 29.2.3, which supports alternative potable water supply where scheme water is not available, together with Action 28.1.3 relating to on-site wastewater management.	Modification not supported.

	s	Planning Area S - Noggerup Hamlet The subject area falls outside a planned water scheme area (approx. 36.3km away from Donnybrook scheme and approx. 30.5km from the Collie Scheme and 40km away from the Boyup Brook scheme) and therefore a reticulated potable water supply is not immediately available. Alternative solutions should be looked at if connection to water is required. There is also no long-term plan to serve this area. The subject area falls outside a planned sewerage catchment. There are no long-term plans to serve this area with a sewerage connection.	Watercorp's submission is noted and is consistent with the Strategy's intent for Planning Area S, which is to rationalise the existing settlement pattern rather than to enable new development. Additional Consideration (iii) already requires that any further subdivision demonstrate compliance with SPP 2.9 – Water where reticulated sewer is not provided, and Section 3.1(h) has been amended accordingly. Alternative water supply arrangements are also addressed through Action 29.2.3 of the Strategy.	Modification not supported.
DWER [redacted]	a	Planning Area A - Marshall Road At 16 lots, protection of native vegetation unlikely to be achieved, due to the application of bushfire regs., irrespective of prescribed building envelopes.	DWER's concern regarding the protection of native vegetation is noted. It is acknowledged that bushfire protection requirements may significantly affect the extent to which native vegetation can be retained within Planning Area A. These matters are more appropriately investigated and addressed prior to lodgement of any rezoning, structure plan or subdivision application through the relevant planning and environmental approval processes.	Refer to modification DFES[a].
	b	Planning Area B - Hurst Road At 8 lots, protection of native vegetation unlikely to be achieved, due to the application of bushfire regs., irrespective of prescribed building envelopes.	DWER's concern regarding the protection of native vegetation is noted. It is acknowledged that bushfire protection requirements may significantly affect the extent to which native vegetation can be retained within Planning Area B. These matters are more appropriately investigated and addressed prior to lodgement of any rezoning, structure plan or subdivision application through the relevant planning and environmental approval processes.	Refer to modification DFES[b].
	c	Planning Area D - Morgan Road North 1.Meaningful retention of existing native vegetation unlikely. 2.New development without reticulated sewerage is problematic in terms of contemporary catchment management. Preferable to connect to reticulated sewer.	DWER's concern is acknowledged. Native vegetation retention outcomes will be investigated and addressed prior to lodgement of any rezoning, structure plan or subdivision application through the relevant planning and environmental approval processes. In relation to sewerage, Planning Area D falls outside a planned sewerage catchment with no long-term plans for reticulated sewer. On-site wastewater disposal will therefore be required in compliance with SPP 2.9 – Water Resources, consistent with Section 3.1(h) of the Strategy.	Refer to Submission by Water Corporation [a] for 3.1 (h).
	d	Planning Area E - Morgan Road South 1.Meaningful retention of existing native vegetation unlikely. 2.New development without reticulated sewerage is problematic in terms of contemporary catchment management. Preferable to connect to reticulated sewer.	The matters raised regarding native vegetation retention and wastewater servicing are noted. Vegetation outcomes will be addressed through proposed Section 3.1(m), while wastewater servicing is addressed through the response to the Water Corporation submission and the relevant servicing directions in the Strategy.	Refer to Submission by Water Corporation [a] for 3.1 (h)
	e	Planning Area F - Elma Lane North 70 Lots of new development without reticulated sewerage is problematic in terms of contemporary catchment management. Preferable to connect to reticulated sewer.	As previously identified in the Water Corporation submission response for Planning Area F, the area is adjacent to the Donnybrook Sewer District and connection is considered a realistic pathway subject to upgrade requirements to be confirmed by Water Corporation at scheme amendment and structure plan stages, consistent with Section 3.1(h) and SPP 2.9 – Water Resources.	Refer to Submission by Water Corporation [a] for 3.1 (h).

	f	Planning Area G - Kelly Road North New development without reticulated sewerage is problematic in terms of contemporary catchment management.	This concern is noted; however, Planning Area G falls outside a planned sewerage catchment with no long-term plans for reticulated sewer. On-site wastewater disposal will therefore be required and must comply with SPP 2.9 – Water Resources, consistent with Section 3.1(h) of the Strategy.	Refer to Submission by Water Corporation [a] for 3.1 (h).
	g	Planning Area H - South Western Highway No Comment, support retic. water and sewerage connection.	The comment supporting reticulated water and sewer servicing is noted.	No modification required.
	h	Planning Area I - Sandhills Road Highly problematic as significant areas of native vegetation will require major assessment. This is likely through the Environmental Protection Authority process, which should be explored as part of this Strategy.	The Strategy recognises that Planning Area I contains substantial native vegetation and that flora and fauna investigations will be required prior to development. Future industrial subdivision or development may be deferred until basic raw material extraction has occurred and the land has been rehabilitated. These matters are more appropriately investigated and addressed prior to lodgement of any rezoning, structure plan or subdivision application through the relevant planning and environmental approval processes.	No modification required.
	i	Planning Area K - Kirup South Clearing of native vegetation may constrain lot yield.	The concern regarding clearing of native vegetation is noted. Additional Consideration (v) requires retention of existing native vegetation through public open space, and Additional Consideration (vi) states that extensive clearing of native vegetation in the hatched areas will not be supported. Native vegetation retention outcomes and any constraint on yield will be more appropriately determined at scheme amendment and structure plan stages through the relevant planning and environmental approval processes.	No modification required.
	j	Planning Area M - Old Padbury Road New development without reticulated sewerage is problematic in terms of contemporary catchment management.	Servicing constraints for Planning Area M are addressed through Actions 28.1.3 and 29.2.3 of the Strategy, together with Minimum Consideration 3.1(h).	Refer to Submission by Water Corporation [a] for 3.1 (h).
	k	Planning Area N - Jayes Road West New development without reticulated sewerage is problematic in terms of contemporary catchment management.	The Strategy acknowledges that the site is constrained and includes minimum considerations 3.1(h) where on sites where there is no connection to the reticulated sewer, compliance with SPP2.9 is required.	Refer to Submission by Water Corporation [a] for 3.1 (h).
	l	Planning Area O - Balinga Drive Given the presence of waterways / wetlands, new development without reticulated sewerage is problematic in terms of contemporary catchment management.	Servicing matters are addressed through Actions 28.1.3 and 29.2.3 of the Strategy, together with Minimum Consideration 3.1(h), which requires proposals on sites without connection to reticulated sewer to address the Government Sewerage Policy now superseded by SPP2.9.	Refer to Submission by Water Corporation [a] for 3.1 (h).
		Other matters for consideration:		
	m	p.2, Water resources are a critical consideration for any Strategy moving forward, therefore consider adding 'Water' as a discrete planning issue. Context SPP2.7 and (Draft) SPP2.9 Add to the wording "…under the following themes: • Community, Urban Growth and Settlement; • Economy and Employment; • Environment and Water, and • Infrastructure	Local Planning Strategy Guidelines (Section 5.2.3) prescribe four specific themes that must be used to present Issues and Opportunities in alignment with the State Planning Framework. These themes are fixed and cannot be varied. Water resources are already captured under the prescribed "Environment" theme.	Modification not supported.
	n	p.7, Table 1, s.8.0 Standard of POS Public Open Space Water supply for POS must be secured early, prior to the Shire taking on the ongoing responsibility of POS assets.	The concern regarding ensuring a secure water supply for public open space prior to handover to the Shire is noted.	Modification supported. Amend Action 8.1.1 to

		8.1.1. Recommend suitable conditions of subdivision approval to the WAPC requiring POS be developed to an appropriate standard, including the provision of a secure water supply, and maintained for at least two full seasons by the developer, prior to handover to the Shire.		"Recommend suitable conditions of subdivision approval to the WAPC requiring POS be developed to an appropriate standard, including the provision of a secure water supply, and maintained for at least two full seasons by the developer, prior to handover to the Shire."
	o	p.14-15, Table 2, s.20.0 Basic Raw Materials 20.2.1 Noted the development of "a comprehensive LPP to incorporate contemporary guidelines…" as 'medium term'. Given the potential increased demand for BRM is this more a priority? Consider as a 'short term' goal.	Given the potential demand for basic raw materials and the need to guide extractive industries, bringing forward the review of provisions relating to extractive industries would assist in providing clearer planning direction.	Modification supported. Change timeframe relating to Action 20.2.1 to short term.
	p	p.15, Table 2, s.21.0 Tree Farming 21.1.2. Note the review of "the existing LPP on Private Tree Plantations and Agroforestry" as 'medium term'. Given the emergence of 'carbon farming' is this more a priority? Consider as a 'short term' goal.	Given the changing context for tree farming and agroforestry, earlier review of the existing local planning policy is warranted to ensure the planning framework remains current and responsive.	Modification supported Change timeframe relating to Action 21.1.2. to short term.
	q	p.18, Table 3, s.22.0 Native Vegetation States at 22.3.1. "Establish clear Scheme and/or Policy provisions that outline when a development application is required for the proposed clearing of native vegetation…" Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless: • it is undertaken under the authority of a clearing permit, • it is done after the person has received notice under Section 51DA (5) that a clearing permit is not required, • the clearing is subject to an exemption. Consider whether scheme and/or Policy provisions are necessary, given the statutory role of DWER?	Native vegetation clearing is comprehensively regulated under State legislation, which outlines the obligations of all stakeholders including local government. Given that the Environmental Protection Act 1986 already provides the primary statutory framework for managing native vegetation clearing proposals, it is considered that Planning Direction 22.3 and Action 22.3.1 are unnecessary.	Modification supported Remove Planning Direction 22.3, Action 22.3.1 and its rationale.
	r	p.19, Table 3, s.23.0 Waterways and Wetlands Consider strengthening the wording to emphasise compliance with the 'Government Sewerage Policy (September 2019)'. Noting that 3.1 'Minimum Considerations for all Planning Areas' include 3.1(h) 23.1.1. Establish Scheme and/or Policy provisions to guide appropriate development within proximity to waterways, including on-site wastewater management systems, in compliance with the 'Government Sewerage Policy (September 2019)', and the need to refer significant developments to DWER for comment.	This is supported. Consistent with the amendment to Section 3.1(h) and Action 28.1.3, the reference to the Government Sewerage Policy (September 2019) has been updated to SPP 2.9 – Water Resources. The addition of a requirement to refer significant developments to DWER for comment is also considered appropriate and strengthens the action without changing its strategic intent.	Modification supported Amed action 23.1.1 to read: "23.1.1 Establish Scheme and/or Policy provisions to guide appropriate development within proximity to waterways, including on-site wastewater management systems, in compliance with SPP2.9 Water, and the need to refer significant developments to DWER for comment."
	s	p.19, Table 3, s.24.0 Public Drinking Water Source Areas Re: 24.1.2. - Certifying the principals of WQPN 25 'Land use compatibility tables for public drinking water source areas' as the benchmark for planning in a PDWSA. NOTE: additional communications between Cecilia Muller, Michelle Dennis (Shire) Krish Seewraj and Brendan Kelly DWER). Include in the rationale 24.1.2. The measures proposed will ensure due regard is given to DWER's WQPN 25 'Land use compatibility tables for public drinking water source areas'	This is supported and is consistent with additional communications between the Shire and DWER confirming that the measures proposed under Action 24.1.2 will ensure due regard is given to DWER's WQPN 25. Adding this reference to the rationale provides a clear technical benchmark for assessing land use compatibility within PDWSAs and strengthens the action without changing its intent.	Modification supported Amend the rationale for Action 24.1.2 to include: "The measures proposed will ensure due regard is given to DWER's WQPN 25 'Land use compatibility tables for public drinking water source areas'."
	t	p.19-20 Table 3, s.25.0 Bushfire Water supply planning in context of bushfire risk management, refer p.23-24 Table 4, s.29.0 (below) Requires the identification and	The submission is noted. While water supply for firefighting is addressed under Action 29.3.1, it is acknowledged that this is also relevant to bushfire risk management and will be	Modification not supported.

		development of secure climate resilient fit-for-purpose water supplies, relates to 29.3.	considered in conjunction with the bushfire planning framework.	
	u	p.23 Table 4, s.28.0 Wastewater Management Although the reference is made to compliance with the Government Sewerage Policy (September 2019) in 3.1. MINIMUM CONSIDERATIONS FOR ALL PLANNING AREAS, is it worthwhile bringing in here? “Consideration is required at the development application stage to ensure on-site wastewater management systems are able comply with the Government Sewerage Policy (September 2019), taking into account site constraints including soils and lot size”.	Amend the rationale for Action 28.1.3 to add a reference to SPP 2.9 Water as the relevant policy framework for on-site wastewater management, consistent with the amendment to Section 3.1(h).	Modification supported. The rationale to be amended to read: "Consideration is required at the development application stage to ensure on-site wastewater management systems are suitable and comply with SPP 2.9 Water, taking into account site constraints including soils and lot size..."
	v	p.23-24 Table 4, s.29.0 Water Supply Whereas the Strategy acknowledges the potential for climate change, this section does not provide a strategic position on drought conditions. Suggested that the strategy identifies - in context of drying climate and potential drought conditions - the need to address non-potable water supply to support environment, public open space, industry and agriculture. Insert a 29.5: Ensure that contingency planning exists for sufficient fit-for-purpose water availability during drought conditions. 29.5.1 The identification and development of secure climate resilient fit-for-purpose water supplies. Rationale The need for provision of water for firefighting purposes in changing climate i.e. drought conditions. Short term?	The submission is noted. There is merit in strengthening the Strategy to address contingency planning for fit-for-purpose water supply during drought conditions. This approach is consistent with the principles of State Planning Policy 2.9 – Planning for Water, which promotes secure, sustainable and fit-for-purpose water supply and consideration of climate change impacts.	Modification supported. Insert a Planning action 29.5: “Promote drought resilience by identifying opportunities to improve water security during dry periods.” 29.5.1 Investigate opportunities to support contingency planning for fit-for-purpose water sources to ensure sufficient water availability during drought conditions. Rationale: In the context of a drying climate, the need to ensure sufficient fit-for-purpose water supplies are available to support the environment, public open space, industry and agriculture during drought conditions is increasingly important. Medium term.
		p.30 3.1 Minimum Considerations The Department supports the requirements listed within this section of the Strategy that they, in terms of the (19) nominated planning areas, “must be addressed to the satisfaction of the Shire of Donnybrook Balingup prior to considering rezoning and/or subdivision of the site” NOTE: However, it is questioned if a statement in the Strategy can be transferred to the Scheme as such?	The submission is noted. Section 3.1 is intended to provide strategic guidance rather than operate as a statutory Scheme provision. How these matters may ultimately be reflected in the Scheme has not yet been determined, although Development Investigation Area provisions may be one possible mechanism.	No modification required.

Shire of Donnybrook-Balingup Local Planning Strategy

Schedule of Modifications (Prepared May 2026)

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
PART 1				
1	Part 1, s.3.0 and Figure 12 (Planning Area M)	Removal of Lot 10 Old Padbury Road, Balingup from Planning Area M on Figure 12 and where referenced in the Planning Area M description in Section 3.0.	1-129 130 160	Planning Area M lists Lot 10 on Diagram 66191, (48.01 ha) among its applicable sites. Current LPS7 zoning is General Agriculture (DIA 15). There has been a strong community preference against the inclusion of Lot 10 as it abuts the Golden Valley Tree Park and heritage-listed homestead. Whilst the Planning Area as drafted included acknowledgement of the need for buffers and land use consideration in this vicinity, it is prudent to remove Lot 10 entirely. Due to topography and other constraints, the viability of this lot for future development is likely to be limited.
2	Part 1, Section 3.0 (Planning Area M)	Update to the Planning Area M Old Padbury Road information and map to reflect the removal of Lot 10 Old Padbury Road, Balingup.	1-129 130 160	Consequential to Modification 1.
3	Part 1, Section 2.3 – Issues and Opportunities (22.0 Natural Areas and Assets)	Insert a new Planning Direction 22.5: "Provide protection to the existing Golden Valley Tree Park." Insert a new Action: "Rezone Lot 11 and Lot 2 (Reserve 54402) to a proposed 'Special Use' zone for the purpose of protecting the Golden Valley Tree Park and the homestead, which is a State Heritage listed place." Insert a Rationale: "The current use of the land needs to be identified in LPS8 to ensure ongoing use and protection of the Golden Valley Tree Park as a valuable natural asset with landscape values, and the homestead that is a State Heritage listed place." Insert a timeframe of Medium Term.	1-130	This responds to the strong community support for the tree park and ensures this is reflected in the Strategy and future Scheme.
4	Figure 12 – Balingup Townsite Strategy Plan	Change the land use dedication of Lot 11263 No. 90 Brockman Street, Balingup from "Existing regional infrastructure and public purposes" to "Rural", consistent with the dedication of lots to the west.	133	Land is currently reserved for Railway by LPS 7. Cartographical correction to reflect the lot is in private hands and is not part of the railway corridor.
5	Figure 12 – Balingup Townsite Strategy Plan	Change the land use dedication of No. 1 Airstrip Road, Balingup from "Existing tourism" to "Rural", consistent with the dedication of lots to the west and south.	134	Land is currently predominately zoned Tourist by LPS 7. Cartographic correction to reflect non-tourist use of property.

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
6	Part 1, Table 1, Issue / Opportunity 3.0 Sustainable Living	Amend Action 3.1.1 and its rationale. Action 3.1.1 to read: "Introduce provisions in LPS8 to facilitate the creation of homestead lots of up to 5ha on Rural and Priority Agriculture properties over 60ha within the Shire" With rationale: "To support the succession of agricultural operations within the rural community, the Shire will provide for homestead lots in certain circumstance, in accordance with the provisions outlined in LPS8" Amend Action 3.1.2 to read: "Introduce provisions in LPS8 and Local Planning Policy to allow for the consideration of rural strata development and/or subdivision within the indicative rural strata area shown on Figure 12."	135, 136, 145 and 150	The location of rural strata development and subdivision is to be limited to the vicinity of the township of Balingup as shown on Figure 12. The purpose of this strategy is to establish the strategic intent for rural strata consideration. Further investigation will be required regarding the extent of the rural strata area, future scheme controls and local planning policy settings. The boundary of the indicative rural strata area is based loosely on the boundary of the plantation exclusion area surrounding Balingup with the removal of state forest and areas of high priority agricultural land.
7	Part 1, Issue / Opportunity 11.0	Amend Action 11.1.2 and its rationale. Action 11.1.2 to read: "Introduce provisions in LPS8 and Local Planning Policy to allow for the consideration of rural strata development and/or subdivision within the vicinity of Balingup shown on Figure 12." With rationale: "Clear statutory provisions will be required to ensure rural strata development surrounding Balingup will not constrain or compromise surrounding land to be used for agricultural purposes which are considered its highest and best use. " Insert new action 11.1.3 to read "Introduce provisions in LPS8 to facilitate the creation of homestead lots of up to 5ha on Rural and Priority Agriculture properties over 60ha within the Shire" With rationale "Clear statutory provisions are required to ensure homestead lots are limited to appropriate rural circumstances and do not create fragmentation of agricultural land. "		
8	Figure 12 – Balingup Townsite Strategy Plan	Amend Figure 12 to show the indicative boundary of the rural strata area to loosely follow the boundary of the plantation exclusion area, with the exclusion of state forest and high priority agricultural land and delete Figure 6.		

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
9	Planning Area P. Yabberup Hamlet	Amend the term "Parks and Recreation" for Lot 21 / Reserve 6956 to "Public Open Space".	137	To ensure the terminology used is consistent with the Local Planning Strategy Guidelines.
10	Part 1, Issue/Opportunity 32.0	Insert Planning Direction 32.3 "Ensure visual impact protection along South Western Highway, Donnybrook-Boyup Brook Road." Insert new action 32.3.1 "Integrate an updated Special Control Area (SCA) 7 under current LPS7 into LPS8. " Rationale "To ensure visual impact along major tourist routes continues to be considered in a similar manner as for the current LPS7."		
11	Part 1, Issue / Opportunity 21.0 Tree Farming	Add new action 21.1.3 to read: "Ensure tree plantations established for carbon sequestration and/or carbon storage tree farming are prohibited in the Priority Agriculture Zone in the future LPS8." Rationale "Priority agriculture land should be protected for ongoing food and fibre production, consistent with the intent and objectives of the zone. " Add a new action under Issue 21.1.4 to read: "Distinguish plantation-related land uses by recognising the difference between plantations associated with timber production and plantations established for carbon sequestration and/or carbon farming. Rationale "Tree plantations intended for harvesting can be returned to agricultural production at a later date. However, carbon farming and sequestration is intended to remain in perpetuity, thereby removing the land from agricultural production permanently. "	Submission by DPIRD [e]	Amended to explicitly address carbon storage tree farming on Priority Agriculture land, recognising the irreversible nature of long-term carbon storage on the Shire's productive agricultural land.

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
12	Part 1, Issue / Opportunity 6.0	Amend Section 6.0 to use the term Historic Heritage where referring to non-Aboriginal heritage places, including the heading, Issue / Opportunity text, Planning Direction 6.1 and relevant actions under 6.1.	DPLH [a]	To ensure the terminology used is consistent with SPP 3.5 Historic Heritage Conservation.
13	Planning Area S – Noggerup Hamlet	Amend Additional Consideration (i) so that Lot 90 on DP27671 (Part Reserve 31375) and Reserve 18567 are identified as Reserve – State Forest, and Lot 300 on DP36424 (Part Reserve 47661) is identified as reserve for Environmental Conservation Amend Additional Consideration (iii) of Planning Area S to replace the reference to the Government Sewerage Policy with SPP 2.9 Water.	DBCA [f] and DFES [s]	To ensure correct reflection of status.
14	Part 1, Section 2.4, Issue / Opportunity 35.0	Amend Issue / Opportunity 35.0 heading from Pedestrian Facilities to Active Transport Infrastructure. Amend the related planning direction and actions to consistently refer to pedestrian and cycling facilities, including footpaths, shared paths, bicycle parking and wayfinding signage.	DoT [b and c]	To better reflect the broader active transport context.
15	Part 1, Section 3.0 Planning Areas	Remove density coding and indicative lot yield from every planning area within the draft. Remove Table 5	DFES [b, c, and g]; 157	To reflect that further constraints analysis and planning will be required to indicate likely lot yield and density for the Planning Areas.
16	Planning Area A – Marshall Road	Remove Additional Consideration (ii). Renumber existing Additional Considerations (iii) and (iv) as (ii) and (iii). Add new Additional Consideration (iv) to read: "Further planning investigations have been undertaken in the context of a proposed Scheme Amendment for Planning Area A. Subject to the applicant demonstrating community benefit commensurate to the additional lot yield being sought, including but not limited to provision of an additional firefighting water tank, a contribution to Marshall Road upgrade, and emergency access between Marshall Road and Strempel Nook, and the preparation of an updated Bushfire Management Plan, to the satisfaction of the Shire and relevant agencies, a lot yield of up to three lots may be considered. This will be confirmed through the Scheme Amendment process. "		Significant work has been undertaken toward a Scheme Amendment for Planning Area A. DPLH officer level advice indicates that up to 3 lots may be possible subject to demonstration of community benefit and an updated Bushfire Management Plan. Including this as an Additional Consideration manages landowner and purchaser expectations and reflects the current state of planning work for the area, while maintaining that the yield is subject to conditions to be confirmed through the Scheme Amendment process.
17	Part 1, Section 3.0 Planning Area D – Morgan Road North	Combine Planning Areas D, E and F into a single Planning Area D Morgan Road / Elma Lane.	DFES [d]	Given the physical adjacency of the three areas, their interdependent access and servicing requirements, and the

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
18	Part 1, Section 3.0 Planning Area E – Morgan Road South	Modify Figures 7 and 11	DFES [e]	need for coordinated bushfire hazard separation, it is considered appropriate to combine Planning Areas D, E and F into a single Planning Area. This will ensure that structure planning, road network design, hazard separation and infrastructure servicing are addressed in a coordinated and integrated manner across the entire precinct.
19	Part 1, Section 3.0 Planning Area F – Elma Lane North		DFES [f]	
20	Planning Area G – Kelly Road North	Amend Planning Area G to expand the boundary to include Portion B of Lot 6 Grist Road, Donnybrook, being the central portion of the lot unencumbered by the Donnybrook Stone buffer. Update Figure 7 and the Planning Area G figure accordingly.	165	Portion B of Lot 6 is unencumbered by the Donnybrook Stone buffer and its inclusion within Planning Area G is supported to enable further investigation of its development potential as part of the structure planning and scheme amendment processes. Indicative lot yields and density coding remain removed consistent with Modification 15.
21	Part 1, Section 3.0 Planning Area L – Castle Street West	Remove Planning Area L from Part 1 of the Strategy.	DPIRD [g]	Planning Area L is currently zoned as priority agriculture and adjoins horticultural enterprises.
22	Part 1, Section 3.1	Amend Section 3.1(h) to replace the reference to the Government Sewerage Policy (September 2019) with SPP 2.9 Water (December 2025).	Water Corporation [a, b, c, d, e, f, g, i, j, k, l, m, n, o, p] and DWER [c, d, e, f, j, k, l]	To update the reference to the Government Sewerage Policy (September 2019) that has been replaced by SPP 2.9 Water (December 2025), ensuring the Strategy references current State planning policy.
23	Part 1, Section 2.1, Action 8.1.1.	Amend Action 8.1.1 to "Recommend suitable conditions of subdivision approval to the WAPC requiring POS be developed to an appropriate standard, including the provision of a secure water supply, and maintained for at least two full seasons by the developer, prior to handover to the Shire."	DWER [n]	Public Open Space should be fit for purpose and adequately established prior to handover to the Shire
24	Part 1, Section 2.2, Action 20.2.1.	Change timeframe relating to Action 20.2.1 to short term.	DWER [o]	These actions warrant a higher priority than currently reflected in the draft.
25	Part 1, Section 2.2, Action 21.1.2	Change timeframe relating to Action 21.1.2. to short term.	DWER [p]	
26	Part 1, Section 2.3, Planning Direction 22.3 and Action 22.3.1	Remove Planning Direction 22.3, Action 22.3.1, and its rationale.	DWER [q]	Native vegetation clearing is primarily regulated under the State Legislation. This legislation outlines the obligations of all stakeholders in clearing of native vegetation proposals, including local government.
27	Part 1, Section 2.3, Action 23.1.1	Amend action 23.1.1 to read: "23.1.1 Establish Scheme and/or Policy provisions to guide appropriate development within proximity to waterways, including on-site wastewater management systems, in compliance with SPP2.9	DWER [r]	Explicit reference to SPP 2.9 Water and referral of significant developments to DWER ensures developments within proximity of waterways is assessed against current State Policies.

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
		Water, and the need to refer significant developments to DWER for comment."		
28	Part 1, Section 2.4, Issue / Opportunity 29.0	Insert a Planning action 29.5: "Promote drought resilience by identifying opportunities to improve water security during dry periods." 29.5.1 Investigate opportunities to support contingency planning for fit-for-purpose water sources to ensure sufficient water availability during drought conditions. Rationale: In the context of a drying climate, the need to ensure sufficient fit-for-purpose water supplies are available to support the environment, public open space, industry and agriculture during drought conditions is increasingly important. Medium term	DWER [v]	A drying climate is increasingly affecting the availability of fit-for-purpose water supplies across the Shire. Addressing contingency plan for sufficient water availability during drought conditions will strengthen the strategy.
29	Part 1, Section 2.3, Action 24.1.2	Amend the rationale for Action 24.1.2 to include: "The measures proposed will ensure due regard is given to DWER's WQPN 25 'Land use compatibility tables for public drinking water source areas'."	DWER [s]	WQPN 25 provides the relevant technical benchmark for assessing land use compatibility within Public Drinking Water Source Areas and should be clearly referenced
30	Part 1, Section 2.4, Action 28.1.3.	Amend the rationale for Action 28.1.3 to read: "Consideration is required at the development application stage to ensure on-site wastewater management systems are suitable and comply with SPP 2.9 Water, taking into account site constraints including soils and lot size..."	DWER [u]	Explicit reference to SPP 2.9 Water and referral of significant developments to DWER ensures wastewater management is assessed against current State Policies.
31	Throughout the document	Renumber all figures, planning directions, actions and cross-references throughout the document consequential to the modifications proposed in this schedule.		Consequential administrative amendment arising from the modifications proposed.
32	Figure 7-12	Update the colours used to identify each Planning Area on the Strategy Maps to reflect the future intent and proposed zoning of each Planning Area, in accordance with the Local Planning Strategy Guidelines.		Ensures the Planning Area colours shown on the Strategy Maps accurately reflect the future intent and proposed zoning of each area, consistent with the presentation requirements of the Local Planning Strategy Guidelines.
Part 2				
33	Part 2, Section 2.2, Table 1, SPP 2.5	Update and review content of SPP 2.5 to mention tree farms	Agency submissions	SPP 2.5 should be updated to reflect the Shire's position of not supporting homestead or cluster lots, removing content that implies support for these lot types, and to include

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
				reference to tree farming as a land use considered under the policy.
34	Part 2, Section 2.2, Table 1, SPP 2.7	Delete SPP 2.7		SPP 2.7 has been repealed.
35	Part 2, Section 2.2, Table 1, SPP 2.9	Update and review content of SPP 2.9 Water		SPP 2.9 Water became operational in December 2025. The strategy should be updated to reflect the current planning framework.
36	Part 2, Section 2.2, Table 1, SPP 3.7	Update and review content of SPP 3.7 Bushfire		The current draft references the December 2015 version. The most recent one was gazetted in November 2024.
37	Part 2, Section 2.2, Table 1, R-codes	Change "SPP 7.3" into "Planning Codes"		The Residential Design Codes are no longer administered under SPP 7.3 and are now a Planning Code.
38	Part 2, Section 2.4, Table 3, DCP 2.2	Amend DCP 2.2 to OP 2.2		The policy was incorrectly referenced as DCP 2.2 in the draft Strategy. The correct title is Operational Policy 2.2 and the reference should be updated accordingly.
39	Part 2, Section 2.4, Table 3, DCP 2.3	Remove DCP 2.3		DCP 2.3 has been repealed.
40	Part 2, Section 2.5, Table 4, Residential Accommodation for Ageing Persons	Update and review content of Residential Accommodation for Ageing Persons		The current draft references the December 2020 version of this statement. An updated version was published in April 2024.
41	Part 2, Section 2.5, Table 4 Planning for tourism and short-term rental accommodation	Update and review content of Planning for tourism and short-term rental accommodation		The current draft references the November 2023 version of this statement. An updated version was published in November 2024.
42	Part 2, Section 2.5, Table 4, Public Open Space	Insert a row and associated text on 'Position Statement – Public Open Space'.		A new Position Statement on Public Open Space was published in December 2025 and should be integrated into the strategy.
43	Part 2, Section 2.6, Table 5, Government Sewerage Policy	Remove Government Sewerage Policy (2019)		The Government Sewerage Policy (2019) has been repealed.
44	Part 2, Section 3.4, Table 7 LPP 9.7	Remove LPP 9.7		LPP 9.7 will be repealed with endorsement of Scheme Amendment 15.
45	Part 2, Section 5.0 Population Forecast	Review contents of the section to reflect WA Tomorrow population data contained in Population Report No. 12 (April 2025).		The WA Tomorrow Population Report No. 12 (April 2025) contains the most current population forecasts for the region.

No.	Section/Figure	Detail of Modification	Relevant Submission(s)	Reason / Justification
46	Part 2, Section 6.0 Dwelling Yield Analysis	Review contents of the section to reflect WA Tomorrow population data contained in Population Report No. 12 (April 2025).		The WA Tomorrow Population Report No. 12 (April 2025) contains the most current population forecasts for the region.

PART 2 – READ AND KEEP THIS PART

PART 2 – SPECIFICATIONS

2.1 OVERVIEW

The Shire of Donnybrook Balingup has commenced a comprehensive review of its Local Planning Framework, which includes the Local Planning Strategy (LPS). The draft LPS is available from the Shire's website: Our Local Planning Strategy & Scheme » Shire of Donnybrook Balingup

Public consultation was completed in 2024 with 163 public submissions received and 9 from government agencies however momentum stalled on the project due to internal staff changes and receipt of several complex development applications. The Shire wishes to engage a suitably qualified consultant to progress the Strategy towards formal endorsement.

2.2 SPECIFICATIONS AND REQUIREMENTS

The following outlines the high-level functional and content requirements for the progression of the Local Planning Strategy. These requirements are to be used as a guide during the project implementation phase, during which the full set of deliverables will be further refined in consultation with Shire staff.

2.2.1 Review and Workshop Submissions

- Review the content of submissions (Schedule of submissions available upon request).
- Make recommendations to modify the strategy or provide justification for no modification for every submission received in line with State Planning Policies and planning framework, including different options where needed.
- Workshop with Shire Planning staff potential outcomes to submissions.
- Liaise with DPLH to discuss potential outcomes to submissions, identifying opportunities to be adaptive and responsive.
- Identify appropriate refinements and improvements as a result of the submissions received.

2.2.2 Workshop with Council

- Facilitate an in-person workshop with Council to communicate the outcome of the review and workshop sessions.
- Present options available in response to the submissions received that are likely to be acceptable to the WAPC for Council to consider at the workshop.

2.2.3 Communication and Reporting Support

- Consolidate the workshop information and prepare a report, suitable for presentation to Council of final recommendations for consideration.
- Be available for council meeting when item is to be considered by Council.
- Provide wording for communication with submitters where required i.e. to acknowledge and respond to submissions.
- Be available for meeting with WAPC staff prior to consideration of the strategy.
- Be available for committee meeting if required when item is to be considered by the WAPC.

- Following review by the WAPC undertake the necessary modifications for final endorsement and publication.

2.2.4 Other

As part of the final delivery of the project, the Shire will require;

- Copies of all final text documents in MS Word and PDF formats; and
- Copies of all photographs taken for the project (if applicable).

2.3 TIMING

It is the Principal's intent to appoint a Contractor by the middle of December 2025 and for the project to be practically completed by 30 June 2026. The Supplier must be able to deliver regular updates to the Principal.

Shire of Donnybrook Balingup

Local Planning Strategy

PART 1 – THE STRATEGY

V.B. DRAFT January 2024

Introduction and Preparation

The Shire of Donnybrook Balingup Local Planning Strategy (Strategy) has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and comprises of:

- Part 1 – The Strategy; and
- Part 2 – Background Information and Analysis

The Strategy applies to the area shown in the Local Planning Strategy Area Map (Part 1, section 4.0, Figure 1)

The Strategy comes into operation on the day on which it is endorsed by the Western Australian Planning Commission (WAPC) and revokes the Shire's preceding Local Planning Strategy, endorsed by the WAPC in June 2014.

As required by Regulation 11 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the purpose of the Strategy is to:

a) set out the long-term planning directions for the local government;

b) apply any state or regional planning policy that is relevant to the local planning strategy; and

c) provide the rationale for any zoning or classification of land under the local planning scheme.

The Strategy forms the strategic basis for the preparation, implementation, and review of the Shire of Donnybrook Balingup *Local Planning Scheme No. 8* (LPS8).

Disclaimer

Part 1 and Part 2 of this Strategy has been prepared by officers of the Shire of Donnybrook Balingup. The information contained within this document has been prepared in good faith on the basis that the Shire, its employees, and agents are not liable for any damage or loss which may occur as a result of the information contained within. Professional advice should be obtained before applying any information within this document to particular circumstances.

The majority statistics contained within this report have been sourced from the Australian Bureau of Statistics as referenced in Part 2, section 4.1. Every effort has been made to ensure the accuracy of statistics provided.

All photographs within this report have been provided by officers of the Shire as referenced within Part 2, section 9.0.

Council Preliminary Endorsement to Advertise

The Strategy was initially endorsed by Council (the Commissioner) for advertising on:

22 March 2023 (Resolution 33/23)

WAPC Certification for Advertising

The Strategy was certified for advertising by the WAPC on:

20 February 2024

Council Recommendation to Support / Submitted for Approval

The Shire of Donnybrook Balingup resolved to support the Strategy for submission to the WAPC for final approval at the Ordinary Meeting of Council held:

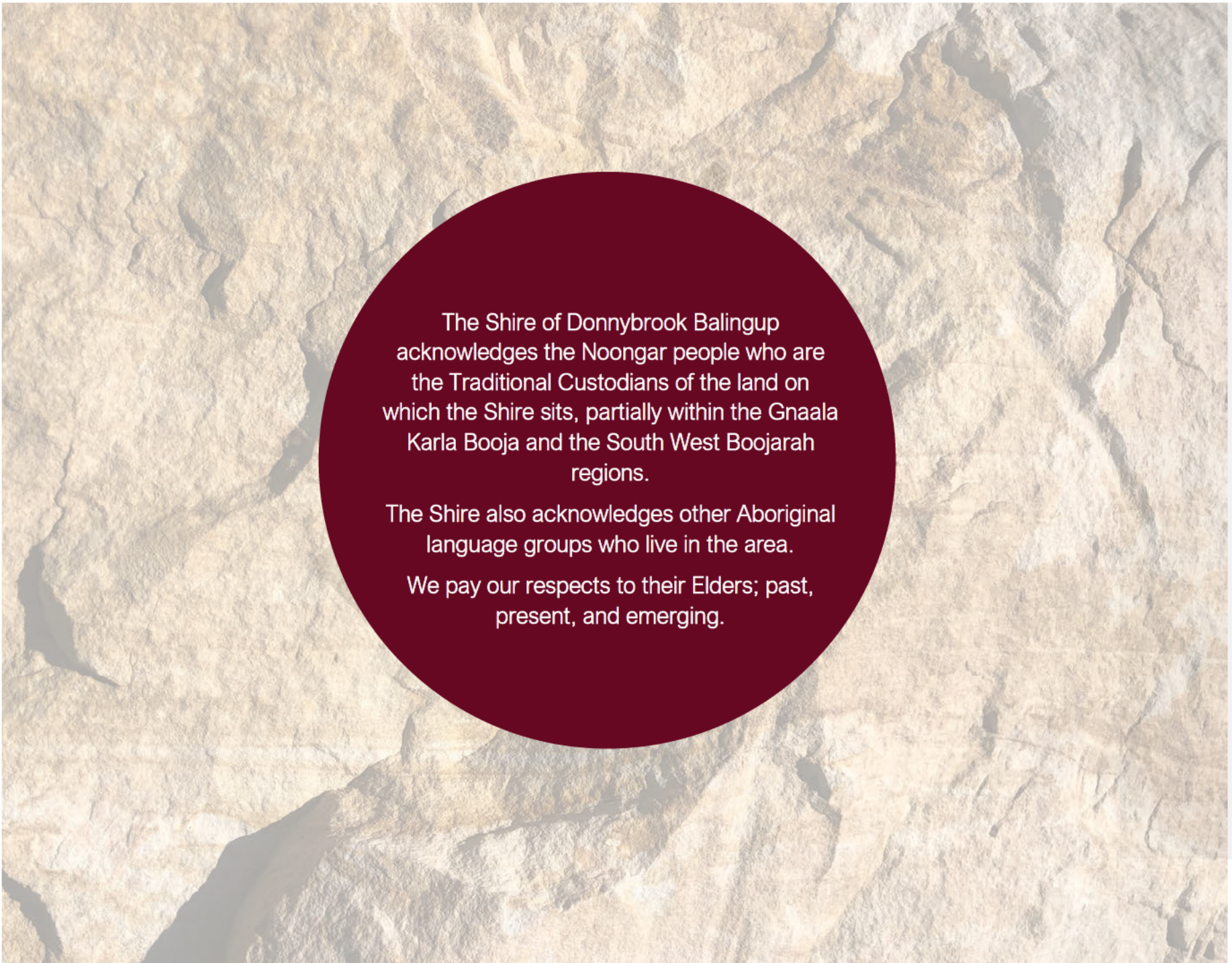
WAPC Endorsement / Approval

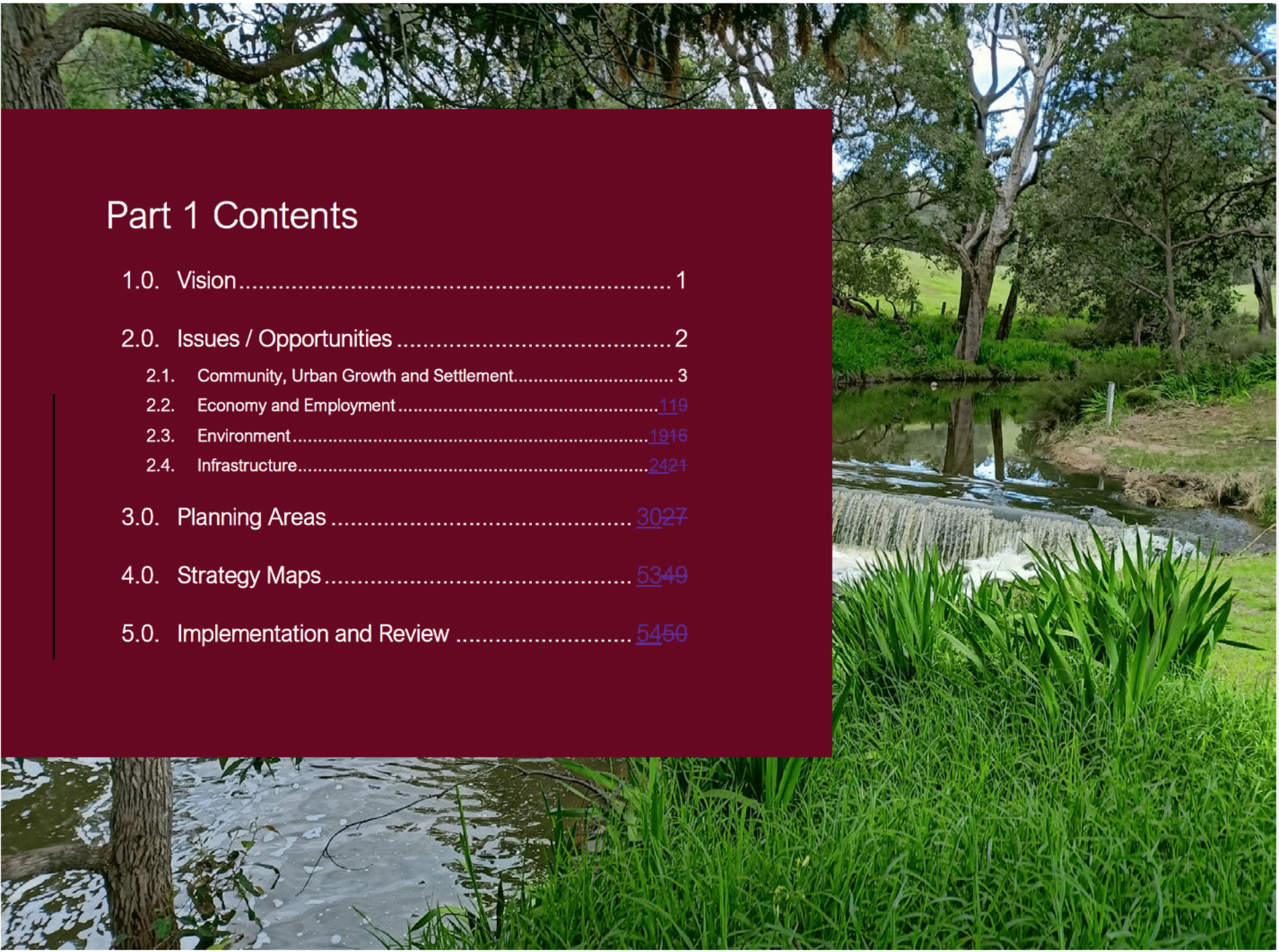
The Western Australian Planning Commission endorsed the final Strategy on:

Version Control

Version		Date
A.	Draft supported by Council and submitted to the WAPC for certification to advertise.	March 2023
B.	Draft presented for public advertising, as certified by the WAPC, including any required modifications.	~~January 2024~~ February 2024
C.	Final draft supported by Council and submitted to WAPC for final approval including schedule of submission and any proposed modifications.	
D.	Final WAPC endorsed document as published.	

DRAFT


The Shire of Donnybrook Balingup acknowledges the Noongar people who are the Traditional Custodians of the land on which the Shire sits, partially within the Gnaala Karla Booja and the South West Boojarah regions.
The Shire also acknowledges other Aboriginal language groups who live in the area.
We pay our respects to their Elders; past, present, and emerging.



Part 1 Contents

1.0. Vision 1

2.0. Issues / Opportunities 2

2.1. Community, Urban Growth and Settlement 3

2.2. Economy and Employment ..... 11~~9~~

2.3. Environment ..... 19~~16~~

2.4. Infrastructure ..... 24~~21~~

3.0. Planning Areas ..... 30~~27~~

4.0. Strategy Maps ..... 53~~49~~

5.0. Implementation and Review ..... 54~~50~~

1.0. Vision

The intent and direction of the local planning strategy is to outline the 15-year vision for how land use change and development will occur within the Shire of Donnybrook Balingup. The vision has regard to the Shire's Council Plan but recognises that any community aspirations for future land use change and development are balanced with the requirements of planning legislation and policy. The local planning strategy will provide for the expression of how broader State planning requirements can be applied and ultimately implemented at a local level.

The vision of the Strategy is:

"To support sustainable development within the Shire to attract new residents and business investment, whilst supporting the growth of strong and vibrant communities, living in harmony with the natural environment."

2.0. Issues / Opportunities

Consistent with the State Planning Framework, planning issues of relevance to the Shire are presented under the following themes:

- Community, Urban Growth and Settlement;
- Economy and Employment;
- Environment; and
- Infrastructure.

A detailed analysis of the issues and opportunities for each theme is contained within Part 2 of the Strategy. For the purposes of this part, a brief summary of each theme and issue / opportunity, as derived from Part 2, is provided.

For each planning issue identified, planning directions and actions have been outlined in Part 1 of the Strategy.

The timeframes outlined in each of the tables in Part 1, sections 2.1, 2.2, 2.3 and 2.4 are to be interpreted as follows:

- Short term: 1 – 5 years
- Medium term: 5 – 10 years
- Long term: 10 – 15 years
- Ongoing: throughout the life of the Strategy

Planning directions are short statements that specify what is to be achieved or desired for the issue/opportunity. Each planning direction is supported by an action(s), that clearly and concisely outlines what is proposed, as well as the rationale, timeframe, and responsible party.

DRAFT

2.1. COMMUNITY, URBAN GROWTH AND SETTLEMENT

The Shire has experienced sustained growth in recent decades which is anticipated to continue based on the median (Band C) to medium-high growth (Band D) rate as outlined in WA Tomorrow and reflected in the Population Forecast in Part 2.

Whilst the Shire's population is increasing, the Shire is experiencing an ageing population with the average age being 49, which is 11 years higher than the State average (ABS, 2021). This has a significant impact on the types of services, facilities and housing needed within the community, however, also provides an opportunity to review current provisions to ensure diversity is encouraged within the community age structure.

There is a strong demand for housing, however options are limited, particularly as service infrastructure is limited (water and sewer) and natural hazards present significant challenges (bushfire and flood management). Increasingly, sustainable, alternative housing and development options are being explored to combat servicing, affordability, and environmental impacts. The local government recognises that there will be a need to find creative ways to address sustainability challenges which balance social, economic, and environmental outcomes.

The Shire faces ongoing issues and opportunities relating to:

- Accommodation and Housing;
- Built Form and Character;
- Heritage;
- Public Open Space;
- Community Infrastructure; and
- Settlement Sustainability.

Table 1 – Community, Urban Growth and Settlement: Planning Directions and Actions

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
ACCOMMODATION AND HOUSING				
1.0. Housing Availability The Shire is experiencing strong demand for housing however there is limited stock both within the Shire and across the region.	1.1. Identify, and make available, an adequate supply of viable land for future residential and rural residential development in order to meet the varied needs of a growing population.	1.1.1. Review existing Residential and Rural Residential zoned land within Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7) to determine suitability for future development and calculate lot yields.	A review will facilitate accurate lot yield calculations taking into account development viability and constraints of identified sites. This will identify to what extent existing land can cater for future growth including potential for infill.	Short term
		1.1.2. Identify appropriate Planning Areas for future Residential and Rural Residential development in the Local Planning Strategy.	The identification of appropriate growth areas will facilitate proper and orderly planning and ensure adequate land is available to meet demand.	Short term
		1.1.3. Establish criteria for Structure Plan requirements within LPS8 for Planning Areas, based on scale and complexity of future development.	Larger / complex developments will require structure planning whereas requirements for smaller developments can be addressed through the subdivision process.	Ongoing
2.0. Housing Choice There is a need to facilitate a variety of housing options to cater for a range of circumstances, particularly as the Shire experiences an ageing population. There is a growing demand for rural living and low-density residential properties as people increasingly seek the lifestyle benefits of the local natural and rural environment. These areas within the Shire are generally not serviceable.	2.1. Provide housing and lifestyle options that cater for residents at various stages of life to attract and retain residents within the district.	2.1.1. Identify areas in Donnybrook within proximity to existing sewer services that could accommodate higher density development and zone appropriately within LPS8.	The housing needs of individuals' significantly changes through their lifecycle. The Shire should facilitate the provision of a sufficient range of housing and property stock to allow residents to "age in place".	Medium term
		2.1.2. Identify Planning Areas within the Strategy for Rural Residential development opportunities.	Rural Residential properties (1ha – 4ha) provide opportunities for housing in a rural setting and can accommodate appropriate on-site services.	Short term
		2.1.3. Identify Planning Areas within the Strategy for low density Residential development and	Low density Residential properties (2,000m² – 5,000m²) provide a Residential option that maintains the	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
		consider the implementation of building envelopes where necessary.	desired rural lifestyle within the Shire and can cater for on-site services in the absence of reticulated service provisions.	
3.0. Sustainable Living There is demand for more flexible arrangements with regard to residential uses on rural zoned land, to facilitate succession planning, address affordability and promote sustainable living.	3.1. Provide flexibility within the Planning framework that caters for sustainable, affordable housing solutions and opportunities for rural residents to maintain their rural lifestyles.	3.1.1. Introduce provisions in LPS8 to facilitate the creation of homestead lots of up to 5ha on Rural and Priority Agriculture properties over 60ha within the Shire. ~~Introduce provisions in LPS8 to facilitate homestead lots on appropriately sized General and Priority Agriculture properties within the Shire.~~	To support the succession of agricultural operations within the rural community, the Shire will provide for homestead lots in certain circumstances, in accordance with the provisions outlined in LPS8. ~~To support the succession of agricultural operations within the rural community, the Shire will provide for homestead lots in certain circumstances, in accordance with the provisions outlined in LPS8.~~	Short term
	~~3.2.~~	~~3.2.1.~~3.1.2. Introduce provisions in LPS8 and Local Planning Policy to allow for the consideration of rural strata / cluster development and/or subdivision within the vicinity of Balingup shown on Figure 12. ~~Introduce Scheme and/or Policy provisions for appropriately scaled strata development on Tourism, General and/or Priority Agriculture zoned land within a Special Control Area as identified within the Scheme.~~	The Balingup community has expressed support for alternative styles of development that support sustainable living within a rural environment, including the sharing of services and renewable energy generation on agricultural land that is not viable for traditional agricultural activities.	Medium term
		~~3.2.2.~~3.1.3. Develop a Local Planning Policy for 'tiny homes' and other alternative types of affordable housing development.	Demand for alternative housing development, including 'tiny homes' is becoming increasingly popular due to affordability. The Shire will need to develop appropriate development controls to facilitate this type of development whilst maintaining appropriate standards of amenity.	Medium term

Formatted: Normal, No bullets or numbering

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
4.0. Availability of Services Residential development within the Shire is constrained by limited services, specifically reticulated sewer. Existing dual-coded lots are generally developed at the lower density with on-site sewer, even where the reticulated sewer may be available. This reduces the development potential of serviceable residential lots in the Donnybrook townsite.	4.1. Ensure land is zoned for higher density residential development in areas where connection to reticulated services is feasible.	4.1.1. Review the density coding of Residential lots to ensure they appropriately reflect the availability of existing reticulated sewer services.	The Shire is aware that some Residential densities may not be appropriate given the availability of existing sewer and therefore this will be reviewed.	Short term
		4.1.2. Introduce provisions in LPS8 that require appropriate Residential zoned land and/or Planning Areas in proximity to existing services to connect to reticulated sewer.	Where land can be feasibly connected to the limited reticulated sewer service in Donnybrook, it should not be inhibited by lower density development that may be suitable elsewhere (without reticulated sewer).	Short term
BUILT FORM AND CHARACTER				
5.0. Protection of Existing Character Care will need to be taken to ensure new development does not adversely impact on existing character, particularly in townsites.	5.1. Encourage a high standard of development that incorporates innovative and creative design elements that complement the existing character of the Shire.	5.1.1. Establish Scheme and/or Policy provisions that provide suitable guidance on design and development in appropriate locations whilst providing flexibility for innovative and creative new proposals.	Protection of the Shire's diverse built form and character is important as it combines a rich cultural history with traditional country vernacular. Whilst the Shire encourages innovative, creative, and architecturally inspired design, consideration should be given to the existing context to ensure new development does not adversely impact existing streetscapes.	Long term
HISTORIC HERITAGE				
6.0. Historic Heritage Conservation The Shire contains a number of locally significant cultural and historic heritage places, many of which are captured in the current local Municipal Heritage Inventory (MHI).	6.1. Ensure the Shire's Planning framework, relevant to historic heritage places, is accurate and consistent with contemporary standards.	6.1.1. Review the Shire's existing MHI to create a contemporary Local Heritage Survey (LHS), consistent with current frameworks.	The Shire's MHI was last reviewed in 2013 and contains a total of 69 places which are categorised into 5 management categories. A LHS is the contemporary approach to compiling a record of heritage assets of a local district under the relevant legislation.	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
To achieve an appropriate level of long-term conservation, acknowledgment, and protection for historic heritage places, the existing MHI should be reviewed, and measures undertaken to introduce appropriate contemporary provisions to guide future development.		6.1.2. Develop a Local Heritage List that provides statutory protection to appropriate heritage places.	The creation and adoption of a Heritage List will afford a greater level of protection to the most significant places in the Shire with regards to development.	Medium term
		6.1.3. Develop a Local Planning Policy that provides development guidelines and standards for historic heritage precincts and/or places.	The creation and adoption of a LPP will provide guidance to Council and landowners of historic heritage places with regards to development.	Medium term
		6.1.4. Consider the introduction of incentives, exemptions and/or dispensations for private landowners who may own a historic heritage place.	To encourage private landowners to embrace the protection of local historic heritage under private ownership, appropriate dispensations and/or incentives should be explored and considered by Council in developing the LPP.	Long term
	6.2. Ensure the Shire's Aboriginal heritage is appropriately recognised, acknowledged, and respected.	6.2.1. Investigate opportunities to recognise Aboriginal heritage within the planning framework where appropriate and in consultation with the local Aboriginal community.	Aboriginal heritage is protected under the *Aboriginal Heritage Act 1972*. According to the DPLH's Aboriginal Cultural Heritage Inquiry System online database (DPLH 2022b), there are a number of Registered Aboriginal Sites located within the Shire. Generally, the LHS may include Aboriginal heritage relating to post-European settlement, however, there is a rich and extensive history of Aboriginal culture pre-European settlement that is important to, and respected by, the local community.	Ongoing
PUBLIC OPEN SPACE (POS)				
7.0. Provision of POS	7.1. Ensure there is suitable provision of appropriately located active and passive POS to service the local community.	7.1.1. Enforce the requirement for 10% POS as per the SPP and Liveable	Active and passive public open space remains of key importance to the community to facilitate healthy	Ongoing

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
Provision of active and passive POS in new development areas is integral to supporting healthy lifestyles of residents, whilst preserving the Shire's natural assets including native vegetation.		Neighbourhoods for all new residential development proposals.	lifestyles and protection of the Shire's natural assets. The provision of POS through the subdivision process plays a critical role in the health and wellbeing of local residents.	
		7.1.2. Establish Scheme and/or Policy provisions with clear criteria as to when a cash-in-lieu of POS contribution can be accepted.	In circumstances where the physical provision of POS is deemed to be not required by the Shire, a suitable cash contribution should be provided in accordance with relevant guidelines.	Medium term
8.0. Standard of POS Future provision of POS should be fit for purpose and not result in an unacceptable ongoing maintenance obligation on the Local Government. The Shire will need to give due regard to whole of life and maintenance costs when determining the standard of POS required at development stage.	8.1. Ensure that POS is of appropriate standard when handed to the Local Government, taking into consideration the whole of life and maintenance costs to ensure the ongoing longevity of the asset.	8.1.1. Recommend suitable conditions of subdivision approval to the WAPC requiring POS be developed to an appropriate standard including the provision of a secure water supply, and maintained for at least two full seasons by the developer, prior to handover to the Shire.	Prior to the Shire taking on the ongoing responsibility of POS assets, it needs to be of a suitable standard that can be reasonably maintained by the Local Government.	Ongoing
		8.1.2. Establish standards within a LPP for developing POS in new areas, taking into account requirements of the community and whole of life / maintenance costs.	POS should be designed taking into consideration the reasonable longevity of the asset from a maintenance cost point of view.	Medium term
	8.2. Ensure the community is serviced with suitable facilities of a high standard.	8.2.1. Develop a LPP to ensure provision of POS is of a suitable standard and in an appropriate location.	The development of a LPP will provide guidance to ensure POS is of a suitable standard and in close proximity to residents to ensure maximum benefit and longevity.	Medium term
COMMUNITY INFRASTRUCTURE				

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
9.0. Developer Contributions As the community grows, increased level of services and infrastructure may be required, the costs of which could be offset via developer contributions.	9.1. Investigate opportunities where developer contributions may be appropriate to support the provision of future community infrastructure, including roads.	9.1.1. Consider the likely future demand for community infrastructure as a result of increased population growth.	Population growth is likely to result in increased demand for community infrastructure where there may be an identified gap.	Long term
		9.1.2. Review areas of potential infill development, including Rural Residential, that may necessitate an increased standard of roads / footpaths to service the locality.	Further infill development and subdivision has, in some cases, resulted in increased demand for a higher standard of road / footpath provision. Further investigation is required as to whether this will be warranted or not.	Medium term
SETTLEMENT SUSTAINABILITY				
10.0. Villages and Hamlets A number of the Shire's villages and hamlets have limited services and infrastructure, however, are strategically located for potential small-scale development and growth opportunities. Existing zonings applicable to many of these localities are inconsistent with the existing and intended future use of the land.	10.1. Provide flexibility for landowners to explore potential small scale development opportunities within villages and hamlets that are compatible with existing rural residential / low density residential uses.	10.1.1. Recognise the role of hamlets and villages in the settlement hierarchy within this Strategy.	A number of hamlets and villages within the Shire are located along major highways and intersections which present potential strategic development advantages.	Short term.
		10.1.2. Introduce the 'Rural Townsite' zone to LPS8 with flexible land use permissibility within the Zoning Table.	'Rural Townsite' provides the most appropriate zoning to provide flexibility for unique rural sites within hamlets and villages in the Shire.	Short term
	10.2. Ensure zoning, land use permissibility and development control provisions provide flexibility and rationalise the existing use of land, whilst ensuring future development is appropriate in the context of the area.	10.2.1. Rezone appropriate land holdings in the hamlets and villages within the Shire under LPS8 to 'Rural Townsite' in accordance with this Strategy.	There are a number of examples of inappropriate zonings within hamlets and villages which need to be addressed in LPS8.	Short term
		10.2.2. Establish appropriate development control provisions in LPS8 to avoid land use conflict in the 'Rural Townsite' zone and guide development.	The introduction of the 'Rural Townsite' zone and appropriate development control provisions in LPS8 will provide flexibility, whilst addressing land use conflict concerns.	Ongoing

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
			Such an approach supports the ongoing viability of these areas and encourages investment in such localities.	

DRAFT

2.2. ECONOMY AND EMPLOYMENT

The Shire supports a strong and diverse economy which includes agriculture (including orchards, horticulture, and viticulture), timber and forest products, aquaculture, retail, tourism, service industries and quarrying/mining.

Whilst the local government values and seeks to protect the agricultural industries as the main driver of the local economy, there is also community support for alternative economic development and job creation. In addition, as technology advances, climate changes and economic factors shift, the industry is continuing to adapt and diversify. As outlined in Part 2, 44% of the labour force within the Shire is made up of the top four industries including: Agriculture, Forestry and Fishing; Health Care and Social Assistance; Mining; and Construction (ABS, 2021).

Tourism is an active and growing industry within the Shire. However, tourism land uses are increasingly fettered by constraints such as bushfire and access (particularly on MRWA roads), which is often outside the jurisdiction of the local government.

Of the people within the labour force, 4.2% indicated they were unemployed at the 2021 census. This is lower than that of the State where 5.1% indicated they were unemployed (ABS, 2021). Local job creation and industry growth continues to be a focus for the long-term sustainability of the Shire's economy.

Whilst the Strategy itself has limited capacity to drive economic development, it can provide for development and investment opportunities. However, the Shire will need to be cognisant of the potential for conflict between land uses such development may introduce and have appropriate mechanisms in place to ensure this is appropriately addressed.

The status of the Shire's economy and employment presents a number of issues and opportunities relating to:

- Agriculture;
- Tourism;
- Town Centres;
- Catering for Industry Growth; and
- Resource Management.

Table 2 – Economy and Employment: Planning Directions and Actions

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
AGRICULTURE				
11.0. Protection of Rural Land The Shire experiences occasional pressure to subdivide and/or re-zone rural land for residential / rural residential purposes that is not identified within the Planning framework.	11.1. Consistent with SPP 2.5 and DCP 3.4, adopt a general presumption against the subdivision of General Agriculture and/or Priority Agriculture land within the Shire unless otherwise identified in this Strategy and/or permitted under LPS8.	11.1.1. The Shire will generally not support subdivision and/or re-zoning proposals that are not consistent with the Strategy and/or the Scheme.	Fragmentation of agricultural land may result in less productive and unviable agricultural land which will have significant impact to the overall sustainability of the local economy and rural community.	Ongoing
		11.1.2. Introduce provisions in LPS8 and Local Planning Policy to allow for the consideration of rural strata development and/or subdivision within the vicinity of Balingup shown on Figure 12. ~~Establish clear Scheme and/or Policy provisions to provide clear guidance for when homestead lots and rural strata or other land tenure development may be considered, taking into account individual site context.~~	Clear statutory provisions will be required to ensure ~~homestead lots and/or~~ rural strata development surrounding Balingup will not constrain or compromise surrounding land to be used for agricultural purposes which are considered its highest and best use.	Short term
		11.1.3 Introduce provisions in LPS8 to facilitate the creation of homestead lots of up to 5ha on Rural and Priority Agriculture properties over 60ha within the Shire	Clear statutory provisions are required to ensure homestead lots are limited to appropriate rural circumstances and do not create fragmentation of agricultural land.	Short term
12.0. Rural Land Use Diversification Across the region, the agriculture sector continues to experience changing social, economic, and environmental conditions that present challenges to the overall longevity of local rural industries, the viability of rural land, which in turn, impacts the durability of the rural community. There is a need to find a balance between 'traditional' and 'non-traditional' rural land uses (such as tourism, basic raw materials, etc.)	12.1. Where deemed appropriate, identify compatible land uses that can be considered within the agriculture zones that will provide economic diversification and growth opportunities without jeopardising the long-term primary use of the land for agricultural purposes.	12.1.1. Review land uses within the Zoning Table for the Priority and General Agriculture zones to determine appropriate uses applicable to each, consistent with their unique objectives.	The Shire considers that there is a distinction between the General and Priority Agriculture zones and therefore needs to consider uses appropriate to each.	Short term
		12.1.2. Review the Zoning Table within the Scheme to consider complementary, non-traditional and/or 'farm gate' type land uses that may be compatible within the Priority and General Agriculture zones.	Whilst land use permissibility within the agriculture zones should favour the highest priority use for agricultural purposes, the Shire will consider other compatible uses. Tourism, agri-tourism, accommodation, basic raw material extraction, etc. are land uses that are experiencing increasing demand across the region, particularly within the agriculture areas.	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
whilst providing opportunities to encourage increased diversification of ancillary, 'value-adding' uses that complement, and do not jeopardise, existing traditional rural land uses.			These uses are considered 'non-traditional' uses in this setting however provide opportunities for rural landowners to increase overall profitability and viability of rural land and consequently supports the long-term sustainability of rural communities.	
		12.1.3. Establish Scheme and/or Policy provisions that provide clear parameters for circumstances where discretionary uses (i.e. 'D', 'A' or 'I' uses within the Zoning Table) may be considered for approval within the agriculture zones.	Land use compatibility and suitability can vary depending on the context of each proposal which may require further assessment. Assessment provisions should be developed to provide clear guidance on when such proposals are unacceptable and should not be supported. For proposals that may be considered acceptable, clear provisions will be required to ensure the impacts of any proposed development are appropriately managed.	Medium term
TOURISM				
13.0. Tourism Growth The Shire is increasingly becoming a popular place of interest for visitors and tourists. The Shire will need to determine the most appropriate means via the local planning framework to take advantage of, and cater for, visitor growth, whilst avoiding land-use conflict and/or compromising higher order uses of land.	13.1. Ensure that the local planning framework achieves an appropriate balance that supports tourism growth, whilst not jeopardising existing traditional uses, particularly within the Residential and Agriculture zones.	13.1.1. Review existing Tourism zoned land to ensure ongoing suitability of the locations, as well as appropriate Scheme provisions.	There are a number of properties zoned Tourism under LPS7 that may be more suited to alternative zonings.	Medium term
		13.1.2. Identify potential tourism land uses that may be appropriate in non-Tourism zones, whilst ensuring development does not compromise the primary purpose and/or objectives of the applicable zoning.	Tourism uses have different levels of compatibility within each zone and may require specific assessment. Provisions should be developed to provide for flexibility whilst ensuring any associated impacts can be appropriately managed.	Short term
14.0. Tourism Accommodation The Shire is experiencing increased demand for tourism accommodation. The Shire will need to determine the most appropriate means to provide for adequate tourism accommodation which may be	14.1. Facilitate opportunities for tourism accommodation in appropriate zones within the Scheme where land use conflicts / risks can be appropriately managed.	14.1.1. Review the Zoning Table to permit low-impact tourism accommodation within different zones where they are incidental to the predominant use of the land.	The Shire has limited 'Tourism' zoned land within the Scheme area and therefore needs to consider how tourism accommodation can be provided for within appropriate alternative zones.	Short term
		14.1.2. Develop Scheme and/or Policy provisions that provide clear parameters and controls for particular	There is a significant difference in the impact of tourism accommodation types depending on	Medium term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
considered appropriate across a range of zones and situations.		tourism accommodation uses within each of the applicable zones.	their site contexts, e.g. bed and breakfast, motel/hotel, etc. The establishment of appropriate controls will ensure the scale and nature of tourism accommodation is appropriate in each zone / setting.	
15.0. Regulatory Framework The existing planning framework can present barriers to supporting tourism developments within the Shire, including bushfire requirements and vehicular access via MRWA controlled roads.	15.1. Provide for low-impact development tourism proposals where risks can be reasonably and practicably minimised.	15.1.1. Introduce Scheme and/or Policy provisions to consider low-impact tourism proposals that represent an acceptable and/or manageable level of risk, such as those where there is a permanent manager, 'host', and/or landowner is present on the site.	Due to varying reasons, a large proportion of tourism proposals find it challenging to comply with the relevant provisions of SPP 3.7. Notwithstanding this, the Shire is of the view that some low-impact proposals warrant reasonable consideration for approval where risks can be minimised through appropriate and practical conditions of approval.	Medium term
		15.1.2. Introduce Scheme provisions that provide discretion to the local government (as the decision maker) for referral requirements for low impact development proposals.	The Shire has experienced a significant number of tourism-based development proposals that are not able to be supported due to a lack of support from external agencies or imposition of conditions that render proposals unviable. The Shire is of the view that low-impact development proposals should be able to be reasonably considered without additional referral requirements where the proposal is deemed by the local government not to create an unacceptable or unmanageable risk.	Medium term
TOWN CENTRES				
16.0. Aesthetic Quality The Shire's town centres, particularly Donnybrook, Balingup and Kirup, act as centres of local commercial activity for the local community and visitors, and therefore a high standard of development and aesthetic quality is necessary.	16.1. Protect and enhance existing streetscapes in town centres to create inviting and attractive commercial precincts that encourage business investment and visitors.	16.1.1. Review and ensure appropriate development controls are in place in LPS8 and/or a LPP to achieve a high standard of development in town centres that give due regard to existing scale, bulk and form, and heritage considerations.	It is important that an appropriate standard of development is achieved in town centres to ensure they remain attractive to businesses and visitors alike. Establishing clear guidance through Scheme and/or Policy provisions will provide clarity as to acceptable standards for development.	Short term
		16.1.2. Establish development controls that manage the use of transportable or	The development of transportable and/or second-hand structures carries a potential risk of	Medium term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
		second-hand structures in town centres.	negative impacts to the amenity of town centres and streetscapes if not managed appropriately.	
		16.1.3. Review advertising signage Scheme and/or LPP provisions to establish an appropriate level of development control whilst supporting local businesses.	Advertising signage is important for local businesses however without sufficient guidance, has the capacity to result in adverse impacts on the streetscape amenity and/or safety concerns.	Medium term
17.0. Town Centre Sustainability It is important that town centres remain sustainable and vibrant. The Shire will need to give due regard to ensuring that commercial land is provided and protected from incompatible development. For change of use proposals involving existing development, the Shire will take a practical approach to imposing development standards whilst ensuring a suitable quality of development is achieved and any impacts are appropriately managed.	17.1. Ensure the Shire's town centres remain sustainable by facilitating growth and development opportunities.	17.1.1. Review the Zoning Table within the Scheme to provide for a range of suitable business-based land uses within the Commercial zone.	In order to maintain continued sustainability of the Shire's town centres, a range of business activities should be encouraged to operate within the Commercial zone.	Short term
	17.2. Support new business by giving consideration to the need for regulatory provisions whilst ensuring development quality is not jeopardised and potential impacts are managed.	17.2.1. Review car parking provisions within LPS8 and establish Scheme and/or LPP provisions that provide dispensations for change of use applications within specified localities within town centres.	The Shire should balance the need for critical infrastructure generated by new business, with adopting a reasonable approach to requirements involving repurposing existing development.	Short term
		17.2.2. Establish a LPP for the consistent application and collection (or exemption) of cash-in-lieu for car parking.	The provision of car parking is of particular importance in urban areas however, not so critical in some rural environments, therefore exemptions may be reasonable to apply in certain areas. In any case, a consistent approach needs to be adopted.	Medium term
	17.3. Ensure sufficient land is available for the future growth of town centres.	17.3.1. Review existing supply of Commercial zoned land within the Scheme and identify opportunities for future growth within the Strategy if required.	There are some vacant/empty Commercial zoned properties within the Shire's town sites, noting that these are commonly constrained by lack of serviced infrastructure, particularly sewer. The need for additional land for commercial uses will be considered in this Strategy.	Long term
		17.3.2. Review the Zoning Table within LPS7 to ensure land uses within LPS8 are compatible within the Commercial zone and do not inadvertently restrict commercial development.	Commercial land should be assigned and utilised for predominantly commercial purposes. Residential uses that are not incidental to the commercial activities of Commercial zoned land, should not be permitted as these can be	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
			accommodated in other more suitable zones, and free up the Commercial zone for its intended purpose and reduce land use conflict.	
CATERING FOR INDUSTRY GROWTH				
18.0. Industrial Land Feasibility There is a significant area of Industrial zoned land within Donnybrook, however it is constrained by servicing requirements, native vegetation and/or topographical challenges.	18.1. Promote and advocate for government agency support to facilitate development of existing Industrial zoned land.	18.1.1. Investigate partnership opportunities with Development WA and/or South West Development Commission to advocate for financial support to facilitate development of existing Industrial zoned land.	It is not currently feasible for the private sector to develop the existing industrial estate in Donnybrook due to site specific constraints, and therefore for it to be developed it will require the injection of State funding.	Ongoing
	18.2. Ensure applicable land is appropriately zoned for future industrial purposes in order to achieve orderly and proper outcomes.	18.2.1. Review the current General Agriculture zoning at Lot 398 (21) Cherrydale Way, Beelerup (DP182618) and Lot 447 Donnybrook – Boyup Brook Road, Beelerup (DP150079)	Review the zoning for consideration for re-zoning to General Industry to maintain consistency with the surrounding General Industry zoning.	Short term
		18.2.2. Review the current General Agriculture zoning of Lot 151 Brookhampton Road, Kirup (DP195161) to rationalise the existing land use of a packing shed.	The zoning of this site needs to be reviewed to ensure it is consistent with the existing approved land use which is reasonably expected to remain in the long term.	Short term
19.0. Workforce Accommodation There are significant projects and developments within the region that may result in increased demand for workers' accommodation within the Shire.	19.1. Facilitate opportunities to meet demand for workers' accommodation that does not jeopardise the amenity of the area.	19.1.1. Introduce the land use of 'workforce accommodation' and consider the suitable zones within the Zoning Table in LPS8.	There are several significant projects and ongoing opportunities in the region that may result in demand for short-term workers' accommodation (e.g. Bunbury Outer Ring Road and the expansion of the Talison mine in Greenbushes). The Shire will need to determine where such accommodation will be best suited.	Short term
		19.1.2. Develop Scheme and/or Policy provisions for workforce accommodation for the appropriate siting and design of such proposals to ensure a high standard of development.	The Shire will need to ensure development of this nature is to a high standard to minimise and appropriate manage any impacts to the amenity of the area.	Medium term
RESOURCE MANAGEMENT				

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
20.0. Basic Raw Materials The Shire contains a range of basic raw materials (BRM) which are generally located within rural localities. The Shire will need to consider new proposals, giving due regard to the associated impacts including the potential for land use conflict.	20.1. Establish a balanced position that recognises the importance of basic raw materials and provides an adequate level of protection to existing resources whilst facilitating growth and development of townsites and rural living areas (in appropriate locations).	20.1.1. Identify land for future Residential / Rural Residential development that will not compromise identified BRM resources (e.g. within SCA4 or equivalent in LPS8)	The Shire needs to balance the protection of existing BRM resources with facilitating growth of townsites. This is particularly the case with SCA4 in LPS7 being in close proximity to the Donnybrook townsite and constrains growth in this direction. There are currently alternative development areas available in close proximity to townsites which do not contain strategic BRM materials and can cater for the future growth of Donnybrook in the medium term.	Medium term
		20.1.2. Review Scheme provisions relevant to SCA4 (or equivalent) including investigating opportunities for small scale subdivision of existing Rural Residential zoned land within SCA4 (or equivalent), subject to suitable notifications being placed on the Title(s).	The provisions of LPS8 should be reviewed relevant to SCA4 (or equivalent) to determine the ongoing relevance. In some cases, small-scale subdivision may be able to be supported subject to appropriate checks in place to protect existing and future landowners as well as the existing resource operators.	Short term
	20.2. Provide clarity and direction to proponents for the development of extractive industries that also provide suitable protections to the surrounding area.	20.2.1. Review general development provisions within the Scheme and develop a comprehensive LPP to incorporate contemporary guidelines and outline development expectations.	The Shire has a Local Law governing extractive industries however would benefit from increased guidance when assessing and determining development proposals. Proponents, landowners, and the community would benefit from improved guidance, particularly relating to context-based assessment, amenity impacts, road contributions etc. when considering proposals to ensure development is appropriate and decision-making is consistent.	~~Medium~~ Short term
	20.3. Protect existing Priority Agriculture from potential BRM activities and prioritise this land for traditional agricultural activities.	20.3.1. Review the land use permissibility for extractive industries within the Priority Agriculture zone and consider as an 'A' use.	The use of Priority Agriculture land for agricultural purposes is considered the highest and best use of such land. It should therefore be protected from extractive operations that may restrict the ability of the land to be used for agricultural purposes.	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
21.0. Tree Farming Significant changes are anticipated in the agroforestry industry with the recent ban on logging of native forests in WA from 2024 which may result in increased interest to establish tree farms within the Shire.	21.1. Facilitate opportunities for agroforestry, tree farming and plantations in suitable locations where bushfire risk and land use conflict can be appropriately managed.	21.1.1. Review the existing Special Control Area (Plantation Exclusion Area) provisions and boundaries within the Scheme to ensure it remains appropriate and reflects community expectations.	Due to the impacts of tree farming, including the potential for land use conflict, this land use should be confined to suitable localities within the Shire to be reflected in the Scheme via a Special Control Area.	Short term
		21.1.2. Review the existing LPP on Private Tree Plantations and Agroforestry.	Direction and guidance are required for the establishment and management of tree farms that reflects best industry practice and adequately addresses impacts on the community.	~~Medium~~ Short term
		21.1.3. Ensure tree plantations are restricted or prohibited in the Priority Agriculture Zone in the future LPS8.	Priority agriculture land should be protected for ongoing food and fibre production, consistent with the intent and objectives of the zone.	Short term
		21.1.4. Distinguish plantation-related land uses by recognising the difference between plantations associated with timber production and plantations established for carbon sequestration and/or carbon farming	Tree plantations intended for harvesting can be returned to agricultural production at a later date. However, carbon farming and sequestration is intended to remain in perpetuity, thereby removing the land from agricultural production permanently.	Short term

DRAFT

2.3. ENVIRONMENT

The Shire contains a diverse natural environment, as well as a number of environmental assets, which are of great value to the local community. 4.9% of the Shire's land area was registered as National Park or Nature Reserve at the 2021 census.

According to the land and cadastral details within by the State data system (dataWA), the Shire contains approximately 76,546 hectares of Crown land including Forests and Reserves which equates to over 49% of the total land area (Gov of WA, 2022b).

However, there are various environmental issues that need to be addressed in order to ensure the long-term health and sustainability of the natural environment.

Additionally, there are various environmental constraints to future development. The local government considers that the most significant environmental issues relate to:

- Natural Areas and Assets;
- Natural Hazards; and
- Alternative Energy.

DRAFT

Table 3 – Environment: Planning Directions and Actions

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
NATURAL AREAS AND ASSETS				
22.0. Native Vegetation and Protected Flora and Fauna The Shire will need to effectively manage conflicting objectives with regards to native vegetation and animal species, specifically balancing environmental and bushfire management concerns.	22.1. Identify land for future development that minimises the removal of native vegetation wherever possible.	22.1.1. Establish Scheme provisions that are applicable to future rezoning and/or structure planning to ensure due regard is given to protecting native vegetation where possible.	The measures proposed will ensure due regard is given to retention of native vegetation whilst providing clarity for potential developers of the Shire's expectations in this regard. The Shire will adopt a precautionary approach when identifying land for future development to minimise impacts on native vegetation noting that some removal of vegetation may be required in certain circumstances.	Short term
	22.2. Minimise clearing of existing native vegetation on existing Rural Residential and Rural Smallholding zoned land.	22.2.1. Review existing provisions within LPS7 and establish new provisions within LPS8 regarding the requirement for all development to be contained within a designated building envelope on Rural Residential and Rural Smallholding properties.	Rural Residential and Rural Smallholding zoned properties are predominantly used for residential purposes, however depending on their context, contain significant vegetation. The use of building envelopes provides a level of protection to vegetation outside of areas that can accommodate development. Environmental linkages provide support to protected flora and fauna; Rural Residential and Rural Smallholding zoned land has potential capacity to provide environments suitable for endemic species.	Ongoing
	22.3. ~~Provide clarity on the Shire's position and role in proposals to clear native vegetation.~~	22.3.1. ~~Establish clear Scheme and/or Policy provisions that outline when a development application is required for the proposed clearing of native vegetation; what information would be required within an application; and the parameters for which an application of this nature would be assessed.~~	~~It is important to establish sufficient clarity for the assessment of proposals to clear native vegetation, taking into account both local and State approval requirements.~~	~~Short term~~
	22.4. Provide direction for the protection of fauna in instances where clearing may be proposed.	22.4.1. Establish clear Scheme and/or Policy provisions that outline where additional protection and/or management measures are required to ensure fauna are appropriately	Vegetation within the Shire provides habitats for a number of different species and should be suitably protected where appropriate.	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
		protected, specifically their presence in habitat trees.		
	22.5. Provide protection to the existing Golden Valley Tree Park	22.5.1. Rezone Lot 11 and Lot 2 (Reserve 54402) to a proposed 'Special Use' zone for the purpose of protecting the Golden Valley Tree Park and the homestead, which is a State Heritage listed place	The current use of the land needs to be identified in LPS8 to ensure ongoing use and protection of the Golden Valley Tree Park as a valuable natural asset with landscape values, and the homestead that is a State Heritage listed place.	Medium Term
23.0. Waterways and Wetlands The Shire contains a number of key waterways and wetlands that require protection from the impacts of development, to maintain their long-term health and viability.	23.1. Protect, manage, conserve, and enhance the environmental functions and values of waterways and wetlands.	23.1.1. Establish Scheme and/or Policy provisions to guide appropriate development within proximity to waterways, including on-site wastewater management systems in compliance with SPP 2.9 Water- and the need to refer significant developments to DWER for comment.	New development needs to be appropriately sited with sufficient separation from waterways and wetlands to ensure it does not represent an environmental risk to the waterway or wetland. Appropriate development controls are required to ensure there are no adverse impacts on the water environment and the quality of drinking water into the future. Appropriate separation distances are required for different sewer treatment systems. This is often very site specific which requires individual review.	Short term
24.0. Public Drinking Water Source Areas Specific localities within the Shire are identified as Public Drinking Water Source Areas (PDWSA) by the Department of Water and Environmental Regulation (DWER) that have implications for development.	24.1. Protect and appropriately manage development within PDWSAs to ensure the community (and the region) has access to safe, high quality drinking water, both now and into the future.	24.1.1. Review and retain a Special Control Area recognising the PDWSAs in the Strategy and LPS8.	The Donnybrook Water Reserve is a proclaimed water source protection area by DWER and therefore requires formal recognition within the Planning framework.	Short term
		24.1.2. Review Scheme provisions to determine when a development application is required for development within a PDWSA and subsequently the types of development that would warrant referral to DWER prior to determination.	~~Appropriate development controls are required to ensure development types are compatible with PDWSAs to ensure there are no adverse impacts on the quality of drinking water into the future.~~ ~~Clarity is also required with regard to the process for assessing land use and development proposals within these areas.~~ The measures proposed will ensure due regard is given to DWER's WQPN 25 'Land use compatibility tables for public drinking water source areas'	Ongoing
NATURAL HAZARDS				

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
25.0. Bushfire The presence of considerable vegetation within the Shire, whilst highly valued by the community, presents a significant constraint to future development due to the risk of bushfire. Over 82% of the Shire is located within a designated bushfire prone area which presents a number of development challenges.	25.1. Only identify land for future development that avoids unacceptable and/or unmanageable bushfire risk.	25.1.1. Engage a suitably qualified bushfire practitioner to complete an appropriate Bushfire Hazard Level (BHL) assessment of proposed Planning Areas to determine suitability for future development.	As required within SPP 3.7, a BHL will be prepared to accompany this Strategy and the proposed Planning Areas to demonstrate their suitability for future development.	Short term
		25.1.2. Undertake a review of the existing Rural Residential zoned land to ascertain the suitability of further infill subdivision against the risk of bushfire.	As outlined in section 2.1, action 1.1.1, the Shire will undertake a short-term desktop review of Rural Residential land however further investigation is required as to the development capabilities, particularly with infill subdivision, against the measured bushfire rating.	Medium term
	25.2. Give consideration to development proposals that can practicably and reasonably manage bushfire risks.	25.2.1. Review provisions of SPP 3.7 and the associated Guidelines to develop a procedural matrix and/or Policy specific to processing development applications within the bushfire prone areas.	Where a suitably qualified bushfire practitioner can demonstrate that the bushfire risk can be appropriately and reasonably managed, consideration should be given to the merits of proposals to support continued development within the Shire.	Short term
26.0. Flooding and Stormwater Management The Shire contains a number of significant waterways which, in combination with low lying land, presents stormwater and flood management issues. This also restricts the ability of properties to accommodate on-site sewer management systems.	26.1. Only identify land for future development that avoids unmanageable flood affected land.	26.1.1. Identify Planning Areas within the Strategy in locations that are not subject to potential flooding impacts from adjacent waterways, or that can considerably account for this within their development (i.e. foreshore reserves, POS, etc.)	Planning Areas should have minimal constraints to ensure development capability reflects the intended development objectives.	Short term
	26.2. Ensure that future development provides an acceptable level of flood protection and stormwater management for the health and safety of people, and prevention of damage to property and/or community infrastructure.	26.2.1. Review and establish Scheme provisions that provide adequate guidance for the assessment of new development in close proximity of waterways, including referral to DWER and/or other relevant agencies as appropriate.	Appropriate Scheme provisions are required to mitigate flood risk. Referral to DWER for certain applications will ensure decision making is based on appropriate advice from the responsible agency for waterways.	Ongoing
		26.2.2. Develop Scheme and/or Policy provisions that address suitable, localised stormwater management and design principles for new development proposals.	Adopting best practice and design standards for stormwater management at all stages of Planning is required to avoid adverse impacts. This should include consultation with the Shire's Works and Services department.	Medium term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
ALTERNATIVE ENERGY				
27.0. Generation of Renewable Energy New technology in renewable energy generation is evolving quickly at various scales, providing opportunities to transition away from traditional energy sources. This includes, but is not limited to, wind, solar, hydro, and geothermal power.	27.1. Support domestic and commercial scale renewable energy generation developments subject to consideration of amenity and offsite impacts to community.	27.1.1. Review the Zoning Table and appropriate land use definitions within LPS8 to consider the compatibility of renewable energy technologies in each zone.	Considerations should be given to the suitability and permissibility of renewable energy land uses within each zone, as well as how each are defined. Small scale energy generation will enable developments and/or properties to be self-sufficient and/or reduce their carbon footprints.	Short term
		27.1.2. Establish Scheme and/or Policy provisions that guide appropriate development of domestic and commercial scale renewable energy proposals.	Development controls will be required to ensure that proposals are appropriate to their context and do not result in unacceptable amenity or offsite impacts.	Medium term

DRAFT

2.4. INFRASTRUCTURE

The Shire is limited in service provision, particularly of reticulated scheme water and sewer services. As outlined in Part 2, the number of residential connections to the scheme water provided by the Water Corporation equates to 50% of the total number of dwellings within the Shire. In addition, the number of reticulated sewer connections equates to only 12.4% of the total number of dwellings within the Shire.

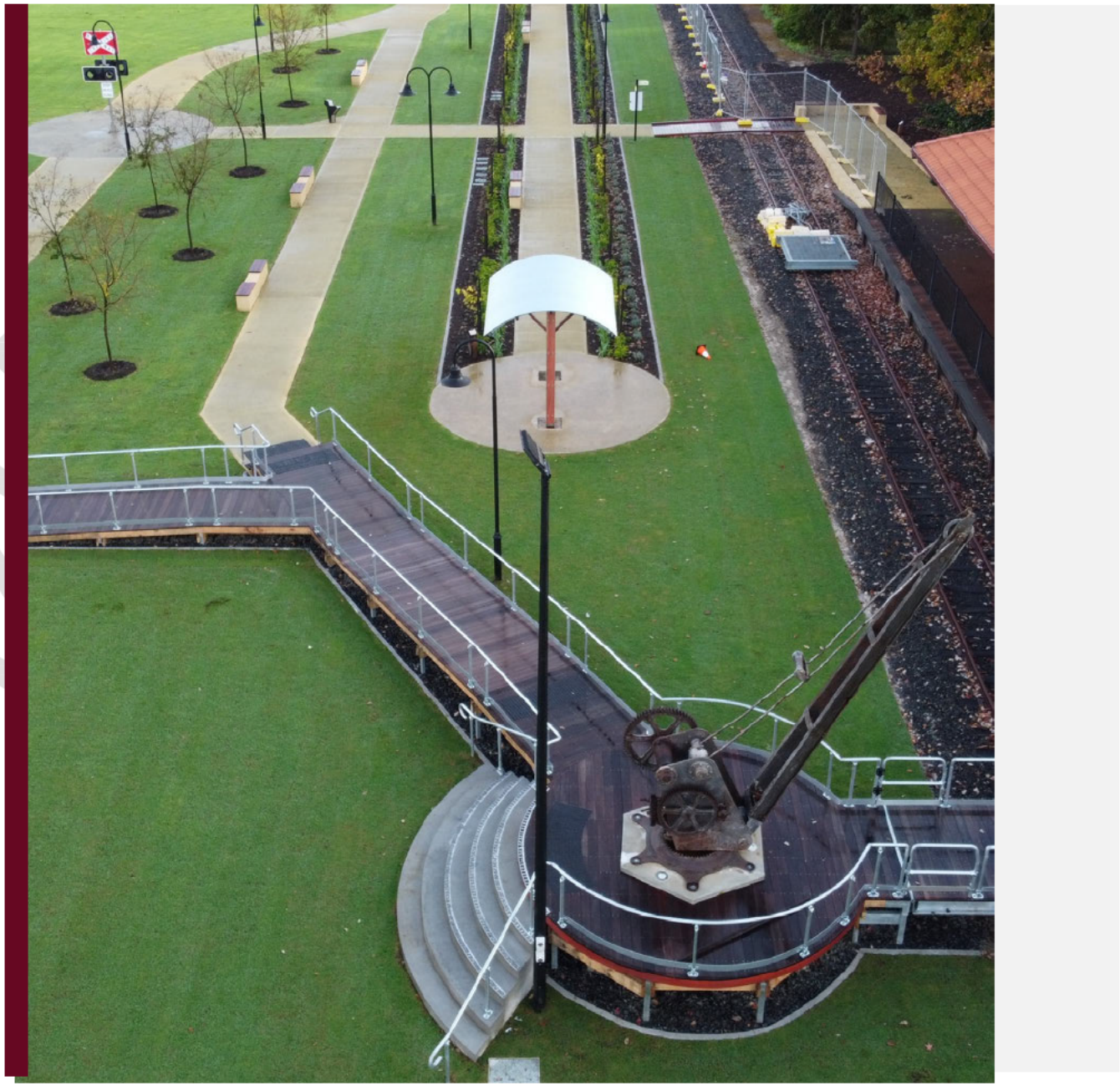
Lack of critical service infrastructure has significant repercussions for growth and development potential within the Shire.

In addition, the Shire contains over $161 million worth of transport infrastructure including roads, car parks, paths, drainage, electrical and guard rails that have significant management and maintenance costs.

The Shire, particularly the Donnybrook townsite, is strategically located at a junction of significant regional roads that provide the means of distributing goods within the region. This provides significant opportunities for regional business investment within the Shire on the basis that there is a high standard of roads in all directions, linking through to the Perth Metropolitan Area, the South West and the Great Southern.

Similar to many regional areas in Western Australia, the Shire faces challenges from an infrastructure perspective including:

- Critical Services; and
- Transport Network.



DRAFT

Table 4 – Infrastructure: Planning Directions and Actions

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
CRITICAL SERVICES				
28.0. Wastewater Management An increased level of reticulated wastewater service provision is required to support the future growth of the Shire, whilst also addressing the environmental concerns relating to the widespread use of traditional on-site wastewater disposal methods.	28.1. Pursue opportunities for an increased level of reticulated sewer to facilitate residential, commercial, and industrial development types within the Shire.	28.1.1. Advocate to the State Government for the recommencement of the Infill Sewerage Program, including any required upgrade of local wastewater processing facilities.	The townsite of Donnybrook was only partially serviced by reticulated sewer when the Country Infill Program was discontinued. The continuation of the program, including expanding it to other townsites and incorporating industrial areas will support the future growth of the Shire whilst addressing ongoing environmental concerns associated with on-site sewer.	Ongoing
		28.1.2. Where identified within this Strategy, new residential development in Donnybrook is to be connected to the reticulated sewer.	Where reticulated sewer is available, and the land is appropriately zoned, new residential development will be required to connect which will be enforced through appropriate Scheme provisions.	Medium term
		28.1.3. Consider introducing Scheme and/or Policy provisions that stipulate specific on-site wastewater management requirements for development proposals in environmentally sensitive areas and/or lots less than a certain size, in consultation with DWER and the DoH.	Consideration is required at the development application stage to ensure on-site wastewater management systems are suitable and comply SPP 2.9 Water, taking into account site constraints including soils and lot size. Traditional septic systems may not be suitable in all circumstances. Appropriate wastewater disposal is a critical consideration in determining development proposals to ensure the proposed use can be accommodated, and therefore approved, on site.	Medium term
	28.2. Support initiatives to recycle / reuse greywater on a domestic scale subject to adequate measures being in place to the satisfaction of the DoH.	28.2.1. Establish Scheme and/or Policy provisions to identify circumstances for recycling / reusing greywater, which shall include referral to the DoH for comment prior to determination.	There are evolving technologies for wastewater recycling / reuse, and this should be supported where appropriate, subject to support from the DoH.	Medium term
29.0. Water Supply All development requires the provision of a secure and safe source of water, including potable water, water for firefighting	29.1. Ensure all habitable development is connected to a suitable supply of potable water.	29.1.1. Review existing provisions within LPS7 to ensure an adequate supply of potable water is connected to facilitate habitable development types (dwelling, ancillary accommodation, etc.) under LPS8.	A suitable supply of potable water is required to support habitable development which may vary depending on the circumstances of the proposal. The Scheme should clarify the requirements in consultation with the DoH and DWER, as required.	Short term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
purposes and industrial and commercial water supply.	29.2. Ensure all new developments have suitable provisions for the adequate supply of potable water.	29.2.1. Where identified within this Strategy, all applicable Planning Areas are to be connected to the reticulated scheme water at subdivision stage.	Where available, development is required to be connected to the reticulated scheme water at the subdivision stage. Requirements to be confirmed in consultation with DWER, Water Corporation and DoH, as required.	Ongoing
		29.2.2. Introduce Scheme and/or Policy provisions, in consultation with the Water Corporation and other relevant agencies, that establish an appropriate distance from existing infrastructure whereby new development shall be required to connect to the reticulated water supply.	Establishing a specific distance from existing infrastructure for the requirement to connect to a reticulated water supply will clarify the requirements under SPP 2.5 as to what is deemed to be "available in the locality" in a local context.	Short term
		29.2.3. Introduce Scheme and/or Policy provisions that support Rural Residential subdivision proposals in localities not within the specified distance as determined in section 2.4, action 29.2.2, that propose on-site water supply (i.e. rainwater tanks, potable bore etc.).	The Shire has an average rainfall higher than that of other areas within the State so it is therefore reasonable to support subdivision proposals outside of the specified distance outlined above where a suitable alternative water supply can be provided in accordance with the required of the Scheme.	Short term
	29.3. Ensure all new development is provided with a suitable supply of water for firefighting in addition to a supply of potable water.	29.3.1. For proposed development without connection to a reticulated water supply, ensure provisions within LPS8 account for a suitable supply of water for firefighting purposes in addition to potable water supply, in consultation with DFES and DPLH, as required.	Provision of water for firefighting purposes is required under SPP 3.7 as outlined by DPLH and DFES.	Short term
	29.4. Ensure commercial and / or industrial development has sufficient water availability for its intended purpose.	29.4.1. Develop Scheme and/or Policy provisions that require new commercial / industrial developments to provide the land with an adequate supply of reticulated water at the subdivision stage, in consultation with the relevant service provider.	The development of commercial / industrial land will need to ensure the standard of reticulated water supply is fit for purpose, depending on the anticipated demands of the intended land use, which should be addressed at the structure planning / subdivision stages.	Ongoing

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
	29.5. Promote drought resilience by identifying opportunities to improve water security during dry periods	29.5.1. Investigate opportunities to support contingency planning for fit-for-purpose water sources to ensure sufficient water availability during drought conditions.	In the context of a drying climate, the need to ensure sufficient fit-for-purpose water supplies are available to support the environment, public open space, industry and agriculture during drought conditions is increasingly important.	Medium Term
30.0. Power An adequate supply of power needs to be provided and be fit for purpose, including commercial and industrial development, whilst noting that new technologies may provide alternative solutions.	30.1. Ensure that commercial and/or industrial development has sufficient power supply for its intended purpose.	30.1.1. Establish Scheme and/or Policy provisions that require new commercial / industrial land developments to provide the land with adequate power supply at the subdivision stage, in consultation with the relevant service provider.	The development of commercial / industrial land will need to ensure the standard of power supply is fit for purpose, depending on the anticipated demands of the intended land use, which should be addressed at the structure planning / subdivision stages.	Long term
	30.2. Support the use of alternative renewable power supplies in appropriate circumstances.	30.2.1. Establish Scheme and/or Policy provisions to guide appropriate use of renewable energy proposals subject to certain criteria.	Measures will need to be introduced to ensure the land is not constrained from achieving its intended purpose due to insufficient level of power servicing. Provisions will be established in consultation with relevant service providers.	Long term
31.0. Telecommunications There is a varying level of telecommunications service coverage across the Shire which contains 'black spots' in certain localities.	31.1. Ensure that sufficient telecommunication services are provided to residents, including mobile and national broadband networks.	31.1.1. Advocate for improved telecommunications to ensure sufficient coverage across the Shire.	Residents have an increasing expectation of suitable internet and telecommunication services, however much of the Shire has intermittent coverage.	Ongoing
		31.1.2. Establish Scheme and/or Policy provisions for the appropriate siting and development of telecommunications infrastructure.	New telecommunication infrastructure development often encounters community resistance. Therefore, development parameters will need to balance the need for appropriate telecommunication infrastructure against amenity concerns.	Medium term
TRANSPORT NETWORK				
32.0. Regional Road Network The Shire contains a number of significant regional roads.	32.1. Ensure development that may have a significant impact on regional roads is suitably considered.	32.1.1. Establish Scheme and/or Policy requirements that clarify referral requirements for development proposals with direct access to regional roads.	The Shire recognises that different development proposals have different impacts to the road network. In some cases, referral to MRWA may be required.	Short term

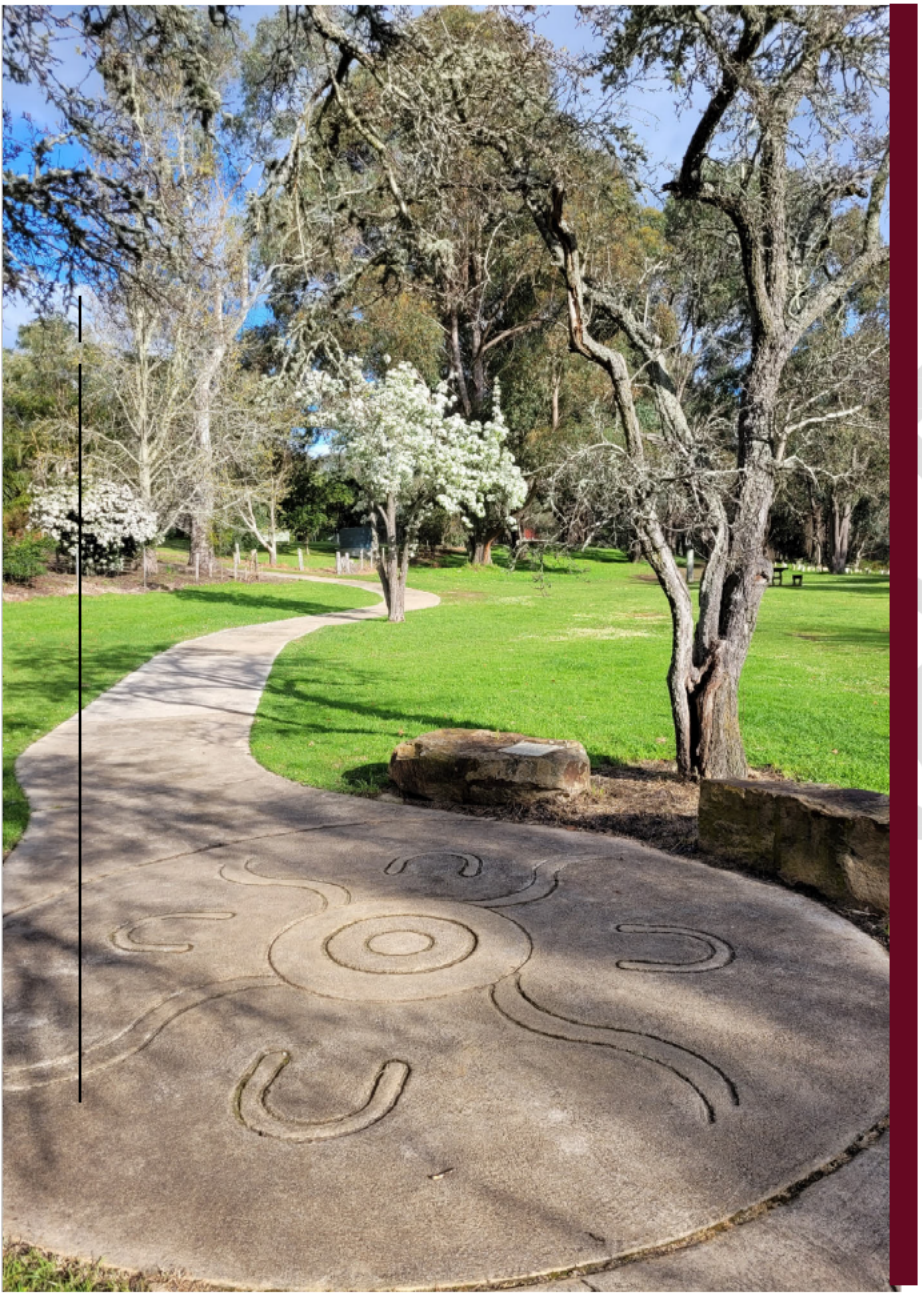
DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
It is important that, in the interest of public safety, due regard is given to development proposals on private land directly accessing such roads. In addition, intensification of development may warrant a reduction in speed limit in certain circumstances.	32.2. Ensure that speed limits are appropriate for their context taking into account settlement patterns.	32.2.1. In consultation with MRWA, review existing speed limits, particularly in townsites, settlements and newly established development areas.	As development progresses, it is important that the Shire considers whether existing speed limits are suitable.	Ongoing
	32.3. Ensure visual impact protection along South Western Highway, Donnybrook-Boyup Brook Road.	32.3.1. Integrate an updated Special Control Area (SCA) 7 into LPS8.	To ensure visual impact along major tourist routes continues to be considered in a similar manner as for the current LPS7.	Short Term
33.0. Local Road Network The Shire is responsible for the local road network and therefore needs to ensure new development at all levels give due regard to the costs associated with the construction, maintenance and/or upgrading implications emanating from the proposal.	33.1. Ensure that local roads and associated infrastructure are constructed and maintained in a manner that is fit for their intended purpose without adverse implications on the Shire's resources.	33.1.1. Establish Scheme, Policy, and/or other suitable provisions that require all roads and associated infrastructure for subdivision proposals to be constructed to the appropriate standard as derived from relevant guidelines and policies such as Liveable Neighbourhoods, IPWEA Guidelines, etc.	The required minimum standards for locally gazetted roads (including gravel roads) are often a point of debate with landowners and/or new developers.	Medium term
		33.1.2. Establish Scheme, Policy and/or other suitable provisions to identify minimum road standards and/or necessary upgrade requirements for proposed developments that are likely to produce an increased level of local traffic.	Certain uses will result in an increased level of traffic that may not be suitable for the existing road conditions. It is therefore the expectation of the Shire that the proponent undertakes any upgrade requirements to ensure the road conditions reflects the use of the land.	Medium term
		33.1.3. Establish Scheme and/or Policy provisions for uses, particularly those that involve heavy haulage or commercial vehicles, that may result in advanced level of degradation.	Certain uses will advance the degradation of roads and therefore the establishment of adequate provisions need to be in place to ensure the Shire is adequately resourced to respond to increased maintenance requirements.	Medium term
		33.1.4. Investigate the appropriateness of establishing private contributions arrangements in circumstances where development opportunities	The benefits of establishing private contribution arrangements for certain localities subject to intensification as a result of potential infill	Medium term

DRAFT

Issue / Opportunity	Planning Direction	Action	Rationale	Timeframe
		may benefit a number of landowners, and which are likely to result in an increased standard of local road requirements.	subdivision will need to be considered, particularly in Rural Residential areas.	
	33.2. Ensure all development on private lots is provided with legal, dedicated and constructed vehicular access that is commensurate to the proposed development type.	33.2.1. Retain provisions within LPS8 to require all proposals for new development to demonstrate legal access to the relevant property prior to approval being granted.	There are many landlocked properties and properties without dedicated and/or constructed access. This can present a number of challenges that need to be appropriately addressed.	Ongoing.
34.0. Coordination of Road Infrastructure There is a need for efficient coordination, cost sharing and connectivity of road infrastructure for new development areas.	34.1. Plan for the coordinated delivery of shared road infrastructure and provide developers clear guidance in this regard.	34.1.1. Investigate the appropriateness of establishing developer contribution plans for the provision of road infrastructure involving numerous landowners / developers.	Consideration will need to be given to the provision of shared road infrastructure where multiple landowners / developers are involved. The timing and mode of delivery of the infrastructure will also need to be considered.	Medium term
	34.2. Facilitate the efficient and coordinated provision of connected roads between development areas for situations where a Structure Plan may not be required.	34.2.1. Develop appropriate Scheme and/or Policy provisions to ensure consideration is made for 'through roads' for development on adjoining lots where a Structure Plan may not be required.	There may be occasions when it may be appropriate for developments, particularly smaller proposals in single ownership, where the subdivision process can appropriately address issues typically considered during Structure Planning. However, in such instances, it is important to consider the overall road network to ensure it is appropriately connected.	Medium term
35.0. ~~Pedestrian Facilities~~Active Transport Infrastructure Pedestrian and cycling facilities such as multi-use footpaths, bicycles racks, etc. should be encouraged throughout the Shire to decrease dependency on motor vehicles.	35.1. Provide appropriate planning mechanisms to provide for appropriate pedestrian and cycling infrastructure, particularly within, or in close proximity to, town centres.	35.1.1. Establish appropriate Scheme and/or Policy provisions to provide suitable pedestrian and cycling facilities including footpaths, bicycle facilities, etc. as identified within new Planning Areas in this Strategy.	To facilitate pedestrian and cycling friendly town~~s~~ centres, the provision of multi-use pathways to accommodate pedestrians, cyclists, wheelchairs, gophers, e-scooters, etc. is essential to create an inclusive and accessible environment.	Medium term
		35.1.2. Consider introducing Scheme and/or Policy provisions for 'end of trip' pedestrian and cycling facilities within town centres which may be installed in-lieu of the provision of car parking spaces were deemed appropriate for commercial land use proposals.	Planning provisions to encourage greater use of non-motorised modes of transport, particularly for development within town centres, may provide better urban outcomes for the Shire.	Medium term

DRAFT



3.0. Planning Areas

In order to facilitate future growth within the Shire, potential developable land areas are identified within this Strategy referred to as Planning Areas (PAs). The Shire has identified 19 potential Planning Areas for future Residential (R), Rural Residential (RR), Rural Townsite (RT), Commercial (C) and/or Industrial (I) development. ~~The potential lot yields of each Planning Area have been summarised below.~~

~~*Table 5 – Planning Area Lot Yields*~~

	~~Planning Area~~	~~General Locality~~	~~R~~	~~RR~~	~~RT~~	~~C~~	~~I~~
~~1.~~	~~A. Marshall Rd~~	~~Argyle~~		~~16~~			
~~2.~~	~~B. Hurst Rd~~	~~Argyle~~		~~8~~			
~~3.~~	~~C. Bendall Rd~~	~~Donnybrook~~		~~8~~			
~~4.~~	~~D. Morgan Rd North~~	~~Donnybrook~~	~~110~~	~~7~~			
~~5.~~	~~E. Morgan Rd South~~	~~Donnybrook~~	~~124~~	~~8~~			
~~6.~~	~~F. Elma Ln North~~	~~Donnybrook~~	~~70~~				
~~7.~~	~~G. Kelly Rd North~~	~~Donnybrook~~	~~102~~	~~17~~			
~~8.~~	~~H. South Western Highway~~	~~Donnybrook~~				~~18~~	
~~9.~~	~~I. Sandhills Rd~~	~~Beelerup / Brookhampton~~					~~408~~
~~10.~~	~~J. Brookhampton Rd North~~	~~Kirup~~	~~28~~				
~~11.~~	~~K. Kirup South~~	~~Kirup~~		~~16~~			
~~12.~~	~~L. Castle St West~~	~~Kirup~~		~~4~~			
~~13.~~	~~M. Old Padbury Rd~~	~~Balingup~~	~~92~~	~~32~~			
~~14.~~	~~N. Jayes Rd West~~	~~Balingup~~	~~6~~				
~~15.~~	~~O. Balinga Drive~~	~~Balingup~~		~~7~~			
~~16.~~	~~P. Yabberup Hamlet~~	~~Yabberup~~			~~N/A~~		
~~17.~~	~~Q. Mumballup Hamlet~~	~~Mumballup~~			~~N/A~~		
~~18.~~	~~R. Newlands Hamlet~~	~~Newlands~~			~~N/A~~		
~~19.~~	~~S. Noggerup Hamlet~~	~~Noggerup~~			~~N/A~~		
	~~TOTAL~~		~~532~~	~~123~~	~~N/A~~	~~18~~	~~408~~

The direction and intent of the future zonings identified for each Planning Area are summarised in Table 6 below.

Table 6 – Planning Area Directions and Actions

Planning Area Zone	Planning Direction	Action	Rationale	Timeframe
Residential	To facilitate the expansion of the Shire's townsites and population growth.	Investigate the potential of the subject land to accommodate development and undertake planning framework modifications to facilitate this development.	Continued population growth is essential to the sustainability of the Shire. The Shire needs to ensure sufficient land is available for residential development including a variety of sizes and typologies that appeal to a wide range of population demographics.	Ongoing
Rural Residential	To facilitate the provision of a variety of housing and lifestyle choices to facilitate population growth within the Shire.			
Rural Townsite	To rationalise the existing use of land within the Shire's hamlets and provide flexibility for growth and development opportunities in these locations.		The vast majority of lots within the Shire's hamlets are currently used for residential based purposes, however many are currently inappropriately zoned (e.g. General Agriculture). This results in minor development proposals requiring planning approval. To rationalise these areas, facilitate their continued use and provide flexibility without the need for unnecessary development applications, the properties should be rezoned with appropriate Scheme and/or Policy provisions created.	
Commercial	To facilitate the growth of the Commercial precinct within the Donnybrook townsite.		There is an existing lot within the Donnybrook townsite that is identified as 'Caravan Park' due to its historic use. This zoning and/or use is no longer suitable on this site which could be utilised for future Commercial growth due to its strategic location on the main street.	
Industrial	To facilitate economic growth and investment in the Shire through the provision of land suitable for industrial enterprises.		Long term sustainability of the Shire's communities relies upon retention and growth of industries. The Shire has a significant amount of Industrial zoned land, particularly within Donnybrook, however this land is constrained due to development and infrastructure costs.	

DRAFT

3.1. MINIMUM CONSIDERATIONS FOR ALL PLANNING AREAS

In addition to the minimum considerations identified within the Local Planning Scheme and/or the *Planning and Development (Local Planning Scheme) Regulations 2015*, specific planning considerations have been identified for each area based on the context and constraints of each site.

The requirements listed within this section of the Strategy must be addressed to the satisfaction of the Shire of Donnybrook Balingup prior to considering rezoning and/or subdivision of the site (as applicable).

In addition to the Local Planning Scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015*, unless otherwise stated or agreed to by the Shire of Donnybrook Balingup in consultation with the relevant agencies, the following minimum consideration apply to all Planning Areas:

(a) Notwithstanding that these Planning Areas have been identified, it should not be misconstrued that they are automatically suitable for development, rather it identifies potential areas for growth, subject to further investigation and assessment;

(b) Land use development of these Planning Areas is not to be incompatible with the proposed zoning as outlined within the Local Planning Strategy;

(c) Support of rezoning and/or subdivision of the Planning Areas is contingent upon compliance with various state planning policies, including SPP 3.7 *Planning in Bushfire Prone Areas* and AS3959 (or superseding standards) as per recommendation of the BHL assessment (Part 2, Appendix 10.4) to the satisfaction of the Shire of Donnybrook Balingup and DFES in consultation with DPLH;

(d) The minimum lot size for future Rural Residential lots is 2 hectares unless otherwise demonstrated through an appropriate bushfire assessment that a lesser site area can be achieved with a suitable developable area (including APZ) at a BAL rating of BAL-29 or less, to the satisfaction of the Shire in consultation with DPLH and DFES;

(e) Notwithstanding the provisions for minimum lot sizes identified for future Rural Residential zoned development, in no circumstances will the local government support lots with an area of less than 1 hectare;

(f) Where it has been identified that a Structure Plan is required, the local government may vary this requirement where suitable road connectivity between lots can be provided for within Scheme Amendment and/or Subdivision proposals;

(g) Where it has been identified that a Structure Plan is not required for a Planning Area, this is subject to the land being a single title, being suitably connected to the existing road network and with the support of the DPLH;

(h) For all proposals on sites where there is no connection to the reticulated sewer, compliance with ~~the *Government Sewerage Policy* (September 2019)~~State Planning Policy 2.9 Water (December 2025) ~~(or superseding standard and relevant state planning policy relating to water resources)~~ is required to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER and DoH;

(i) Road design and construction standards for residential developments are to be consistent with Liveable Neighbourhoods and the IPWEA *Local Government Guidelines for Subdivisional Development* (or superseding standard), and to the satisfaction of the Shire of Donnybrook Balingup;

(j) The cost of any road and associated intersection upgrades, construction and/or extensions required for the development of a Planning Area is the full responsibility of the relevant applicant and/or landowner, the requirements of which will be determined at the Structure Plan stage by the Shire. The required roads and associated intersections are to be accounted for within any Scheme Amendment proposal and upgraded, constructed and/or extended as a condition of the subdivision of the land; and

(k) Stormwater management and appropriate preparation of a Local Water Management Strategy or water management report as required under state planning policy dealing with water resources, to facilitate Urban Water Management Plans as required by DWER prior to lodgement of a subdivision application.

(l) Investigation of Aboriginal Cultural Heritage (ACH) values and areas/sites for protection (in accordance with the *Aboriginal Heritage Act 1972*) prior to lodgement of rezoning, structure plan or subdivision application.

DRAFT

In addition to the above, individual Planning Areas may be subject to additional considerations to address site specific constraints or circumstances. If relevant, such additional considerations are outlined against the individual Planning Areas under the following section

A. MARSHALL ROAD

Applicable Site(s)	Plan No.	Land Area
Lot 384 (28) Marshall Road, ARGYLE	DP153579	22.0751ha
Lot 2 (30) Marshall Road, ARGYLE	D49690	10.2476ha
Road Reserve (not included in total area)	N/A	0.2095ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 1
Proposed Zoning:	Rural Residential
Structure Plan Required:	Yes
Total Land Area:	32.3227ha
~~*Approximate Lot Yield:*~~	~~16~~ ~~*(Calculated based on an average lot size of 2ha)*~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) A secondary road access as per the requirements of SPP 3.7 and the BHL assessment is to be identified in any future Scheme Amendment / Structure Plan and constructed to the satisfaction of the Shire as a condition of the subdivision of land.

(ii) ~~If secondary access cannot be achieved, the Shire may consider a reduced lot yield subject to review and approval by the DPLH in consultation with DFES~~.

(iii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Strempel Nook and Marshall Road (or part thereof).

(iv) Building envelopes to be established including provision for APZs under SPP 3.7 and protection of native vegetation.

~~(iv)~~(v) Further planning investigations have been undertaken in the context of a proposed Scheme Amendment for Planning Area A. Subject to the applicant demonstrating community benefit commensurate to the additional lot yield being sought, including but not limited to provision of an additional firefighting water tank, a contribution to Marshall Road upgrade, and emergency access between Marshall Road and Strempel Nook, and the preparation of an updated Bushfire Management Plan, to the satisfaction of the Shire and relevant agencies, a lot yield of up to three lots may be considered. This will be confirmed through the Scheme Amendment process.

Planning Area A: Marshall Road

DRAFT

DRAFT

B. HURST ROAD

Applicable Site(s) Location	Plan No.	Land Area
Lot 10 (781) Hurst Rd, ARGYLE	D4090	8.0940ha
Lot 9 (793) Hurst Rd, ARGYLE	D4090	8.5487ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 3
Proposed Zoning:	Rural Residential
Structure Plan Required:	Yes
Total Land Area:	16.6427ha
~~*Approximate Lot Yield:*~~	~~8~~ ~~(Calculated based on an average lot size of 2ha)~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Battle-axe development is unlikely to be supported unless it can be demonstrated that it can comply with the relevant provisions of SPP 3.7.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Hurst Road and Argyle Road (or part thereof).

(iii) Building envelopes to be established including provision for APZs under SPP 3.7 and protection of native vegetation.

Planning Area B: Hurst Road

DRAFT

C. BENDALL ROAD

Applicable Site(s)	Plan No.	Land Area
Lot 2643 (91) Bendall Rd, DONNYBROOK	DP136648	16.1975ha
Road Reserve (not included in total area)	N/A	1.1739ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 4
Proposed Zoning:	Rural Residential
Structure Plan Required:	No
Total Land Area:	16.1975ha
~~*Approximate Lot Yield:*~~	~~8~~ ~~(Calculated based on an average lot size of 2ha)~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) A secondary road access as per the requirements of SPP 3.7 and the BHL assessment is to be identified in any future Scheme Amendment and constructed to the satisfaction of the Shire as a condition of the subdivision of land.

(ii) Secondary road access may have to be accommodated through to Perseverance Boulevard which would require acquisition of private land. The applicant/landowner would be fully responsible for coordinating this process and all associated costs.

(iii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Bendall Road (or part thereof).

(iv) Building envelopes to be established including provision for APZs under SPP 3.7 and protection of native vegetation.

Planning Area C: Bendall Road

DRAFT

D. MORGAN ROAD ~~NORTH~~/ ELMA LANE

Applicable Site(s)	Plan No.	Land Area
Lot 1 (19) Elma Ln, DONNYBROOK	D57362	2.2188ha
Lot 150 (25) Elma Ln, DONNYBROOK	DP410944	0.523ha
Part Lot 801 Elma Ln, DONNYBROOK	DP413956	2.122ha
Lot 151 Elma Ln, DONNYBROOK	DP410944	9.3124ha
Lot 3806 Morgan Rd, DONNYBROOK	DP153578	12.5416ha
Lot 7 (24) Morgan Rd, DONNYBROOK	D76006	20.5251ha
Lot 6 (85) Morgan Rd, DONNYBROOK	D76006	53.4576
Part Lot 801 Elma Ln, DONNYBROOK	DP413956	Approx. 14ha

Area Details

Current LPS7 Zoning:	General Agriculture and ~~partly~~predominantly ~~-~~ within Development Investigation Areas 5 and 6
Proposed Zoning:	Residential ~~R2.5 – R5~~ / Rural Residential
Structure Plan Required:	Yes
Total Land Area:	~~47.2429ha~~114.7005ha
~~*Approximate Lot Yield:*~~	~~110 / 7 – 117~~ *(Calculated on 70% / 30% land ratio of Residential to Rural Residential)* ~~*(Residential calculated on an average lot size of 3,000m²)*~~ ~~*(Rural Residential calculated on an average lot size of 2ha)*~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) A secondary road access as per the requirements of SPP 3.7 and the BHL assessment is to be identified in Scheme Amendment / Structure Plan and constructed to the satisfaction of the Shire as a condition of the subdivision of land.

(ii) An appropriate interface of pedestrian and vehicular connectivity is to be provided for with the existing and future Residential development and road network ~~including Morgan Road and Elma Lane~~surrounding the Planning Area.

(iii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Satinwood Brace, Tallowwood Drive, Elma Lane and Morgan Road (or part thereof).

(iv) An appropriate buffer of Rural Residential development is to be achieved to the surrounding agricultural land and surrounding Crown Reserve.

(v) Provision of public open space is to be provided for through the retention of existing native vegetation to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER.

Planning Area D: Morgan Road ~~North~~/ Elma Lane

Formatted Table

Formatted: Indent: Left: -0.07 cm

E. MORGAN ROAD SOUTH

Applicable Site(s)	Plan No.	Land Area
Lot 6 (85) Morgan Rd, DONNYBROOK	D76006	53.4576

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 5
Proposed Zoning:	Residential R2.5 – R5 / Rural Residential
Structure Plan Required:	Yes
Total Land Area:	53.4576ha
Approximate Lot Yield:	124 / 8 = 132 *(Calculated on 70% / 30% land ratio of Residential to Rural Residential)* *(Residential calculated on an average lot size of 3,000m²)* *(Rural Residential calculated on an average lot size of 2ha)*

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) A secondary road access as per the requirements of SPP 3.7 and the BHL assessment is to be identified in Scheme Amendment and constructed to the satisfaction of the Shire as a condition of the subdivision of land.

(ii) An appropriate interface of pedestrian and vehicular connectivity is to be provided for with the existing Residential development including Tallowwood Drive, Satinwood Brace and Morgan Road.

(iii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Satinwood Brace, Tallowwood Drive and Morgan Road (or part thereof).

(iv) An appropriate buffer of Rural Residential development is to be achieved to the surrounding Crown Reserve.

(v) Provision of public open space is to be provided for through the retention of existing native vegetation to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER.

Planning Area E: Morgan Road South

DRAFT

F. ELMA LANE NORTH

Applicable Site(s)	Plan No.	Land Area
Part Lot 801 Elma Ln, DONNYBROOK	DP413956	Approx. 14ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 6
Proposed Zoning:	Residential R20 / R5
Structure Plan Required:	Yes
Total Land Area:	14ha
Approximate Lot Yield:	70 *(Calculated based on an average lot size of 2,000m²)*

Additional Considerations ***(to be read in conjunction with Section 3.1)***

(i) An appropriate interface of pedestrian and vehicular connectivity is to be provided for with the existing Residential development including Elma Lane, Morgan Road, Bentley Street, and the Meldene Estate to the north as well as the undeveloped Residential zoned Lot 800 to the east.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Elma Lane and Morgan Road (or part thereof).

(iii) Development at the higher density is subject to the land being connected to the reticulated sewer which may require an upgrade to the existing facility. Connection to the infrastructure would be required prior to the subdivision of the land.

(iv) Appropriate provisions are to be considered for proposed lots adjacent to the existing agricultural land.

(v) Provision of public open space is to be provided for through the retention of existing native vegetation to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER.

Planning Area F: Elma Lane North

DRAFT

G. KELLY ROAD NORTH

Applicable Site(s)	Plan No.	Land Area
Part Lot 116 Kelly Rd, DONNYBROOK	D98535	Approx. 18ha
Part Lot 115 Kelly Rd, DONNYBROOK	D98535	Approx. 23ha
Part Lot 2280 Irishtown Rd, DONNYBROOK	DP129711	Approx. 17ha
Part Lot 6 Irishtown Rd, DONNYBROOK	D30040	Approx. 17ha
Closed Road Reserve (not included in total area)	N/A	1.0173ha

Area Details

Current LPS7 Zoning:	General Agriculture
Proposed Zoning:	Residential ~~R2.5~~ / Rural Residential
Structure Plan Required:	Yes
Total Land Area:	75ha
~~*Approximate Lot Yield:*~~	~~102 / 17 = 119~~ ~~*(Lot 115 and 116 calculated on an average lot size of 4,000m²)*~~ *(Lot 2280 and 6 calculated on an average lots size of 2ha)*

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Development of land is to occur outside of the special control area for Donnybrook Stone unless otherwise agreed to by DPLH in consultation with DMIRS.

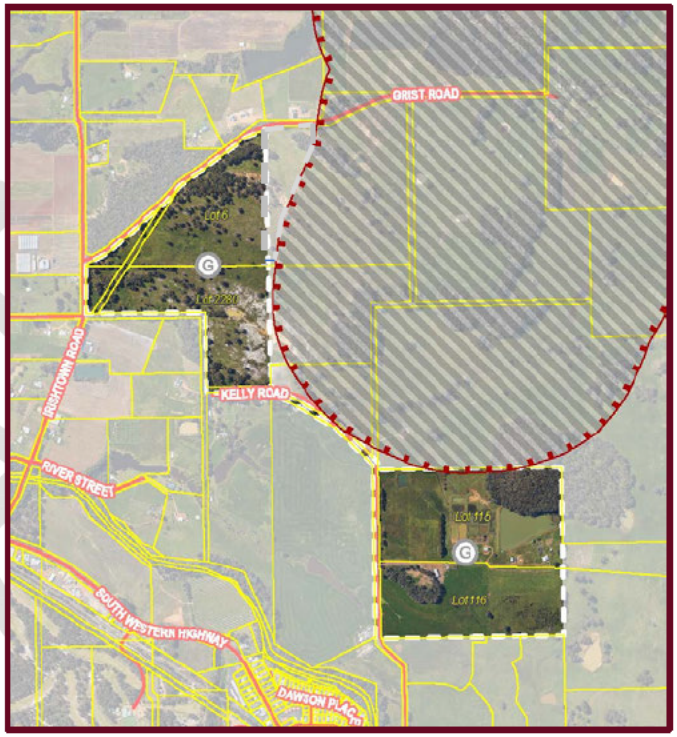
(ii) Appropriate provisions and/or buffer to adjoining agricultural land and the special control area for Donnybrook Stone.

(iii) Vehicular connectivity to be provided for between Kelly Road and Irishtown Road with appropriate upgrades and/or construction required as a condition of subdivision.

(iv) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Kelly Road, Fowler Street, Hamilton Street, Grist Road, and Irishtown Road (or part thereof).

(v) An appropriate interface of vehicular connectivity is to be provided for with the existing Rural Residential development including Irishtown Road, Fowler Street Hamilton Street and Kelly Road.

(vi) An appropriate interface of pedestrian and vehicular connectivity is to be provided for with the existing Residential development including Kelly Road and the adjoining Structure Plan Area.



Planning Area G: Kelly Road North

H. SOUTH WESTERN HIGHWAY

Applicable Site(s)	Plan No.	Land Area
Lot 461 South Western Hwy, DONNYBROOK	DP222387	0.728422ha
Lot 467 South Western Hwy, DONNYBROOK	DP222387	0.211019ha

Area Details

Current LPS7 Zoning:	Caravan Park
Proposed Zoning:	Commercial
Structure Plan Required:	Yes
Total Land Area:	0.939441ha (9,394.41m²)
~~*Approximate Lot Yield:*~~	~~18~~ ~~(Calculated based on average lot size of 500m²)~~

Additional Considerations ***(to be read in conjunction with Section 3.1)***

(i) Access / egress from SW Highway to the satisfaction of the Shire / MRWA.

(ii) Connection to the reticulated water / sewer services is required.

Planning Area H: South Western Highway

DRAFT

I. SANDHILLS ROAD

Applicable Site(s)	Plan No.	Land Area
Lot 499 Sandhills Rd, BROOKHAMPTON	DP184321	2.2355ha
Lot 525 Sandhills Rd, BROOKHAMPTON	DP189286	0.3189ha
Lot 517 Sandhills Rd, BROOKHAMPTON	DP215417	1.1104ha
Lot 518 Sandhills Rd, BROOKHAMPTON	DP215417	20.1839ha
Lot 31 Sandhills Rd, BROOKHAMPTON	DP235117	4.4782ha
Lot 31 Sandhills Rd, BEELERUP	DP235117	16.6573ha
Lot 520 Sandhills Rd, BEELERUP	DP215417	21.1698ha
Lot 398 Cherrydale Way, BEELERUP	DP182618	9.9660ha
Lot 515 DB Boyup Brook Rd, BEELERUP	DP215417	74.0575ha
Lot 447 DB Boyup Brook Rd, BEELERUP	DP150079	15.8392ha
Lot 297 Frontino Rd, BEELERUP	DP235117	3.2415ha
Lot 74 Frontino Rd, BEELERUP	DP23472	37.7086ha
Road Reserve (not included in total area)	N/A	18.6808ha

Area Details

Current LPS7 Zoning:	General Agriculture / General Industry and within Development Investigation Area 10
Proposed Zoning:	General Industry / Light Industry
Structure Plan Required:	Yes
Total Land Area:	204.4124ha
~~*Approximate Lot Yield:*~~	~~413~~ ~~(Calculated based on average lot size of 5,000m²)~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) The majority of land in this area is zoned for industrial development however may require overall Structure Planning prior to considering the subdivision of land.

(ii) The site contains a significant amount of native vegetation and may require a flora and fauna survey prior to development.

(iii) The Shire will consider reasonable alternative solutions to the provision of infrastructure including water, sewer, and power.

(iv) Any proposed access to Donnybrook – Boyup Brook Road will require review and approval by MRWA.

(v) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Sandhills Road, Frost Road and Frontino Road (or part thereof).

(vi) Appropriate provisions and/or buffer / interface to the surrounding area is required.

(vii) Environmental offsets may be required as significant areas of remnant vegetation need to be removed.

(viii) Development to be deferred until BRM resources are extracted and the site rehabilitated.

Planning Area I: Sandhills Road

DRAFT

J. BROOKHAMPTON ROAD NORTH

Applicable Site(s)	Plan No.	Land Area
Lot 50 Brookhampton Road, KIRUP	DP130027	2.2569ha
Lot 89 Brookhampton Road, KIRUP	DP167056	3.3622ha
Lot 134 Brookhampton Road, KIRUP	DP167056	0.1608ha
Road Reserve (not included in total area)	N/A	2.1174ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 11
Proposed Zoning:	Residential ~~R5~~
Structure Plan Required:	Yes
Total Land Area:	5.7799ha
~~*Approximate Lot Yield:*~~	~~28~~ *(Calculated based on a minimum lot size of 2,000m²)*

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Pedestrian and vehicular access is to be provided and constructed to an appropriate sealed standard to Brookhampton Road as condition of subdivision approval.

Planning Area J: Brookhampton Road North

DRAFT

K. KIRUP SOUTH

Applicable Site(s)	Plan No.	Land Area
Lot 52 South Western Highway, KIRUP	DP114708	1.0815ha
Lot 53 (118) South Western Highway, KIRUP	DP114709	0.2023ha
Lot 54 South Western Highway, KIRUP	DP81814	0.2186ha
Lot 1146 South Western Highway, KIRUP	DP105369	Approx. 15ha
Lot 69 South Western Highway, KIRUP	DP82206	3.4135ha
Lot 94 South Western Highway, KIRUP	DP167057	1.8230ha
Lot 10457 South Western Highway, KIRUP	DP153833	Approx. 13ha

Area Details

Current LPS7 Zoning:	General Agriculture and partly within Development Investigation Area 12
Proposed Zoning:	Rural Residential
Structure Plan Required:	Yes
Total Land Area:	34ha
~~*Approximate Lot Yield:*~~	~~17~~ ~~(Calculated based on average lot size of 2ha)~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) A secondary road access as per the requirements of SPP 3.7 and the BHL assessment is to be identified in any future Scheme Amendment / Structure Plan and constructed to the satisfaction of the Shire as a condition of subdivision.

(ii) Secondary road access may have to be accommodated through to Kirup-Grimwade Road which would require acquisition of private land. The applicant/landowner would be fully responsible for coordinating this process and all associated costs.

(iii) If secondary access cannot be achieved, the Shire may consider a reduced lot yield subject to review and approval by the DPLH in consultation with DFES.

(iv) Access to South Western Highway will require review and approval by MRWA.

(v) Provision of public open space is to be provided for through the retention of existing native vegetation to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER.

(vi) The Shire will not support extensive clearing of native vegetation in the areas indicated by the hatching on the Planning Area map.

(vii) Building envelopes to be established including provision for APZs under SPP 3.7 and protection of native vegetation.

Planning Area K: Kirup South

DRAFT

L. CASTLE STREET WEST

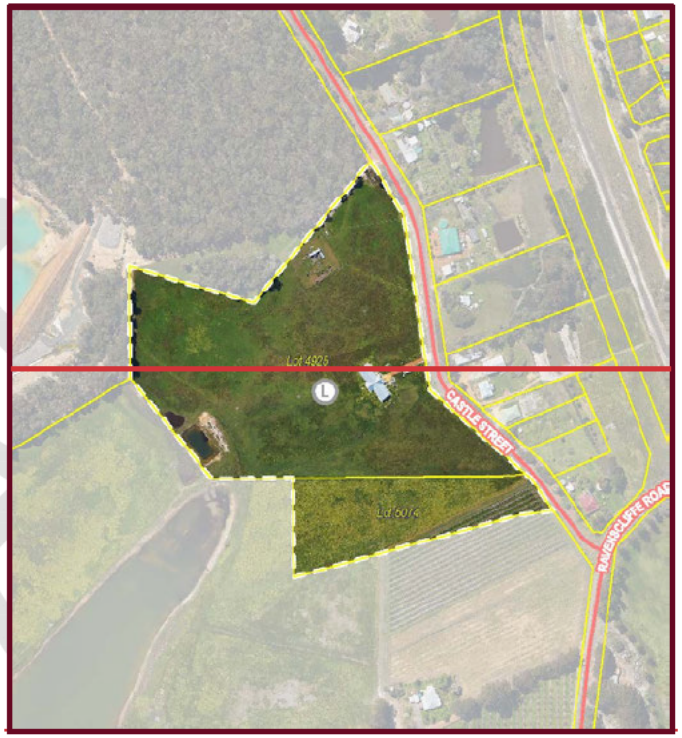
	Applicable Site(s)	Plan No.	Land Area
	Lot 4925 Castle Street, KIRUP	DP169512	6.5973
	Lot 5074 Castle Street, KIRUP	DP175048	1.6247

	Area Details	
	Current LPS7 Zoning:	Priority Agriculture
	Proposed Zoning:	Rural Residential
	Structure Plan Required:	Yes
	Total Land Area:	8.222ha
	Approx. Lot Yield:	4 *(Calculated based on average lots size of 2ha)*

Additional Considerations ***(to be read in conjunction with Section 3.1)***

(i) Appropriate provisions are to be considered for proposed lots adjacent to the existing agricultural land.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Castle Street (or part thereof).



Planning Area L: Castle Street West

DRAFT

M. OLD PADBURY ROAD

Applicable Site(s)	Plan No.	Land Area
Lot 50 (1) Southampton Road, BALINGUP	DP5262	2.7949ha
Lot 600 South Western Highway, BALINGUP	DP413657	1.9421ha
Lot 450 (17) Old Padbury Road, BALINGUP	DP63121	39.3745ha
~~Lot 10 Old Padbury Road, BALINGUP~~	~~D66191~~	~~48.0134ha~~

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 15
Proposed Zoning:	Residential R2.5 / Rural Residential
Structure Plan Required:	Yes
Total Land Area:	~~92.124944.1115~~ha
Approximate Lot Yield:	~~4492~~ / ~~1532~~ = ~~59124~~

(Calculated on 30%/70% land ratio of Residential to Rural Residential)
(Residential calculated on an average lot size of 3,000m²)
(Rural Residential calculated on an average lot size of 2ha)

Additional Considerations *(to be read in conjunction with Section 3.1)*

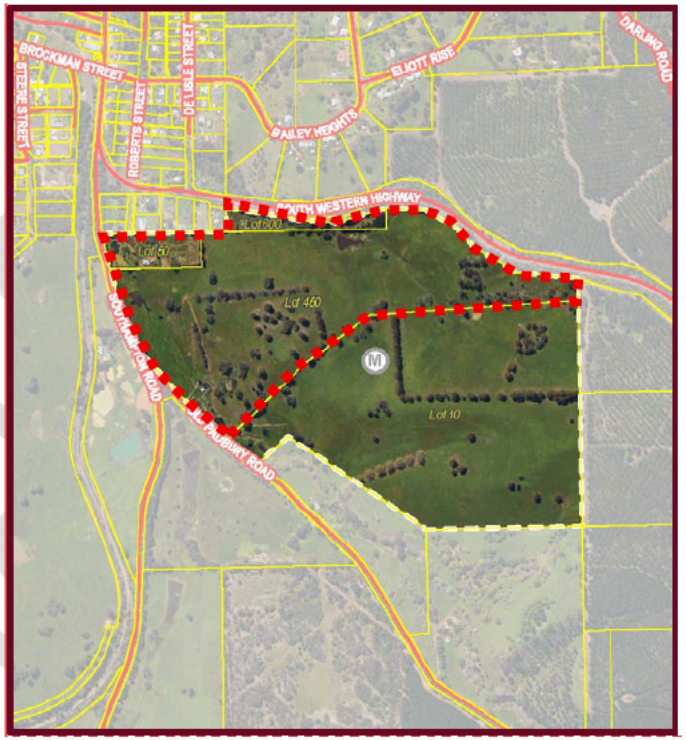
(i) Any proposed access to South Western Highway will require review and approval by MRWA.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Southampton Road and Old Padbury Road (or part thereof).

(iii) The upgrade of Southampton Road and Old Padbury Road to a suitable sealed standard, commensurate with the density of development proposed is required as a condition of the subdivision of land.

(iv) An appropriate buffer and land use considerations are to be implemented for the ongoing protection of the adjacent State Heritage Place(s) (Golden Valley Tree Park and Homestead).

(v) Provision of public open space is to be provided for through the retention of existing native vegetation to the satisfaction of the Shire of Donnybrook Balingup in consultation with DWER.



Planning Area M: Old Padbury Road

Commented [RW1]: Submissions 1-129

N. JAYES ROAD WEST

Applicable Site(s)	Plan No.	Land Area
Part Lot 78 Jayes Road, BALINGUP	DP228953	Approx. 2.4ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 18
Proposed Zoning:	Residential R2.5 / Reserve
Structure Plan Required:	No
Total Land Area:	2.4ha
~~*Approximate Lot Yield:*~~	~~6~~ ~~*(Calculated based on a minimum lot size of 4,000m²)*~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Appropriate provisions and/or restrictions are to be considered for proposed lots adjacent to the river.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Jayes Road and Forrest Streeet (or part thereof).

(iii) Land immediately adjacent to the Balingup Brook will require ceding to the Crown and management to the appropriate agency with corresponding local Reserve designation at subdivision stage.

Planning Area N: Jayes Road West

DRAFT

O. BALINGA DRIVE

Applicable Site(s)	Plan No.	Land Area
Lot 62 Balinga Drive, BALINGUP	DP413961	14.6526ha

Area Details

Current LPS7 Zoning:	General Agriculture and within Development Investigation Area 17
Proposed Zoning:	Rural Residential
Structure Plan Required:	No
Total Land Area:	14.6526ha
~~*Approximate Lot Yield:*~~	~~7~~ ~~(Calculated based on average lots size of 2ha)~~

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) The site contains waterways / wetlands / areas subject to inundation that may present additional environmental considerations and impact the development capability including overall lot yield.

(ii) With reference to Part 1, section 3.1 (i) and (j), existing local roads subject to upgrade may include, but are not limited to: Balinga Drive (or part thereof).

(iii) Any proposed access to South Western Highway will require review and approval by MRWA.

Planning Area O - Balinga Drive

DRAFT

P. YABBERUP HAMLET

Applicable Site(s)	Plan No.	Land Area
Yabberup Hamlet Locality	N/A	N/A

Area Details

Current LPS7 Zoning:	Priority Agriculture
Proposed Zoning:	Rural Townsite / Reserve – Public Open Space ~~Parks and Recreation~~
Structure Plan Required:	No
Total Land Area:	N/A
Approx. Lot Yield:	N/A

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Lot 21 on DP103025 (Reserve 6956) is to be considered as local Reserve for ~~Parks and Recreation~~Public Open Space.

(ii) Appropriate Scheme and/or Policy provisions are to be introduced for the proposed zoning that rationalises the existing use of the land.

(iii) No further subdivision of the land will be supported unless it can be demonstrated to comply with the provisions of SPP 3.7 and the relevant Government Sewerage Policy (or superseding standards).

(iv) Notwithstanding the clause above, in no circumstances will the Shire support a newly proposed lot of less than 1 hectare.

Planning Area P: Yabberup Hamlet

DRAFT

Q. MUMBALLUP HAMLET

Applicable Site(s)	Plan No.	Land Area
Mumballup Hamlet Locality	N/A	N/A

Area Details

Current LPS7 Zoning:	Priority Agriculture
Proposed Zoning:	Rural Townsite
Structure Plan Required:	No
Total Land Area:	N/A
Approx. Lot Yield:	N/A

Additional Considerations ***(to be read in conjunction with Section 3.1)***

(i) Appropriate Scheme and/or Policy provisions are to be introduced for the proposed zoning that rationalises the existing use of the land.

(ii) No further subdivision of the land will be supported.

Planning Area Q: Mumballup Hamlet

DRAFT

R. NEWLANDS HAMLET

Applicable Site(s)	Plan No.	Land Area
Yabberup Hamlet Locality	N/A	N/A

Area Details

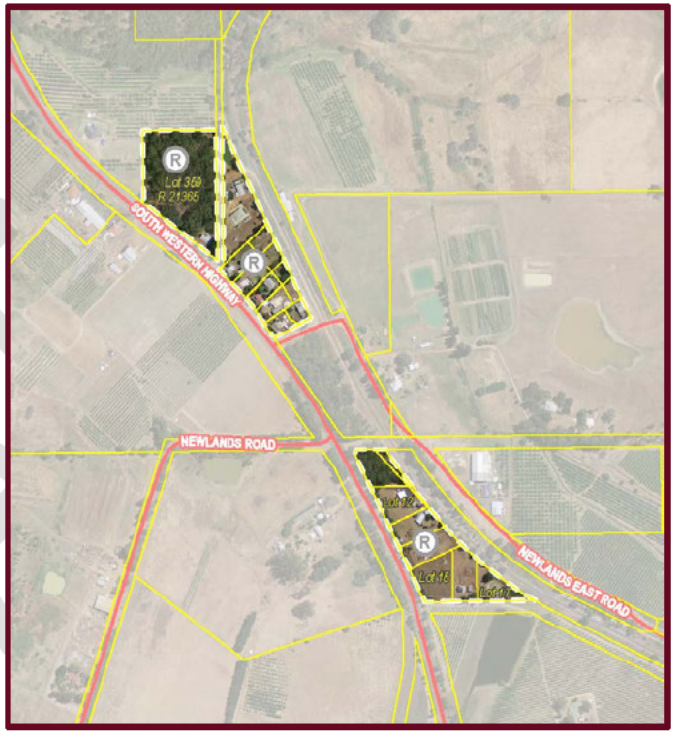
Current LPS7 Zoning:	General Agriculture / Public Purpose
Proposed Zoning:	Rural Townsite
Structure Plan Required:	No
Total Land Area:	N/A
Approx. Lot Yield:	N/A

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Lot 9 and 11 on DP159740 (Reserve 21464), and Lot 359 on DP153934 (Reserve 21365) are to be retained as local Reserve.

(ii) Appropriate Scheme and/or Policy provisions are to be introduced for the proposed zoning that rationalise the existing use of the land.

(iii) No further subdivision of the land will be supported.



Planning Area R: Newlands Hamlet

DRAFT

S. NOGGERUP HAMLET

Applicable Site(s)	Plan No.	Land Area
Noggerup Hamlet Locality	N/A	N/A

Area Details

Current LPS7 Zoning:	General Agriculture
Proposed Zoning:	Rural Townsite / Reserve – State Forest
Structure Plan Required:	No
Total Land Area:	N/A
Approx. Lot Yield:	N/A

Additional Considerations *(to be read in conjunction with Section 3.1)*

(i) Lot 90 on DP27671 (Part Reserve 31375); ~~Lot 300 on DP36424 (Part Reserve 47661)~~; and Reserve 18567 to be ~~zoned for Reserve~~ reserved for State Forest. Lot 300 on DP36424 (Part Reserve 47661) to be reserved for Environmental Conservation.

(ii) Appropriate Scheme and/or Policy provisions are to be introduced for the proposed zoning that rationalise the existing use of the land.

(iii) No further subdivision of the land will be supported unless it can be demonstrated to comply with the provisions of SPP 3.7 Planning for Bushfire Protection and ~~the relevant Government Sewerage Policy (or superseding standards)~~SPP 2.9 Water.

(iv) Notwithstanding the clause above, in no circumstance will the Shire support a newly proposed lot of less than 1 hectare.

(v) The Shire will not support development on lots with no access to a power supply or constructed road access.

Planning Area S: Noggerup Hamlet

DRAFT

4.0. Strategy Maps

The following Strategy Maps have been prepared in accordance with the DPLH Guidelines:

Figure 1 – Strategy Area

Figure 2 – Settlement Hierarchy and Transport

Figure 3 – Basic Raw Materials

Figure 4 – Significant Rivers, Tributaries, Drinking Water Source and Flood Prone Areas

Figure 5 – Special Control Areas – Donnybrook Stone (North and South)

Figure 6 – Special Control Area – Balingup Rural Strata

Figure 7 – Strategy Plan – North West

Figure 8 – Strategy Plan – North East

Figure 9 – Strategy Plan – South West

Figure 10 – Strategy Plan – South East

Figure 11 – Donnybrook Townsite Strategy Plan

Figure 12 – Balingup Townsite Strategy Plan

Other applicable maps and information can be found in Part 2, Appendices, including:

10.1. Rural Residential Lot Area Map

10.2. Agricultural Lot Area Map

10.3. Designated Bushfire Prone Areas within the Shire

10.4. Bushfire Hazard Level Assessment Report

10.5. Results of Pre-Engagement Community Survey

DRAFT

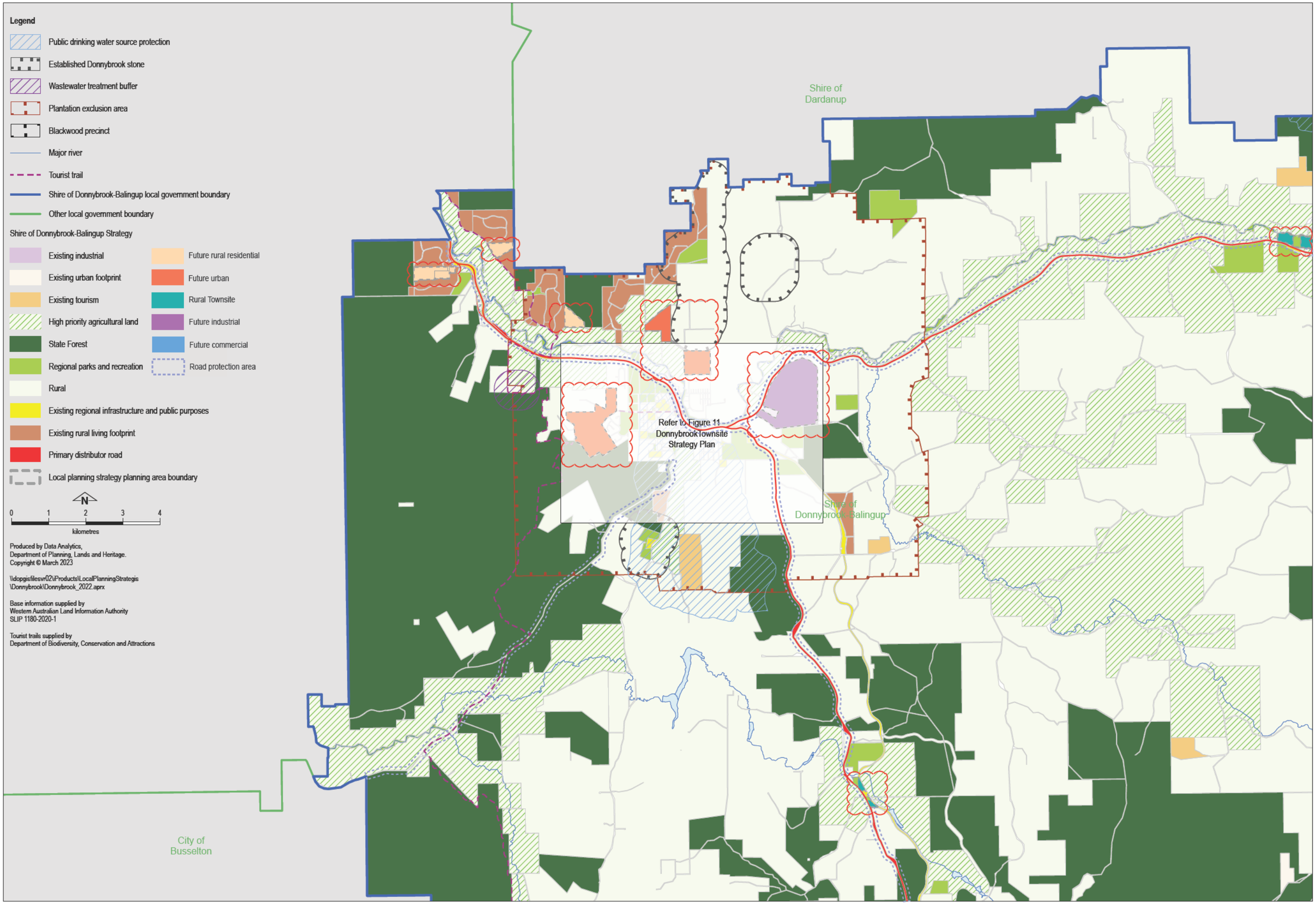
5.0. Implementation and Review

Implementation and review of the Local Planning Strategy is fundamental in ensuring that proposed actions are undertaken, and the Strategy continues to be relevant and contemporary. Regular monitoring and review of the Strategy will also effective compliance and application of the Regulations.

The indicative timeframes provided for each of the actions as outlined in Part 1, section 2.0, will provide a measurable assessment of progress to ensure the overall objectives are achieved.

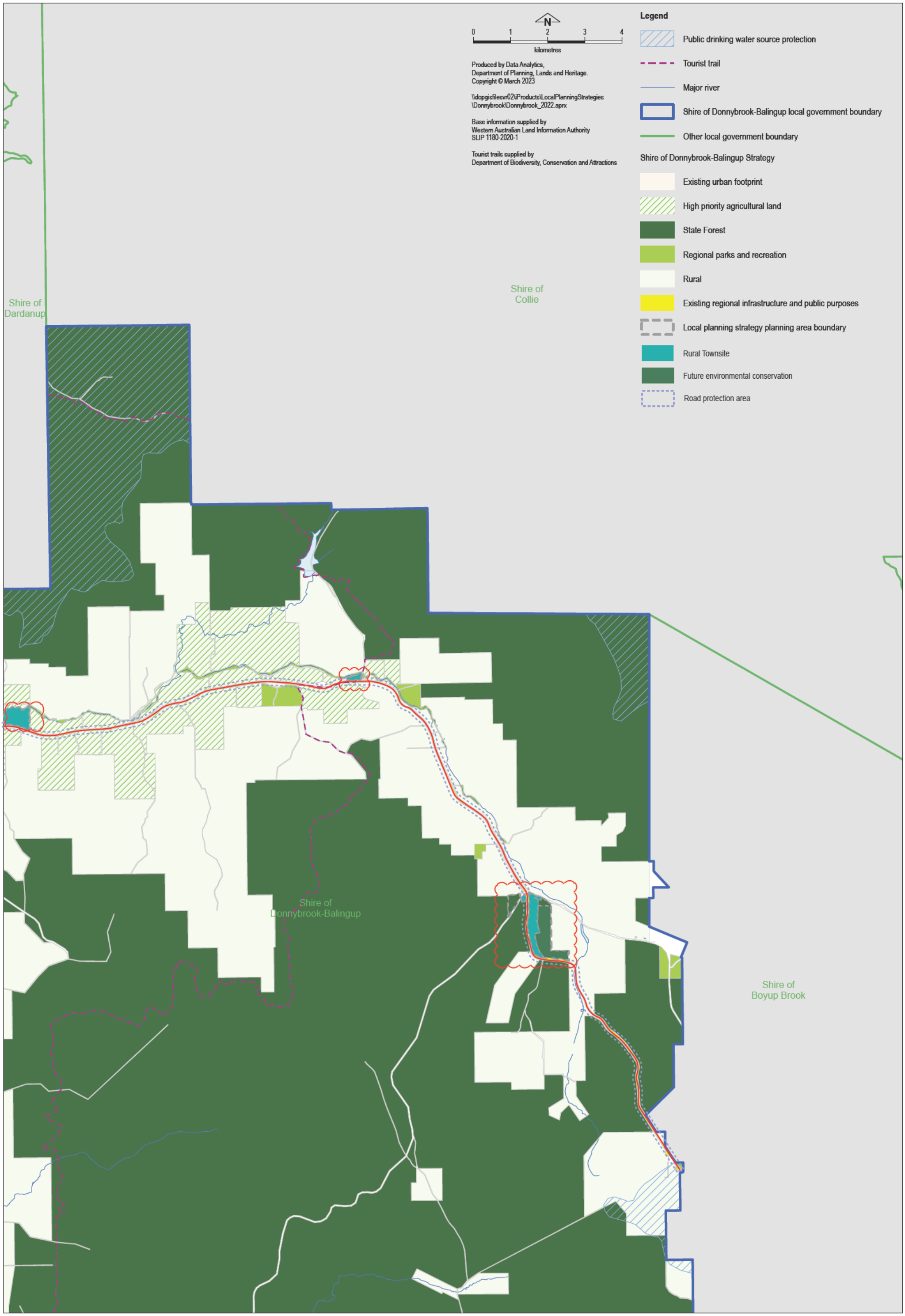
A comprehensive review of the Local Planning Scheme and Strategy will be undertaken every 5 years, as per the Regulations, in the form of a report of review. The report of review will include a basic assessment of the status of all actions from the Strategy to confirm whether they have been completed, in progress, not commenced, or no longer relevant.

Amendments to the Strategy and Scheme may be required to assist the continued implementation of the Strategy objectives.



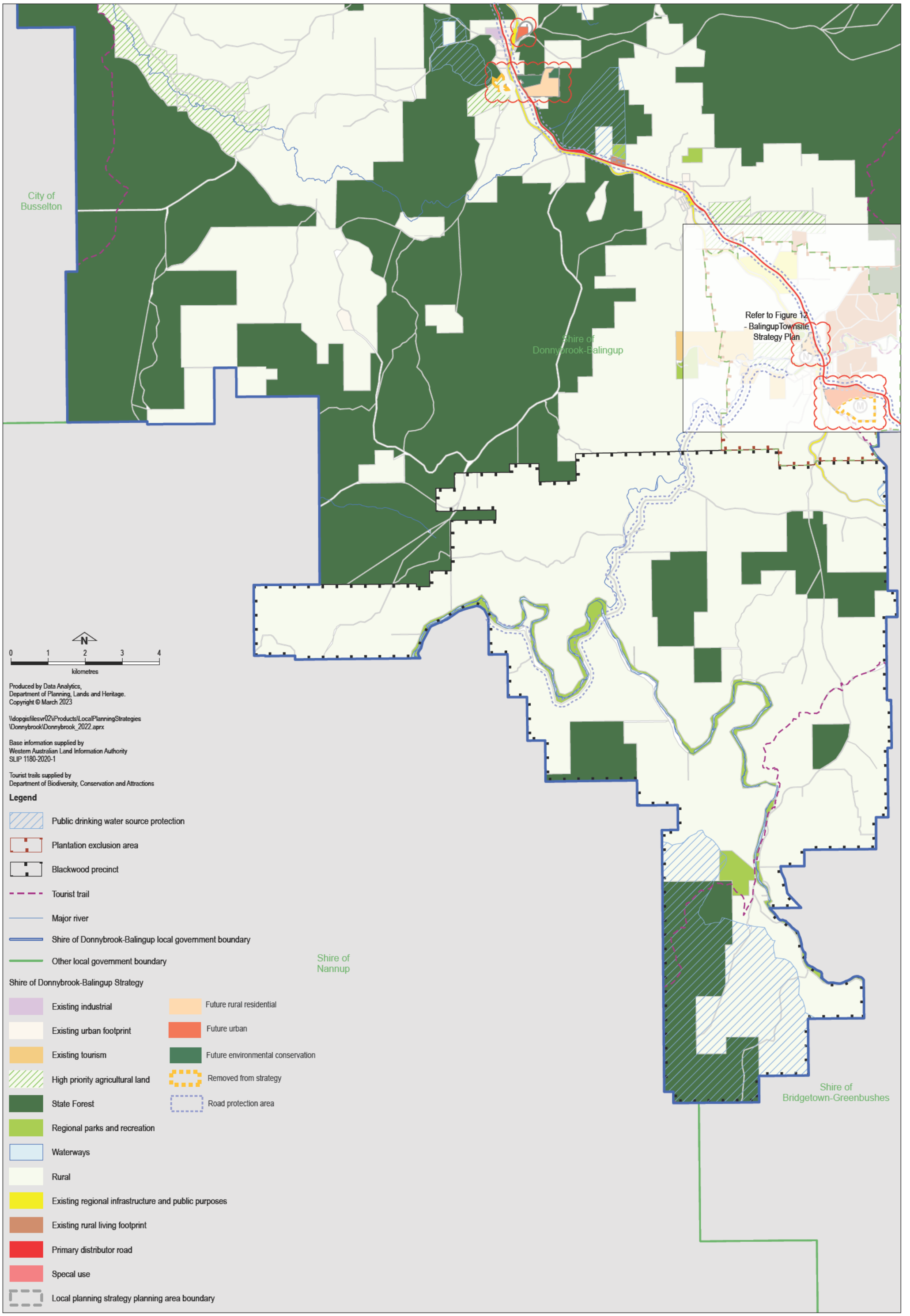
Strategy Plan - North West

Figure 7



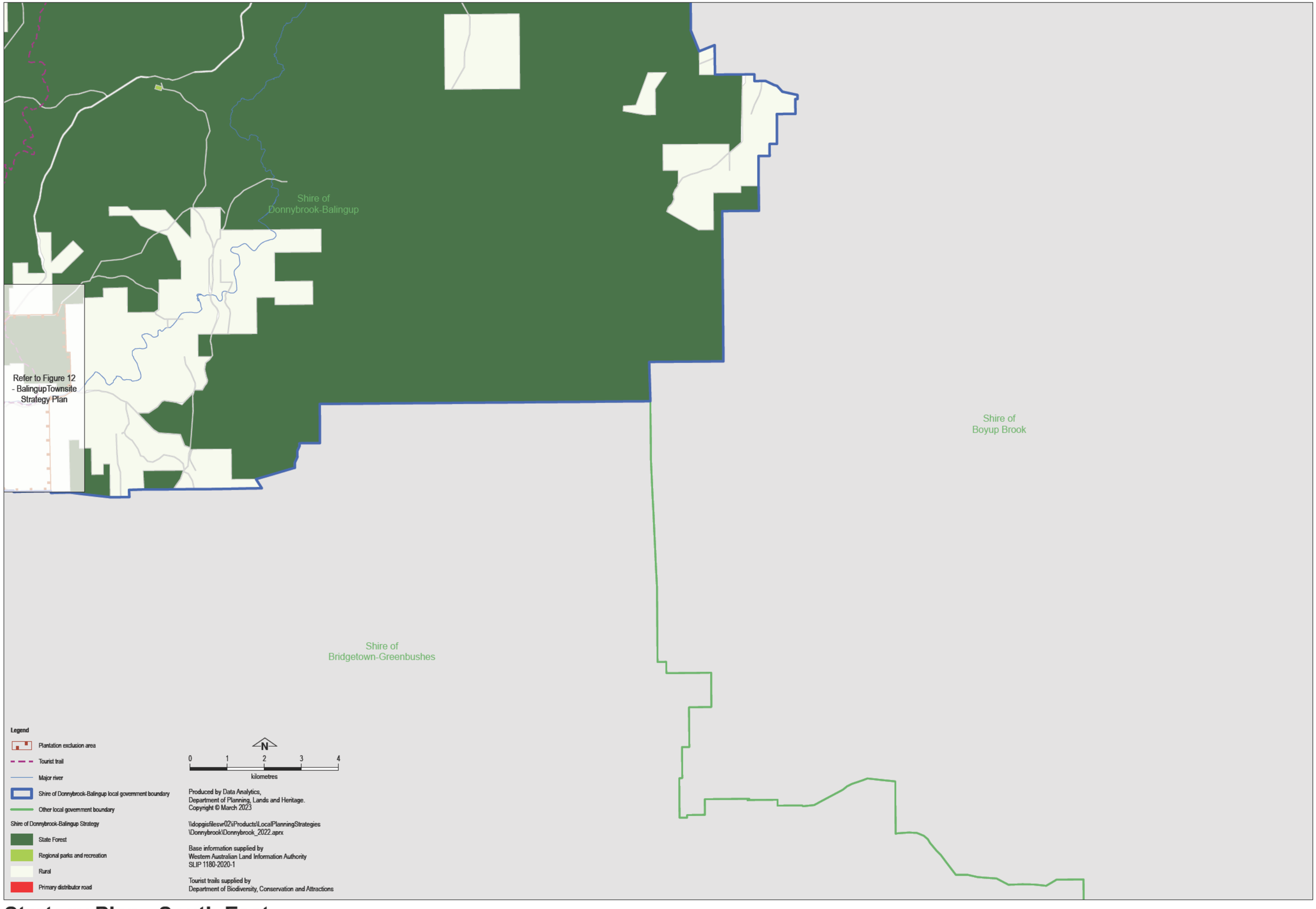
Strategy Plan - North East

Figure 8



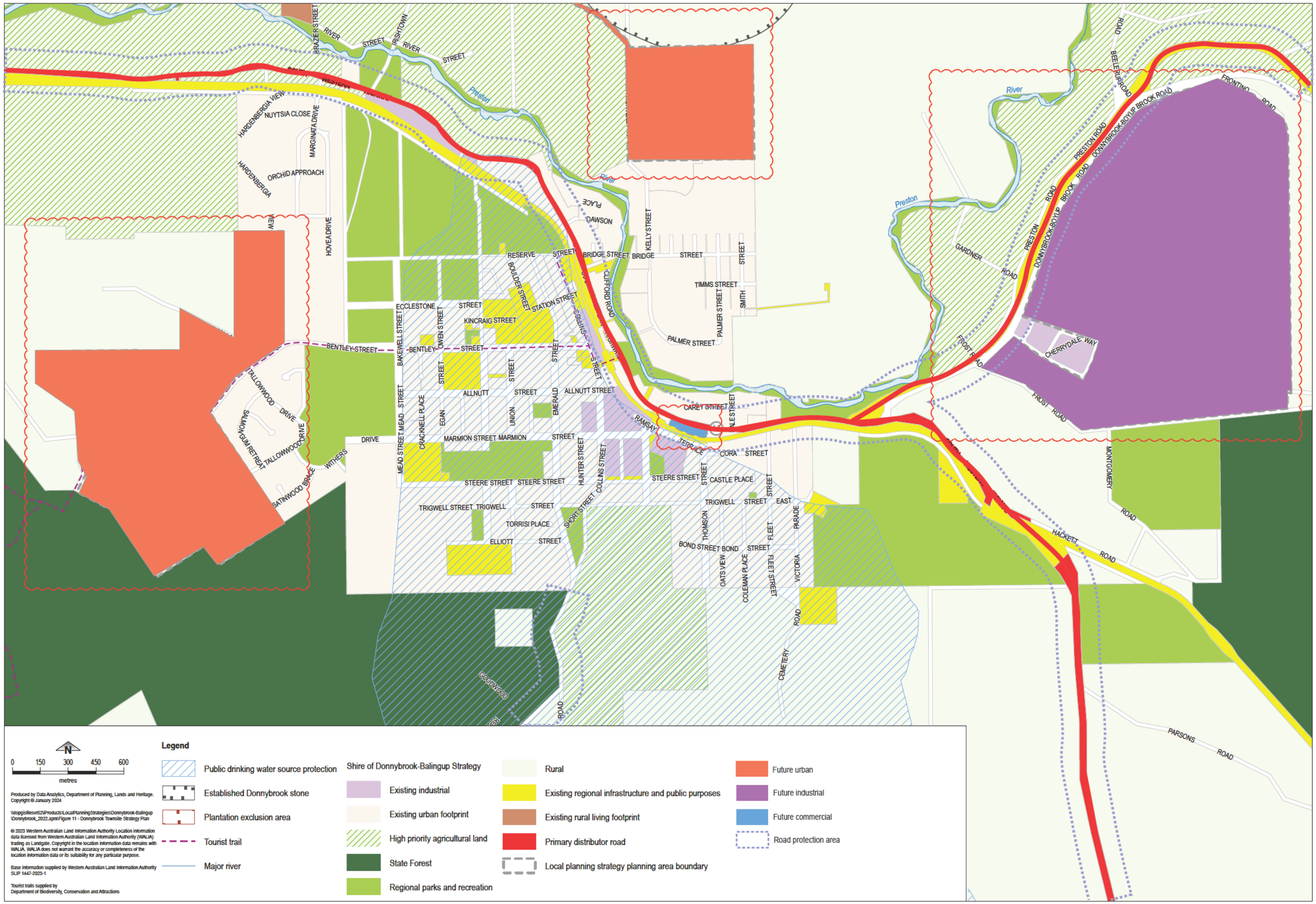
Strategy Plan - South West

Figure 9



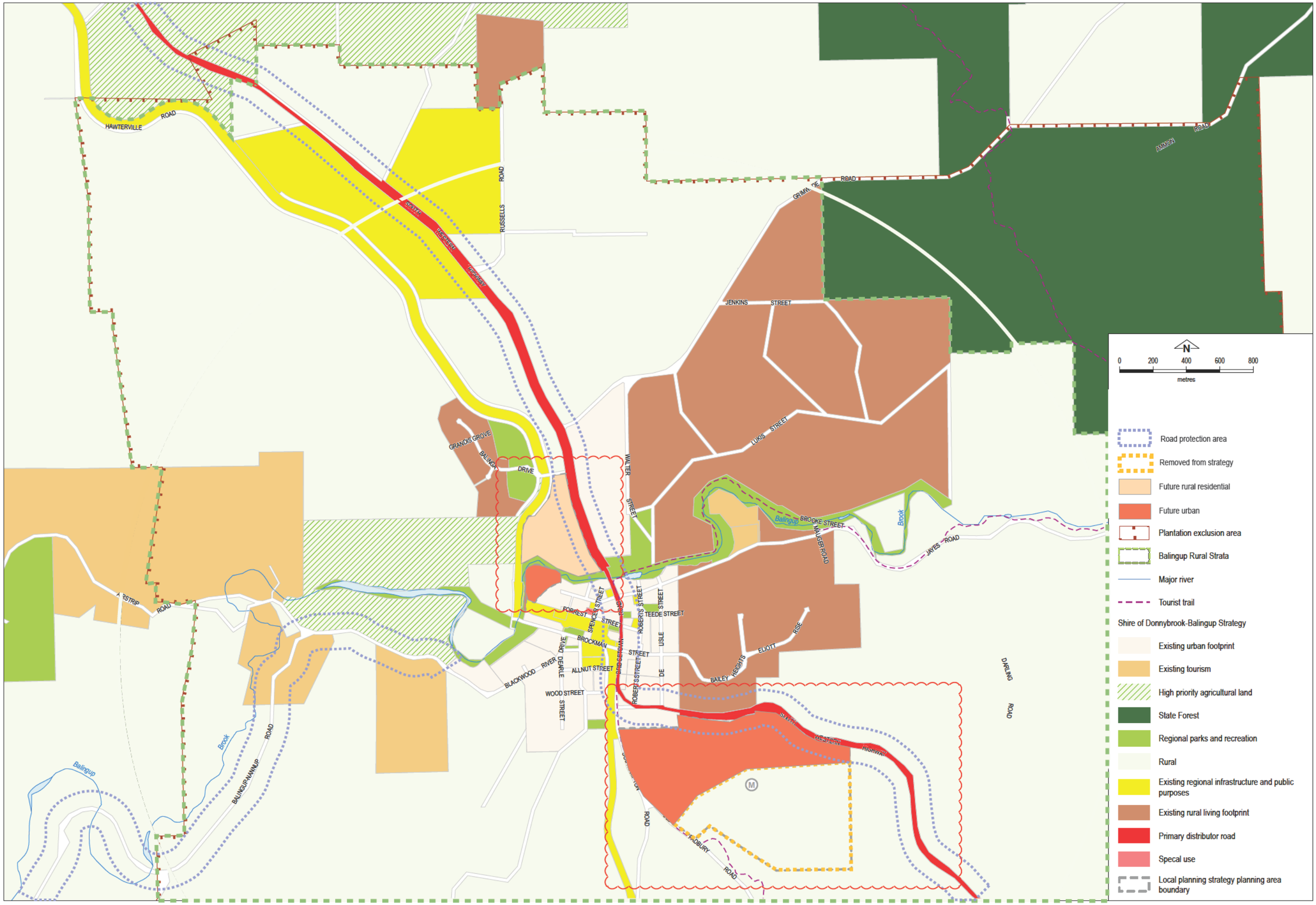
Strategy Plan - South East

Figure 10



Donnybrook Townsite Strategy Plan

Figure 11



Balingup Townsite Strategy Plan

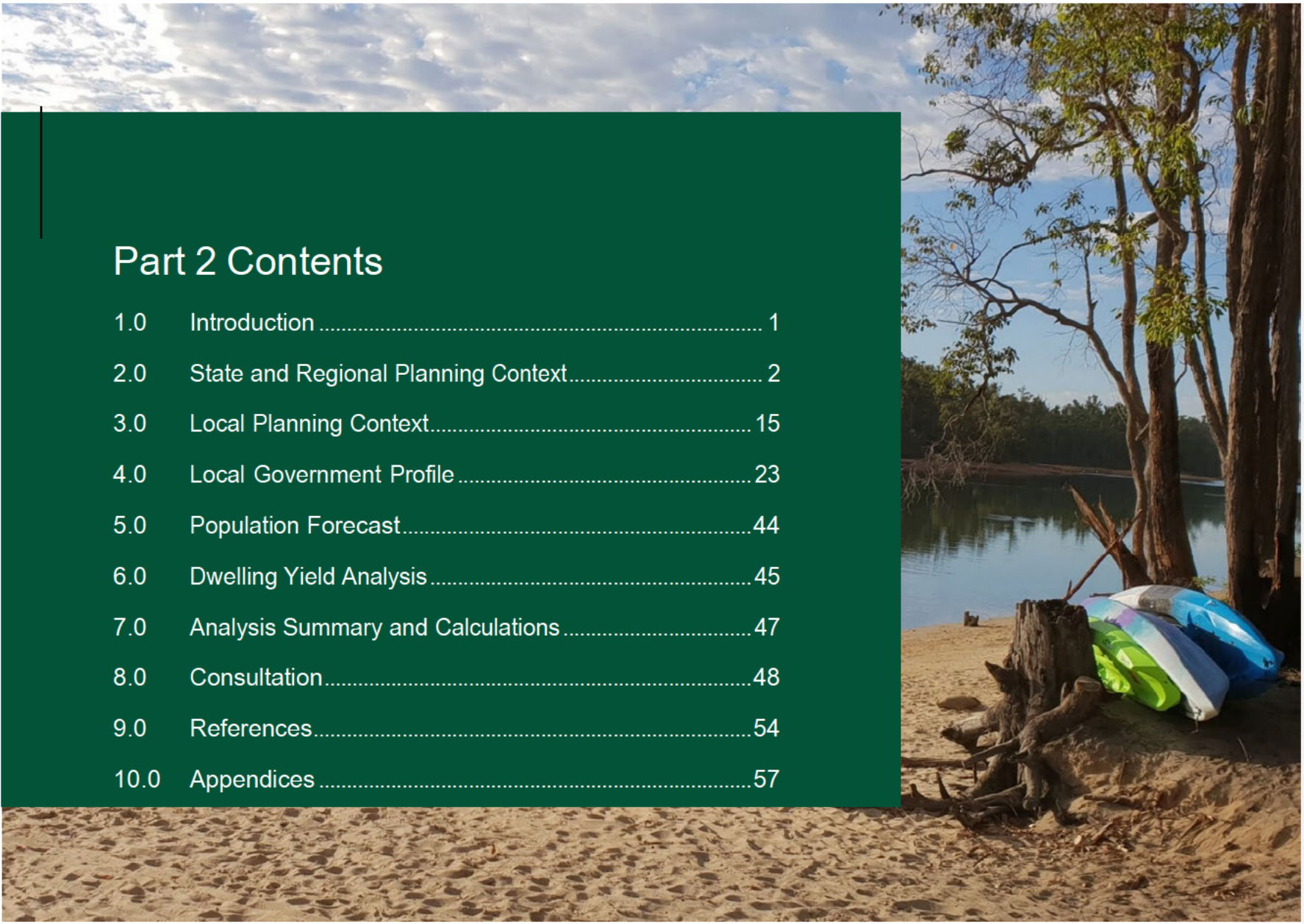
Figure 12

Shire of Donnybrook Balingup

Local Planning Strategy

PART 2 – BACKGROUND INFORMATION AND ANALYSIS

V.B. DRAFT January 2024



Part 2 Contents

1.0 Introduction 1

2.0 State and Regional Planning Context 2

3.0 Local Planning Context 15

4.0 Local Government Profile 23

5.0 Population Forecast 44

6.0 Dwelling Yield Analysis 45

7.0 Analysis Summary and Calculations 47

8.0 Consultation 48

9.0 References 54

10.0 Appendices 57

1.0. Introduction

The purpose of Part 2 is to provide the rationale and evidence base for Part 1 of the local planning strategy. It provides the relevant background information and analysis which supports the planning directions and actions outlined within Part 1.

Part 2 provides a summary of the relevant State, regional and local planning contexts and their implications for the local planning strategy.

A local government profile is also included that provides a presentation and analysis of information relating to the demographic profile of the Shire and the key planning issues and opportunities influencing future development and land use within the Shire.

DRAFT

2.0. State and Regional Planning Context

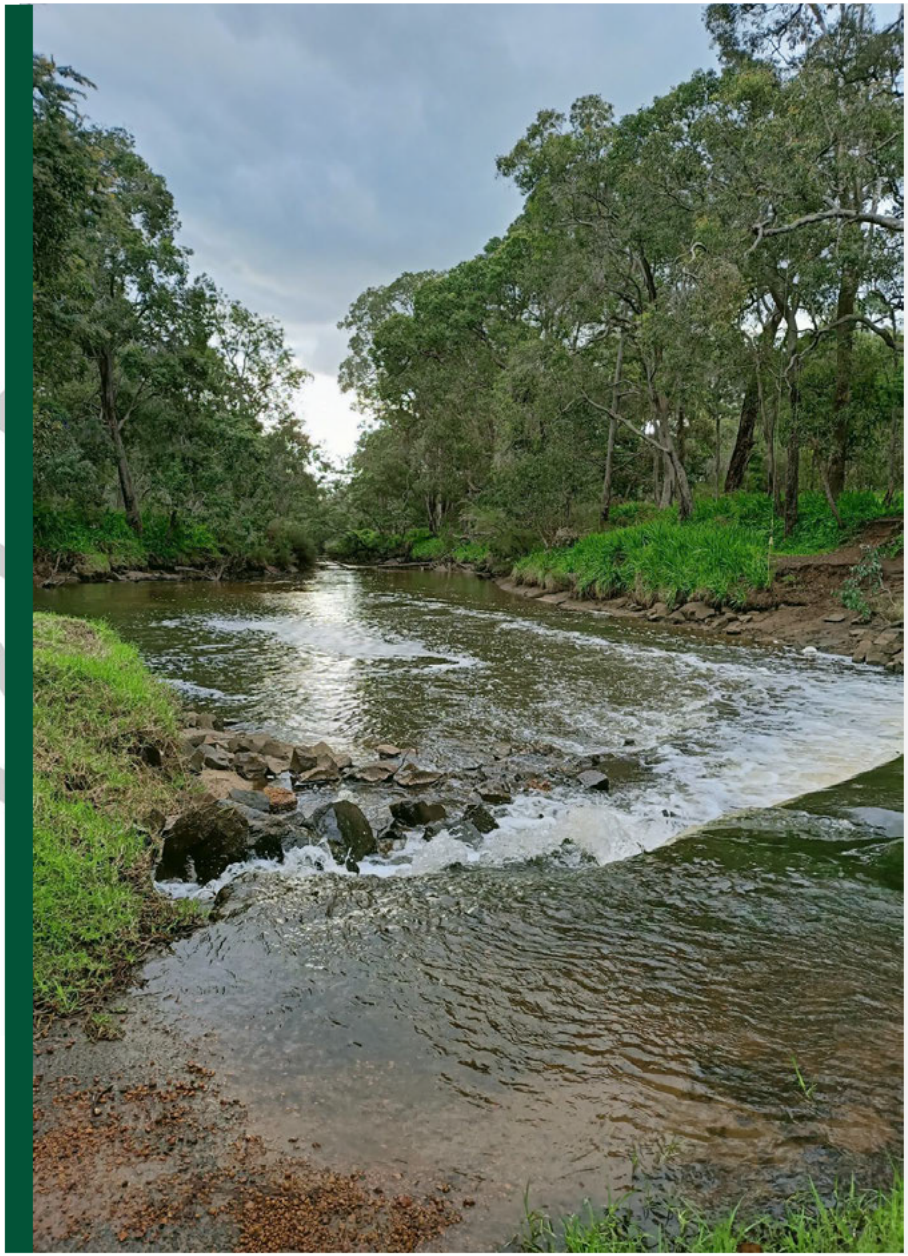
2.1. STATE PLANNING STRATEGY 2050

The State Planning Strategy provides the strategic context and basis for the coordination and integration of land use planning and development across Western Australia, at State, regional and local levels. It contemplates a future in which high standards of living, improved public health and an excellent quality of life are enjoyed by present and future generations of Western Australians.

The State Planning Strategy proposes that diversity, liveability, connectedness and collaboration are central to achieving the vision of sustained growth and prosperity, and establishes principles, strategic goals and directions to ensure the development of the State progresses towards this vision.

The local planning strategy broadly aligns with the principles and strategic goals of the State Planning Strategy in the following ways:

- It seeks to support diverse, affordable, accessible and safe communities;
- It encourages investment, innovation, local employment and community betterment;
- It encourages sustainable development that conserves natural assets;
- It identifies critical infrastructure to support future development;
- It builds on the competitive and collaborative advantages of the Shire; and
- It builds community confidence in development processes and practices.



DRAFT

2.2. STATE PLANNING POLICIES

State Planning Policies (SPPs) are prepared under Part 3 of the *Planning and Development Act* 2005 and provide the highest level of planning policy control and guidance in Western Australia. SPPs considered to be specifically relevant to the Shire are outlined and described in Part 2, Table 1.

Table 1 – State Planning Policy Overview and Local Planning Strategy Implications and Responses

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
SPP 1.0 State Planning Framework (Nov 2017)	SPP 1.0 restates and expands on the key principles of the State Planning Strategy in planning for sustainable land use and development. It brings together existing State and regional policies, strategies and guidelines within a central State Planning Framework, which provides a context for decision-making on land use and development in Western Australia. The Framework informs the Western Australian Planning Commission (WAPC), local government and others involved in the planning process on State level planning policy which is to be taken into consideration, and given effect to, in order to ensure integrated decision-making across all spheres of planning. The framework identifies relevant policies and strategies used by the WAPC in making decisions and may be amended from time to time. The framework is the overarching SPP. Additional SPPs set out the WAPC's policy position in relation to aspects of the State Planning Strategy principles.	The local planning strategy has given due regard to the principles and objectives of SPP 1.0.
SPP 2.0 Environment and Natural Resources (Jun 2003)	SPP 2.0 is a broad sector policy and provides guidance for the protection, management, conservation and enhancement of the natural environment. The policy promotes responsible planning by integrating environmental and natural resource management with broader land use planning and decision-making. SPP 2.0 outlines general measures for matters such as water, air quality, soil and land quality, biodiversity, agricultural land and rangelands, basic raw materials, marine resources, landscapes and energy efficiency. These general measures should be considered in conjunction with environmentally-based, issue-specific state planning polices which supplement SPP 2.0.	SPP 2.0 will influence land use planning within proximity to waterways and other areas of key environmental value. The Strategy incorporates protection over the key environmental areas within the Shire including but not limited to the dominant river stems of the Blackwood, Capel and Preston rivers; large, vegetated areas of the State Forest; priority agricultural land; and identified basic raw materials. However, the Strategy also acknowledges that in some circumstances, a balance will be required to facilitate development and growth.
SPP 2.4 Basic Raw Materials (Jul 2021)	SPP 2.4 recognises basic raw materials as a finite resource and promotes the importance of its extraction in support of regional development and agriculture within Western Australia. Its primary purpose is to facilitate the responsible extraction of basic raw materials while ensuring that any extraction minimises and mitigates detrimental impacts on the community and environment. SPP 2.4 supports land use conflict being addressed as early as possible in the planning process. Principal considerations for decision-makers include considering the suitability	This policy will particularly influence land use planning for areas within the Shire as there are a number of extractive industries within the Shire. Of particular note is the presence of Donnybrook stone within the area. The Strategy will need to acknowledge the existing presence and potential future extraction of Donnybrook Stone and plan accordingly, which may be complex given its proximity to the Donnybrook townsite and residential growth front.

DRAFT

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
	or otherwise of basic raw material extraction on planning and environmental grounds; ensuring broad compatibility between land uses and avoiding development of sensitive land uses within separation distances.	The planning framework will need to demonstrate a balance between landowners, existing stone extraction and potential future development.
SPP 2.5 Rural Planning (Dec 2016)	SPP 2.5 applies to rural land and land uses as well as land that may be impacted by rural land uses. SPP 2.5 seeks to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. SPP 2.5 includes policy measures aimed at protecting rural land while encouraging a diversity of compatible rural land uses, including horticulture, grazing and tree plantations.	This policy will need to be given due regard in developing the Shire's planning framework to manage land uses and development of the Shire's rural land. The framework will need to balance traditional rural land uses with creating opportunities for diversification of agricultural and other activities such as tourism. A basic principle of SPP 2.5 is the designation of rural land as either Priority Agriculture or General Agriculture. Designation of land as Priority Agriculture places a clear emphasis on the primacy of agriculture in those areas above other proposed uses. While the General Agricultural area is still an area of agricultural and rural use, there may be increased flexibility for other uses. In order to promote growth and potential in-fill of existing Rural Residential zoned areas, the Strategy seeks to clarify the position of the Shire in considering the circumstances where it would support in-fill subdivision. In addition, SPP 2.5 sets out the guiding objectives for DCP 3.4 which provides for the creation of homestead lots. Noting that this policy does not currently apply to the South West It is the Shire's position that this opportunity should be extended to rural properties within the Shire (and the South West generally) and this is reflected in the Strategy. Similarly, whilst SPP 2.5 and DCP 3.4 outline a general presumption against the subdivision of rural land, the Shire considers there is merit to low-density rural strata development with shared facilities. This type of development is particularly of interest to the Balingup community who are seeking a more sustainable way of living, whilst taking advantage of the rural lifestyle typical to the area. Refer to Part 2, section 2.4 Operational Policies (DCP 3.4) and section 3.4 Local Planning Policies for further information regarding the proposed variation.
~~SPP 2.7~~ ~~Public Drinking Water Source (Jun 2003)~~	~~The purpose of SPP 2.7 is to inform decision makers of those aspects of state planning policy concerning the protection of Public Drinking Water Supply Areas throughout the state.~~ ~~It is intended that this be implemented through the preparation of strategic plans, regional and local planning schemes, conservation and management strategies, and other relevant plans or guidelines, as well as through decision making on subdivision and development applications.~~	~~This policy will influence land use and development within the Shire, particularly given the presence of protected groundwater areas P1, P2 and P3.~~ ~~Consultation with the Department of Water and Environmental Regulation will be required for a number of proposals in these areas to ensure adequate protection of water sources.~~

DRAFT

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
~~Draft~~ SPP 2.9 ~~Planning for~~ Water (~~Aug 2024~~Dec 2025)	SPP 2.9 (December 2025) provides policy guidance for integrating water resource management into the land use planning system across Western Australia. The policy consolidates and replaces seven previous State Planning Policies and related guidelines, covering environmental, social and cultural values of water resources, riverine flooding, water supply and infrastructure, and specific area measures for public drinking water source areas, the Peel-Harvey coastal plain catchment and the Swan Canning river system. The policy recognises that Western Australia's water resources face increasing pressure from climate change, population growth and land use change, which collectively affect water quality, quantity and ecological health. Planning must respond by ensuring development is appropriately located, adequately serviced with stormwater, groundwater and wastewater infrastructure, and designed to minimise water demand through water sensitive design and fit-for-purpose supply. The policy also maintains a strong presumption against development that poses risk to public drinking water source areas, while requiring cumulative impacts on water resources to be considered at all stages of the planning process. ~~SPP 2.9 provides guidance in the planning, protection and management of surface and groundwater catchments, including consideration of availability of water and waterways management, wetlands, waterways, and estuaries and their buffers, and implementation of total water cycle management principles in the land use planning system.~~ ~~The policy recognises that planning should contribute to the protection and management of water resources through implementation of policy measures that identify significant water resources, prevent the degradation of water quality and wetland vegetation, promote restoration and environmental repair and avoid incompatible land uses.~~	SPP 2.9 applies to all planning proposals across the Shire and requires water resource matters to be considered at the earliest stage of the planning process. The Shire contains waterways, wetlands and rural land uses that engage the policy's provisions relating to environmental values, water quality, foreshore areas and wetland buffers. Public drinking water source areas within the Shire are subject to additional specific area measures, including a presumption against intensification of land uses in Priority 1 and 2 areas and referral obligations to the Department of Water and Environmental Regulation. The Local Planning Strategy responds to SPP 2.9 by directing growth and development away from sensitive water resource areas, waterway foreshore areas and wetland buffers. The Strategy supports the protection of remnant vegetation, the maintenance of ecological linkages and the management of nutrient export from intensive agricultural land uses, consistent with the policy's water quality measures. LPS8 will be required to implement the Strategy's policy intent by identifying sensitive water resource areas, public drinking water source areas and foreshore reserves on scheme maps, and including provisions that manage land use compatibility and require Water Management Reports where triggered by the Guidelines ~~Land use and development proposals will be influenced by this policy and demonstrated throughout the planning framework to ensure appropriate ongoing protection and management of the Shire's water sources.~~
SPP 3.0 Urban Growth and Settlement (May 2006)	SPP 3.0 is a broad sector policy that sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia. The purpose of the policy is to facilitate sustainable patterns of urban growth and settlement by setting out the requirements of sustainable settlements and communities and the broad policy for accommodating growth and change. SPP 3.0 outlines general measures to create sustainable communities, plan liveable neighbourhoods, coordinate services and infrastructure, manage rural-residential growth and plan for Aboriginal communities. These general measures should be considered in conjunction with issue-specific urban growth and settlement state planning polices which supplement SPP 3.0.	This policy reinforces the need to focus urban growth in areas where feasible to make optimal use of existing infrastructure and services. As the provision of essential services is limited in the Shire, creative solutions and options will need to be encouraged throughout the planning framework to ensure sustainable development and to facilitate continued growth of the Shire. The policy promotes urban consolidation, an efficient use of land and it recognises the important role of rural residential development in providing lifestyle choice and the potential to revitalise rural communities. There is also a need for rural residential development to be appropriately located and appropriately managed.

Formatted: Indent: Left: 0 cm

SPP 3.4 Natural Hazards and Disasters (Apr 2006)	SPP 3.4 encourages local governments to adopt a systemic approach to the consideration of natural hazards and disasters. The objectives of this policy are to include planning for natural disasters as a fundamental element in the preparation of planning documents, and through these planning documents, minimise the adverse impacts of natural disasters on communities, the economy and the environment. SPP 3.4 sets out considerations for decision makers in relation to hazards including flood, bushfire, landslides, earthquakes, cyclones and storm surges. Consideration of these hazards should be undertaken in conjunction with issue-specific state planning polices which supplement SPP 3.4.	This policy is applicable, particularly in the context of bushfire risk throughout the Shire. The framework will need to consider the impact of bushfire and other hazards in the context of a rural environment whilst balancing the environmental values.
SPP 3.5 Historic Heritage Conservation (May 2007)	SPP 3.5 sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The policy seeks to conserve places and areas of historic heritage significance and to ensure development does not adversely affect the significance of heritage places and areas. SPP 3.5 primarily relates to historic cultural heritage noting that Aboriginal heritage and natural heritage are protected by other legislative instruments. Historic cultural heritage includes heritage areas, buildings and structures, historic cemeteries and gardens, man-made landscapes and historic or archaeological sites with or without built features.	There are a number of significant heritage places within the Shire that contribute to the profiles of each community. The planning framework will need to reflect this policy by providing further guidance for development assessment and control of places with significant heritage values in the Shire, to support their conservation for future generations. This will be highly relevant in the review of the Shire's Heritage List and review of relevant development provisions.

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
	The policy contains development control principles and considerations for decision-makers for proposed development within a heritage place and/or heritage area. The policy also states that care should be taken by decision-makers to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.	
SPP 3.6 Infrastructure Contributions (Apr 2021)	SPP 3.6 sets out the principles and requirements that apply to both development and community infrastructure in new and established areas. Its primary purpose is to promote the efficient and effective provision of public infrastructure to meet the demands arising from population growth and development. The policy is intended to apply across all development settings, including urban, industrial and greenfield growth areas and regional towns. Implementation of this policy is primarily through local planning schemes, improvement schemes or structure plans as well as subdivision and development proposals. In determining the suitability for infrastructure contributions, decision-makers are required to consider six underlying principles, including need / nexus, transparency, equity, certainty, consistency, and accountability. SPP 3.6 is supplemented by the *Infrastructure Contribution Implementation Guidelines* (the Guidelines) that provide additional information regarding the preparation and operation of development contribution plans (DCPs) in areas where coordinated development of infrastructure and cost-sharing is required. The Guidelines recognise that the DCP must have a strategic basis and be linked to the local planning strategy and strategic infrastructure plan and program which identify the infrastructure and facilities required over the life of the DCP (generally up to 10 years for new greenfield development, or longer for the delivery of citywide Community Infrastructure), and the cost and revenue sources for the provision of the infrastructure.	The Shire has not previously identified Development Contribution Areas within the Scheme area. Development Contribution Areas and Plans may need to be a consideration for future areas of potential growth, to facilitate the appropriate upgrade of shared infrastructure such as roads and reticulated sewer.
SPP 3.7 ~~Planning in~~ Bushfire ~~Prone Areas~~ (~~Dec 2015~~ Nov 2024)	SPP 3.7 provides a framework in which to implement effective, risk-based land use planning and development outcomes to preserve life and reduce the impact of bushfire on property and infrastructure. The policy emphasises the need to identify and consider bushfire risks in decision-making at all stages of the planning and development process whilst achieving an appropriate balance between bushfire risk management measures, biodiversity conservation and environmental protection. The policy's first principle is to avoid bushfire risk, and only where avoidance is not possible to manage or mitigate that risk to an acceptable level. ~~The policy applies to all land which has been designated as bushfire prone by the Fire and Emergency Services Commissioner as well as areas that may not have yet been designated as bushfire prone but are proposed to be developed in a way that introduces a bushfire hazard.~~ The policy applies to all land designated as bushfire prone on the Map of Bush Fire Prone Areas (Area 1 Urban and Area 2), with strategic planning proposals in Area 2 with a Bushfire Hazard Level above LOW triggering the policy's requirements. SPP 3.7 should be read in conjunction with the Planning for Bushfire Guidelines (2024), the	This policy has a significant impact on land use and development proposals within the Shire given the prolific presence of bushland and associated bushfire prone areas. The planning framework will need to demonstrate a balance between planning for bushfire risk and facilitating development within the Shire.

DRAFT

	Deemed Provisions for local planning schemes contained in the ~~*P&D*~~*Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2), ~~*Guidelines for Planning in Bushfire in Prone Areas*~~ and *Australian Standard 3959: Construction of Buildings in Bushfire Prone Areas.*	

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
SPP 4.1 Industrial Interface (July 2022)	SPP 4.1 guides planning decisions with the aim of protecting the long-term future operation of industry and infrastructure facilities, by avoiding encroachment from sensitive land uses and potential land use conflicts. The policy encourages the use of statutory buffers; facilitating industrial land uses with offsite impacts within specific zones and compatible interface between strategic/general industry zones and sensitive zones. SPP 4.1 supports land use conflict being addressed as early as possible in the planning process. It is also expected that land use conflict will be subsequently considered at each stage of the planning framework, increasing in detail at each level. The policy recognises the overlap of various environmental, health and safety regulations and guidelines and outlines considerations for decision-makers in this regard.	The Shire's future industrial land is confined to a specific location (Sandhills Road) however it is subject to specific land and feasibility constraints. The future protection of such industrial zoned land therefore needs to be considered under the local planning framework.
SPP 5.2 Telecommunications Infrastructure (Sep 2015)	SPP 5.2 recognises telecommunications infrastructure as an essential service and aims to balance the need for this infrastructure and the community interest in protecting the visual character of local areas. The policy aims to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure and sets out specific exemptions for where the policy requirements do not apply. Decision-makers should ensure that telecommunications infrastructure services are located where it will facilitate continuous network coverage and/or improved telecommunications services to the community whilst not comprising environmental, cultural heritage, social and visual landscape values	This policy will inform the future consideration of infrastructure proposals. Telecommunications infrastructure as a specific land use will be provided in the Zoning Table.
SPP 5.4 Road and Rail Noise (Sep 2019)	SPP 5.4 provides guidance for the performance-based approach for managing and mitigating transport noise associated with road and rail operations. This policy applies where noise sensitive land uses are located within a specified distance of a transport corridor, new or major road or rail upgrades are proposed, or where works propose an increase in rail capacity resulting in increased noise. The policy also sets out specific exemptions for where the policy requirements do not apply. SPP 5.4 supports noise impacts being addressed as early as possible in the planning process for the purpose of avoiding land use conflict and achieving better land use planning outcomes. Considerations for decision-makers include ensuring that the community is protected from unreasonable levels of transport noise, whilst also ensuring the future operations of transport corridors. SPP 5.4 is supplemented by the *Road and Rail Noise Guidelines.*	Development adjacent or in close proximity to the rail network and major traffic routes (e.g. South Western Highway, Goodwood Road, Donnybrook-Boyup Brook Road, and other district level roads) will need to be appropriately sited and designed to minimise noise impacts. Notwithstanding that the rail network has not been used for a number of years, consultation with, and direction from, the Public Transport Authority and/or relevant provider (i.e. Arc Infrastructure) will need to be considered for development proposals in close proximity to the rail corridor(s).

Formatted: Indent: Left: 0 cm, First line: 0 cm

State Planning Policy (SPP)	Policy Overview	Local Planning Strategy Implications and Responses
SPP 7.0 Design of the Built Environment (May 2019)	SPP 7.0 is a broad sector policy relevant to all local governments. The policy sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. It is intended to apply to activity precinct plans, structure plans, local development plans, subdivision, development and public works. The policy contains ten design principles which set out specific considerations for decision-makers when evaluating proposals. These include context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community and aesthetics. The policy also encourages early and on-going discussion of design quality matters and the use of design review. These principles should be considered in conjunction with the range of supporting State Planning Policies that provide design quality guidance for specific types of planning and development proposals.	The planning framework considers the design principles of the SPP which will underpin the Shire's approach to the design of built form. These will be integrated into the new Scheme and relevant planning policies.
SPP 7.2 Precinct Design (Feb 2021)	SPP 7.2 provides guidance for precinct planning with the intent of achieving quality planning and design outcomes for precincts within Western Australia. The policy recognises that there is a need to plan for a broader range of precinct-based contexts and conditions to achieve a balance between greenfield and infill development. Objectives of the policy include ensuring that precinct planning and design processes deliver high-quality built environment outcomes that provide social, economic and environmental benefit to those who use them. Precinct types include activity centres, station precincts, urban corridors, residential infill and heritage precincts. These areas are recognised as requiring a high-level of planning and design focus in accordance with a series of precinct outcome considerations as outlined in the policy. The policy also encourages the use of design review.	The Shire's townsites are generally well-developed urban areas, albeit in the context of a rural context. Any changes to the local planning framework to implement State policy direction, such as development involving higher density residential development may require the establishment of a precinct plan.
~~SPP 7.3~~ Planning Codes Residential Design Codes Volumes 1 and 2 (May 2019)	SPP 7.3 – *Residential Design Codes (Volumes 1 and 2)* provides the basis for the control of residential development throughout Western Australia for single houses, grouped dwellings and multiple dwellings. The purpose of the policy is to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better outcomes for residents. They are also used for the assessment of residential subdivision proposals. The policy outlines various objectives for residential development, planning governance and development processes and sets out information and consultation requirements for development proposals. The policy also makes provision for aspects of specified design elements to be varied through the local planning framework. SPP 7.3 - *Residential Design Codes (Volumes 1 and 2)* should be read in conjunction with the supporting Guidelines.	The R-Codes currently apply to all residential areas across the Shire. The planning framework considers the implications of the provisions of R-Codes when other applicable legislative requirements may apply (i.e. where no sewer infrastructure is required / available, the Government Sewerage Policy applies to minimum lot sizes). Several variations to the development provisions of the R-Codes need to be considered in the context of a rural environment where community needs may differ from a city environment, such as outbuilding sizes.

DRAFT

2.3. REGIONAL PLANNING CONTEXT

The WAPC prepares various regional planning instruments to guide land use and development at the regional and sub-regional level, including:

- Regional and Sub-regional planning strategies and structure plans; and
- Regional Planning Schemes

Regional planning instruments considered to be specifically relevant to the Shire are outlined and described in Part 2, Table 2.

Table 2 – Regional Planning Instrument Overview and Local Planning Strategy Implications and Responses

Regional Planning Instrument	Regional Planning Instrument Overview	Local Planning Strategy Implications and Responses
South West Regional Planning and Infrastructure Framework (Dec 2015)	The South West Regional Planning and Infrastructure Framework is a guidance document for local governments which outlines the WAPC's position on planning for population growth, transport, agriculture, community infrastructure, climate change and major infrastructure requirements for the South West region. It provides an overview of the region's scale and distribution of population growth and provides strategies and guidance to deal with planning considerations such as economic growth, transport, environmental matters and agriculture.	In line with the South West framework, the Strategy provides a big-picture view of the long term future of the Shire by identifying key challenges and opportunities for growth and development. The Strategy will provide an overview for the objectives and broad outcomes of development and land use provisions throughout the Shire based on the unique land suitability and capability of the area.
Bunbury-Geographe Sub-Regional Strategy (Jan 2022)	The Bunbury-Geographe Sub-Regional Strategy (BGSRS) provides high level guidance for future growth and development for the local planning areas of Bunbury, Dardanup, Capel, Harvey, Collie and Donnybrook-Balingup. Bunbury as the principal settlement in the region has grown significantly causing surrounding areas to expand concurrently. The BGSRS provides guidance to assist the local governments within the sub-region to grow towards a combined population of over 200,000 people. The strategic planning context provides direction and guidance for future development. It identifies principles for development and growth for the sub-region and provides strategic direction to achieve these principles. The Sub-regional profile is a contextual analysis of the sub-region, providing information and analysis on the region's population, economy, infrastructure, services, environment and transport.	The local Strategy will reflect the overall intention and objectives of the BGSRS by embedding strategic directions within the local planning framework that support regional approaches.

DRAFT

2.4. OPERATIONAL POLICIES

Operational policies guide decision-making in relation to subdivision and development applications. Those operational policies considered relevant to the local planning strategy are listed and described in Part 2, Table 3.

Table 3 – Operational Policies

Operational Policy (OP) / Development Control Policy (DCP)	Policy Overview	Local Planning Strategy Implications and Responses
OP 1.1 Subdivision of Land (General Principles) (Feb 2020)	This policy sets out the general principles that will be used by the WAPC in determining applications for the subdivision of land. It also indicates the basic requirements for the creation of new lots and the procedures the WAPC will follow to process subdivision applications.	The Strategy allows for the potential growth of the Shire including identifying areas of potential expansion. Subdivision of land will need to address OP 1.1.
DCP 1.7 General Road Planning (Jun 1998)	To promote the planning of road networks throughout the State which maximise efficiency, safety and amenity. To provide a consistent approach for contributions towards the provision of roads resulting from the subdivision and development of land.	Any required changes to road planning within the Shire will need to consider DCP 1.7, particularly within the areas identified for future growth.
~~DCP~~OP 2.2 Residential Subdivision (Oct 2017)	To establish a consistent and coordinated approach to the creation of residential lots throughout Western Australia. To adopt criteria for residential lots that will ensure each lot has a suitable level of amenity, services and access. To facilitate the supply of residential lots in regular shapes and size ranges that reflect the statutory provisions of local planning schemes and site conditions — including the R-Codes, the availability of reticulated sewerage, electricity and water and the need for frontage to public streets for access.	The Strategy has identified areas for potential residential growth. Residential subdivision of land will need to address DCP 2.2.
~~DCP 2.3~~ ~~Public Open Space in Residential Areas~~ ~~(May 2002)~~	~~Provides the requirement for 10% of the gross subdivisible area of a conditional subdivision being given up free of cost by the subdivider for public open space.~~	~~Future subdivision of residential land within the Shire will need to comply with DCP 2.3 to ensure adequate POS and/or cash in lieu is provided.~~
DCP 2.6 Residential Road Planning	This policy sets out the WAPC's requirements for the planning and design of roads in residential areas and provides guidelines for the design and layout of residential roads.	Areas identified for future expansion will need to carefully consider road planning and design in line with DCP 2.6.

DRAFT

Operational Policy (OP) / Development Control Policy (DCP)	Policy Overview	Local Planning Strategy Implications and Responses
(Jun 1998)		
DCP 3.4 Subdivision of Rural Land (Dec 2016)	This operational policy guides the subdivision of rural land to achieve the key objectives of State Planning Policy 2.5: *Rural Planning*, which are to: • support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food; • provide investment security for existing, expanded and future primary production, and promote economic growth and regional development on rural land for rural land uses; • outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction; • provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making; • avoid and minimise land use conflicts; • promote sustainable settlement in, and adjacent to, existing urban areas; and • protect and sustainably manage environmental, landscape and water resource assets.	As outlined in the Strategy, agriculture is a key economic driver within the Shire. Future subdivision of rural land within the Shire should be considered against the provisions of this DCP. As outlined in Appendix 2 of DCP 3.4, application of the 'Homestead lot policy area' does not currently apply to the South West area. The Shire is proposing a variation to this DCP with regards to the consideration of Homestead Lots as per clause 6.6 of this policy within the Shire of Donnybrook Balingup. As outlined in Part 1, the Shire will introduce Scheme and/or Policy provisions that allow for consideration of Homestead Lots on properties that meet certain criteria, including a minimum lot and/or congruent 'farm' size. Where clause 6.6 allows for consideration of homestead lots between one and four hectares or up to 20 hectares where responding the landform, the Shire may also consider varying this size requirement to a lesser value depending on the overall minimum lot size considered. For example, a homestead lot of up to 5 hectares may be considered on a lot (or congruent farm lots) that exceed 60 hectares. The intent of this variation is to support agricultural succession whilst not jeopardising the continued operation and economic value of traditional farming practices in the area as well as the fragmentation of rural land. As outlined in Part 2, section 4.3.1, there are currently 366 privately owned lots that exceed 60 hectares within the Shire which equates to 16% of the total number of lots within the Shire and a total area of 36,173 hectares. In addition, there has been increased interest, specifically from the Balingup community, regarding the consideration of 'clustered' low density, rural living with shared facilities. The Shire considers that there is merit to this proposal as it is not inconsistent with the overall objectives of SPP 2.5 and DCP 3.4. The Shire considers that there may be scope for strata subdivision of General Agriculture land in specific locations where it can be appropriately demonstrated that the land is not suitable, nor viable for typical farming activities. The Shire will investigate introducing a Special Control Area within a 3km radius of the townsite of Balingup where this type of development can be considered. An indicative map has been provided in Part 1, section 4.0, Figure 6 showing the areas that may be considered subject to specific Scheme and/or Policy provisions (i.e. minimum lot sizes, shared on-site facilities, etc.).

DRAFT

Operational Policy (OP) / Development Control Policy (DCP)	Policy Overview	Local Planning Strategy Implications and Responses
DCP 4.1 Industrial Subdivision (Jul 1998)	This policy statement provides guidance on the matters considered by the Commission when determining applications for industrial subdivision throughout the State. These include matters such as the design and shape of industrial lots, road layout, servicing and open space requirements.	As outlined in the Strategy, industrial growth opportunities are limited within the Shire due to site and servicing constraints. However, any future subdivision of industrial land will need to consider the requirements of DCP 4.1.
Liveable Neighbourhoods (Jan 2009)	This policy guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites. The policy has 12 principal aims which include providing walkable neighbourhoods, promoting an interconnected network of streets, facilitating mixed-use development, providing a variety of lot sizes and housing and maximising land efficiency wherever possible. The intent of the policy is to design communities that are sustainable, safe, attractive, vibrant, convenient, efficient, meet the diverse needs of the community, are adaptable to future change, and fit into the existing and planned urban context. This policy is currently under review with a draft 2015 version published for consideration.	This objectives of this policy are applied across the Shire for all development including structure planning and subdivision proposals.

2.5. POSITION STATEMENT AND GUIDELINES

Position statements are prepared by the WAPC to set out its policy position or advice on a particular planning practice or matter. Guidelines provide detailed guidance on the application of WAPC policies. Those WAPC position statements or guidelines considered relevant are included in Part 2, Table 4.

Table 4 – Position Statements and Guidelines

Position Statement / Guidelines	Policy Overview	Local Planning Strategy Implications and Responses
Residential Accommodation for Ageing Persons (April 2024~~Dec 2029~~)	The WAPC Position Statement: Residential Accommodation for Ageing Persons (March 2024) establishes requirements for local governments to address the residential accommodation needs of an ageing population through the strategic and statutory planning framework. It seeks to remove planning barriers and streamline approval pathways by standardising land use definitions and zoning permissibility for residential aged care facilities and independent living complexes. The position statement requires local planning strategies to include a dedicated section assessing demographic profiles, projected demand, gaps in provision and supply targets, with those findings translated into local planning schemes, structure plans and development standards. Both land use classes are to be treated as permitted uses in residential and mixed use zones unless specific locational justification supports a	The Shire's population is ageing at a rate well above the State average, with a median age of 47.7 compared to the State average of 37.6 (ABS, 2021). This demographic profile has a significant impact on the types of housing, services and facilities required within the community. The Strategy recognises a need to address future residential requirements for older people, and to facilitate sufficient housing and property stock to allow residents to age in place. The Strategy responds to the WAPC Position Statement by recommending LPS8 to include standardised land use definitions for residential aged care facilities and independent living complexes, and to identify appropriate zones and development standards for these uses. The Strategy supports the provision of housing options that cater for residents at various stages of life. The local planning scheme is to facilitate

DRAFT

	discretionary permissibility.This document outlines the WAPC's requirements to support the provision of residential aged care within the local government framework.	streamlined and consistent decision-making for these land uses in line with the Position Statement's requirements.As outlined in the Strategy, the Shire's median age for 2020 was estimated at 47.7 which is higher than the State's median age of 37.6. Based on the age structure of the Shire, the Strategy recognises a need to address future residential requirements for older people.
Container Deposit Scheme Infrastructure	This position statement outlines how container deposit scheme infrastructure should be considered and assessed in the Western Australian planning system.	The presence of container deposit facilities within the Shire is increasingly important as the scheme continues to increase in popularity. The Scheme will consider including

Position Statement / Guidelines	Policy Overview	Local Planning Strategy Implications and Responses
(Sep 2020)		specific land uses within the Zoning Table of LPS8 that are consistent with position statement.
Expenditure of Cash-in-Lieu of Public Open Space (May 2020)	The intent of this position statement is to ensure that the cash-in-lieu for open space is expended in accordance with the requirements of the *Planning and Development Act 2005.*	The Shire will need to consider this position statement when preparing Scheme and/or Policy provisions relating to POS requirements.
Workforce Accommodation (Jane 2018)	The fundamental purpose of the position statement is to ensure that where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability.	The Shire has identified a demand in workforce accommodation as the Shire and surrounding region continue to develop. The Shire will need to consider this position statement to ensure planning for workforce accommodation includes the consideration of the existing context and surrounding amenity.
Planning for tourism and short-term rental accommodation (Nov 2024~~3~~)	The Planning for Tourism and Short-term Rental Accommodation Guidelines (November 2024) provide guidance to local governments on integrating tourism and short-term rental accommodation planning into the local planning strategy and local planning scheme. The Guidelines encourage a strategically led approach that identifies tourism precincts and sites, establishes local tourism objectives, assesses current and projected demand, and translates those findings into appropriate zoning, land use permissibility and development standards within the statutory planning framework. ~~The purpose of this position statement is to guide the appropriate location and management of tourism land uses within the planning framework.~~	The Shire has identified a demand for tourism accommodation, however there are several constraints that present challenges in this area. The Shire will consider the ~~intent of this position statement~~guidelines when reviewing Scheme and/or Policy provisions relating to tourism land uses, particularly accommodation types and permissibility.
Public Open Space (Dec 2025)	The WAPC Position Statement: Public Open Space (December 2025) establishes a consistent framework for the planning, provision and management of public open space (POS) across Western Australia, replacing Development Control Policy 2.3 and the Position Statement on cash in lieu expenditure. The position statement reaffirms the longstanding minimum requirement of 10 per cent of the gross subdivisible area for POS in residential areas and extends this framework to all subdivision types including strata, while providing for localised variations to be justified through strategic planning instruments.	The Shire's rural character, dispersed settlement pattern and relatively small resident population mean that position statement's provisions for regional residential subdivision are most directly relevant. The Strategy does not identify significant additional POS as required to accommodate the orderly and proper planning and development of the Shire. Rather, specific POS required to accommodate individual development will utilise the guideance contained in the Position Statement.

Formatted: Table Paragraph, Indent: First line: 0.26 cm, Line spacing: Multiple 1.06 li

Formatted: Table Paragraph, Justified, Indent: Left: 0.26 cm, Right: 0.23 cm, Line spacing: Multiple 1.06 li

2.6. OTHER RELEVANT STATE OR REGIONAL STRATEGIES, PLANS AND POLICIES

Other State or regional strategies, plans and policies that have relevance to and implications for the local planning strategy are outlined below.

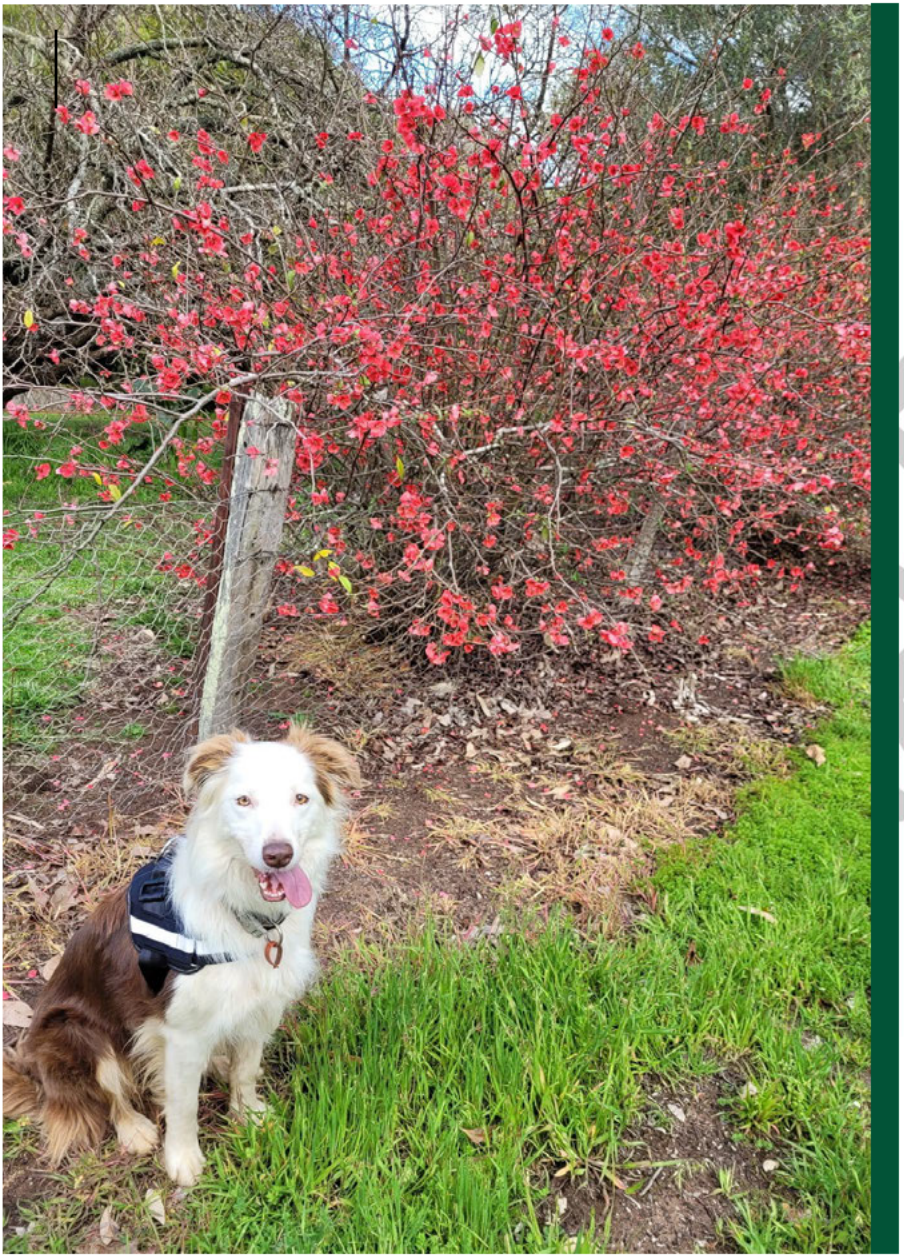
Table 5 – Other Relevant State or Regional Strategies, Plans and Policies

DRAFT

Strategy, Plan, Policy	Policy Overview	Local Planning Strategy Implications and Responses
~~Government Sewerage Policy (GSP)~~ ~~(Sep 2019)~~	~~This policy sets the State Government's position on how sewerage services are to be provided in WA through the planning and development of land.~~	~~This policy significantly impacts the Shire's planning for land use and development due to a lack reticulated sewer infrastructure within the Shire. Provisions are to be included in the Scheme that specify that regardless of any other provision within said Scheme and/or policy of the State (e.g. the R Codes), where a property is not connected to a reticulated sewer supply, provisions of the GSP exclusions apply.~~
Western Australian Climate Policy (Nov 2022)	This Policy sets out the State Government's plan for a climate-resilient community and a prosperous low-carbon future. The policy underscores a commitment to adapting to climate change and working with all sectors of the economy to achieve net zero greenhouse gas emissions by 2050. The policy sets out the high-level priorities the State Government will implement to support a more climate-resilient community. The approach to climate adaptation recognises exposure to climate impacts, the diversity of the regions and the existing capability to manage and adapt to climate change. The policy outlines actions to guide the response by business, the community, local governments and State Government agencies to develop well-informed, timely and practical adaptation responses .	This Policy is applicable to the Shire, particularly when considering the increased bushfire risk and risks to the natural environment.

DRAFT

DRAFT



3.0. Local Planning Context

3.1. COUNCIL PLAN

The Council Plan 2022 – 2032 was adopted by Council at the Ordinary Meeting held 25 May 2022 (SoDB, 2022). The Council Plan combines the Strategic Community Plan and Corporate Business Plan into one succinct document that sets a 10-year plan for the future. The vision of the Council Plan is:

> A proud community enjoying our rural lifestyle, cultural heritage and natural environment.

The vision of the Strategy is consistent with the land use planning and development response to the Shire's priorities for the area as outlined in the Council Plan. The Council Plan is broken into key themes, each with their own objectives and outcomes which are outlined in Part 2, Table 6, and their implications for the planning framework.

Table 6 – Council Plan Summary

Themes	Outcomes	Local Planning Strategy Implications and Responses
People *A healthy, safe and inclusive community*	1. *A diverse and growing population.* 2. *A safe and healthy community.*	The planning framework will need to address the implications of increased population, particularly housing, community services and infrastructure.
Planet *Shared commitment to sustainability, leaving each place better than we found it.*	3. *The natural environment is well managed for the benefit of current and future generations.* 4. *Shared responsibility for sustainability.* 5. *A sustainable, low-waste, circular economy.*	Sustainable development initiatives will be facilitated through a more adaptive and contemporary planning framework.
Place *A responsibly planned district with a retained sense of community and country charm.*	6. *The built environment is responsibly planned and well maintained.* 7. *Heritage assets are valued and respected.* 8. *Safe and convenient movement of people into and around the district.*	The built environment, including vehicular and pedestrian movement networks, need to be well planned through clear planning and development parameters. In addition, the existing planning for heritage and cultural places within the Shire will be reviewed to ensure their importance, as valued by the community, is enforced.
Prosperity *A strong, diverse and resilient economy.*	9. *A thriving economy.* 10. *A popular destination for visitors and tourists.*	The planning framework will need to account for a balance in tourism, commercial and industrial land uses to ensure economic growth and job opportunities.
Performance *Open, robust conversations and harmonious outcomes.*	11. *Strong, visionary leadership.* 12. *A well respected, professionally run organisation.* 13. *Increased community capacity.*	Council's role in endorsing the planning framework, including providing the opportunity for suitable consultation, will reinforce its role in providing strong leadership to the community.

DRAFT

3.2. PREVIOUS LOCAL PLANNING STRATEGY

Prior to the WAPC's endorsement of this document, the local planning strategy for the Shire of Donnybrook Balingup was Local Planning Strategy (June 2014). This was revoked on _____.

Key changes from the former Local Planning Strategy include:

- Formatting consistent with the Local Planning Strategy Guidelines;
- Reference to contemporary policies and guidelines; and
- Identification of Planning Areas for future 'Rural Residential' and 'Residential' development.

3.3. LOCAL PLANNING SCHEME

Local Planning Scheme No.7 (LPS7) adopted in 2014 is the primary document for controlling land use and development within the Shire. An internal review of LPS7 in 2019 resulted in the subsequent WAPC decision for the Shire to prepare a new Local Planning Scheme (LPS8). This process is currently underway and LPS8 will align with this Local Planning Strategy.

3.4. LOCAL PLANNING POLICIES

Local planning policies are prepared by the Shire in accordance with Division 2 of Schedule 2 of the Regulations in respect of a particular class or classes of matters specified in the policy; and may apply to the whole Scheme area or part of the Scheme area.

The Shire will undertake a comprehensive review of the current Local Planning Policies to ensure there is a contemporary and effective level of policy control over land use and development within the Shire.

An overview of the Shire's existing Local Planning Policies, recommended status and proposed new list of potential policies is provided in this Strategy, taking into consideration WALGA's preferred policy framework.

Table 7 – Local Planning Policy Overview and Analysis

Local Planning Policy	Date of Adoption / Last Amendment	Purpose of the LPP	Recommendation
LPP 9.3 Private Tree Plantations / Agroforestry	May 2016	Guidelines to assist in determining applications for tree plantations / agroforestry within the Shire	To be reviewed and updated to reflect contemporary development controls and regulations.

DRAFT

Local Planning Policy	Date of Adoption / Last Amendment	Purpose of the LPP	Recommendation
LPP 9.4 Outbuilding Control	Nov 2017	Provides development provisions for outbuildings and sheds within the Rural Residential, Rural Smallholdings, General and Priority Agriculture zones.	To be reviewed and updated to ensure clear parameters.
LPP 9.6 Signage / Advertisements	May 2016	Provides guidelines on signage design and location within the Shire.	To be reviewed and updated to include clear parameters and distinctions between signage types.
~~LPP 9.7~~ ~~Interpretation (Extractive Industry)~~	~~May 2016~~	~~This policy simply states that extractive industries for personal use of a minor level do not require development approval.~~	~~To be rescinded with exemption provisions (if applicable) to be included in Scheme.~~
LPP 9.8 Stocking Rates	May 2016	Provides guidance on stocking rates for livestock within the Rural Residential zone.	To be reviewed in consultation with relevant State agencies to determine appropriate stocking rate levels in line with contemporary standards. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.9 Road Closures	May 2016	Provides circumstances where a road closure may be supported by Council.	To be reviewed and/or consolidated. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.11 Relocation and Use of Second-hand Dwellings	May 2016	This policy provides a definition of a second-hand dwelling as well as the circumstances where a development application involving a second-hand dwelling may be considered for approval.	To be reviewed and/or consolidated with relocated / transportable structures based on the definitions as provided in the Scheme. A specific land use is to be included in the Scheme and zoning table. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.15 Commercial Vehicle Parking	May 2016	This policy applies to proposals within the Residential and Rural Residential zones and provides for the limited parking of single commercial vehicles that meet certain criteria which address amenity and land-use conflict concerns.	To be reviewed to ensure provisions are still relevant. A specific land use is to be included in the Scheme and zoning table. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.16 Transportable Structures	May 2016	Provides guidance for the assessment and determination of development applications for sea containers, transportable buildings and railway carriages within the Residential, Rural Residential, Commercial and Special Use Zones.	To be reviewed and/or consolidated with the second-hand dwelling LPP A specific land use is to be included in the Scheme and zoning table. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.17 Industrial and Commercial Development Control	Nov 2017	Guidelines applicable to development within the Industrial and Commercial zone.	To be reviewed to ensure all information is applicable and relevant. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.

DRAFT

Local Planning Policy	Date of Adoption / Last Amendment	Purpose of the LPP	Recommendation
LPP 9.18 Residential Development Guidelines	May 2016	To provide flexible development controls in unique development precincts of the Shire.	To be rescinded as the policy currently only applies to a single area and it has been determined that the intent of the policy can be addressed through the R-Codes deemed-to-comply provisions.
LPP 9.19 Memorials and Public Art	May 2016	Provides general guidelines in respect to development of memorials and public art within the Shire.	To be reviewed to ensure standards are relevant and contemporary. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
LPP 9.20 Ancillary Accommodation – Agricultural, Rural Small Holdings and Rural Residential Zones	May 2016	Establishes guidelines for development of ancillary accommodation in the Rural Residential, Rural Smallholdings, General and Priority Agriculture zones.	To be reviewed to ensure standards are still relevant and/or consolidated to include other applicable accommodation types such as caretakers' dwellings. Some provisions may be removed when provided for in the Scheme or other policy.
LPP 9.21 Balingup Village Centre – Special Character Area	May 2019	To provide guidance in respect to development and redevelopment of land within the Special Character Area in Balingup.	To be reviewed to ensure standards are still relevant as well as provide clarity for development types (i.e. existing or proposed residential as well as commercial).
LPP 9.23 Animal Husbandry – Intensive	May 2016	To establish guidelines for animal husbandry uses and provision of information required to be submitted with a development application.	To be reviewed to ensure provisions are still relevant. Where provisions can be included in the Scheme or alternative policy, this policy may be revoked.
Alfresco Dining	N/A	To control and guide proposals including Alfresco Dining.	To be considered. Where provisions can be included in the Scheme or alternative policy, these policies may not be required.
Tourism / Short Term Accommodation	N/A	To establish guidelines for the consideration of different tourism accommodation uses in the context of the Scheme area and each zone.	
Home Based Businesses	N/A	To provide parameters for establishing Home Businesses based on the context of the Scheme Area and applicable zone (i.e. car parking).	
Heritage	N/A	To provide development guidelines, exemptions and possible incentives for heritage places within the Shire.	
Child Care Premises and Family Day Cares	N/A	To establish parameters for establishment of these facilities within the Shire, specific to the context of each zone.	
Car Parking	N/A	To provide provisions for car parking variations and cash-in-lieu calculations.	

DRAFT

Local Planning Policy	Date of Adoption / Last Amendment	Purpose of the LPP	Recommendation
Public Open Space	N/A	Establishing guidelines for the creation and ongoing maintenance of POS in the Shire based on the context of the applicable zone.	
Landscaping	N/A	Establishing guidelines, acceptable species and ongoing maintenance requirements for landscaping provisions within the Scheme area.	
Community Engagement	N/A	To provide parameters for methods of community engagement and minimum requirements for development and land use based on the context of the community needs.	
Dwelling Typologies	N/A	To establish parameters for the different dwelling typologies that are becoming increasingly common including but not limited to; ancillary accommodation, 'tiny homes', second-hand and/or re-purposed structures (i.e sea containers, dongas, etc.).	
Rural Strata Development	N/A	To establish clear parameters as to the circumstances where rural strata development may be considered and/or the requirements to be addressed when proposing a development of this nature.	
Home Based Operations	N/A	To provide guidance on the development of home-based operations including home businesses, home occupations and home offices within each zone.	

3.5. LOCAL DEVELOPMENT PLANS

Local development plans are prepared in accordance with Division 2 of Schedule 2 of the Regulations to provide guidance for future development in relation to site and development standards and any exemptions from the requirement to obtain development approval. As at January 2023, there are no active local development plans within the Shire.

DRAFT

3.6. STRUCTURE PLANS

Structure plans (including standard structure plans and precinct structure plans) are prepared in accordance with Division 2 of Schedule 2 of the Regulations to provide the basis for zoning and subdivision of land. Precinct structure plans can also be used to inform built form outcomes and the design of public open spaces. An overview of adopted structure plans within the Shire, and implications for the local planning strategy are provided in Part 2, Table 8.

Lot / Dwelling yield calculations within this Strategy need to take into consideration the completion status of each of the Active Structure Plans to ensure an accurate representation of existing land supply and estimated projections is provided. Active Structure Plans should be retained to ensure a consistent approach to development of their respective sites.

Table 8 – Structure Plans

Structure Plan	Date of WAPC Approval / Last Amendment	Purpose of Structure Plan	Mapping Reference	Local Planning Strategy Implications and Responses
ACTIVE STRUCTURE PLANS				
Lot 102 South Western Hwy, Donnybrook (Meldene West)	1 Aug 2018	Plan No. M019/SP/01/P Provides guidance for residential development, including road network, POS, lot density, and drainage, of Lot 102 on the north-western edge of the Donnybrook townsite.	Lot 43, 44, 46, 48, 168-171, 400 (R53663) and 9000 (Balance Lot) on DP416283 Lot 34, 40-42 and 45-47 on DP419475 Lot 35-39 on DP421250	Subdivision approval has been granted over the subject lot for 71 Residential lots and an area of POS. The subdivision has been partially completed. At the time of drafting this Strategy, the proponents are liaising with the relevant agencies to fulfil relevant conditions of the approval for the remaining stages of the approved subdivision.
Lot 108 Kelly Rd, Donnybrook	6 Mar 2020 (Amd 2)	Plan No. SPN 0855M-2 Provides guidance for the residential development and a lifestyle village, including road network, POS, lot density, and drainage, of five lots on the north-eastern edge of the Donnybrook townsite.	Lot 9500 on DP76897 Lot 9501 on DP76897 Lot 100 on DP418490 Lot 9502 on DP76897 Lot 9503 on DP76897	Subdivision approval has been granted over Lot 9500 (WAPC 158993 dated 29 June 2020) and a portion of Lot 9501 (WAPC 158988 dated 29 June 2020). A Development Approval for a park home / lifestyle village site has also been issued for Lot 100 (P18057 dated 26 June 2019). At the time of drafting this Strategy, the proponents of the subdivisions are liaising with the relevant agencies to fulfil relevant conditions of the approval.
Lot 72 Walter St, Balingup	26 Nov 2013	Plan No. 08011P-SP-03 Provides guidance for residential development, including road network, POS, lot density, and drainage, of Lot 72 Grimwade Road / Walter Street on the northern edge of the Balingup townsite.	Lot 72 on DP29030	Subdivision approval has been granted over the subject lot for 30 Residential lots and an area of POS. The subdivision was approved by the WAPC on 27 October 2021 (WAPC 161049). At the time of drafting this Strategy, the proponents are liaising with the relevant agencies to fulfil relevant conditions of the approval, including the requirement to develop an LDP for the lots.

DRAFT

Structure Plan	Date of WAPC Approval / Last Amendment	Purpose of Structure Plan	Mapping Reference	Local Planning Strategy Implications and Responses
TRANSITIONAL STRUCTURE PLANS				
Lot 141 Sharp St, Donnybrook	14 Nov 2005	Plan No. 020113P (AMD 47) Aged Persons Accommodation		These Structure Plans have substantially commenced or been completed but remain valid so may be given due regard when contemplating proposed developments.
Lot 93 Marmion St (Brookdale Rise), Donnybrook	13 Feb 2006	Plan No. 05354P-09 (AMD 1 balance of site revised plan) Residential		
Lot 259 Brockman St, Balingup	24 Apr 2007	Plan No. 061101P-02 (AMD 62) Tourist		
Lot 8120 and 8132 Balingup Nannup Rd, Balingup	24 Apr 2007	Plan No. 0512-006 (AMD 63) Tourist		
Lot 1, Location 1264 Preston – Collie Rd, Mumballup	18 Jul 2007	Plan No. ODP Drawn 18-06-2007 (AMD 56) Tourist		
Lot 1 Jayes Rd, Balingup	31 Jul 2007	Plan No. 04350P-09 (AMD 60) Tourist		
Portion of Lot 106 Grimwade Rd, Balingup	5 Feb 2008	Plan No. RPA 37 (AMD 75) Rural Residential		
Location 1922 Anderson Rd, Kirup	18 Mar 2008	Plan No. 801.061 (AMD 51) Tourist		
Lot 176 and Portion Lot 500 South Western Hwy, Donnybrook	28 May 2009	Plan No. 13312-02F (AMD 65) Industrial / Commercial		
Lot 21 Bentley St, Donnybrook	4 Sep 2009	Plan No. 07234P-SU-14C Residential		
Lot 4 Eastman Rd, Thomson Brook	23 Mar 2010	Plan No. Figure 3 of Scheme Amendment Report (AMD 90) Tourist		
Lot 3298 and Portion of Lot 3192 Hamilton Street, Donnybrook	12 Aug 2010	Plan No. 07191P-01A (AMD 72) Rural Residential (Irishtown Heights)		
Lot 12 South Western Hwy, Balingup	15 May 2012	(AMD 92)		
Lot 3298 Brazier St, Donnybrook	19 Oct 2015	(AMD 19) Rural Residential (Scaffidi Place)		
Lot 809 Perserverance Boulevard, Argyle	28 Jun 2016	Plan No. SPM/0771M-1 Rural Residential		

DRAFT

4.0. Local Government Profile

The traditional owners, the Noongar people of the South West, inhabited this country for some 40,000 years before European occupation. The area was known as Kaniyang.

Located 213 kilometres south of Perth and 40 kilometres south-east of Bunbury, the Shire of Donnybrook Balingup covers 1,541km² of land and includes the following towns and localities:

Argyle	Cundinup	Mullalyup	Southampton
Balingup	Donnybrook	Mumballup	Thomson Brook
Beelerup	Glen Mervyn	Newlands	Upper Capel
Brazier	Grimwade	Noggerup	Wilga West
Brookhampton	Kirup	Paynedale	Yabberup
Charley Creek	Lowden	Queenwood	

The Shire borders seven other local governments including the Shires of Collie, Dardanup, Capel, Nannup, Bridgetown-Greenbushes and Boyup Brook as well as the City of Busselton. The Shire is also within the Bunbury-Geographe sub-region, therefore, provisions of the Bunbury-Geographe Sub-Regional Strategy (BGSRS) are applicable (DPLH and WAPC, 2022).

Based on the available ABS census data, the population of the Shire of Donnybrook Balingup has experienced sustained population growth since 2001, with a current population of 6,155 (ABS, 2021).

Rich red clay and loam soils provide a fertile environment for fruit orchards and other horticulture and viticulture pursuits as well as livestock farming. A high number of small holdings and hobby farms provide opportunities for couples and families who wish to enjoy a rural lifestyle, whilst being in commuting distance of a range of employment options.

The Shire has a temperate Mediterranean climate with wet and cool winters and dry and warm summers. The average annual rainfall is ~969.8mm with ~98 days receiving more than 1mm of rain per year. This is significantly higher than Perth where the average annual rainfall is ~736.8mm with ~81 days of the year experiencing more than 1mm of rain (BoM, 2022a; BoM, 2022b). The average temperatures of the area, when compared to Perth, are shown in Figure 3.

DRAFT

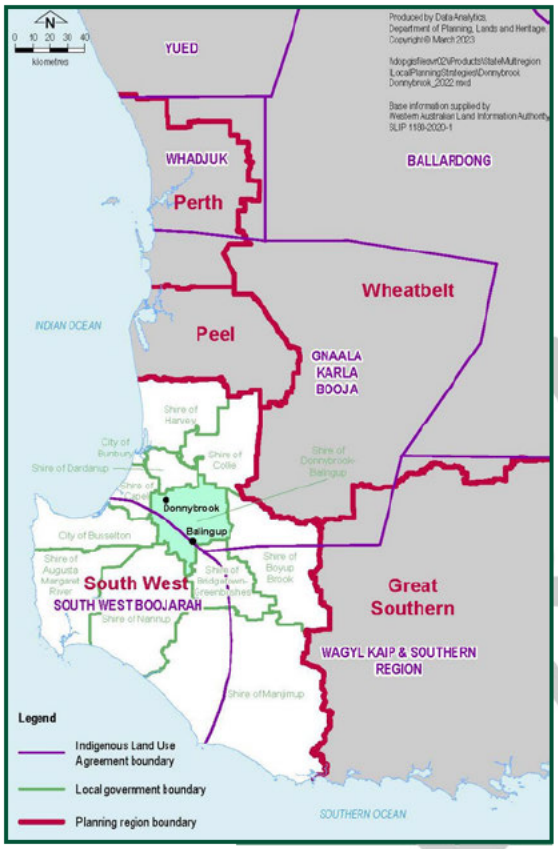


Figure 1 – Map of the Region showing the Shire and the Aboriginal regions (SWALSC, 2022a; SWALSC, 2022b; SWALSC 2022c; SWALSC, 2022d)

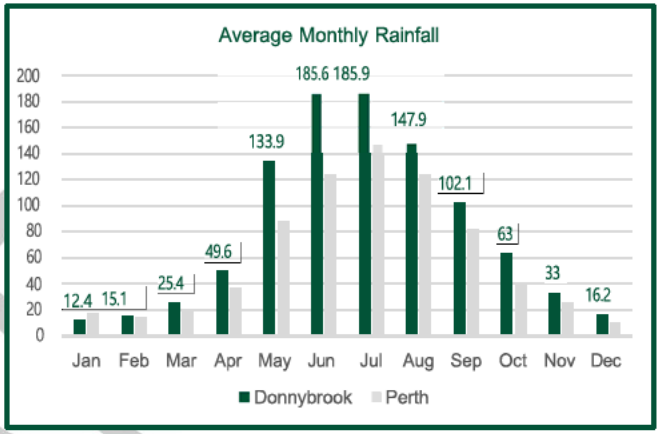


Figure 2 – Average monthly rainfall for Donnybrook and Perth (BoM, 2022a; BoM, 2022b).

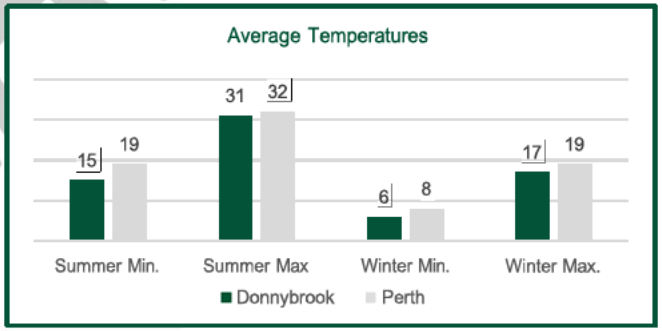


Figure 3 – Average minimum and maximum temperatures for Donnybrook and Perth (BoM, 2022a; BoM, 2022b).

4.1. DEMOGRAPHIC PROFILE AND KEY STATISTICS

The Shire's general demographic profile is used to inform future planning for housing, community infrastructure, transport, open space, service infrastructure and the local economy. The following table outlines a summary of the key demographic statistics for the Shire as available through ABS data for 2021 (unless otherwise stated) (ABS, 2020a; ABS, 2020b; ABS, 2021). Unless otherwise shown in italics, the calculated percentages are of the whole population. As per the disclaimer for this document, the information provided is based on available ABS data, however there may be minor discrepancies due to the methodology adopted by the ABS in collating such data.

Table 9 – Summary of key demographics for the Shire of Donnybrook Balingup (ABS, 2020a; ABS, 2020b; ABS, 2021).

Demographic		Donnybrook Balingup		Western Australia	
Population	Population	6,155		2,660,026	-
	Population change (2001 – 2021)	+1,858	(+43.2%)	+828,018	(+45.2%)
	Population density (persons/km²) (2020)	3.9	-	1.1	-
	Aboriginal and/or Torres Strait Islander population	153	(2.5%)	88,693	(3.3%)
Gender	Female	3,112	(50.56%)	1,337,171	(50.3%)
	Male	3,039	(49.37%)	1,322,855	(49.7%)
	Not specified	4	(0.06%)	0	(0%)
Age	Median Age – Shire of Donnybrook Balingup	49	-	38	-
	Median Age – Donnybrook Townsite	45	-	-	-
	Median Age – Balingup Townsite	56	-	-	-
	Age change (2011 – 2021)	+5 years	-	+2 years	-
	Children 0 – 14	1,024	(16.6%)	505,784	(19%)
	Teens 15 – 19	319	(5.2%)	153,263	(5.8%)
	Adults 20 – 39	1,073	(17.4%)	732,078	(27.5%)
	Adults 40 – 59	1,657	(26.9%)	689,621	(25.9%)
	Adults 60 – 79	1,798	(29.2%)	476,061	(17.9%)
	Adults > 80	296	(4.8%)	103,208	(3.9%)
Ethnicity	Language other than English spoken at home	678	(11.0%)	327,020	(12.3%)
	People born outside Australia	1,140	(18.5%)	857,644	(32.2%)
	One or more parents born overseas	2,333	(37.9%)	1,478,997	(55.6%)
Education	Number of persons attending an education institution	1,493	(24.3%)	807,143	(30.3%)
	Attending Preschool	84	(1.4%)	45,452	(1.7%)

DRAFT

Demographic		Donnybrook Balingup		Western Australia	
	Attending Primary School	463	(7.5%)	222,555	(8.4%)
	Attending Secondary School	342	(5.6%)	175,841	(6.6%)
	Attending vocational education (including TAFE and private)	105	(1.7%)	59,897	(2.2%)
	Attending university or other higher education	63	(1.0%)	112,067	(4.2%)
	Highest level of education being Year 8 or below	175	(2.8%)	54,960	(2.1%)
	Highest level of education being Year 9 or equivalent	271	(4.4%)	68,513	(2.6%)
	Highest level of education being Year 10 or equivalent	1,449	(23.5%)	397,978	(15.0%)
	Highest level of education being Year 11 or equivalent	557	(9.0%)	181,156	(6.8%)
	Highest level of education being Year 12 or equivalent	2,094	(34.0%)	1,199,462	(45.1%)
	Highest level of non-school qualifications (university, diploma or certificate)	2,531	(41.1%)	1,169,648	(44.0%)
	Did not go to school	24	(0.4%)	14,709	(0.5%)
Religion	No Religion	3,035	(49.3%)	1,130,094	(42.5%)
	Catholic	950	(15.4%)	496,847	(18.7%)
	Anglican	888	(14.4%)	269,583	(10.1%)
	Christian	205	(3.3%)	89,919	(3.4%)
	Not Stated	489	(7.9%)	211,684	(8.0%)
Household Composition	Average household size in persons	2.4	-	2.5	-
	Total number of 'families'	1,726	-	703,130	-
	Total number of persons recorded as being within families	4,610	(74.9%)	2,027,441	(76.2%)
	Persons in couple family without children	1,795	(29.2%)	536,331	(20.2%)
	Persons in couple family with children	2,303	(37.4%)	1,194,449	(44.9%)
	Persons in one parent family	475	(7.7%)	273,611	(10.3%)
Dwellings	Number of private dwellings *(% calculated from total dwellings)*	2,646	*(94%)*	1,082,844	*100%*
	Occupied *(% calculated from count of private dwellings)*	2,305	*(87.1%)*	964,734	*(89.1%)*
	Unoccupied *(% calculated from count of private dwellings)*	340	*(12.8%)*	118,109	*(10.9%)*
	Separate house *(% calculated from count of private dwellings)*	2,221	*(83.9%)*	769,038	*(67%)*
	Owned outright *(% calculated from count of private dwellings)*	996	*(37.6%)*	242,407	*(22.4%*
	Owned with mortgage *(% calculated from count of private dwellings)*	867	*(32.8%)*	344,066	*(31.8%)*
	Rented *(% calculated from count of private dwellings)*	337	*(12.7%)*	161,507	*(14.9%)*
Employment	Number of persons aged 15 years and over (eligible for workforce)	5,132	(83.4%)	2,154,244	(81.0%)

DRAFT

Demographic		Donnybrook Balingup		Western Australia	
	In the labour force *(% calculated from eligible workforce)*	2,891	*(56.3%)*	1,376,251	*(63.9%)*
	Not in the labour force *(% calculated from eligible workforce)*	1,904	*(37.1%)*	641,842	*(29.8%)*
	Unemployed *(% calculated from those in labour force)*	121	*(4.2%)*	70,001	*(5.1%)*
	Employed Full Time *(% calculated from eligible workforce)*	1,571	*(54.3%)*	786,345	*(57.1%)*
	Employed Part Time *(% calculated from eligible workforce)*	954	*(33.0%)*	439,984	*(32.0%)*
	Total number of jobs (2019)	5,413	-	2,144,991	-
	Total number of businesses (2020)	729	-	2,422,404	-
Industry	Number of persons listing industry of employment *(The following %'s are calculated from this figure)*	2,774	-	1,306,249	-
	Agriculture, Forestry and Fishing	376	*(13.5%)*	29,641	*(2.3%)*
	Health Care and Social Assistance	311	*(11.2%)*	177,570	*(13.6%)*
	Mining	287	*(10.3%)*	98,036	*(7.5%)*
	Construction	252	*(9.1%)*	115,090	*(8.8%)*
	Retail Trade	214	*(7.7%)*	114,617	*(8.8%)*
	Education and Training	202	*(7.3%)*	114,415	*(8.8%)*
	Public Administration and Safety	147	*(5.3%)*	77,420	*(5.9%)*
	Accommodation and Food Services	143	*(5.1%)*	85,241	*(6.5%)*
	Manufacturing	142	*(5.1%)*	68,785	*(5.3%)*
	Transport, Postal and Warehousing	115	*(4.1%)*	59,111	*(4.5%)*
	Administrative and Support Services	103	*(3.7%)*	40,292	*(3.1%)*
	Professional, Scientific and Technical Services	81	*(2.9%)*	90,117	*(6.9%)*
	Wholesale Trade	55	*(2.0%)*	32,226	*(2.5%)*
	Electricity, Gas, Water and Waste Services	46	*(1.7%)*	15,135	*(1.2%)*
	Rental, Hiring and Real Estate Services	33	*(1.2%)*	18,626	*(1.4%)*
	Arts and Recreation Services	22	*(0.8%)*	21,131	*(1.6%)*
	Financial and Insurance Services	16	*(0.6%)*	28,251	*(2.2%)*
	Information Media and Telecommunications	11	**(0.4%)**	10,087	*(0.8%)*
	Other Services	97	*(3.5%)*	50,545	*(3.9%)*
	Inadequately Described / Not Stated	124	*(4.5%)*	59,901	*(4.6%)*
Income / Expenses	Median weekly personal income	$658	-	$848	-

DRAFT

Demographic		Donnybrook Balingup		Western Australia	
	Median weekly family income	$1,688	-	$2,214	-
	Median weekly rent	$290	-	$340	-
	Median monthly mortgage repayments	$1,562	-	$1,842	-
	People with less than $300 household weekly income *(% of eligible workforce)*	971	*(18.9%)*	371,122	*(17.2%)*
	People with less than $400 household weekly income *(% of eligible workforce)*	1,436	*(28.0%)*	524,901	*(24.4%)*
	People with less than $650 household weekly income *(% of eligible workforce)*	2,344	*(45.7%)*	821,447	*(38.1%)*
	People with less than $800 household weekly income *(% of eligible workforce)*	2,737	*(53.3%)*	966,608	*(44.4%)*
	People with more than $800 household weekly income *(% of eligible workforce)*	2,002	*(39.0%)*	1,032,307	*(47.9%)*
Motor Vehicles	Total registered motor vehicles (2020)	6,827	-	2,278,760	-
	Average vehicles per dwelling	2.2	-	1.9	-
	Average commuting distance to work (2016)	29.4 kms	-	16.2 kms	-
Internet	Internet accessed from dwelling (2016)	1,727	(80.9%)	737,659	(85.1%)
	Internet not accessed from dwelling (2016)	359	(16.8%)	108,489	(12.5%)
Land Areas	Total area	155,985.6ha		252,664,623.9ha	
	Total protected land (2020)	7,876ha	(5.0%)	58,801,088ha	(23.3%)
	Aboriginal protected land area (2020)	-	-	-	13.4%
	National Parks (2020)	-	4.5%	-	4.9%
	Nature Reserves (2020)	-	0.4%	-	4.1%
	All other protected land areas (2020)	-	0.1%	-	1%

DRAFT

4.2. COMMUNITY, URBAN GROWTH AND SETTLEMENT

The Shire has experienced sustained population growth in recent years with an increase in population of over 43% since 2001 (ABS, 2001; ABS 2021). Notwithstanding that the growth rate has slowed in recent years, based on the population projections in Part 2, section 5.0, the Shire's population is expected to continue to grow over the life of the Strategy by an approximate rate of 0.5% to 1% per year.

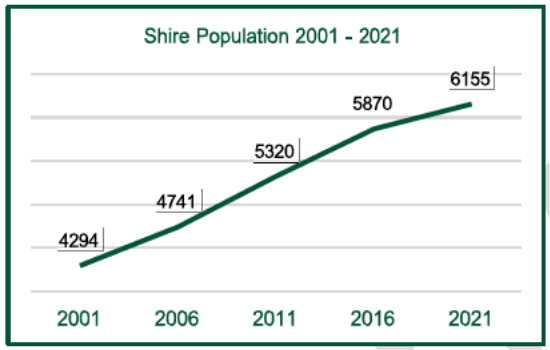


Figure 4 – Population of the Shire as derived from ABS Census data (ABS, 2001; ABS, 2006; ABS, 2011; ABS, 2016; ABS, 2021).

ABS statistics indicate that the Shire's population is ageing with an increase to the average age of 5 years since 2011 (44 to 49 years old) (ABS, 2011; ABS, 2021). Whilst it appears that the Shire's average age may be increasing, there is currently a relative spread in age groups within the population, with a decrease in people within the 20s and 30s cohort as well as the over 75s.

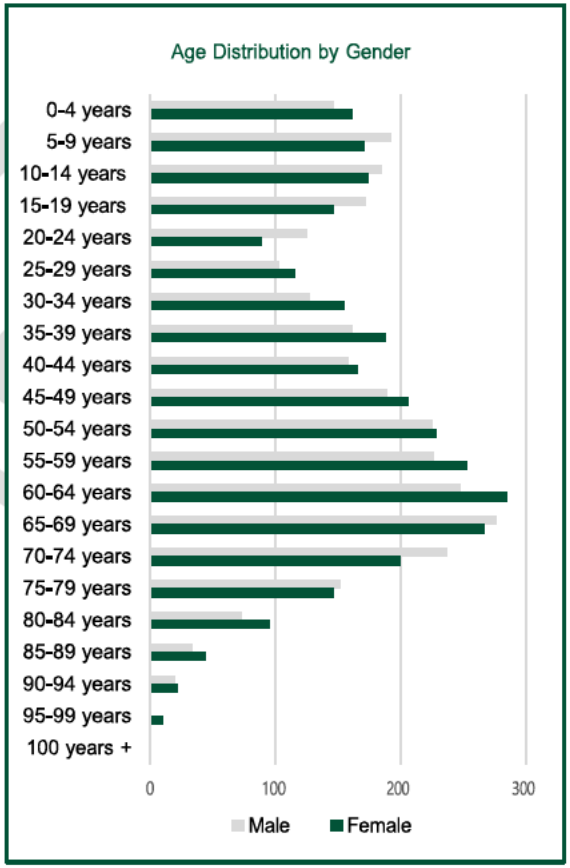


Figure 5 – Age Distribution of the Shire by Gender (ABS, 2021).

DRAFT

4.2.1. ACCOMMODATION AND HOUSING

Of the occupied private dwellings within the Shire, over 96% are separate, detached houses which is more than the portion for the State at 79.7% (ABS, 2021). Over 42% of dwellings have 4 or more bedrooms with less than 17% having 2 or less and an average of 3.3 bedrooms per dwelling (ABS, 2021).

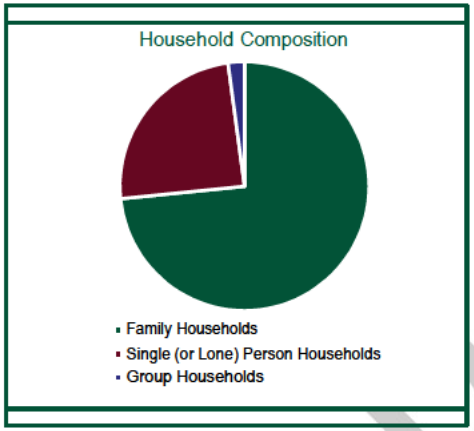
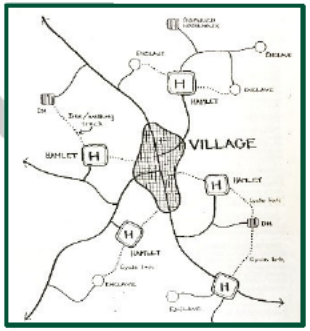


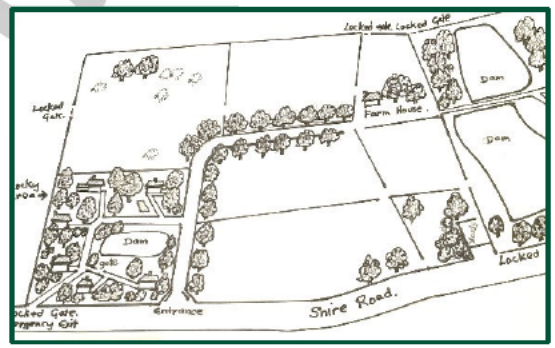
Figure 6 – Household composition within the Shire (ABS, 2021).

The Shire is made up of predominantly 'family' households however there is over 24% single or lone households (ABS, 2021). By providing for a variety of housing typologies and land sizes, it can attract a broader range of people (age, marital status, demographic, etc.) whilst also facilitating the ability of residents to 'age in place' as it can accommodate the changing and diverse needs of an ageing population.

A desktop review of existing development capabilities of Residential and Rural Residential has been undertaken in Part 2, section 6.0. The challenge the Shire faces with providing a variety of housing and accommodation typologies is the constraints on available land, specifically lack of essential services and bushfire prone areas. The Strategy has identified actions to address these matters.

The Shire has experienced increased interest, particularly from the Balingup community, for low-density, rural-style strata development that is sustainable from an environmental and general maintenance point of view that maintains the rural amenity of the area. The Balingup Progress Association has requested consideration of 'cluster' development based on curriculum developed by Peter Cuming and Robyn Francis in the early 1990's that addresses sustainable community development, urban renewal, rural land-sharing communities and residential development (Francis, 2019). The below conceptual images have been provided by the Balingup Progress Association:





A similar example of this style of development exists within the Balingup townsite at Lot 2 on P12867 (Jayes Road) which contains six strata lots with shared on-site sewer, internal driveways and open space:

DRAFT

Figure 7 – Lot 2 Jayes Road, Balingup

The Shire considers there is merit to this type of development on a broader scale and will consider developing appropriate Scheme and/or Policy provisions for a Special Control Area surrounding the Balingup townsite. The Shire considers that a 3km radius provides reasonable distance to the townsite of Balingup to facilitate sustainable rural strata development proposals. As shown in Part 1, section 4.0, Figure 6 and 12, the majority of properties within 3kms of Balingup are less than 60ha and could potentially facilitate strata development with certain parameters. For example:

- 'Parent' strata lot not to exceed 2ha or 10% of the site, whichever is the lesser;
- Maximum lot yield of 1 strata lot per 2,000m^2;
- Sufficient common property and shared facilities to be provided (i.e. access, water, sewer, etc)

The details of rural strata development will be finalised through appropriate Scheme and/or Policy provisions.

4.2.2. BUILT FORM AND CHARACTER

The Shire's built form and character varies with each different locality and townsite. As early European explorers made their way into the district between 1829 and 1835, the area was developed which resulted in slight variations to each townsite's built form that is equally valued by each individual community (SoDB, Farrow, L. and Chinnery, R., 2013).

4.2.3. HERITAGE

As outlined in the Shire's Council Plan, the Shire's heritage is of particular importance to the community so it is essential that appropriate provisions are in place to reflect this (SoDB, 2022). Similarly, in the recent preliminary community engagement survey outlined in section 7.0, history, culture and heritage was one of the top responses that participants felt contributes to the Shire's "sense of community and country charm" (SoDB, 2022).

The Shire acknowledges the Noongar people who are the traditional custodians of the land on which the Shire sits, partially within both the Gnaala Karla Booja and South West Boojarah regions, as shown in Part 2, section 4.0, Figure 1 (SWALSC, 2022a; SWALSC, 2022b; SWALSC 2022c; SWALSC, 2022d). The Shire also acknowledges other Aboriginal language groups who live in the area.

According to the DPLH's Aboriginal Heritage Inquiry System online database, there are a number of Aboriginal Sites located within the Shire – 7 known 'Registered Aboriginal sites' and 23 'Other known heritage sites' (DPLH, 2022b). Under the *Aboriginal Cultural Heritage Act 1972* the places and areas for protection will be listed in the Aboriginal Cultural Heritage Directory. The places for protection may include places of cultural landscape and sites of Aboriginal ancestral remains.

Consultation with the local Aboriginal community is important to ensure impacts to heritage are appropriately considered, protected and acknowledged. In addition, the Shire is continuing to liaise with the DPLH regarding the South West Native Title Settlement to finalise the Noongar Land Estate to be held by the Noongar Boodja Trust to provide significant opportunities for the Noongar community to achieve sustainable economic, social and cultural outcomes (SWALSC, 2022c; SWALSC, 2022d).

Since European settlement, the history of development within the Shire has resulted in a number of places being identified as having cultural and historical significance. Similar to the Shire's built form and character, the Shire's heritage varies from townsite to townsite which cumulatively contributes to the overall character of the Shire.

The *Heritage Act 2018* requires all local governments to identify places of cultural heritage significance on a Local Heritage Survey (LHS), previously referred to as a Municipal Heritage Inventory (MHI), however this holds no statutory power of protection (DPLH, 2022a). Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the Shire must also establish and maintain a heritage list of places worthy of statutory built heritage conservation. Similarly, the Heritage Council of Western Australia, with the assistance of the DPLH, manage and maintain the State Register of Heritage Places which is the highest level of statutory

DRAFT

protection reserved for those places of State cultural heritage significance and is established under the *Heritage Act 2018*.

The Shire requires an extensive review of its current heritage documentation to ensure a contemporary and accurate framework is adopted to protect and highlight the Shire's heritage. The most recent LHS / MHI was developed in 2013 with 69 places identified of cultural heritage significance of which 12 are included on the State Register of Heritage Places. The Shire has recently engaged a consultant to undertake a review of all heritage places within the Shire with the intent to create a comprehensive and contemporary LHS, Heritage List and Local Planning Policy.

4.2.4. PUBLIC OPEN SPACE

The Shire enjoys a number and variety of public open spaces, providing passive and active recreation opportunities to the community. The Shire prides itself on establishing and maintaining suitable, adequate and quality spaces for the community to utilise. The Shire was recently nominated in four categories under the 2022 Tidy Town Sustainable Community awards including: Environmental Sustainability; General Appearance; Community Containers for Change; and State Winner (KAB WA, 2022).

Notwithstanding the benefits of quality POS, ongoing maintenance responsibilities presents a significant resourcing impact to the Shire, particularly where the provision of the space is for the purpose of servicing new residential development. Provision and standard of public open space needs to be thoroughly considered at the early stages of planning and development to ensure a sustainable approach to ongoing maintenance and asset management is adopted that ensures longevity and continued enjoyment by the community.

4.2.5. COMMUNITY INFRASTRUCTURE

Similar to public open space, the demand for increased and/or improved community infrastructure will continue to grow in line with sustained population growth. Where new infrastructure is identified, the Shire may need to consider the implementation of developer contribution areas / policies to ensure costs are appropriately offset.

The Shire engaged Lush Fire & Planning to complete the relevant BHL assessment for this Strategy which are provided in Appendix 10.4. As outlined in the report, there are several constraints identified that will need to be addressed when planning for any strategic development of the identified Planning Areas in Part 1. It is the Shire's expectation that these requirements are addressed by any proponent / landowner / developer when proposing a Structure Plan and/or re-zoning (Scheme Amendment) of the relevant Planning Area.

When considering bushfire management at the development application stage, the requirements of SPP 3.7 can present many obstacles and restrictions on the use of land, particularly with tourist-based development, which in many cases can restrict development altogether. This has a significant impact on the Shire's economic, tourist and social environments. In some cases, a reasonable and practical approach to planning for bushfire risk and management is required to ensure continued growth and development of the Shire that does not pose an unacceptable or unmanageable risk to property and human safety.

Similarly, as evident in Part 1, section 4.0, Figure 4, the Shire contains a number of significant waterways and tributaries that contribute to the overall sense of place and valued natural environment. However, these waterways, in combination with the Shire's high rainfall, present a number of challenges with regards to flooding and stormwater management.

4.2.6. SETTLEMENT SUSTAINABILITY

The Shire's settlement pattern is characterised by two predominant towns, Donnybrook and Balingup, and a number of secondary and smaller settlements. The Bunbury Geographe Sub-Regional Strategy (BGSRS) outlines a settlement hierarchy which specifically includes the townsites of Donnybrook, Balingup, Kirup and Mullalyup (DPLH and WAPC, 2022). The ongoing sustainability of the Shire's settlements is important to their longevity so opportunities for growth and investment should be explored.

Whilst some smaller localities are limited in terms of services and infrastructure, a number are considered to hold Strategic importance as they provide potential for low to medium growth opportunities. These are identified and outlined within Part 2, Table 10.

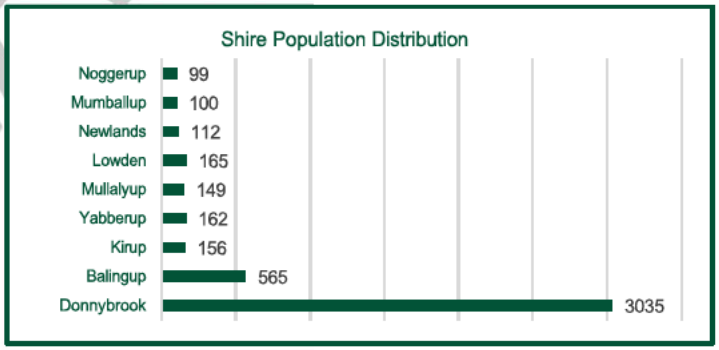


Figure 8 – Population distribution by locality within the Shire (ABS, 2021).

DRAFT

Table 10 – Shire Settlement Hierarchy.

Settlement	Hierarchy Category	Description
Donnybrook	Major Town	As detailed in the BGSRS, "*settlements within the major town, town and village tiers offer a level of service that generally deals with the daily needs of their service population. Three separate tiers allow for distinction to be made where particular settlements service a larger population catchment and/or offer a greater number of services relative to others. The assignment of settlements to the respective tiers is considered within the context of that particular region*". (DPLH and WAPC, 2022:13) It should be noted that all of these settlements have relatively limited services with Balingup, Kirup and Mullalyup having no provision for reticulated sewer.
Balingup	Town	
Kirup	Village	
Mullalyup	Village	
Yabberup	Hamlet	Whilst not identified within the BGSRS, the Shire considers that these localities hold strategic importance based on their location along major transport networks as well as linkages to areas of regional significance. For example, Lowden is located at the intersection of the Donnybrook – Boyup Brook Road and Fergson Road which is a key tourism route to the Ferguson Valley. These smaller settlements are generally restricted in terms of services and infrastructure provision however they are identified within this Strategy as hamlets as they hold an opportunity for low to medium growth opportunities. This Strategy provides for flexibility in development opportunities, including the potential rezoning of land to Rural Townsite.
Lowden	Hamlet	
Newlands	Hamlet	
Mumballup	Hamlet	
Noggerup	Hamlet	

DRAFT

4.3. ECONOMY AND EMPLOYMENT

The Shire supports local job creation and encourages greater diversification of the local economy to make it more "robust". This includes supporting value adding of agricultural production, tourism, recreation, home based employment and rural living development. A diversified Shire economy has a greater capacity to withstand fluctuations in the agricultural commodity markets along with seasonal factors.

Sound planning practice can positively influence the conditions required for investment and economic growth in the townsites and the Shire whilst minimising conflict between differing land uses. Efficient settlement patterns, better resource management and improved governance arrangements for development assessment and infrastructure provision can assist in contributing to higher rates of economic growth.

According to the REMPLAN Economy report created by Regional Development Australia in 2022, the Shire's total outputs were estimated at $627,036,000 with agriculture, forestry and fishing accounting for over 30% of this at $193,994,000.

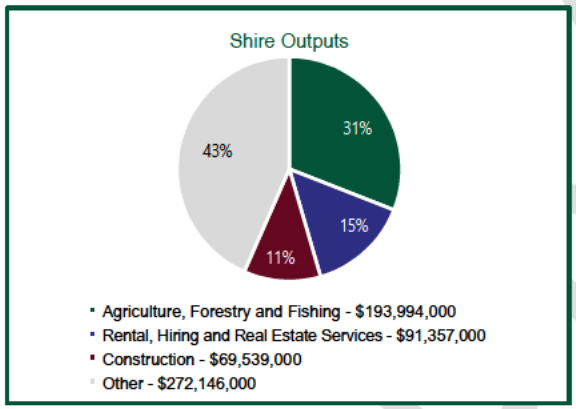


Figure 9 – Distribution of Shire outputs totalling $627,036,000.

The Shire's labour force is predominantly made up of those aged 35 – 64-years with the majority employed in a full-time capacity.

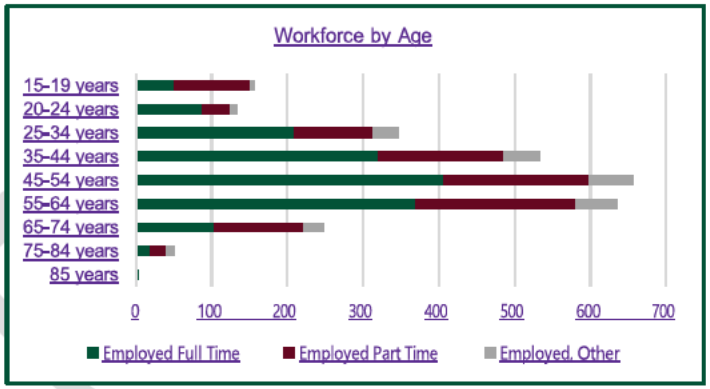


Figure 10 – Total workforce within the Shire categorised by age (ABS, 2021).

A slightly higher number of males are employed within the Shire compared to females whilst a slightly higher number of males are also unemployed within the Shire compared to females.

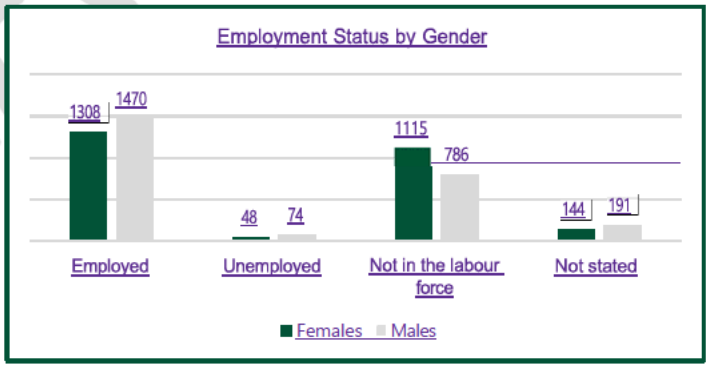


Figure 11 – Employment status by gender (ABS, 2021).

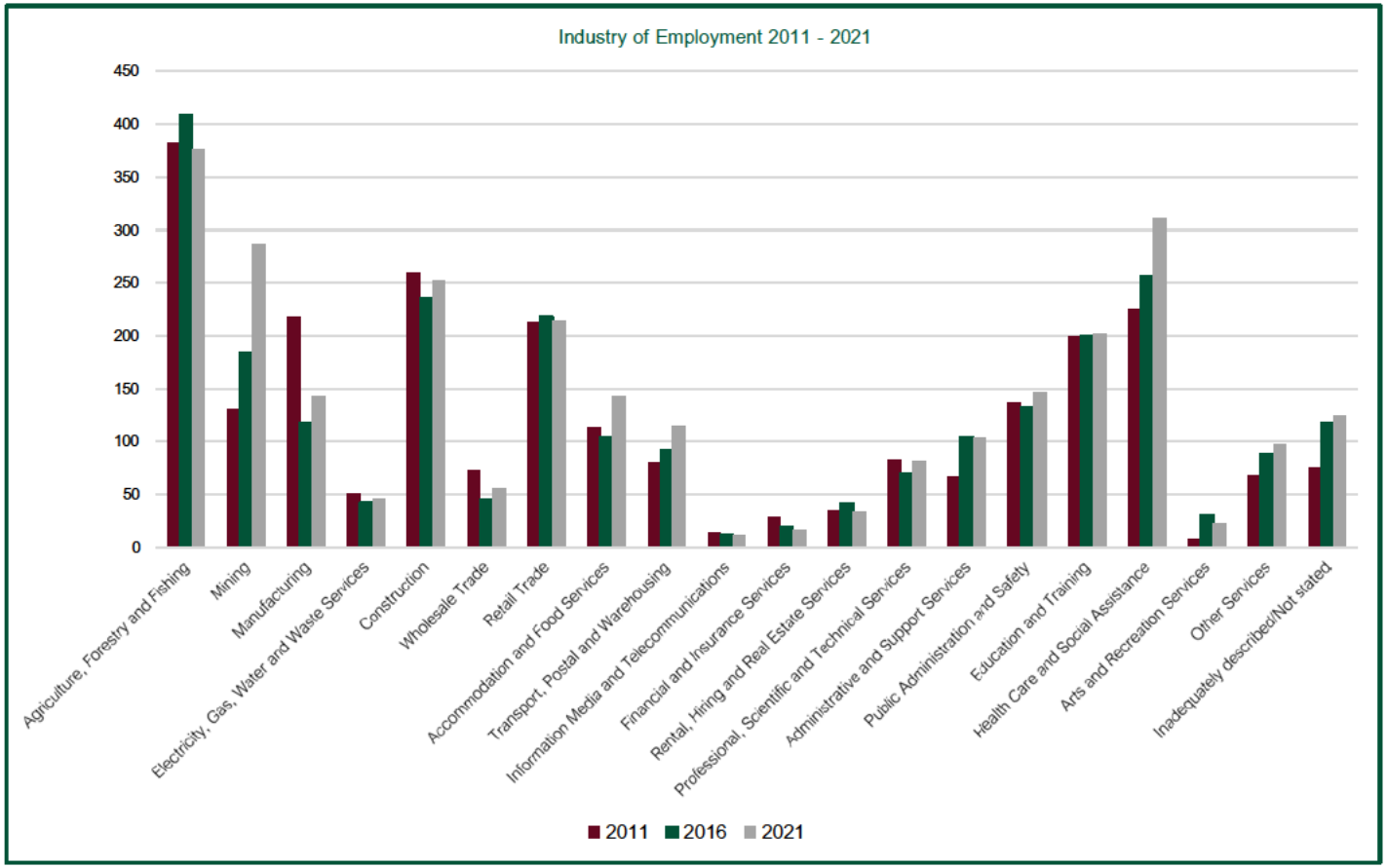


Figure 12 – Changes to employment by each industry from 2011 to 2021 (ABS, 2011; ABS, 2016; ABS, 2021).

4.3.1. AGRICULTURE

Agriculture, forestry and fishing remain the leading industries for local employment equating to 13.5% of the Shire's labour force as outlined in Part 2, section 4.0. According to ABS data, in 2020, out of a total of 729 businesses within the Shire, agriculture provided employment for over 40% with the next highest number of businesses being associated with the construction industry at 13% (ABS, 2020a).

Across the region, the agriculture sector is experiencing changes to the social, economic and environmental conditions that have the potential to impact the overall longevity of rural industries. Since 2011, the agriculture, forestry and fishing industries have seen fluctuations in employment numbers with a 7% increase from 2011 to 2016, then a decrease of 8% from 2016 to 2021 as shown in Part 2, Figure 12 (ABS, 2011; ABS, 2016; ABS, 2021). The risk that employment numbers continue to fall is something that the Strategy endeavours to address by identifying opportunities to facilitate growth and sustainability, particularly in the agriculture sector. There is an opportunity to facilitate 'value-adding' industries in conjunction with existing agricultural industries to encourage increased diversification, which in turn, creates a more durable rural community.

The need to balance 'traditional' and 'non-traditional' land uses should be carefully considered. In addition, the Shire experiences occasional pressure to re-zone and/or subdivide land for Residential and/or Rural Residential purposes. Careful planning is required to address suitable areas for future growth that ensures continued protection of the agricultural industry as a whole.

There are currently 366 privately owned lots that exceed 60 hectares within the Shire which equates to 16% of the total number of lots and a total area of 36,173 hectares. This is spatially represented in Appendix 10.2. There is an opportunity to apply the provisions of homestead lots as outlined DCP 3.4 to the Shire, to encourage ongoing succession and sustainability of farming within the region for those lots larger than 60 hectares.

4.3.2. TOURISM

The Shire is increasingly becoming a popular place of interest for visitors and tourists which is an industry of key importance to the community. The impacts of COVID have been experienced within the tourism industry within the Shire over recent years in varied ways. The Shire will need to determine the most appropriate means within the local planning framework to take advantage of the increasing tourism growth whilst minimising potential land use conflicts.

Tourism accommodation continues to be in high demand as well as the rising rural tourist industry. The Shire will continue to actively encourage such development, subject to it being complementary to existing or predominant rural activities. The zoning table in LPS7 currently restricts tourism-based development, including accommodation, in a number of zones which the Shire will review as part of this Strategy and determine where these uses can reasonably be considered.

One of the key challenges with tourism development is the existing planning framework, particularly at the State level, including bushfire management and vehicular access via MRWA controlled roads.

As outlined in Part 2, section 4.4.6, over 82% of the Shire is within a designated bushfire prone area where development is required to comply with the relevant provisions of SPP 3.7. Most tourism uses are classified as 'vulnerable land uses' under SPP 3.7 which require additional measures when considering bushfire risk and management. In many cases, these requirements present many challenges for developers and in some cases, can prohibit any development at all. However, with increasing bushfire events, the risks of bushfire to property and human life have to be seriously considered.

The challenge is finding a balance between facilitating development opportunities without creating an unacceptable and unmanageable risk to property and human life, particularly for tourist developments where patrons are typically in unfamiliar surroundings. In this regard, the Shire considers that low impact tourist development, particularly accommodation proposals, where there is a permanent on-site host, presents a different risk to those 'un-hosted' tourist facilities and should be assessed accordingly.

As outlined in Part 2, section 4.5.2, the Shire contains a number of key vehicular routes with high traffic volumes, some of which are under the care and control of MRWA. South Western Highway, Goodwood Road, Donnybrook – Boyup Brook Road and the Balingup Nannup Road are all key roads under the care and control of MRWA who have stringent standards with regards to access requirements in order to safely manage the traffic. This can present significant costs to tourism development, that in some cases renders proposals economically unviable. The Shire considers that low impact tourism proposals, including small scale accommodation proposals, should be reasonably considered.

4.3.3. TOWN CENTRES

The longevity of the Shire's town centres is integral to the sustainability of the community as a whole. It is important that town centres remain vibrant and of high aesthetic quality to ensure that they are desirable places for community and visitors alike.

The two key townsites, Balingup and Donnybrook, contain 280 and 2,786 people respectively, as shown in Part 2, Figure 13. The population distribution for the entire suburbs / localities is illustrated in Figure 8, in Part 2, section 4.2.6.

DRAFT

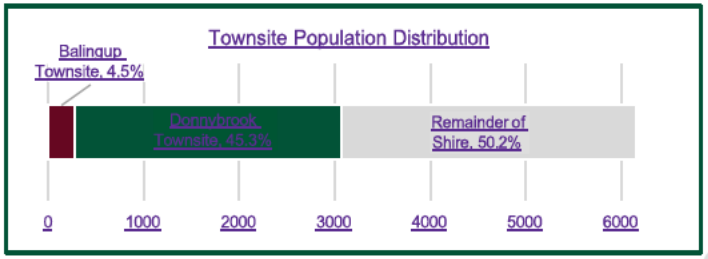


Figure 13 – Population of Balingup and Donnybrook townsites in relation to the rest of the Shire (ABS, 2021).

The Shire will take a practical approach to development proposals, particularly within town centres, to ensure a suitable quality of development whilst managing potential impacts appropriately.

4.3.4. CATERING FOR INDUSTRY GROWTH

There is a significant amount of Industrial zoned land already identified within Donnybrook however it presents significant challenges with site constraints including servicing requirements, native vegetation and topographical challenges. The Shire will need to continually advocate for government agency support to facilitate development of this land.

In addition, the Shire, like many other regional areas, is experiencing an increased demand for workforce accommodation. This is of particular importance to the Shire as industry within the region continues to expand, for example, the lithium mine within the Shire of Bridgetown Greenbushes. The Shire will need to consider the planning implications for the development of workforce accommodation that considers how it may provide for this type of development whilst minimising any potential impacts to the surrounding area.

4.3.5. RESOURCE MANAGEMENT

The Darling Fault follows a north-south zone on the western side of the Shire, passing through the Donnybrook townsite. It separates the Archean rocks of the Darling Plateau from rocks of the Perth Basin (Blackwood Plateau) to the west. The southern Perth Basin includes sandstones and mudstones. There is a widespread laterite caprock that is commonly overlain by sand. The laterite is a source of gravel and has potential for bauxite and clay.

The Shire has a high and moderate-high potential, for a range of minerals and basic raw materials including gold, tantalum, tin, lithium, bauxite, dimension stone, gravel and sand.

The Department of Mines, Industry Regulation and Safety (DMIRS) has identified a number of regionally significant basic raw materials within the Shire including sand and gravel as illustrated in Part 1, section 4.0, Figure 3. East of the Donnybrook townsite, DMIRS has mapped a large area of sand whilst two large areas in Upper Capel and Mumballup have also been identified by DMIRS as being regionally significant.

Similarly, Donnybrook is famous for its sandstone (known as Donnybrook Stone), which has been extensively quarried for over 120 years. Donnybrook Stone is highly valued by the community and there are sufficient deposits to cater to demand for many years. Donnybrook Stone has been used in many local buildings including the Soldiers Memorial Hall and the All Saints Church. It has also been used in a number of Australian landmarks including Federation Square in Melbourne, the central Post Office in the Perth CBD, and the Western Australian Supreme Court (SoDB, 2022).

The Donnybrook Stone deposits are a very important future supply of replacement sandstone for Western Australia's heritage buildings and are also sold interstate and overseas. In 2010, DMIRS completed a geological assessment of the extent of Donnybrook Stone and defined areas requiring planning consideration. The assessment used the localities of current and past quarrying activities as well as results from geological investigations, including drilling, to identify Donnybrook Stone areas.

The assessment categorised the areas as follows:

- Established Donnybrook Stone – established geological potential to produce high quality dimension stone; and
- Possible Donnybrook Stone – geologically interpreted to include the Donnybrook Sandstone but has insufficient exploration to confirm its extent and where present, determine its suitability for dimension stone purposes.

These areas were identified by DMIRS as part of the preparation of the 2014 Local Planning Strategy and included a 500m buffer area for further land use planning considerations. These areas were the basis for establishing Special Control Area 4 (SCA4) within LPS7 and have been included in Part 1, section 4.0, Figure 3 and 5.

The Shire also hosts a significant geological feature known as the Kirup Conglomerate, which has been listed in the Western Australian Register of Geoheritage Sites as Site No.66. State and Local Government agencies need to manage any development proposal close to this site to ensure they do not impact upon its geoheritage values. The site's location is shown in Part 1, section 4.0, Figure 3.

With regards to mining, extractive industries, minerals and basic raw materials, there are clear distinctions between the role of local government and DMIRS. Basic raw materials (BRMs) are not defined as a 'mineral' under the *Mining Act 1978* and include sand, clay, hard rock, limestone and

gravel (DMIRS, 2022). When BRMs are extracted from private property for commercial purposes, it requires a development approval under the *Planning and Development Act 2005* and in some cases, an Extractive Industry Licence issued under the *Local Government Act 1995* (DMIRS, 2022). In this regard, local government is generally responsible for both of these processes.

Where BRMs are extracted from Crown and/or Reserved land, a mining lease is required under the *Mining Act 1978* to be assessed and issued by DMIRS. Similarly, all minerals, including gold, iron, nickel, heavy mineral sands, diamonds, bauxite, etc (whether on private property or Crown land), also require a mining lease under the *Mining Act 1978* prior to extraction. However, a mining lease is just one type of mining tenement issued under the *Mining Act 1978*.

According to DMIRS, as at November 2022, the Shire contained 21 live tenements, 19 pending tenements, and no petroleum permits.

On Crown land, construction materials are defined as a "mineral" and hence there is a need for mining leases under the *Mining Act 1978* for sand, gravel or dimension stone extraction. On private property, commercial construction material extraction is authorised by the Shire through the granting of development approval and Extractive Industry Licences.

As at December 2022, the Shire had a total of 7 active Extractive Industry Licences: 1 for sandstone, 1 for sand, and 5 for gravel.

The Shire acknowledges that basic raw materials are necessary for the construction of infrastructure including roads and housing, however the process of extracting these materials can have implications on the surrounding area. In planning for and managing land use conflict, consistent with the general principles of the Environmental Protection Authority (EPA, 2005), the Shire considers there are two key elements for assessment:

1. The impact of newly proposed industrial development and any existing surrounding sensitive land use; and
2. The impact of existing industrial development and newly proposed sensitive land uses.

In this regard, the key challenge for mining and extractive industries within the Shire is finding a balance between the two conflicting interests, particularly within the Special Control Area for Established Donnybrook Stone.

Currently, there are approximately 27 Rural Residential lots within the SCA that may have the potential for further subdivision based on a minimum theoretical lot size of 1ha (see Part 1, section 4.0, Figure 5). The Shire considers that the infill development of these lots may be reasonably considered on a small scale.

Similarly, the Shire has received numerous requests from private landowners and developers to identify land located to the north-east of the Donnybrook townsite for future re-zoning to Rural Residential lots however a portion of the subject land area is within the SCA for Established Donnybrook Stone.

In theory, the Shire could support future development of this area based on its proximity to the townsite and logical extension on the north-eastern side of the river, however this has the potential to create significant future land use conflict. In considering this, the Shire has identified Planning Area G within Part 1 which includes portions of lots that are outside of the SCA however have reasonable potential for future expansion of the existing Rural Residential and Residential areas. In this regard, the Shire has identified the area as a whole however will only support development outside of the buffer zone / special control area unless there are any changes to its status as determined by DMIRS.

Similar to the Shire's extractive industries, tree farming and agroforestry presents a number of challenges with regards to land use conflict. The Shire currently has a Special Control Area that excludes the development of plantations in certain areas, regardless of the zoning. With recent changes to the agroforestry industry with the ban on logging of native forests, the Shire is anticipating that there may be an increased demand for tree farming.

Whilst the plantation exclusion area will be retained, the Shire will need to consider the merits of any associated proposals and give due regard to the associated implications including bushfire management and land use conflict for properties where tree farming can be considered.

DRAFT

4.4. ENVIRONMENT

The Shire contains a number of environmental assets and a diverse natural environment, which are of great value to the local community. However, there are various environmental issues that need to be addressed to ensure the long-term health of the natural environment. Additionally, there are various environmental constraints to future development. The local government considers that the most significant environmental issues relate to the management of water and natural areas, and the retention of biodiversity.

4.4.1. NATURAL AREAS AND ASSETS

The local government considers that the protection of the Shire's natural areas and assets to be a high priority.

The biodiversity of the South West Region has been recognised as globally significant due to the diversity of plants, animals and habitat types. The removal of native vegetation impacts biodiversity and it can also dramatically change the water balance of an area. The local government considers that there are also opportunities to retain remnant vegetation on private property.

The Shire has an exceptionally picturesque landscape due to its undulating topography, farmland, rivers, conservation areas and State Forests, and the way in which these features interact. The Shire's major landscape features include the Darling Range, State Forest and conservation reserves, river systems and associated valleys, agricultural areas and the Donnybrook and Balingup townsites.

The visual amenity and landscape integrity of the Shire is one of its greatest assets. The quality of these attributes directly relates to the tourism and recreation industries and they support the area's wonderful lifestyle. Additionally, the area's landscape and visual amenity, combined with its culture and heritage, provides a strong sense of place to locals and visitors.

For the year ending 2020, the ABS data reported that of the 155,985.6ha of land within the Shire 5% is protected land through the reservation of National Parks, Nature Reserves and other protected land areas (ABS, 2020a). However, in considering the cadastral details within the State data system (dataWA), as provided by the DPLH, the Shire contains approximately 76,546 hectares of Crown land including Forests and Reserves which equates to over 49% of the total land area (Gov of WA, 2022b).

In addition to the aesthetic qualities, the Shire's vegetation is home to many different faunal species. These species require continuous corridors of dense vegetation to move throughout the landscape (RCC, 2008). Similarly, habitat trees are integral to the survival of many species such as black cockatoos. Habitat trees are native trees (dead or alive) that are generally greater than 500mm in diameter and have the potential to provide nesting habitat for various species (SoM, 2022). Habitat trees, along with other native vegetation, are protected under the *Environmental Protection Act 1986*, which prohibits clearing of native vegetation unless permitted under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, or through the Environmental Impact Assessment process via the Environmental Protection Authority.

In evaluating proposals for development which include the removal of native vegetation, the Shire gives due regard to the 10 clearing principles within Schedule 5 of the EP Act which stipulates that native vegetation should not be cleared if it is biological or environmental significance (EP Act, 1986).

The Shire contains three key river systems that traverse the landscape: Preston River, Blackwood River, and the Capel River as outlined in Part 1, section 4.0, Figure 4. The Shire also contains major tributaries including the Balingup Brook, Balingup Brook East (leading to the Blackwood River); Nonecup Creek, Thomson Brook and Charley Creek (leading to the Preston River); and Capel River North and Capel River South (leading to the Capel River). These rivers and the waterways network are highly valued by the community for their environmental and aesthetic qualities as well as their intrinsic connection to the Shire's Aboriginal history.

Potable drinking water for our cities and towns comes from public drinking water source areas (DWER, 2021). Public drinking water source areas can be surface or groundwater sources. Surface water sources are the catchments that feed dams and reservoirs, and groundwater sources are underground aquifers that feed bores. It is important that these water resources are protected now and for future generations. Land and water-based uses and activities within a catchment can directly impact on water quality and treatment (DoW, 2009).

Water resource use and conservation in Western Australia is administered by DWER in accordance with the *Rights in Water and Irrigation Act 1914* (the RIWI Act). To protect water sources, under the RIWI Act, DWER sets aside proclaimed areas for both groundwater and/or surface water areas.

A large proportion of the Shire is within a proclaimed surface and/or groundwater area as shown in Part 1, section 4.0, Figure 4. Under the RIWI Act, a licence is required to draw water from surface and/or groundwater areas proclaimed under the Act (except for domestic and stock use).

Groundwater and surface water are finite resources, which have limits to their availability and suitability for use. Demand for water resources is increasing as the population and economy of the Shire expand. Effectively managing water will, in part, require a coordinated approach with land use planning consistent with the *Better Urban Water Management* document (WAPC 2008). This includes ensuring that new development/subdivision are appropriately located/serviced, and supporting best practice water sensitive urban design.

4.4.2. NATURAL HAZARDS

As outlined in Part 2, section 4.4.1, the Shire contains a diverse natural environment with a number of natural assets that are of high value to the community, including significant vegetation and

DRAFT

waterways. However, these natural assets also present several challenges due to the associated constraints and development considerations at the Strategic level when identifying new land for future growth, as well as at the Statutory level during the development and subdivision stages.

Notwithstanding their inherent value to the environment and the community, the Shire's natural areas and assets can create several risks including bushfire management, flooding and pollution, that need to be considered from a planning and development point of view. In addition, effective planning is required to assist communities to adapt to changing circumstances, including anticipated changes in the area's climate. Potential symptoms of climate change within the Shire may include, but are not limited to; increased temperatures, reduced annual rainfall and increased frequency and intensity of bush fires and storm events. Appropriate management of the risks, associated with these anticipated changes, is critical throughout the development process.

Under section 18P of the *Fire and Emergency Services Act 1998*, the Fire and Emergency Services Commissioner may designate areas within Western Australia as bushfire prone (DPLH and WAPC 2021). These areas are identified on the Department of Fire and Emergency Services website on its *Map of Bushfire Prone Areas* with a map of the Shire's designation in Appendix 10.3. Due to the high amount of vegetation present in the Shire, approximately 128,559 hectares of land is within a designated as bushfire prone which equates to over 82% of the total area.

Where development is proposed within a designated bushfire prone area, further planning and building requirements apply under the LPS Regulations, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, and the *Building Code of Australia*. It is noted that the bushfire planning framework and mapping is currently under review and may be subject to change in the future which may have implications for the Shire to consider.

Notwithstanding this, in considering the future growth and development of the Shire at a Strategic level, currently a bushfire hazard level (BHL) assessment is required to be undertaken for all Planning Areas identified within Part 1 that are within a designated bushfire prone area. This requirement, as part of SPP 3.7, was introduced in 2015 after the adoption of the Shire's previous Local Planning Strategy, therefore many previously identified development areas did not require a comprehensive assessment of bushfire risk at that time.

Further investigation is required, particularly with existing Rural Residential areas, as to the development capability, including infill subdivision proposals, within designated bushfire prone areas to determine whether they are appropriate on a broader scale. The Rural Residential areas have been spatially identified based on lot size in Appendix 10.1.

Similarly, notwithstanding that the community values the existence of the waterway network as outlined in Part 2, section 4.4.1, they present different challenges and risks to development and growth within the Shire as parts of the Shire are subject to flooding. The DWER provide mapping for flooding risk on various rivers and creeks in and around the Donnybrook townsite. The "1 in 100 year" flood mapping has been shown on Part 1, section 4.0, Figure 4 as well as the Shire's other significant rivers and tributaries. The key challenge is to find a balance between protection of these assets and continued growth for the Shire.

4.4.3. ALTERNATIVE ENERGY

As technology continues to evolve, opportunities are arising relating to alternative energy sources including, but not limited to, wind, solar, hydro, wave, tidal and geothermal. According to Western Power, traditional coal-powered generators were the primary source of energy generation for decades, however this is changing and the demand for finding cleaner, more sustainable sources of energy is increasing (WP, 2022). In 2021, the Australian renewable energy industry accounted for 32.5% of total electricity generation which was an increase of approximately 5% since 2020 (CEC, 2022).

Whilst coal remains the largest source of electricity generation in Australia, there was a recorded drop from 2020 to 2021 from 62% to 59.1% (CEC, 2022). It is likely that this figure will continue to decline as governments continue to work towards their goal of achieving net zero emissions by 2050.

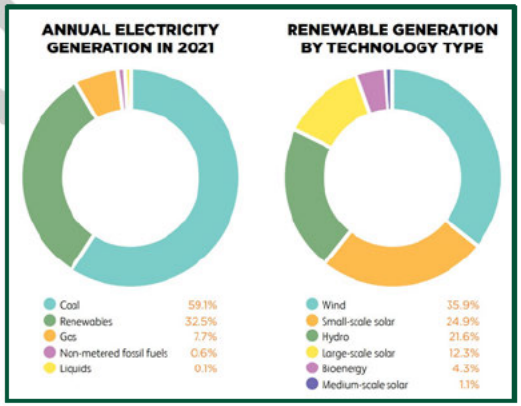


Figure 14 – Australian energy generation statistics as sourced from the Clean Energy Council Report 2022 (CEC, 2022).

The growth of the renewable sector was primarily driven by increasing small scale solar projects across the country. In WA, the electricity system is being challenged by an overwhelming uptake

DRAFT

of rooftop solar projects where Synergy are forced to offload excess power generation during the day at a loss, with added maintenance and generation costs, which is ultimately a cost borne by taxpayers (Gov of WA, 2022a). The Shire has seen a steady increase in small-scale solar panel system installations since 2016, however has seen a decline in the number of solar water heater installations (ABS, 2020a).

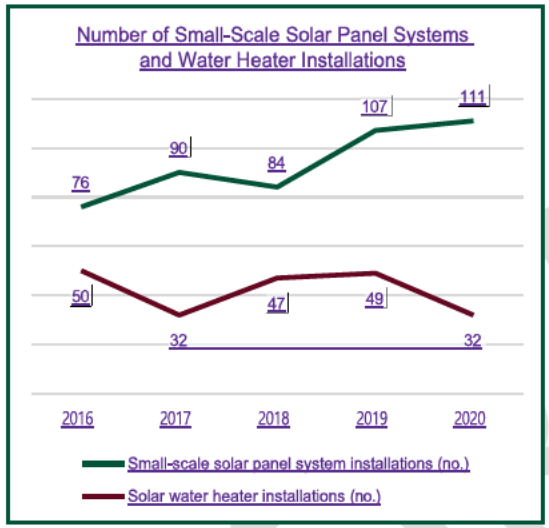


Figure 15 – Number of small-scale solar panel and hot water system installations within the Shire from 2016 – 2020 (ABS, 2020a)

In June 2022, the WA Government announced that in order to address this, the State's energy generation system "will embark on a sensible, managed transition to a greater use of renewables, while ensuring electricity reliability and affordability continues to be paramount" (Gov of WA, 2022a). As part of this announcement, the WA Government also declared that the State-owned coal power stations in Collie, Muja-D and Collie Power Station, will be closed by 2030 (Gov of WA, 2022a).

As a result of this announcement, there has been a significant amount of investment in Collie and surrounding regions for green energy proposals as well as other non-energy related projects that will generate employment opportunities. This may also present a number of opportunities for the Shire in the renewable energy space that should be considered when reviewing the Local Planning Scheme to ensure appropriate development controls are in place to manage the effective planning and management of proposals.

DRAFT

4.5. INFRASTRUCTURE

The provision of infrastructure has significant implications for the rate and nature of development within the district. In particular, reticulated sewer is limited to certain sections of the Donnybrook townsite and is not available at all in other towns / settlements within the Shire which constrains development from a residential, commercial and industrial perspective.

4.5.1. CRITICAL SERVICES

The provision of reticulated wastewater disposal is significantly limited within the Shire of Donnybrook Balingup with only 12.4% of dwellings connected to Water Corporation's (WC) infrastructure as shown in Part 2, Table 12.

Development in unsewered areas is currently assessed against the provisions of the *Government Sewerage Policy 2019,* however the State Government is currently reviewing the water policy framework and have released *Draft State Planning Policy 2.9 Planning for Water* (SPP 2.9) and the *Planning for Water Guidelines*. Once finalised, SPP 2.9 will replace water-related policies including the Government Sewerage Policy (DPLH, 2021). The Shire will need to consider any implications of this Policy when considering all development proposals where reticulated sewer is not available.

The Shire will continue to advocate for the recommencement of the infill sewerage programme in Donnybrook, as it will assist in facilitating future growth and infill development whilst improving environmental quality. Whilst over a decade old, the *Donnybrook Water Drinking Water Source Protection Plan 2009* remains valid for consideration particularly in relation to a key recommendation:

> *"The Water Corporation's infill sewerage programme should be prioritised for the completion in those areas contained within the Wellhead Protection Zones for the Donnybrook production bores."* (DoW, 2009:29).

The Donnybrook wastewater treatment plant is located to the west of town (see Part 1, section 4.0, Figure 1). To facilitate growth on the eastern side of the river within the townsite of Donnybrook, the installation of a wastewater pump station is required. The WC recently purchased lots on Bridge Street, Donnybrook, from the Shire to construct this key piece of infrastructure.

Similarly, the provision of the reticulated water supply within the Shire is key to future growth, particularly in Residential, Commercial and Industrial areas. Connection to scheme water is limited within the Shire, however does service the Donnybrook, Balingup, Kirup and Mullalyup townsites. Connection to the reticulated sewer is only available in the Donnybrook townsite.

Based on the ABS data for 2021, the Shire contains 2,808 dwellings (ABS, 2021). As at January 2023, the WC advised that a total of 1,404 residential scheme water connections exist within the Shire whilst there are only 349 residential reticulated sewer connections.

Table 11 – Residential connections to WC infrastructure. Other provision of services may include; rainwater tanks, bores, on-site sewer systems, etc.

Service	WC Connections	Other	Total Residential Dwellings
Water	1,404 (50%)	1,404 (50%)	2,808
Sewer (All of Shire)	349 (12.4%)	2,459 (87.6%)	2,808
Sewer (Donnybrook Townsite)	349 (28.8%)	861 (71.2%)	1,210

In addition to the residential connections, WC advised that within the Shire there are:

- 130 commercial / industrial scheme water connections; and
- 47 commercial / industrial reticulated sewer connections.

he number of "vacant – residential" lots for the Shire where a water connection is available however no Building Application has been submitted to the Water Corporation, has steadily declined since the 2016/2017 period:

Table 12 – Number of serviced vacant lots within the Shire.

2016 / 17	2017 / 18	2018 / 19	2019 / 20	2020 / 21	2021 / 22
152	150	139	125	121	108

In addition, the Shire has seen an overall decline in scheme water consumption as recorded by WC, which may be due to the increase in alternative water supplies such as rainwater tanks.

Table 13 – Scheme water consumption within the Shire, in kilolitres per calendar year.

	2018	2019	2020	2021	2022
Commercial	58,703	56,999	63,995	58,738	68,421
Industrial	2,526	46	42	328	151
Other	1,420,355	1,447,703	1,381,394	1,476,062	1,325,251
Residential	319,210	314,885	330,615	316,895	325,145
Vacant Land	531	652	848	1,125	1,791
Total	1,801,325	1,820,285	1,776,894	1,853,148	1,720,759

DRAFT

As outlined in Part 2, section 2.2 for *SPP 2.5 Rural Planning*, the Shire considers that the requirement for rural living precincts to connect to a reticulated water supply may not be reasonable, nor practicable, in the context of the Shire. Specifically, when considering infill subdivision of existing Rural Residential land on the periphery of the Balingup townsite, Water Corporation has confirmed that the current supply is only designed to service the townsite with a review required for any development that is not currently serviced with water. However, as outlined in Part 2, section 4.0, the Shire typically has higher rainfall averages than that of other parts of the State and is well placed to facilitate more sustainable, on-site water supplies such as rainwater tanks and/or bores. In circumstances where these water supplies are proposed, additional information may be required to ensure any potable supply is suitable for human consumption.

As outlined in Part 2, section 4.4.3, there is an increasing demand for renewable energy generation which is of particular relevance to the Shire where connection to the traditional power supply is not always suitable or fit for purpose. Overall, the Shire is appropriately serviced by power. There appears to be sufficient capacity to supply future forecast growth in the Shire in the short to medium term. Notwithstanding this, the Shire is supportive of renewable energy generation to achieve environmental objectives, however this will need to be considered against the future needs of the land, particularly industrial and commercial zoned land.

With regards to communication infrastructure, due to the size of the Shire, many communities and individuals live in relatively remote locations. Due to the significant presence of vegetation and protected forests, the imminent risk of bushfire and other emergencies, it is imperative that sufficient telecommunication infrastructure is provided for residents. Further, many businesses require sufficient internet access, with secure internet services of an appropriate speed, particularly with the move towards home-based businesses in rural localities. There are many locations throughout the Shire where telecommunication services are non-existent or extremely limited and the Shire will continue to advocate for improved services.

4.5.2. TRANSPORT NETWORK

Transportation is critical to the function of the Shire and the community. Transportation modes in the Shire include walking, cycling and motorised transport.

As shown in Part 1, section 4.0, Figure 2, the Shire is part of a significant transportation network and contains several regionally significant roads. Of these roads, there are three key State roads that are under the care and control of MRWA: South Western Highway, Goodwood Road and Donnybrook – Boyup Brook Road.

Based on the recent *State of the Assets 2022* report prepared by Talis Consultants and commissioned by the Shire, it has been calculated that the Shire's transport infrastructure has a total replacement value of over $161 million. The following table is a summary of the Shire's transport infrastructure assets as at November 2022:

Table 14 – Summary of Shire's transport infrastructure assets for 2022.

Asset Type		Quantity	Replacement Value	Total
Roads	Sealed	299.7 kms	$98,358,444	$120,513,765
	Unsealed	356.7 kms	$22,155,321	
Car Parks	Sealed	40	$5,911,302	$6,632,723
	Unsealed	4	$721,420	
Paths	Footpaths	27.7 kms	$4,850,197	$4,850,197
Drainage	Culverts	2,114	$1,394,433	$28,275,584
	Pits	518	$19,293,801	
	Pipes	23.5 kms	$7,587,350	
Electrical	Street Lighting	302	$275,128	$275,128
Guardrail	Safety Railings	40	$884,209	$884,209
TOTAL				$161,431,607

A critical piece of infrastructure that has an uncertain future is the Greenbushes-Bunbury rail line which has been out of service for a number of years and is now in a dilapidated condition. As the Greenbushes mine expansion evolves and output is significantly increased, there may be an increasing level of community and business demand to remove the anticipated increased number of heavy haulage vehicles from the road network and re-direct it back to rail. This would require significant State / Federal investment as the rail line would require significant upgrades, including the construction of grade separated crossings in a number of locations where it crosses South Western Highway.

From a planning and development perspective, the disused rail line and associated reserve bisects a number of the Shire's townsites which has the effect of creating 'development free zones'. The Shire has had some success in obtaining approval from the relevant authorities to improve such rail corridors in recent years and will continue to seek opportunities to achieve positive outcomes for its community in this regard.

DRAFT

5.0 Population Forecast

As outlined in the Local Government Profile, the population of the Shire of Donnybrook Balingup has experienced sustained population growth since 2001, with a current population of 6,155 (as at the 2021 census). Notwithstanding that the growth rate has slowed in recent years, it is anticipated that the population will continue to grow throughout the Strategy period.

In determining the Shire's reasonable population growth, reference is made to WA Tomorrow Population Report No. 12 (2025). WA Tomorrow is a series of population forecasts based on historical and demographic trends. The forecasts represent the best estimate of future population size if trends in fertility, mortality and migration continue. WA Tomorrow consists of 35 bands representing different population concepts of growth ranging from low to high. Each band has been illustrated in Part 2, Figure 16.

The WA Tomorrow forecasts are projected to 2036~~1~~. ~~Using the methodology provided within the DPLH Local Planning Strategy Guidelines, the population projections for the life cycle of the Strategy have been projected from 2031 to 2037 against each WA Tomorrow band.~~

Based on the trend of the actual ABS Data, it is reasonable to assume that the Shire is currently tracking within the ~~Median (Band C) to Medium High (Band D)~~ Central band for population growth.

Therefore, it is reasonable to estimate from the available 2021 ABS data that the Shire's population may be between 6,600 to 7,100 people by 2036~~7~~, which represents an approximate population increase of 7 – 15%. This equates to an approximate average population increase of 0.5 – 1% per year.

Based on the current distribution of population across townsites within the Shire as identified in Part 2, section 4.2.6, Figure 8, it is anticipated that Donnybrook will cater for the largest proportion of population growth (+49% to a total of approximately 3,452) with Balingup projecting the next largest (+9% to a total of 643).

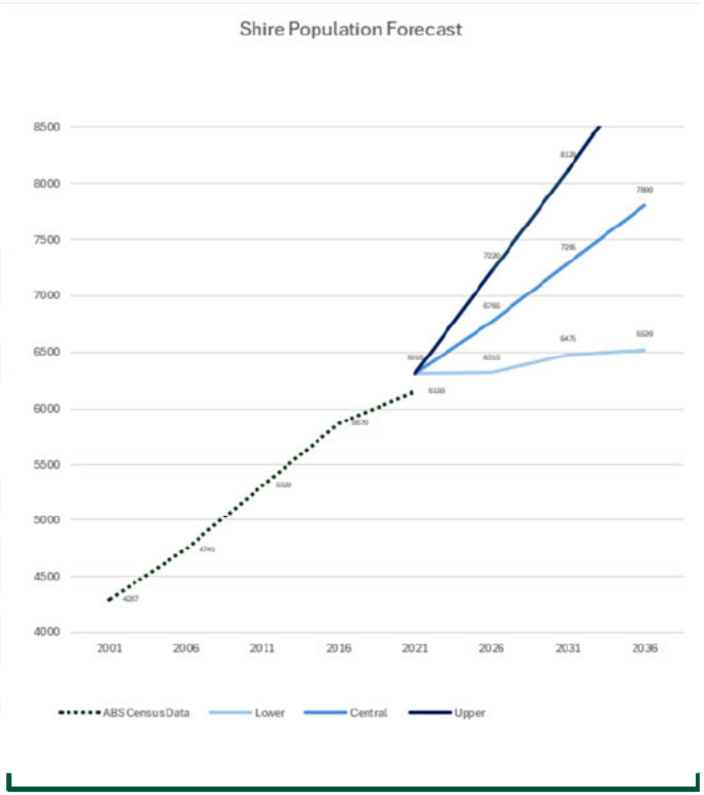


Figure 16 – Shire population forecasts (DPLH and WAPC, 2025~~48~~). The dashed projections for each WA Tomorrow scenario have been calculation as per the DPLH Local Planning Strategy Guideline

DRAFT

6.0 Dwelling Yield Analysis

As at the 2021 census, the Shire has a total of 2,808 private dwellings.

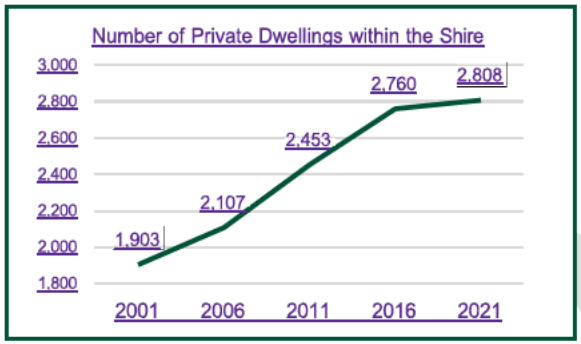


Figure 17 – Number of private dwellings from 2001 to 2021 (ABS, 2001; ABS, 2006; ABS, 2011; ABS, 2016; ABS, 2021).

Based on the average number of people per household from the ABS data for 2021 equating to 2.4 persons, the following approximate requirements are projected as measured against each of the Bands identified in Part 2, section 5.0 (i.e., the population projection as estimated in part 2, Figure 16, divided by 2.4 persons, equating to the approximate number of dwellings required to cater for this).

Table 15 – Projected dwelling yield required for each WA Tomorrow scenario (DPLH and WAPC, 2025~~48~~).

Band	Population Projection 2036	Projected Dwelling Yield
Lower	6520	2717
Central	7800	3250
Upper	9075	3781

Based on the population projections from Part 2, Figure 16 calculated for each band / scenario, the Shire conservatively estimates that a total of 3~~,000 to 3,500~~approximately 3,250 dwellings will be required to cater for the projected population ~~as calculated over the 15 year life cycle of the Strategy (2022 – 2037) (i.e. the Medium-High to High scenario in Part 2, Table 15)~~using the central band at 2036. This is an increase of approximately 450 dwellings from 2021, or an annual increase of 30 dwellings. However, the average annual increase for 2001 to 2021 was 45 dwelling each year. Therefore, the Strategy needs to accommodate a greater number of dwellings than the Central Band projection indicates.

~~In addition, based on the number of dwellings established from 2001 to 2021 (+905 over 20 years), this equates to an average of 45 dwellings per year.~~

Given the ABS data indicates a total of 2,808 existing dwellings within the Shire in 2021, the Strategy will need to identify areas of growth that can cater for at least ~~200~~ 450 to ~~700~~ additional dwellings ~~over the next 15 years~~up to 2036.

The above dwelling requirements are calculated to accommodate an increase in population based on the ~~Medium-High to High~~Central population projections and associated dwelling yield projections in Part 2, Table 15. The requirements are calculated based on an average of 2.4 persons per household and the existing housing stock of 2,808. For further information relating to the analysis and calculations, refer to Part 2, section 7.0.

Based on the historic average number of dwellings per year, achieving ~~700~~ 675 dwellings may take approximately 15~~.5~~ years. Therefore, the above target of ~~200 to 700~~450 to 675 dwellings ~~within 15 years~~by 2036 is a reasonable goal for the Strategy.

The challenge with this, however, is providing opportunities for an appropriate mix of land sizes and dwelling typologies to cater for a variety of lifestyles and life stages for the increasing population.

In addition, the above calculations do not account for potential spikes in population due to growth and expansion of surrounding industry, specifically the Lithium mine in Greenbushes. As outlined in Part 2, section 6.0, Table 16, the Shire has identified a generous amount of land to cater for population growth in the short-term and long-term, however, should there be unprecedented or unexpected growth, this could be reviewed as part of the regular monitoring of the Strategy outlined in Part 1 section 5.0 and/or as required by the LPS Regulations.

The DPLH has provided the Shire with the following analysis of the Shire's lot yield analysis. The analysis has been broken into two broad categories – 'confirmed' and 'unconfirmed'. The 'confirmed' analysis references the land parcels that the Shire knows to be true or actual whereas the 'unconfirmed' analysis includes a broad analysis of zoned land without taking into consideration the likelihood of actuality (i.e. whether development constraints may prevent development to full yield capacity). An explanation of each category is provided in Part 2, Table 16 and further explained in Part 2, section 7.0 below.

Formatted: Justified, Indent: Left: 0.79 cm, Hanging: 0 cm, Right: 0.78 cm, Space Before: 0 pt, Line spacing: Multiple 1.14 li

Table 16 – Lot / Dwelling supply analysis for future growth within the Shire.

Timeframe*	Land / Dwelling Supply Category Description	Donnybrook	Balingup	Kirup	Mullalyup	Argyle	Other	Total
Short Term	All existing Residential and Rural Residential lots with a current conditional subdivisional approval (as at 30 June 2022)	126	36	-	-	2	-	164
Medium Term	Estimated dwelling yield on zoned land subject to an approved Structure Plan and without current subdivision approval (as at 30 June 2022)	105	-	-	-	-	-	105
	Approved Lot / Dwelling Yield	231	36	-	-	2	-	269
Long Term	Estimated Residential lot yield from Planning Areas within this Strategy	406	98	28	-	-	-	532
Long Term	Estimated Rural Residential lot yield from Planning Areas within this Strategy	40	39	20	-	24	-	123
	Strategic Lot / Dwelling Yield	446	137	48	-	24	-	655
	CONFIRMED LOT / DWELLING YIELD	677	173	48	-	26	-	924
Undetermined	Estimated dwelling yield of lots zoned Residential with an applicable density code, no approved Structure Plan and with constraints undetermined (i.e. servicing, topography, vegetation, bushfire, existing development etc.)	1,668	176	125	20	-	-	1,989
Undetermined	Estimated dwelling yield of lots zoned Rural Residential with potential for infill subdivision, no approved Structure Plan and with constraints undetermined (i.e. servicing, topography, vegetation, bushfire, existing development etc.) based on average lot size of 1 hectare.	55	82	-	-	124	20^	281
	UNCONFIRMED LOT / DWELLING YIELD	1,723	258	125	20	124	20	2,270

**The stated timeframes are consistent with those outlined in Part 1 of the Strategy:*

- *Short term: 1 – 5 years*
- *Medium term: 5 – 10 years*
- *Long term: 10 – 15 years*

*** Data not provided for each locality, rather an overall calculation of lots greater than 60 hectares within the Shire as spatially represented in Appendix 10.2.*

^ Includes subject lots in Upper Capel and Brookhampton

DRAFT

7.0 Analysis Summary and Calculations

As outlined in Part 2, section 5.0, the Shire projects a population growth of 7 – 15% which equates to an increase of approximately 471 to 884 people over a 15-year period. This is based on the Median and Medium-High Bands of the WA Tomorrow scenarios, as a relatively "realistic" projection of growth. For the purposes of this Strategy, the projection of 6,600 to 7,100 people in Part 2, section 5.0 has been conservatively rounded from the below figures.

Table 17 – Population Projection Calculations

Population as at 2021 = 6,155			
	~~Band C~~Lower Band Projection ~~(Median)~~	~~Band D Projection (Medium – High)~~Central Band Projection	~~Band E Projection (High)~~Upper Band Projection
Population projection	6,~~626~~520 people	7,~~039~~800 people	~~8,~~9,075~~208~~ people
Difference from 2021 census	6,~~626~~520 – 6,155 = + ~~471~~365 people	7,~~039~~800 – 6,155 = + ~~884~~1,645 people	~~8,208~~9,075 – 6,155 = + ~~2,053~~2,920 people
Average difference per year	~~471~~365 / 15 years = + ~~31.4~~24.3 people	~~884~~1,645 / 15 years = + ~~58.93~~109.7 people	~~2,053~~2,920 / 15 years = +~~136.87~~195 people
Difference in %	~~471~~365 / 6,155 = ~~0.076~~0.06 x 100 = + ~~7.65~~5%	~~884~~1,645 / 6,155 = 0.2~~7~~44 x 100 = + ~~14.36~~27%	~~2,053~~2,920 / 6,155 = 0.~~3~~47 x 100 = + ~~33.35~~47%
Average difference in % per year	~~31.4~~24.3 / ~~6,626~~6,520 x 100 = + 0.375~~1~~%	~~58.93~~109.7 / ~~6,155~~7,800 x 100 = + 1.41~~0.95~~%	~~136.87~~195 / ~~6,155~~9,075 x 100 = + ~~2.22~~2.15%

Based on the average number of people per household from the 2021 census being 2.4 persons, the future dwellings required to cater for the relevant population projections have been calculated in the below table.

~~The projection of 200 to 700 dwellings stated in Part 2, section 6.0 has been overestimated based on a higher rate of population growth being the Medium-High to High Bands under the WA Tomorrow scenarios. Whilst this is a higher projection rate than that used for the population calculation, this was purposely overestimated to ensure that a sufficiently adequate supply of dwellings / lots can be planned for, if these higher projections were to occur.~~

Table 18 – Dwelling / Lot Yield Projection Calculations

No. of Dwellings as at 2021 = 2,808			
	~~Band C Projection (Median)~~Lower Band Projection	~~Band D Projection (Medium – High)~~Central Band Projection	~~Band E Projection (High)~~Upper Band Projection
Dwelling projection	6,~~626~~520 people / 2.4 = 2,~~760.83~~717 dwellings	~~7,039~~7,800 people / 2.4 = ~~2,932.92~~3,250 dwellings	~~8,208~~9,075 people / 2.4 = ~~3,420~~3,781 dwellings
Difference from 2021 census	2,71~~76~~1 – 2,808 = - ~~91~~147 dwellings	~~2,933~~3,250 – 2,808 = + ~~125~~442 dwellings	3,~~420~~781 – 2,808 = + ~~973~~612 dwellings
Average difference per year	- ~~47~~91 / 15 years = - ~~3.13~~6.1 dwellings	~~125~~442 / 15 years = + ~~29.58.33~~ dwellings	~~612~~973 / 15 years = ~~40.86~~4.9 dwellings
Difference in %	- ~~47~~91 / 2,808 = - 0.~~017~~032 x 100 = - ~~1.67~~3.24%	~~125~~442 / 2,808 = 0.~~0445~~157 x 100 = + ~~4.45~~15.74%	~~612~~973 / 2,808 = 0.~~218~~347 x 100 = + ~~21.79~~34.65%
Average difference in % per year	~~3.13~~6.1 / 2,~~761~~717 = -0.00~~21~~ x 100 = - 0.~~2241~~ %	~~8.33~~29.5 / ~~2,933~~3,250 = 0.00~~32~~ x 100 = + 0.~~9128~~%	~~64.94~~0.8 / 3,~~781~~420 = 0.1~~72~~ x 100 = 1.~~72~~19%

As outlined in Table 16 in section 6.0:

Through this Strategy, there is a confirmed potential lot / dwelling yield of 924 to cater for future growth within the Shire.

The 'confirmed lot / dwelling yield' includes definitive data from approved subdivisions and the proposed Planning Areas in Part 1. Therefore, this calculation is based on information that provides a reasonable level of certainty for the future lot / dwelling yield.

The 'unconfirmed lot / dwelling yield' is based on information from existing lots and their theoretical development potential. However, as this data does not factor in development constraints such as topography, service infrastructure, bushfire status, etc., the development potential is undetermined and therefore, the yield is unconfirmed.

In this regard, the unconfirmed lot / dwelling yield is 2,270. However, if, for example, only 20% of this potential yield is realised, it would still equate to 454 lots / dwellings in addition to the confirmed 924.

In any case, based on the conservative population and dwelling yield calculations, the Strategy has accounted for a suitable supply of land to accommodate future development that will meet the projected population growth and required lot / dwellings for the next 15 years.

DRAFT

8.0 Consultation

The preparation of this Strategy forms part of the overall review of the Shire's Planning framework which includes:

- Review of the current Local Planning Strategy and preparation of a new Strategy, consistent with the DPLH Guidelines and template;
- Review of Local Planning Scheme No. 7 and preparation of a new Local Planning Scheme; and
- Review and consolidation of all Local Planning Policies.

The technical requirements for consultation and advertising of Local Planning Strategies fall within the provisions of Part 3 of the LPS Regulations. However, for a project of this size and significance, in addition to the minimum requirements of the Regulations, the Shire is committed to undertaking a robust and thorough consultation process in order to achieve the most effective and valuable outcome.

8.1. PRELIMINARY COMMUNITY ENGAGEMENT

As recommended within clause 4.4 of the *Local Planning Strategy Guidelines*, the Shire undertook early preliminary consultation in order to:

- Translate broad themes from the Strategic Community Plan into actionable objectives within the context of the Planning framework;
- Find out how the community would like to be engaged with during the consultation stage of the project; and
- Establish a mailing list of all community members that are directly interested in the review project.

As part of the preliminary engagement consultation that was undertaken by the Shire in anticipation of the preparation of this Strategy and review of the Planning framework, an online survey was conducted to ascertain key information and understanding of the community's values, thoughts and expectations for the future of their Shire.

The survey was first published on 10 December 2021 and closed on 7 February 2022. There were a total of 21 questions within the survey and a total of 184 participants. Whilst this only represents 3% of the total population, there were key themes and trends that emerged within the responses that have helped inform the preparation of this Strategy.

The results were formally presented to Council in March 2022 with a copy available in Appendix 10.5. The key findings relevant to the preparation of this Strategy are hereby presented:

Whilst there were relatively mixed responses from respondents regarding the elements they believed positively contribute to the Shire's "sense of community and country charm", (as outlined in the Strategic Community Plan) the top two responses were:

1. Tourism, events and activities; and
2. Orchards, vineyards and market gardens.

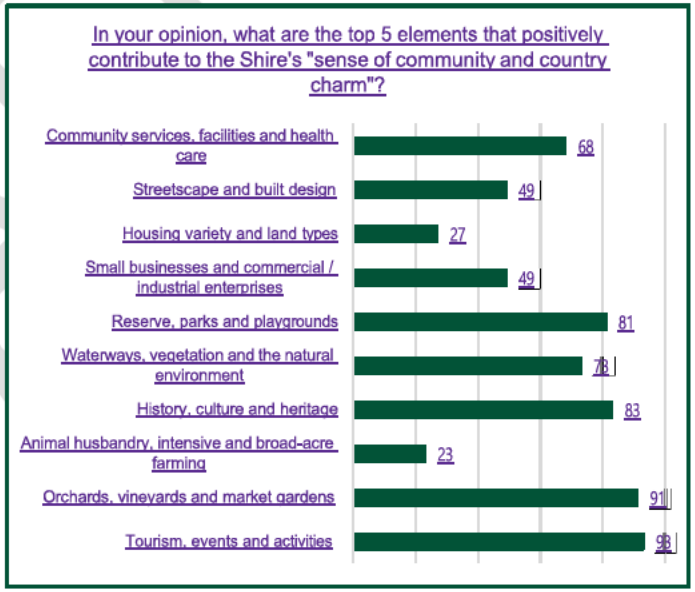


Figure 18 - Question 6 from the preliminary community engagement survey.

Other elements identified by participants included:

- Community organisations, local groups, associations and volunteer opportunities;

DRAFT

- Rural environment and country feel;
- The people;
- Healthy natural environment;
- Smaller, village and hamlet style developments;
- Diversity in attractions and property options; and
- Aboriginal culture.

With regards to the Shire's populations, housing and future growth, 60% of respondents indicated that in 10 to 15 years' time, they would like to see the Shire's population more than it is now, but not as much as double (7,000 to 9,000 people).

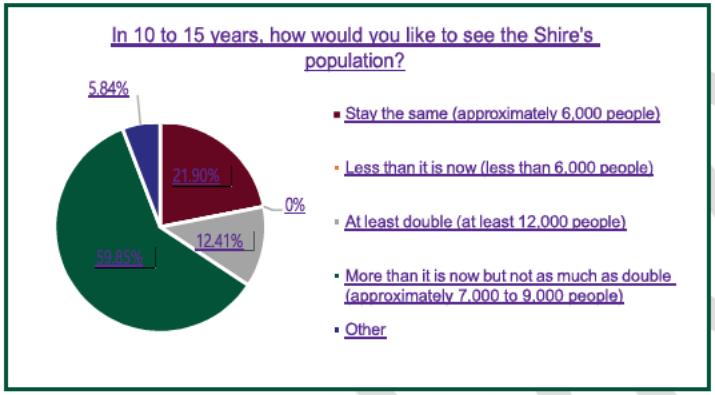


Figure 19 – Question 8 from the preliminary community engagement survey.

In order to meet the demand of land and housing for an increasing population, responses were relatively even about whether new land should be allocated or whether existing land should be re-developed. Other suggestions included:

- Smaller village style developments; and
- Sustainable, eco-friendly development.

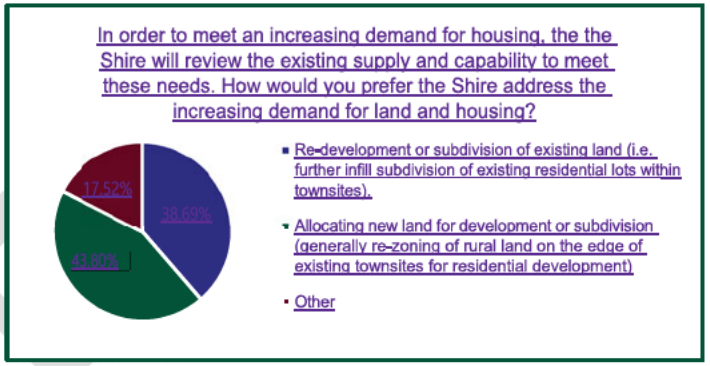


Figure 20 – Question 9 from the preliminary community engagement survey.

More specifically, the preferred housing typologies that respondents indicated as their preference were as follows:

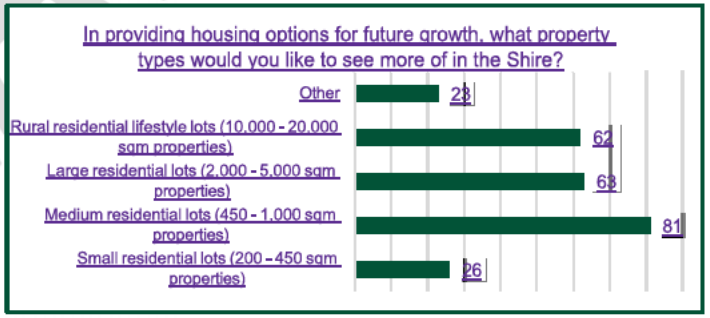


Figure 21 – Question 11 from the preliminary community engagement survey.

Whilst the majority of participants did not have experience in re-developing or subdividing their property, the respondents who did, indicated the following challenges were experienced when doing so:

DRAFT

- Issues associated with their property located within Special Control Area 4 for Donnybrook Stone;
- Road construction requirements;
- Planning for bushfire requirements;
- Re-zoning of rural land for rural residential development; and
- Connection to services (i.e. water, sewer).

With regards to the economy and employment, respondents indicated that the two most common issues facing the Shire's economy and employment are:

1. Availability of housing for employees to rent; and
2. Local employment opportunities.

Affordability and availability were other key themes in responses as illustrated in Figure 22.

Other issues identified included:

- Ageing population;
- Coherent planning in cooperation with other Blackwood Councils for tourism developments;
- Oversupply of similar businesses (i.e. eating establishments);
- Outside industries and businesses should be provided with incentives to come to the Shire;
- Lack of caravan park;
- Uncertainty surrounding Covid;
- Lack of diversity in job opportunities;
- Difficulties with private commercial lease arrangements and landowners;
- Lack of creative alternatives; and
- Over-regulated industries.

Some of the reasons stated for these responses included:

- The district should have other activities, other than tourism, as principal economic base due to too many variables in tourism;
- More flexibility to facilitate industries and development including built form, land tenure and property size;
- Significant undersupply of housing, residential land which is linked to available labour;
- Diversity of business interests should be encouraged;
- Lack of space in main streets for business;
- Lack of commercial land with existing commercial land taken up with housing; and
- Adoption of new technologies.

With regards to the type of development respondents through would benefit the future growth of the Shire, answers were relatively varied as illustrated in Figure 23, with the top four responses including:

1. Small businesses;
2. Aged care and specialised health services;
3. Tourism, events and activities; and
4. Residential housing.

Other suggestions included:

- A balanced combination of developments;
- Engagement with other Government departments for affordable housing for transient staff (i.e. fruit pickers, packers, nurses, police, teachers)
- A medical precinct;
- Expansion of hospital and ambulance area;
- A caravan park;
- Preservation of natural environment;
- More provisions for existing ratepayers/residents rather than directing funds to attract others to area; and
- Regenerative, community aware enterprise.

DRAFT

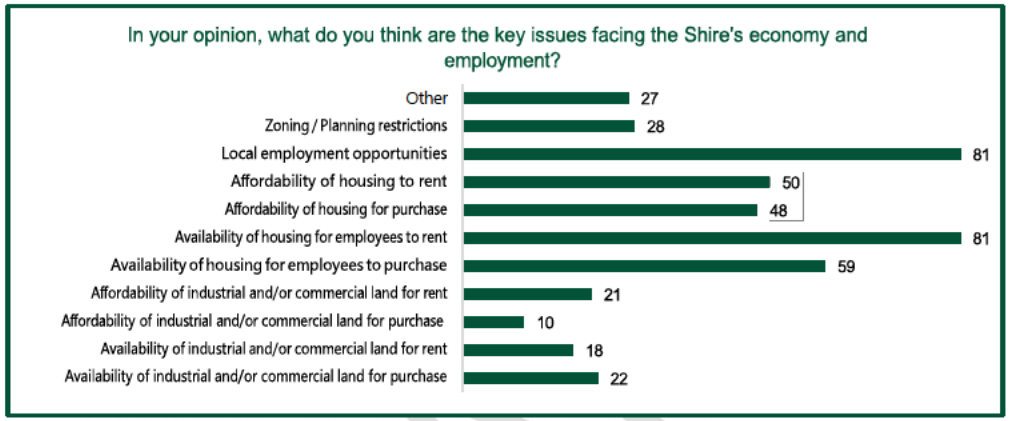
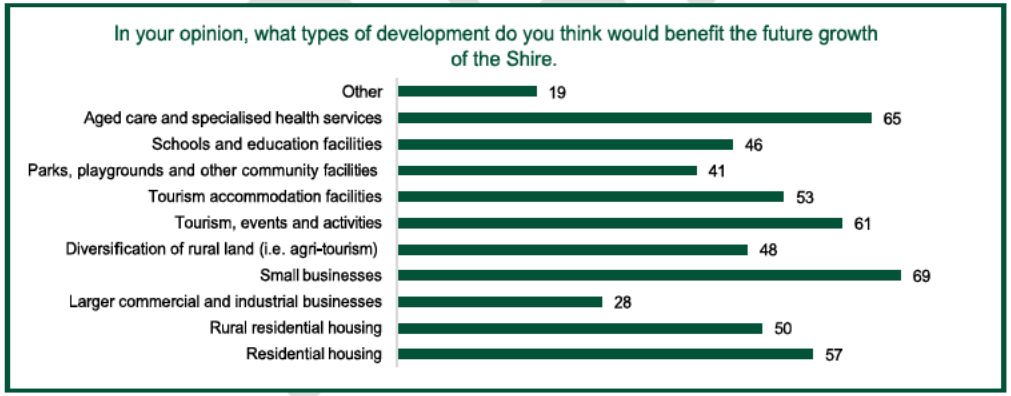


Figure 22 – Question 14 from the preliminary community engagement survey.



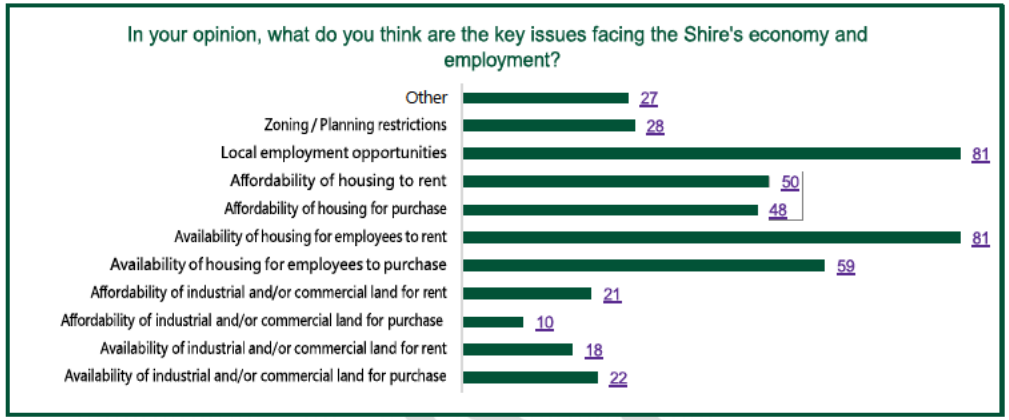


Figure 22 – Question 14 from the preliminary community engagement survey.

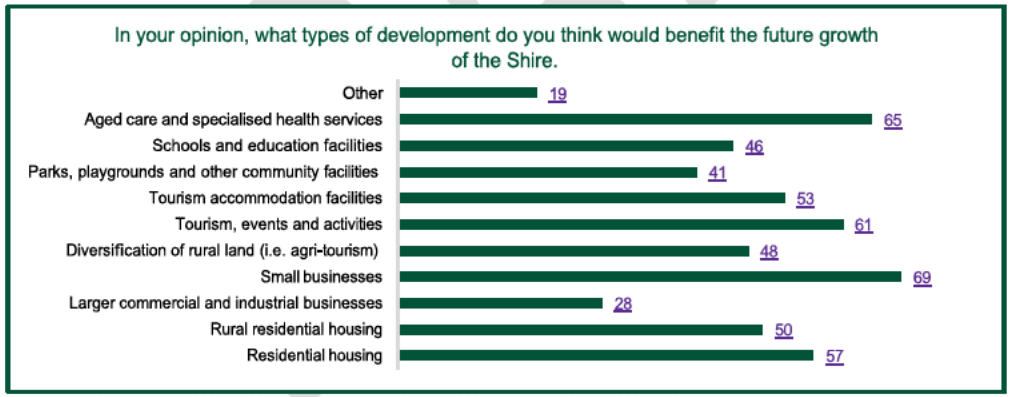


Figure 23 – Question 16 from the preliminary community engagement survey.

Overall, the preliminary engagement survey provided very useful feedback for officers as they continue to prepare the draft Planning documentation for future advertising. Whilst the responses were varied, there were some common themes and issued raised including but not limited to:

1. The role of the Shire remaining transparent, using effective and clear consultation methods to reach a broad audience;
2. Lack of tourism accommodation and the need for a caravan park in Donnybrook;
3. Facilitate increased tourism ventures and the potential for a diverse range of opportunities;
4. Providing a flexible framework that can adapt to innovative and alternative ideas to traditional development types;
5. The presence of Donnybrook Stone and the impact of development restrictions associated with Special Control Area 4;
6. Cost of infrastructure requirements including road construction and provision of services (water, sewer, etc.);
7. Protection of the existing rural, community lifestyle within the Shire; and
8. Protection and enhancement of the natural environment.

The issues identified within the survey have provided Strategic direction and actions to deliver within the Planning framework for the Shire.

8.2. PRELIMINARY AGENCY ENGAGEMENT

In September 2021, the Shire wrote to a number of external stakeholders to notify them of the upcoming review of the Planning framework and invite for any preliminary comments and/or the opportunity to engage with the Shire. The stakeholders included:

- Shire of Bridgetown-Greenbushes
- City of Busselton
- Shire of Boyup Brook
- Shire of Capel
- Shire of Collie
- Shire of Dardanup
- Shire of Nannup
- Department of Biodiversity, Conservations and Attractions
- Department of Communities
- Department of Education
- Department of Finance
- Department of Fire and Emergency Services
- Department of Health
- Department of Jobs, Tourism, Science and Innovation
- Department of Local Government, Sport and Cultural Industries
- Department of Mines, Industry Regulation and Safety
- Department of Planning, Lands and Heritage
    - DPLH - Bunbury
    - DPLH - Registrar of Aboriginal Sites
    - DPLH - SW Settlement Heritage
    - DPLH - Heritage Council of Western Australia
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Environmental Protection Authority
- Forest Products Commission
- Landgate
- Main Roads Western Australia
- Public Transport Authority
- South West Development Commission
- Water Corporation
- Western Power
- WALGA

From this notification, the Shire has had further engagement with DWER, DMIRS, Water Corporation and DPLH regarding specific details to be considered during the review of the Planning framework and preparation of this Strategy.

DRAFT

8.3. FUTURE CONSULTATION AND ADVERTISING

It is anticipated that the first draft Strategy will be formally advertised in early 2023 following preliminary endorsement from Council and the WAPC.

A notification will be given to the external stakeholders outlined in Part 2, section 8.2, and the document will be made available to the public electronically on the Shire's website and physically for viewing at the Shire office.

A total of 76 respondents to the preliminary engagement survey outlined in Part 2, section 8.1, requested to be included on the mailing list for future updates and provided their email address for direct notification during the formal advertising process. In addition, many additional community members have made requests to be included in this mailing list as they are interested in the outcomes of the review.

Respondents also favoured community forums and open-door workshops which the Shire will include in the future advertising.

DRAFT

9.0 References

All photos taken by Shire staff – Loren Clifford, Shawn Lombard and Kira Strange.

Australian Bureau of Statistics [ABS]. (2001). *2001 Census Community Profiles.* ABS. https://www.abs.gov.au/census/find-census-data/quickstats/2001/LGA52870

ABS. (2006). *2006 Census Community Profiles.* ABS. https://www.abs.gov.au/census/find-census-data/community-profiles/2006/LGA52870

ABS. (2011). *2011 Census Community Profiles.* ABS. https://www.abs.gov.au/census/find-census-data/community-profiles/2011/LGA52870

ABS. (2016). *2016 Census Community Profiles.* ABS. https://www.abs.gov.au/census/find-census-data/community-profiles/2016/LGA52870

ABS. (2020a). *Region Summary: Donnybrook-Balingup, 2020.* ABS. https://dbr.abs.gov.au/region.html?lyr=lga&rgn=52870

ABS. (2020b). *Region Summary: Western Australia, 2020.* ABS. https://dbr.abs.gov.au/region.html?lyr=ste&rgn=5

ABS. (2021). *2021 Census Community Profiles.* ABS. https://www.abs.gov.au/census/find-census-data/community-profiles/2021/LGA52870

Bureau of Metorology [BoM]. (2022a). *Climate Statistics for Australian Locations – Summary Statistics Donnybrook* http://www.bom.gov.au/climate/averages/tables/cw_009534.shtml

BoM. (2022b). *Climate Statistics for Australian Locations – Summary Statistics Perth Airport* http://www.bom.gov.au/climate/averages/tables/cw_009021.shtml

Clean Energy Council (CEC). (2022). Clean Energy Australia Report 2022. https://assets.cleanenergycouncil.org.au/documents/resources/reports/clean-energy-australia/clean-energy-australia-report-2022.pdf

Department of Mines, Industry Regulation and Safety [DMIRS]. (2022). *Basic Raw Materials* http://www.dmp.wa.gov.au/Geological-Survey/Basic-Raw-Materials-1411.aspx

Department of Planning, Lands and Heritage [DPLH]. (2021). *Government Sewerage Policy 2019.* https://www.wa.gov.au/government/publications/government-sewerage-policy-2019

DPLH. (2022a). *Protection under the Aboriginal Heritage Act 1972.* https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/protection-under-the-aboriginal-heritage-act-1972

DPLH. (2022b). *Aboriginal Heritage Inquiry System.* https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS

DPLH and Heritage Council. (2022). *Guidelines for Local Heritage Surveys August 2022.* https://www.wa.gov.au/system/files/2022-09/Guidelines-for-Local-Heritage-Surveys-2022.pdf

DPLH and Western Australian Planning Commission [WAPC]. (2018). *Western Australia Tomorrow Population Report No. 11 Medium Term Population Forecasts for Western Australia 2016 to 2031 and Sub-regions 2016 to 2031.* https://www.wa.gov.au/government/document-collections/western-australia-tomorrow-population-forecasts

DPLH and WAPC. (2021). *Guidelines for Planning in Bushfire Prone Areas.*

DRAFT

https://www.wa.gov.au/system/files/2022-05/Guidelines-for-planning-in-bushfire-prone-areas-version-1.4_0.pdf

DPLH and WAPC. (2022). *Bunbury-Geographe Sub-regional Strategy January 2022.* https://www.wa.gov.au/system/files/2022-01/Bunbury-Geographe-Sub-regional-Strategy.pdf

Department of Water [DoW]. (2009). *Donnybrook Water Reserve Drinking Water Source Protection Plan – Donnybrook Town Water Supply Report No. 102*. https://www.water.wa.gov.au/__data/assets/pdf_file/0016/4480/86570.pdf

Department of Water and Environmental Regulation [DWER]. (2021). *Water quality protection note 25 – Land use compatibility tables for public drinking water source areas.* https://www.wa.gov.au/system/files/2022-04/Land-use-compatibility-tables-for-public-drinking-water-source-areas.pdf

Environmental Protection Act [EP Act]. (1986). (WA) https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_44499.pdf/$FILE/Environmental%20Protection%20Act%201986%20-%20%5B09-l0-00%5D.pdf?OpenElement

Environmental Protection Authority [EPA]. (2005). *Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses No. 3.* https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separation-distances-270605.pdf

Francis, R. 2019. *Robyn Francis International Permaculture Pioneer*. https://robynfrancis.com.au/curriculum-vitae/

Government of Western Australia [Gov of WA]. (2022a). *Media Statements: State-owned coal power stations to be retired by 2030*. Tuesday, 14 June 2022. https://assets.cleanenergycouncil.org.au/documents/resources/reports/clean-energy-australia/clean-energy-australia-report-2022.pdf

Gov of WA. (2022b). *SLIP Cadastral Data*. https://data.wa.gov.au/

Keep Australia Beautiful [KAB] WA. (2022). *Finalists in the 2022 Awards.* https://www.kabc.wa.gov.au/get-involved/tidy-towns-sustainable-communities/finalists-in-the-2022-awards

Planning and Development (Local Planning Schemes) Regulations [LPS Regulations] 2015. (WA). https://www.dplh.wa.gov.au/getmedia/b1e08294-8bf9-47be-a1b1-3f09711254ac/Planning-and-Development-(Local-Planning-Schemes)-Regulations-2015

Roadside Conservation Committee [RCC]. (2008). *Roadside Vegetation and Conservation Values in the Shire of Donnybrook-Balingup* Department of Parks and Wildlife. https://www.dpaw.wa.gov.au/images/documents/conservation-management/off-road-conservation/rcc/reports/shire_of_donnybrook_balingup_technical_report_2008.pdf

Shire of Donnybrook Balingup [SoDB]. (2022). *Shire of Donnybrook Balingup Council Plan 2022 – 2032*. SoDB. https://www.donnybrook-balingup.wa.gov.au/Profiles/donnybrook/Assets/ClientData/Document-Centre/Council_Plan_updated_28_June_2022.pdf

SoDB, Farrow, L., and Chinnery, R. (2013). *Shire of Donnybrook Balingup Municipal Heritage Inventory.* https://www.donnybrook-balingup.wa.gov.au/services/town-planning/local-planning-framework.aspx

Shire of Mundaring [SoM]. (2022). *Wildflowers and Habitat Trees*. https://www.mundaring.wa.gov.au/environment-waste/native-plants-and-animals/wildflowers-and-habitat-trees.aspx

South West Aboriginal Land & Sea Council [SWALSC]. (2022a). *About the Gnaala Karla Booja Region*. https://www.noongarculture.org.au/gnaala-karla-booja/

SWALSC. (2022b). *About the South West Boojarah Region*. https://www.noongarculture.org.au/south-west-boojarah/.

SWALSC. (2022c). *Noongar Land Estate Gnaala Karla Booja.* https://www.noongar.org.au/gkb-land-estate

DRAFT

SWALSC. (2022d). *Noongar Land Estate South West Boorjarah*. https://www.noongar.org.au/swb-land-estate

SWALSC. (2022e). *Living Culture – Living Land and its people. Noongar Protocols. Welcome to Country.* https://static1.squarespace.com/static/56cac409d51cd4381775480d/t/57f25defe6f2e11074e8c283/1475501609428/Noongar+Protocols.pdf

State Planning Policy 2.4 Planning for Basic Raw Materials [SPP 2.4]. (DPLH and WAPC, 2021) https://www.dplh.wa.gov.au/getmedia/e63d947a-bb29-427d-be17-ec2fcd52493b/GD_SPP_2-4_Basic_Raw_Material_Guidelines

Western Power [WP]. (2022). *Alternative energy sources*. https://www.westernpower.com.au/our-energy-evolution/grid-technology/alternative-energy-sources/

DRAFT

10.0 Appendices

In addition to the Strategy Maps located in Part 1, section 4.0, the following supporting information has been provided for the Strategy and referenced within the document accordingly:

10.1. RURAL RESIDENTIAL LOT AREA MAP

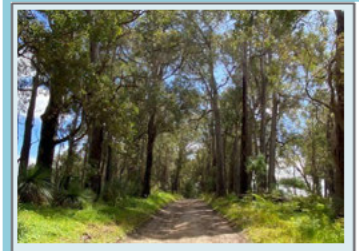
10.2. AGRICULTURAL LOT AREA MAP

10.3. DESIGNATED BUSHFIRE PRONE AREAS WITHIN THE SHIRE

10.4. BUSHFIRE HAZARD LEVEL ASSESSMENT REPORT

10.5. RESULTS OF PRE-ENGAGEMENT COMMUNITY SURVEY

DRAFT



DONNYBROOK

Forest Products Commission

Your Ref:
Our Ref: 772FP
[redacted]

[redacted]
Chief Executive Officer
Shire of Donnybrook-Balingup
[redacted]

20 March 2026

By Email: [redacted]@donnybrook.wa.gov.au

Dear [redacted]

LOCAL GOVERNMENT RATES

I am writing to follow up regarding the payment of rates on freehold properties held by the Forest Products Commission (FPC).

Under section 43 of the *Forest Products Act 2000*, land held by the Forest Products Commission (FPC) is not rateable land for the purposes of the *Local Government Act 2000*. Instead, the FPC is required to pay the Treasurer an amount equivalent to the sum of all local government rates and charges that the Commission would have been liable to pay.

To support local government services over the period 2025-26 and 2026-27, the FPC offers to contribute a sponsorship amount of $25,000 to the Shire of Donnybrook-Balingup. Could you please complete the **attached** EFT Payment Authorisation form to facilitate the payment and return by email to [redacted]

Beyond this period, the FPC would like to continue supporting services provided by the Shire that have a direct benefit to the plantation industry. I would appreciate your feedback to identify and discuss these opportunities.

Yours sincerely

[redacted]

CHIEF EXECUTIVE OFFICER

Enc. Form FPC7 Bank Account Advice Form – EFT Payment Authorisation

Perth Office
[redacted]

Form FPC7
BANK ACCOUNT ADVICE FORM – EFT PAYMENT AUTHORISATION

Forest Products Commission

Attention: **ADMINISTRATION OFFICER**
FOREST PRODUCTS COMMISSION

Please arrange to have all payments paid into the following bank, credit union or building society:

Name of bank, credit union or building society:	
Address of branch where account is held:	
Name in which account is held:	
BSB number:				-			
Account number:									
Email address for remittance advice:	
Australian Business Number (ABN):			-				-				-			

CONDITIONS OF AGREEMENT

- Should any of the above particulars alter notification will be provided to FPC.
- FPC will accept this advice as proper authority to make payment directly into your accounts as specified above.
- FPC will not be responsible for any delays in the banking system.
- The bank account details supplied comply with all applicable laws.
- This authority supersedes all previous advice.

Company name:	
Name & title of authorised officer:	
Contact address & phone number:	
Signature (manual signature required):	X
Date:	/ /

Action Record – FPC Finance Use only			
Date received	/ /		
Input:	/ /	By:	X
Checked:	/ /	By:	X

25 February 2026

[redacted]
Chief Executive Officer
Shire of Donnybrook Balingup

Dear Nick,

Request to Submit Waiver Application to Donnybrook Balingup Shire Council

First, I wish to apologise for the delay in taking action to address this matter properly before now. I have been on an extended holiday and took a complete break from all volunteering duties/emails.

We note that at the time of this invoice we were faced with having to move premise and restructure the management of the visitor centre. The previous committee resigned and gave up their incorporation.

In order to maintain a visitor centre in town a small group of dedicated volunteers started a new committee under the Balingup Progress Association.

The situation was compounded by the massive reduction in funding from the Shire Service Level Agreement and the loss of the income from transit park bookings and associated retail sales. We were then forced to incur the costs of moving a second time.

We utilised the monies we had at the time to make these moves to new premises with the clear expectation that we would be able to maintain operating and have the funds available to repay the invoice.

The committee has made every effort to reduce its costs of running the visitor centre and generate income to pay off this debt. As a small community group, we simply no longer have the capacity to raise $3,000.

We ask therefore, that you put it to Council that this debt be written off, clearing the air allowing us start again. In achieving this, we look forward to meeting the consultant that you have engaged, to discuss the future of tourism in the Shire.

Yours sincerely

[redacted]
Chair Balingup Tourism Committee

Profit and Loss

Balingup Progress Association trading as Balingup Tourism Committee
For the year ended 30 June 2026

Account	2026
Trading Income	
Interest Income	0.04
Sales	5,904.29
Total Trading Income	**5,904.33**
Cost of Sales	
Bus ticket commission to TRANSWA	143.21
Cost of Goods Sold	1,890.79
Total Cost of Sales	**2,034.00**
Gross Profit	**3,870.33**
Other Income	
Bendigo Community Pitch Grant	3,500.00
Shire DB SLA Grant	9,090.91
Community Donations	1,270.00
Fundraising Raffle	580.00
Contribution to replacement aircon	2,600.00
Total Other Income	**17,040.91**
Operating Expenses	
Bank Fees	230.89
Consulting & Accounting	960.00
Contractor Expenses	520.00
Light, Power, Heating	156.94
Office Expenses	103.00
Rent & Rates	4,000.00
Subscriptions	1,047.49
Superannuation	2,352.90
Telephone & Internet	460.13
Transit Park (Shire DB invoice)	4,374.00
Wages and Salaries	16,562.50
Website	126.36
Total Operating Expenses	**30,894.21**
Net Profit	**(9,982.97)**

Bendigo Bank

[redacted]
[redacted]
BALINGUP, WA, 6253, AUS

Card Account

Account title	BALINGUP PROGRESS ASSOCIATION - BALI
BSB	[redacted]
Account number	[redacted]
Account opening date	August 02, 2025

Proof of Account

Bendigo Bank is pleased to confirm your account details and the following transactions:

$47.53
Current balance

Transactions from 11/03/2026 - 11/03/2026

This Proof of Account was generated by Bendigo e-banking on March 12, 2026 at 12:55am

Date	Transaction	Withdrawals	Deposits	Balance
March 11, 2026	RETAIL PURCHASE / Vend Pos, South Melbour / 1003 AUD000000000500	-$5.00		

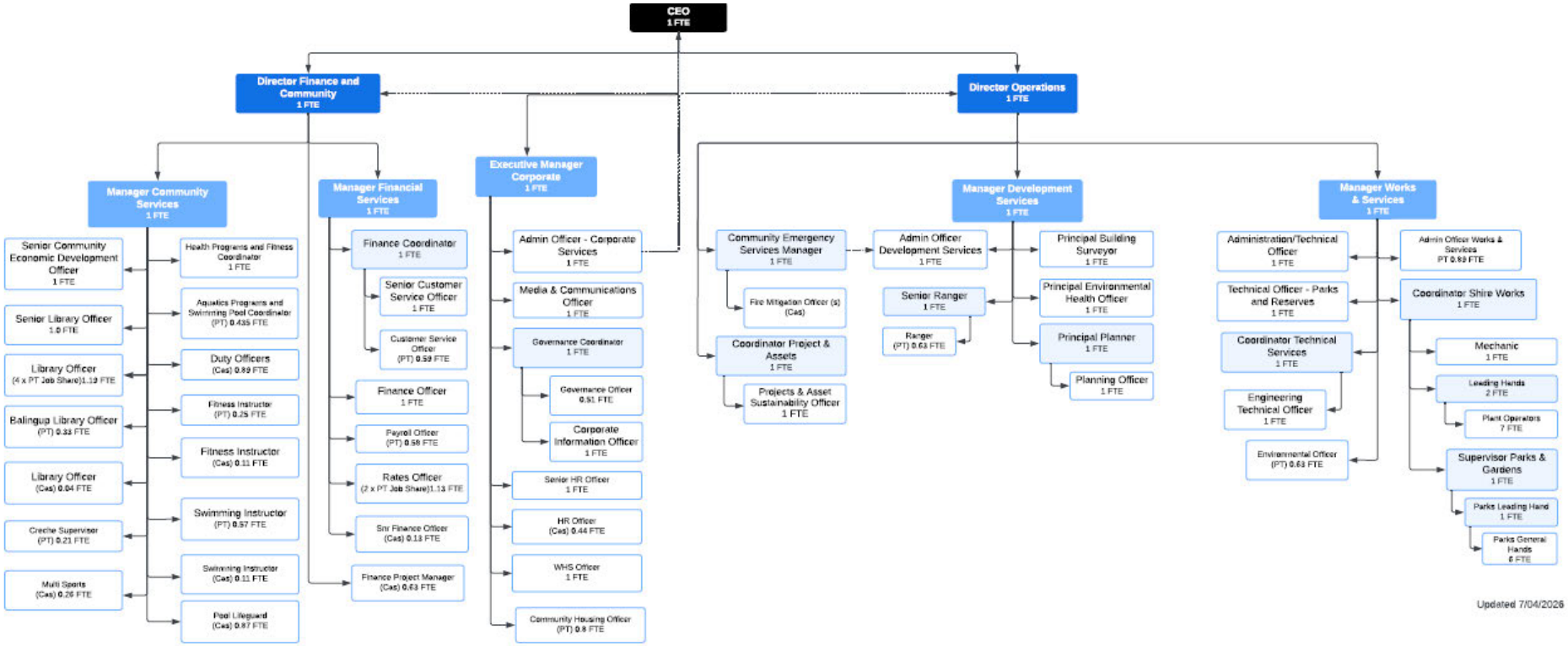


Diagram 1 - Current Structure

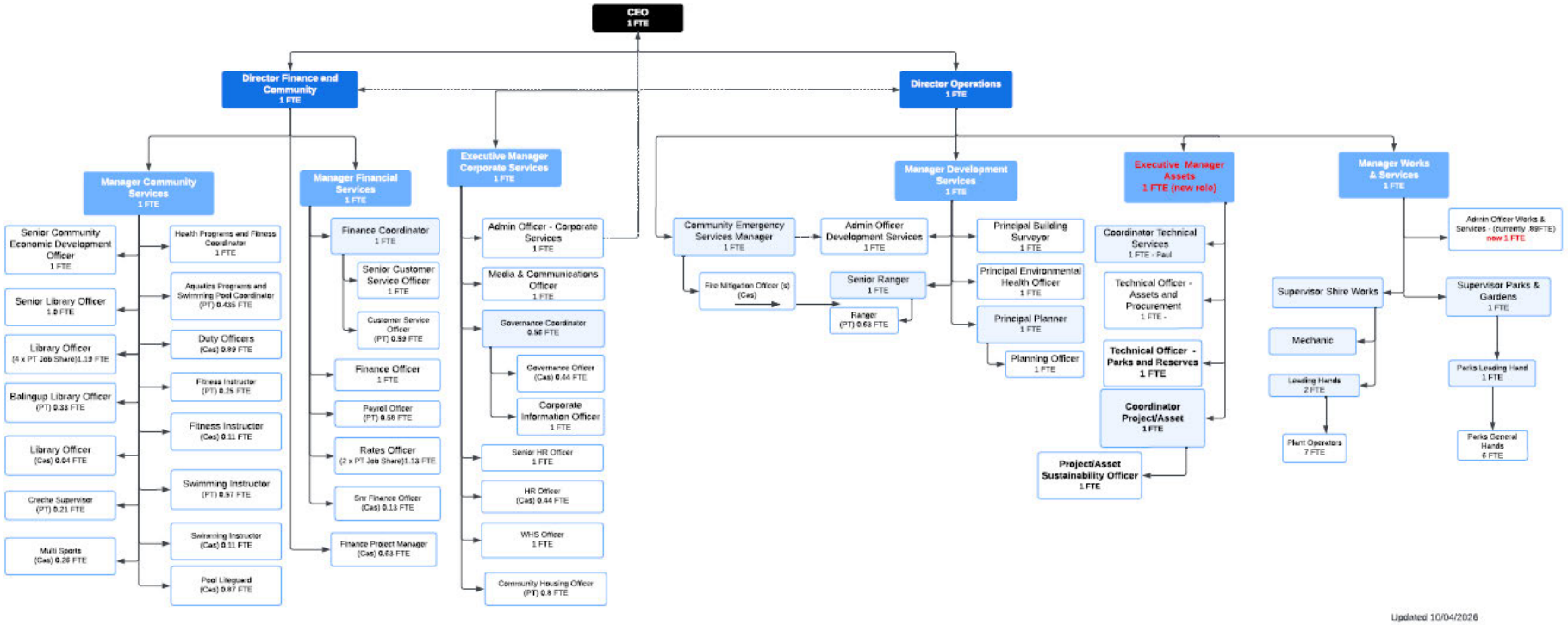


Diagram 2 – Proposed Structure

Shire of
Donnybrook Balingup

Shire of Donnybrook-Balingup
Draft Delegation Register 2026-2027

TABLE OF CONTENTS

INTRODUCTION 5
Introduction 5
Delegations and authorisations under other Legislation 6
DELEGATIONS 7
1.1.1 - Audit and Risk Management Committee [MARKED FOR REMOVAL] 7
1.2.1 - Authorise Persons to Perform Specified Functions under the Local Government Act 1995 8
1.2.2 - Performing Functions Outside the District 10
1.2.3 - Compensation for Damage Incurred when Performing Executive Functions 11
1.2.4 - Powers of Entry [DRAFT] 12
1.2.5 - Declare Vehicle is Abandoned Vehicle Wreck 13
1.2.6 - Confiscated or Uncollected Goods 14
1.2.7 - Disposal of Sick or Injured Animals [DRAFT] 15
1.2.8 - Close Thoroughfares to Vehicles 16
1.2.9 - Control Reserves and Certain Unvested Facilities 17
1.2.10 - Obstruction of Footpaths and Thoroughfares 18
1.2.11 - Gates Across Public Thoroughfares 20
1.2.12 - Public Thoroughfare – Dangerous Excavations 21
1.2.13 - Crossing -Construction, Repair and Removal 22
1.2.14 - Private Works on, over or under Public Places 23
1.2.15 - Tenders for Goods and Services - Call Tenders 24
1.2.16 - Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options 26
1.2.17 - Tenders for Goods and Services - Exempt Procurement 28
1.2.18 - Expressions of Interest for Goods and Services 30
1.2.19 - Panels of Pre-Qualified Suppliers for Goods and Services 31
1.2.20 - Application of Regional Price Preference Policy 33
1.2.21 - Disposing of Property [DRAFT] 34
1.2.22 - Acquisition of Interest in Land by Lease or other Short-Term Instrument 37
1.2.23 - Payments from the Municipal or Trust Funds 39
1.2.24 - Defer, Grant Discounts, Waive or Write Off Debts 40
1.2.25 - Power to Invest and Manage Investments 41
1.2.26 - Rate Record Amendment 42
1.2.27 - Agreement as to Payment of Rates and Service Charges 43
1.2.28 - Determine Due Date for Rates or Service Charges 44
1.2.29 - Recovery of Rates or Service Charges 45
1.2.30 - Recovery of Rates Debts – Require Lessee to Pay Rent 46
1.2.31 - Recovery of Rates Debts - Actions to Take Possession of the Land 47
1.2.32 - Rate Record – Objections 48
1.2.33 - Notices to Owners 49

DRAFT

1.2.34 - Renewal or Extension of Contracts during a State of Emergency 50
1.2.35 - Procurement of Goods or Services required to address a State of Emergency 52
1.2.36 - Extend Time for Lodging an Objection 54
1.4.1 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 (Amended 2017) 55
1.4.2 - Animals, Environment and Nuisance Local Law 2017 (Amended 2024) 58
1.4.3 - Bushfire Brigades Local Law 2000 (Amended 2017) 61
1.4.4 - Cat Local Law 2016 (Amended 2017) 63
1.4.5 - Cemeteries Local Law 2008 (Amended 2014) 65
1.4.6 - Dogs Local Law 2000 (Amended 2017) 68
1.4.7 - Extractive Industries Local Law 1998 (Amended 2016) 71
1.4.8 - Fencing Local Law 1999 (Amended 2016) 74
1.4.9 - Health Local Laws 1999 (Amended 2017) 77
1.4.10 - Meeting Procedures Local Law 2017 80
1.4.11 - Outdoor Eating Areas Local Law 2013 81
1.4.12 - Parking and Parking Facilities Local Law 2000 (Amended 2008) 83
1.4.13 - Local Government Property Local Law 2000 (Amended 2014) 85
1.4.14 - Waste Local Law 2017 (Amended 2024) 88
2.1.1 - Grant a Building Permit 90
2.1.2 - Demolition Permits 91
2.1.3 - Occupancy Permits or Building Approval Certificates 92
2.1.4 - Designate Employees as Authorised Persons 93
2.1.5. - Appoint Approved Officers and Authorised Officers 94
2.1.6. - Building Orders 95
2.1.7 - Inspection and Copies of Building Records 96
2.1.8 - Referrals and Issuing Certificates 97
2.1.9. - Private Pool Barrier – Alternative and Performance Solutions 98
2.1.10 - Smoke Alarms – Alternative Solutions 99
2.1.11 - Authorise persons to commence proceedings 100
3.1.1 - Make Request to FES Commissioner – Control of Fire 101
3.1.2 - Prohibited Burning Times - Vary [DRAFT] 102
3.1.3 - Prohibited Burning Times – Control Activities 103
3.1.4 - Restricted Burning Times – Vary and Control Activities 104
3.1.5 - Control of Operations Likely to Create Bush Fire Danger 106
3.1.6 - Burning Garden Refuse / Open Air Fires 107
3.1.7 - Firebreaks 109
3.1.8 - Appoint Bush Fire Control Officer/s and Fire Weather Officer 110
3.1.9 - Control and Extinguishment of Bush Fires 111
3.1.10 - Recovery of Expenses Incurred through Contraventions of the Bush Fires Act 1954 112
3.1.11 - Prosecution of Offences 113
4.1.1 - Cat Registrations 114
4.1.2 - Cat Control Notices 115

DRAFT

4.1.3 - Approval to Breed Cats 116
4.1.4. - Recovery of Costs – Destruction of Cats 117
4.1.5 - Authorise a person to perform Specified functions under the Cat Act 2011 118
4.1.6 - Applications to Keep Additional Cats 119
4.1.7 - Reduce or Waiver Registration Fee 120
5.1.1 - Appoint Registration Officer 121
5.1.2 - Grant Exemption as to Number of Dogs Kept at Premises 122
5.1.3 - Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons 124
5.1.4 - Refuse or Cancel Registration 125
5.1.5 - Kennel Establishments 126
5.1.6 - Recovery of Moneys Due Under this Act 127
5.1.7 - Dispose of or Sell Dogs Liable to be Destroyed 128
5.1.8 - Declare Dangerous Dog 129
5.1.9 - Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke 130
5.1.10 - Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice 131
5.1.11 - Determine Recoverable Expenses for Dangerous Dog Declaration 132
6.1.1 - Determine Compensation 133
6.1.2 - Prohibition Orders and Certificates of Clearance 134
6.1.3 - Food Business Registrations 135
6.1.4 - Appoint Authorised Officers and Designated Officers 136
6.1.5 - Debt Recovery and Prosecutions 137
6.1.6 - Abattoir Inspections and Fees 138
6.1.7 - Food Businesses List -Public Access 139
7.1.1 - Give Notice Requiring Obliteration of Graffiti 140
7.1.2 - Notices -Deal with Objections and Give Effect to Notices 141
7.1.3 - Obliterate Graffiti on Private Property 142
7.1.4 - Powers of Entry 143
8.1.1 - Appoint Authorised Officer or Approved Officer (Asbestos Regs) 144
8.1.2 - Enforcement Agency Reports to the Chief Health Officer [DRAFT] 145
8.1.3 - Appoint Authorised Officers 146
8.1.4 - Dealing with Seized Items 148
8.1.5 - Appoint Designated Officer – Information Sharing 149
8.1.6 - Give Enforcement Orders and Issue Clearance Certificates 150
8.1.7 - Enforcement Orders - Implement and Recover Costs 151
9.1.1 - Illegal Development 152
9.2.1 - Local Planning Scheme No. 7 - Development Applications 153
9.2.2 - Planning and Development (Local Planning Schemes) Regulations 2015 - Strata Applications 156

DRAFT

INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government, Industry Regulations & Safety *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

(a) A local government from performing any of its functions by acting through a person other than the CEO"; or
(b) A CEO from performing any of the CEO's functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

DRAFT

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DRAFT

DELEGATIONS

Delegation	**1.1.1 Audit and Risk Management Committee [PUBLISHED, BUT MARKED FOR REMOVAL]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	*Local Government Act 1995:* s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: i. Examine an audit report received by the Shire and determine if any matters raised by the audit report require action to be taken by the Shire [s.7.12A(3)(aa) & (a)]; and ii. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)(b)]. 3. Authority to review and endorse the Shire of Donnybrook Balingup's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	Audit and Risk Management Committee
Conditions	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council. b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.
Statutory framework	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - *The appointment, function and responsibilities of Audit Committees* Audit and Risk Management Committee Terms of Reference
Record keeping	Audit and Risk Management Committee Minutes shall record and identify each decision made under this Delegation in accordance with the requirements of *Local Government (Administration) Regulations 1996* r.19.
Date adopted	26 June 2024
Adoption references	Resolution 102/24

DRAFT

Delegation	**1.2.1 Authorise Persons to Perform Specified Functions under the Local Government Act 1995**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing *Local Government (Miscellaneous Provisions) Act 1960* s.449 Pounds, establishing; pound keepers and rangers, appointing
Function	1. Authority to authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land – to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24]. 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]. 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the *Local Government Act 1995* and any Local Laws made under the *Local Government Act 1995* [s.9.24(1)(c) and (2)(b)]. ***Note – this function not to be sub-delegated.** 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as pound keepers or rangers [Misc.Prov.s.449].
Delegates	CEO
Conditions	a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. d. Function 4. is not to be sub-delegated e. Council to be informed of any legal proceedings instituted.
Statutory framework	*Local Government Act 1995*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024

DRAFT

Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.2 Performing Functions Outside the District**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.20(1) Performing functions outside district.
Function	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	CEO
Conditions	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
Statutory framework	*Local Government Act 1995*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.3 Compensation for Damage Incurred when Performing Executive Functions**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.22(1) Compensation s.3.23 Arbitration
Function	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	CEO
Conditions	a. Delegation is limited to settlements which do not exceed a material value of $5,000.
Statutory framework	*Local Government Act 1995*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.4 Powers of Entry [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.28 When this Subdivision applies s.3.31 General procedure for entering property s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to give notice of entry [s.3.32]. 4. Authority to seek and execute an entry under warrant [s.3.33]. 5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 6. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	CEO
Conditions	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): i. A register of Authorisations is to be maintained as a Local Government Record. ii. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. iii. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Statutory framework	*Local Government Act 1995:* Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record keeping	Synergy Records – Property Assessment file

DRAFT

Delegation	**1.2.5 Declare Vehicle is Abandoned Vehicle Wreck**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.40A(4) Abandoned vehicle wreck may be taken
Function	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. NOTE: declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
Statutory framework	*Local Government Act 1995*
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.6 Confiscated or Uncollected Goods**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
Statutory framework	*Local Government Act 1995:* Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.7 Disposal of Sick or Injured Animals [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.47A Sick or injured animals, disposal of
Function	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]
Delegates	CEO
Conditions	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Animals, Environment & Nuisance Local Law 2017* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy Records

DRAFT

Delegation	**1.2.8 Close Thoroughfares to Vehicles**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Delegates	CEO
Conditions	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)]**.**
Statutory framework	*Local Government Act 1995*
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.9 Control Reserves and Certain Unvested Facilities**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Donnybrook Balingup that the Shire of Donnybrook Balingup could do under s.5 of the *Parks and Reserves Act 1895*. [s.3.54(1)].
Delegates	CEO
Conditions	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Statutory framework	*Local Government Act 1995* *Parks and Reserves Act 1985*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.10 Obstruction of Footpaths and Thoroughfares**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	L*ocal Government (Uniform Local Provisions) Regulations 1996:* r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government* (*Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: i. i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	*Local Government (Uniform Local Provisions) Regulations 1996* Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*
Record keeping	Works and Services Correspondence Register

DRAFT

Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.11 Gates Across Public Thoroughfares**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996:* r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Each approval provided must be recorded in the Shire of Donnybrook Balingup's statutory Register of Gates in accordance with *Uniform Local Provisions Regulation 8*.
Statutory framework	*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.12 Public Thoroughfare – Dangerous Excavations**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996:* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.13 Crossing -Construction, Repair and Removal**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996:* r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996.* b. To be assessed in accordance with the Shire's Construction of Crossover requirements.
Statutory framework	*Local Government (Uniform Local Provisions) Regulations 1996* prescribe applicable statutory procedures *Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995* Refer also Delegation 1.4.1 – *Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*
Record keeping	Works and Services Crossover Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.14 Private Works on, over or under Public Places**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996.* b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.15 Tenders for Goods and Services - Call Tenders**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Function	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14 (5)].
Delegates	CEO
Conditions	Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: a. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or b. a current supply contract expiry is imminent; and c. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and d. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**1.2.16 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the $250,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value to a maximum of $10,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	CEO

DRAFT

Conditions	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract is $250,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers where invited to supply. d. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.17 Tenders for Goods and Services - Exempt Procurement**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(2) When tenders have to be publicly invited (exemptions)
Function	1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	CEO

DRAFT

<table>
<tr><td>Conditions</td><td>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum amounts specified for the following categories:

Category Maximum Value for individual contracts
WALGA Preferred Supplier Program [F&G.r.11(2)(b)] $250,000

Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)] $250,000

Goods or services that are determined to be unique so that it is as per the Council Policy
unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.11 (2)(f)] $100,000 with CEO approval

Goods or services supplied by a person registered on the specified in F&G.r.11(2)(h)(ii)
Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money.
[F&G.r.11(2)(h)] $250,000 or less* as

Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] $250,000

b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:
i. A detailed specification;
ii. The outcomes of market testing of the specification;
iii. The reasons why market testing has not met the requirements of the specification;
iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and
v. The expense is included in the adopted Annual Budget.

c. Where the total consideration of a Tender Exempt procurement contract exceeds the amounts delegated above, the decision is to be referred to Council.</td></tr>
<tr><td>Statutory framework</td><td>Local Government Act 1995
Local Government (Functions and General) Regulations 1996</td></tr>
<tr><td>Policy</td><td>Council Purchasing Policy</td></tr>
<tr><td>Record keeping</td><td>Request for Tender Register</td></tr>
<tr><td>Date adopted</td><td>26 June 2024</td></tr>
<tr><td>Adoption references</td><td>Council resolution 102/24</td></tr>
</table>

DRAFT

Delegation	**1.2.18 Expressions of Interest for Goods and Services**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Functions and General) Regulation 1996:* r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function	1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD (6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5). 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Delegates	CEO
Conditions	a. In accordance with the Shire's Regional Price Preference and Purchasing Policies.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Purchasing Policy Council Regional Price Preference Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**1.2.20 Application of Regional Price Preference Policy**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Functions and General) Regulations 1996::* r.24G Adopted regional price preference policy, effect of
Function	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	a. In accordance with the Council's Purchasing Policy.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Regional Price Preference Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.21 Disposing of Property [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.58(2) & (3) Disposing of Property *Local Government (Functions and General) Regulations 1996:* R.30 Dispositions of property excluded from Act s.3.58
Function	1. Authority to dispose of property to: a. to the highest bidder at public auction [s.3.58(2)(a)]. b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3), subject to following the giving of public notice [s.3.58(3)] no submissions were received. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: i. disposal of land to an adjoining owner, where the market value is less than $5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)]; ii. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]; iii. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G r.30(20(e)]; iv. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]; v. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via State-wide public notice [F&G r.(2A); vi. disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)]; vii. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than $75,000. [F&G.r.30(3)(b)].
Delegates	CEO
Conditions	a. In accordance with Council policies. b. Any disposals under this delegation are to be reported to Council quarterly. c. Items with a value of $1,000 (excluding GST) or less can be sold without calling for expressions of interest or advertising. d. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. e. In accordance with s.5.43, disposal of property, for any single project or where not part

DRAFT

e. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $10,000 (excluding GST) or less.

f. When determining the method of disposal:
    I. Where a public auction is determined as the method of disposal:
        i. Reserve price has been set by independent valuation;
        ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.
    II. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.
    III. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:
        i. Negotiate the sale of the property up to a -10% variance on the valuation; and
        ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded

g. A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.

h. Where the market value of the property is determined as being less than $20,000 (F&G r.30(3) excluded disposal) may be undertaken:
    i. Without reference to Council for resolution; and
    ii. In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.

i. The Chief Executive Officer is authorised to affect the renewal of leases and agreements, service level agreements or written arrangements in place between Council and third parties, where;
    i. There is no significant change proposed to the terms and conditions of the lease/agreement; and
    ii. The lease/agreement must include provisions for further renewal within the document.

PROPERTY MANAGEMENT FRAMEWORK

j. The Chief Executive Officer is authorised to approve and execute any new lease and licence agreements, or variation, extension, assignment, or sub-lease in respect to a Category One (1) – Small community groups or Category Two (2) – Sporting clubs, community groups and organisations tenant, pursuant to the adopted Property Management Framework, where:
    i. The community/sporting group or organisation is currently occupying a Shire building, or building on Shire owned or managed land; and
    ii. The terms and condition of any lease or licence agreement must be in accordance with the terms and conditions approved by Council as set out in the Property Management Framework.

Any new applications for *Category One (1) - Small community groups, or Category Two (2) – Sporting clubs, community groups and organisations,* not currently occupying a Shire building, or building on Shire owned or managed land, will require a specific resolution of Council.

The delegation does not extend to *Category Three (3) – Commercial entities, state and national clubs, associations, and community organisations, or Category Four (4) – Government agencies, pursuant to the*

	organisations, or Category Four (4) – Government agencies, pursuant **to the adopted Property Management Framework.** **Any leases, or licences in accordance with *Category Three (3) or Four (4)* will require a specific resolution from Council.** k. The Chief Executive Officer is authorised to approve and execute the renewal of Commercial leases in place between Council and third parties, where: i. There is no significant change proposed to the terms and conditions of the lease/agreement; and ii. The lease/agreement has provided for the further term within the document; and iii. The lease has not been transitioned to the adopted Property Management Framework.
Statutory framework	*Local Government Act 1995* – s.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58
Policy	Council Commercial Lease Policy Council Property Management Policy
Record keeping	Attain: Executed Delegations Register

DRAFT

Delegation	**1.2.22 Acquisition of Interest in Land by Lease or other Short-Term Instrument**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.59 Commercial enterprises by local governments *Local Government (Functions and General) Regulations 1996:* r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Function	1. Authority to acquire an interest in land (includes buildings), by lease or other short-term instrument ONLY, where the total value of the consideration and anything done by the Shire of Donnybrook Balingup is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short-term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: i. without intending to produce a profit to the Local Government; and ii. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Delegates	CEO
Conditions	a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than two (2) years. b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. **NOTE** - Examples of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short-term lease of storage space for equipment while a refurbishment is completed. c. Where the acquisition total consideration value is greater than $50,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of $100,000 or less. e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.
Statutory framework	*Local Government Act 1995:* s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget Corporate Business Plan as adopted by Council *Local Government (Functions and General) Regulations 1995 Regulations 8A and 8* *Residential Tenancy Act 1987* *Commercial Tenancy (Retail Shops) Agreements Act 1985*

DRAFT

Policy	Council Purchasing Policy
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.23 Payments from the Municipal or Trust Funds**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Financial Management) Regulations1996:* r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	CEO
Conditions	a. To take into consideration allocations in the budget. b. Annual Operational procedural reviews.
Statutory framework	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Local Government (Audit) Regulations 1996*
Policy	Council Credit Card Policy
Record keeping	Synergy: Financial Management Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.24 Defer, Grant Discounts, Waive or Write Off Debts**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.12 Power to defer, grant discounts, waive or write off debts s.6.12 (3) Granting a concession under subsection (1)(b)
Function	1. Waive a debt which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)] 2. rant a concession in relation to money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)] 3. Write off an amount of money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(c)]
Delegates	CEO
Conditions	*This delegation is subjection to section 6.12(2) of the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.* a. This delegation is to be used in accordance with all Council policies. b. Any waiver of a debt or granting of a concession shall only be up to $1,000 and shall be considered solely on its merits [s.6.12(1)(b)]. c. Concessions can be granted on adopted scheduled fees and charges for the Donnybrook Recreation Centre for the purposes of promotional activities, for up to 10% of a scheduled fee and charge. Individual promotions must not exceed 31 days. d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Donnybrook Balingup. e. Write off individual debts valued below $1,000 ex. GST. Debts greater than $1,000 ex. GST must be referred for Council decision. f. A list of all deferments, concessions, granted discounts, waivers or write-off of debts executed under this delegation are to be presented to Council monthly.
Statutory framework	*Local Government Act 1995*
Record keeping	Attain: Executed Delegations Register Council Information Bulletin
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.25 Power to Invest and Manage Investments**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996:* r.19 Investments, control procedures for
Function	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	CEO
Conditions	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy to invest funds. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Management Committee not less than once in every three financial years [Audit r.17].
Statutory framework	*Local Government Act 1995* - Investment of money, restrictions on, refer s.6.14(2)(a)) *Local Government (Financial Management) Regulations 1996* - refer r.19C
Policy	Council Investments Policy
Record keeping	Schedule of Investments Cash & Financial Assets Note - Supplementary Information Reported to Council in Monthly Financial Report
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.26 Rate Record Amendment**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.39(2)(b) Rate record
Function	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	CEO
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act.
Statutory framework	*Local Government Act 1995* – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.
Record keeping	Synergy; Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.27 Agreement as to Payment of Rates and Service Charges**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.49 Agreement as to payment of rates and service charges
Function	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Statutory framework	*Local Government Act 1995*
Record keeping	Synergy: Rates & Property Module Rates: Direct Debit Processing File
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.28 Determine Due Date for Rates or Service Charges**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.50 Rates or service charges due and payable
Function	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Donnybrook Balingup [s.6.50].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995*
Record keeping	Annual Budget Council resolution
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.29 Recovery of Rates or Service Charges**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Delegates	CEO
Conditions	Compliance with the Shire's adopted Policies and Procedures.
Statutory framework	*Local Government Act 1995*
Record keeping	Synergy: Rates & Property Module Information regarding caveat actions taken to be reported to Council in the Council Information Bulletin
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.60 Local Government may require lessee to pay rent
Function	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Donnybrook Balingup [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	CEO
Conditions	a. Comply with the Shire's adopted Policies and Procedures.
Statutory framework	*Local Government Act 1995* – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Record keeping	Synergy: Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.64(1) & (3) Actions to be taken s,6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Donnybrook Balingup [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegates	CEO
Conditions	a. In accordance with s.5.68(3A), a decision to exercise a power of sale **without having**, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, may only be made where the reasons why court action has not been pursued is recorded in Council Minutes. b. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the *Local Government Act 1995*.
Statutory framework	*Local Government Act 1995* – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation. *Local Government (Financial Management) Regulations 1996* – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record keeping	Synergy: Rates & Property Module Council Meeting Agenda Minutes as per s.6.68(3A)
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.32 Rate Record – Objections**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.76 Grounds of objection
Function	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Statutory framework	*Local Government Act 1995*
Record keeping	Synergy: Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.33 Notices to Owners**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.25 Notices requiring certain things to be done by owner or occupier of land s 3.26 Additional powers when notices given
Function	1. Authority to issue a notice in writing requiring certain things to be done by owner or occupier of land in accordance with Schedule 3.1 and if the person fails, do anything it considers necessary to achieve the purpose for which the notice was given, including recovering any associated costs as a debt. [s3.25]. 2. Authority to take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given [s3.26].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995*
Record keeping	Synergy Records – Property Assessment File
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.34 Renewal or Extension of Contracts during a State of Emergency**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(ja)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: 1. contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds $250 000, and 2. contracts formed through a public tender.
Delegates	CEO
Conditions	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is $100,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under the resulting contract is $250,000 or less. f. The CEO cannot sub-delegate this authority.
Statutory framework	*Local Government (Functions and General) Regulations 1996* WALGA Subscription Service – Procurement Toolkit
Policy	Council's Purchasing Policy
Record keeping	Discharge of Delegations Table

DRAFT

Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.35 Procurement of Goods or Services required to address a State of Emergency**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(aa) Associated definition under sub regulation 11(3)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value >$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	CEO
Conditions	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.
Statutory framework	*Local Government (Functions and General) Regulations 1996* WALGA Subscription Service – Procurement Toolkit
Policy	Council's Purchasing Policy
Record keeping	Discharge of Delegations Table

DRAFT

Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.2.36 Extend Time for Lodging an Objection**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.9.5 Objection may be lodged
Function	1. Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
Delegates	CEO
Conditions	a. Any extension of time must be requested in writing, stating the reasons for the delay; b. The Delegate must be satisfied that there are reasonable grounds to justify an extension; c. The decision to grant or refuse an extension must be documented.
Statutory framework	*Local Government Act 1995*
Record keeping	Discharge of Delegations Table
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**1.4.1 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 (Amended 2017)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000:* Part 2 Div.1 2.2 Activities allowed with a permit – general Part 3 Div.2 3.6 Notice to owner or occupier Part 4 Div.3 4.4 Conditions on portable sign Part 6 Sub-div.2 6.5Relevant considerations in determining application for permit Part 6 Sub-div.2 6.6Conditions of permit Part 6 Sub-div.2 6.7Exemptions from requirement to pay fee or to obtain permit Part 6 Sub-div.2 6.18 Variation of permitted area and permitted time Part 6 Sub.div.2 6.20 Cancellation of permit Part 7 Div.1 7.1 Application for permit Part 7 Div.1 7.2 Decision on application for permit Part 7 Div.2 7.3 Conditions which may be imposed on a permit Part 7 Div.2 7.5 Compliance with and variation of conditions Part 7 Div.3 7.8 Transfer of permit Part 7 Div.3 7.9 Production of permit Part 9 9.1 Notice to redirect or repair sprinkler Part 9 9.2 Hazardous plants Part 9 9.3 Notice to repair damage to thoroughfare Part 9 9.4 Notice to remove thing unlawfully placed on thoroughfare Part 10 Div.1 10.2 Local government may undertake requirements of notice
Function	Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000: 1. Authority to exempt: i. a person from compliance with sub-clause (1) on the application of that person [cl 2.2(2)]. 2. Authority to give notice: i. in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.[cl 3.6]. ii. written notice of that refusal to the applicant [cl 7.2(3)]. iii. to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment [cl 9.1]. iv. to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard [cl 9.2(1)]. v. to the person who caused the damage to order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government [cl 9.3]. vi. in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing [cl 9.4]. vii. in writing to a permit holder vary - (i) the permitted area; (ii) the permitted time; or (iii) both the permitted area and the permitted time, shown on a permit [cl 6.18(1)]. 3. Authority to approve an application:

DRAFT

i. for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –... [cl4.4];
ii. for a permit unconditionally or subject to any conditions [cl 7.2 (1)(a)];

iii. for a permit subject to conditions relating to:
i. the payment of a fee;
ii. the duration and commencement of the permit;
iii. the commencement of the permit being contingent on the happening of an event;
iv. the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
v. the approval of another application for a permit which may be required by the local government under any written law;
vi. the area of the district to which the permit applies;
vii. where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
viii. the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
ix. the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder [cl 7.3].
iv. for the transfer of a permit, refuse to approve it or approve it subject to any conditions [cl7.8 (2)].

4. Authority to refuse:
i. to approve an application for a permit under this division on any one or more of the following grounds –
i. that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
ii. that the applicant is not a desirable or suitable person to hold a permit;
iii. that –
i. the applicant is an undischarged bankrupt or is in liquidation;
ii. the applicant has entered into any composition or arrangement with creditors; or
iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
iv. such other grounds as the local government may consider to be relevant in the circumstances of the case [cl 6.5(2)].
ii. to consider an application for a permit which is not in accordance with sub-clause (2). [cl 7.1 (5)]
iii. to approve an application for a permit [cl 7.2(1)(b)].

5. Authority to request:
i. a permit holder to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person [cl 7.9].

6. Authority to authorise:
i. another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder. Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law [cl 6.6(2)].

7. Authority to:
i. cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance [cl 6.20] – SEE CONDITIONS BELOW.
ii. waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on–
i. on a portion of a public place adjoining the normal place of business of the applicant; or
ii. by a charitable organisation that does not sublet space to, or involve commercial participants

DRAFT

	in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation [cl 6.7(2)]. iii. exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division [cl 6.7(3)]. iv. vary the conditions of a permit, and the permit holder shall comply with those conditions as varied [cl 7.5 (2)]. v. may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing [cl 10.2].
Delegates	CEO
Conditions	a. Contentious issues to be referred to Council. b. Part 6 Sub.div.2 6.20 Cancellation of a permit cannot be delegated to any other officer.
Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.2 Animals, Environment and Nuisance Local Law 2017 (Amended 2024)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017:* Part 2 Div.1 2.3 Disposal of Dead Animals Part 2 Div.2 2.5 Conditions for keeping of an animal Part 2 Div.3 2.7 Limitation on numbers of poultry and pigeons Part 2 Div.3 2.9 Roosters, geese, turkeys, peafowls, guinea fowls, emus and ostriches Part 2 Div.3 2.11Restrictions on pigeons nesting or perching Part 3 Div.1 3.3 Unauthorised storage of materials Part 3 Div.2 3.4 Prohibited activities Part 3 Div.3 3.5 Burning of cleared vegetation prohibited Part 3 Div.3 3.6 Removal of refuse and disused materials Part 3 Div.3 3.7 Removal of unsightly overgrowth of vegetation Part 3 Div.3 3.9 Commercial wrecking of vehicles Part 4 Div.1 4.3 Notice may require specified action to prevent emission or reflection of light Part 4 Div.2 4.4 Burning rubbish, refuse or other material Part 4 Div.3 4.7 Truck noise from residential land Part 4 Div.6 4.13 Restrictions of keeping of bees in hives Part 5 Div.6 6.1 Notice of breach
Function	1. Authority to give written approval to: i. the operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming to of dispose of any dead animals or birds on their premises [cl2.3(1)]; ii. a person to keep or permit the keeping of bees anywhere within the district unless written approval to do so has been given by the Local government [cl4.13(1)]; iii. a person on any land within a townsite, having an area of 2000 square metres or less, to set fire to rubbish, refuse or other materials who has: i. written approval has first been obtained from the local government; ii. the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low; iii. the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons; iv. a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; v. and the burning complies with the *Bush Fires Act 1954,* any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government [cl4.4(1a)]. iv. store construction materials on a building site or development site [cl3.3(1)]; v. to store construction material on any thoroughfare verge [cl3.3(2)]. 2. Authority to give written notice: i. to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time frame specified in the notice [cl3.6(2)]; ii. to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice [cl3.7(2)]; iii. to an owner or occupier of land in the district to undertake, permit or suffer the

DRAFT

	commercial wrecking of vehicles on that land [cl3.9]; iv. direct to the owner or occupier to take such actions as necessary within the time specified in the notice where: i. floodlights or other exterior lights shine directly onto any other premises; ii. artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land that interferes unreasonably with normal daily activities; or iii. natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare [cl4.3(1)]; v. the person alleged to be responsible for a breach of any provision of this local law. [cl6.1(1)]. 3. Authority to provide approval to: i. an owner or occupier of a premises within a townsite to keep a horse, cow or large animal on those premises [cl2.5(1)]; ii. an owner or occupier of premises within a townsite to keep a combined total of more than 12 poultry and pigeons on any one lot of land [cl2.7]. 4. Authority to serve a notice: i. serve on the owner and/or occupier of the land a notice requiring the owner and or occupier to do one or more of the following: i. comply with subclause (1)(a) or (1)(b); ii. clean up and properly dispose of any released or escaped dust or liquid waste; iii. clean up and make good any damage resulting from the released or escaped dust or liquid waste; and iv. take reasonable steps to stop any further release or escape of dust or liquid waste; ii. requiring the person to remove bees or approved beehives to be removed [cl4.13(2)]. 5. Authority to give written permission to an owner or occupier of premises to keep or allow to be kept on that land a rooster; a goose or gander; a turkey; a peacock or peahen; a guinea fowl; an emu or an ostrich [cl2.9(1)]. 6. Authority to grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified, upon written application [cl2.9(2)]. 7. Authority to revoke an approval granted under this section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health [cl2.9(4)]. 8. Authority to issue a notice to an owner or occupier of a house, in or on which pigeons are in the habit of nesting or perching, to take reasonable steps to prevent them from continuing to do so [cl2.11(1)]. 9. Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice [cl3.4(4)]. 10. Authority to give written authorisation to an owner or occupier of any building site or development site to burn vegetation or other material cleared from the site [cl3.5]. 11. Authority to give written consent to a person to start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day [cl 4.7].
Delegates	CEO

DRAFT

Conditions	a. An approval cannot be revoked by an officer who approved the original approval [cl2.9 (4)].
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017* *Shire of Donnybrook Balingup Animals, Environment and Nuisance Amendment Local Law 2024*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.3 Bushfire Brigades Local Law 2000 (Amended 2017)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Bushfire Brigades Local Law 2000:* Part 2 Div.1 2.1 Establishment of a Bush Fire Brigade Part 2 Div.1 2.2 Name and officers of Bush Fire Brigade Part 2 Div.3 2.5 Variation of Rules Part 2 Div.5 2.7 Dissolution of Bush Fire Brigade Part 6 6.4 Consideration in the local government budget
Function	1. Authority to establish a Bush Fire Brigade for the purpose of carrying out normal brigade activities [cl1.2]. 2. On establishing a Bush Fire Brigade under clause 2.1(1) the local government is to: i. give a name to the Bush Fire Brigade; ii. specify the area in which the Bush Fire Brigade is primarily responsible for carrying out the normal Brigade activities (the "Brigade area"); and iii. appoint: i. a Bush Fire Control Officer ii. a Captain; iii. a First Lieutenant; iv. a Second Lieutenant; v. additional Lieutenants if the local government considers it necessary; vi. an Equipment Officer; vii. a Secretary; and viii. a Treasurer; or ix. a Secretary/Treasurer combined [cl 2.2(1a-c)]. 3. Authority to vary the Rules in their application to all bush fire brigades or in respect of a particular Bush Fire Brigade [cl 2.5(1)]. 4. Authority to cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established [cl 2.7]. 5. Authority to approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question [cl 6.4].
Delegates	CEO
Conditions	a. The Shire is to have regard to the qualifications and experience which may be required to fill each position.
Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Bushfire Brigades Local Law 2000*
Record keeping	Synergy Records: Bush Fire Brigades
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**1.4.4 Cat Local Law 2016 (Amended 2017)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Cat Local Law 2016:* Part 2 Sec 2.4 Decision on application Part 2 Sec 2.6 Conditions Part 2 Sec 2.8 Variation or cancellation of permit Part 3 Sec 3 .1 Nuisances Part 4 Sec 4.1 Cat management facility Part 5 Sec 5.1 Destruction at request of owner Part 7 Sec 7.2 Objections and Appeals Part 7 Sec 7.3 General offence and penalty provisions Schedule 1 Sec A Permit to keep three or more cats Schedule 1 Sec B Permit to use premises as a cat management facility
Function	1. Authority to; i. approve an application for a permit subject to conditions; [cl2.4(a)]; ii. refuse to approve an application for a permit [cl2.4(b)]; iii. suspended or revoked a permit if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law; [cl2.6(c)]; iv. vary the conditions of a permit [cl2.8(1)]; v. vary or cancel a permit on the request of the permit holder [cl2.8(2)]; vi. give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance [cl3.1(2)]; vii. withdraw the notice given to abate the nuisance [cl3.1(3)]; viii. establish and maintain a cat management facility or facilities, and may approve a cat management facility maintained by any authorised person, for the impounding of cats under this local law [cl4.1(1)]; ix. determine from time to time: i. the times when a cat management facility will be open for the reception and release of cats; ii. times for the sale of cats from the facility; and iii. a scale of impounding fees to be paid on the release of impounded cats [cl4.1(2)]; x. destroy the cat under S.34(c) of the Act [cl5.1(1)]; xi. charge an owner a fee in respect of the destruction of a cat [cl5.1(3)]; xii. approve or refuse to approve an application for a permit under this local law; or [cl7.2(a)]; xiii. renew, vary or cancel a permit under this local law, the provisions of Division 5 of Part 4 of the Act apply to that decision [cl7.2(b)]; xiv. recover a penalty for an offence against this local law when taking proceedings against the alleged offender [cl7.3(7)]; xv. give consent to the permit holder to replace a cat [Schedule 1A (3)]; xvi. approve materials used in structures [Schedule 1B(3)].
Delegates	CEO
Conditions	Nil

DRAFT

Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Cat Local Law 2016*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.5 Cemeteries Local Law 2008 (Amended 2014)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Cemeteries Local Law 2008:* Part 2 Div.1 2.3 Plans and registers Part 2 Div.2 2.4 Issue grants Part 2 Div.2 2.5 Rights of holder Part 2 Div.2 2.6 Renewal of grant Part 2 Div.2 2.7 Replacement of grant Part 2 Div.2 2.8 Transfer of grant Part 2 Div.2 2.9 Exercising the right of holder Part 3 3.6 Receipt of application for funeral Part 3 3.7 Times for burials Part 4 4.2 Funeral directors licence Part 4 4.5 Cancellation of funeral director's licence Part 4 4.6 Single funeral permits Part 5 Div.1 5.6 Conduct of funeral by Council Part 5 Div.2 5.7Disposal of ashes Part 6 6.2 Vault or mausoleum Part 6 6.5 Exhumation Part 6 6.6 Opening of a coffin Part 7 Div.1 7.1 Application for monumental work Part 7 Div.1 7.2 Placement of monumental work Part 7 Div.1 7.5 Removal of sand, soil or loam Part 7 Div.1 7.6 Hours of work Part 7 Div.1 7.8 Use of wood Part 7 Div.1 7.9 Plants and trees Part 7 Div.1 7.14 Monumental mason's licence Part 7 Div.3 7.16 Carrying out monumental works Part 7 Div.3 7.18 Cancellation of monumental mason's licence Part 7 Div.3 7.19 Application for single monumental work permit Part 8 8.1 Animals Part 8 8.3 Damaging and removing of objects Part 8 8.6 Advertising Part 8 8.8 Removal from cemetery
Function	1. Authority to issue; i. that person with a grant of right of burial for a term of twenty-five (25) years [cl2.4]; ii. a new grant to replace a grant which is lost or destroyed [cl2.7(1)]; iii. to an applicant a funeral director's licence authorising a holder to direct funerals [cl4.2(1)]; iv. to an applicant a single funeral permit authorising a holder to direct a funeral [cl4.6(1)]; v. to that person a permit to carry out monumental work on a grave specified in an application [cl7.1(1)]; vi. to an applicant a monumental mason's licence [cl7.14(1)]; vii. to an applicant a single monumental work permit authorising a holder to place a monument [cl7.19(1)]. 2. Authority to determine; i. from time to time the number of dead bodies or ashes which may be placed in

DRAFT

the grave [cl 2.5(2)];
ii. determine the manner in which the funeral shall be conducted [cl5.6(c)];
iii. proper and substantial foundations for the placement for the of monuments [cl7.2].

3. Authority to request;
   i. the holder to produce the grant before the exercise of any of the rights [cl2.5 (3)];
   ii. the holder to deliver an existing grant to it prior to issuing a new grant. [cl2.5 (3)].

4. Authority to give permission;
   i. in accordance with section 26 of the Act to a holder who desires to transfer a grant to another person [cl2.8(b)]; to carry out a burial:
      i. on a gazetted public holiday in the State of Western Australia; or
      ii. at any other time, other than during the following days and hours:
         i. Monday to Friday between 9.00 a.m. and 4.00 p.m.
         ii. Saturday between 9.00 a.m. and 12.00 pm [cl3.7];
      iii. for the ashes to be disposed of by one of the following methods:
         i. Niche wall;
         ii. Family grave;
         iii. Bush memorial;
         iv. .Other memorials approved by the Council [cl5.7(1)].
      iv. to carry out memorial or other work on graves within a cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays [cl7.6];
      v. to a person to remove or pick any tree, plant, shrub or flower in a cemetery or any other object or thing on a grave or memorial or which is the property of the Council [cl8.3].

5. Authority to approve;
   i. any other person the rights If evidence is produced in writing to the satisfaction of the Council that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable [cl2.9];
   ii. the construction of a vault or mausoleum within a cemetery, which vault or mausoleum [cl6.2(2)];
   iii. the materials used to seal a mausoleum [cl6.2(6)];
   iv. the opening of that coffin [cl6.6(1)];
   v. the removal of sand, earth or other material for use in the erection of any memorial or work [cl7.5];
   vi. the use of wood on or around a grave [cl7.8];
   vii. the planting of trees or shrubs [cl7.9];
   viii. a person to carry on or advertise any trade, business or profession within a cemetery [cl8.3].

6. Authority to;
   i. establish and maintain:
      i. a plan of each cemetery showing the location and identifying number of every burial place or grave and the distribution of the land, compartments and sections;
      ii. a register containing the identification numbers of graves and the names and description of the persons buried;
      iii. a register of grants made with respect to each cemetery; and
      iv. a register of persons cremated whose ashes have been buried or disposed in each cemetery.
   ii. renew the grant for a further term of twenty-five (25) years commencing on the expiry date of the grant [cl2.6];
   iii. fix a time for a funeral [cl3.6(a)];

DRAFT

	iv. prepare a grave that is required. [cl3.6(b)]; v. Cancel a funeral director's licence by notice in writing to a holder of a funeral director's licence [cl4.5]; vi. refuse an application for the single funeral permit if, in the opinion of the Council, either a coffin's specifications or the details of the vehicle transporting the dead body to the gravesite, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds [cl4.6(3)]; vii. specify an area in a cemetery where the dead body is to be buried or the ashes placed [cl5.6(d)]; viii. conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law [cl5.6(e)]; ix. do or require anything which it considers is necessary or convenient for the conduct of the funeral by it [cl5.6(f)]; x. place the ashes of the deceased person in the cemetery [cl5.7(3)]; xi. place the ashes of the deceased person within a grave [cl 5.7(4)]; xii. disinter a coffin in a cemetery for an exhumation of a dead body [cl6.5]; xiii. set conditions on a monumental mason's licence [cl7.14(2)]; xiv. authorise a person to carry out monumental work within a cemetery [cl7.16]; xv. terminate a licence of a monumental mason's licence [7.18(1)]; xvi. permit the entry of an animal in a cemetery [cl8.1]; xvii. order a person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Council, the CEO or an authorised officer is inappropriate in a cemetery may in addition to any penalty provided by this local law [cl8.8].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Cemeteries Local Law 2008*
Record keeping	Grant of Right of Burial Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.6 Dogs Local Law 2000 (Amended 2017)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Dogs Local Law 2000:* Part 4, 4.3 Notice of proposed use Part 4, 4.4 Exemption from notice requirements Part 4, 4.8 Conditions of approval Part 4, 4.11 Form of licence Part 4, 4.13 Variation or cancellation of licence Part 4, 4.14 Transfer Part 4, 4.15 Notification Part 4, 4.16 Inspection of kennel Part 7, 7.3 Issue of infringement notice Part 7,7.5 Payment of modified penalty Part 7, 7.7 Service Schedule 2 Conditions of a licence for an approved kennel establishment

DRAFT

Function	1. Authority to approve; i. an exemption for a licence of an approved kennel establishment [cl4.4]; ii. an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions [cl4.8(1)]; iii. materials for a kennel [schedule2(c)]; iv. .approve other durable materials for the walls of a kennel [schedule2(k)]. 2. Authority to vary; i. any of the conditions contained in Schedule 2 [cl4.8(2)]; ii. the conditions of a licence [cl4.13(1)]. 3. Authority to; i. refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions [cl4.3(3)]; ii. determine the form for a licence and issue to the licensee [cl4.11]; iii. cancel a licence: i. on the request of the licensee; ii. following a breach of the Act, the Regulations or this local law; or iii. if the licensee is not a fit and proper person. [cl4.13(2)]; iv. approve or refuse to approve an application for the transfer of a valid licence [cl4.14(3)]; v. give 15 written notice to: i. an applicant for a licence of the local government's decision on her or his application; ii. a transferee of the local government's decision on her or his application for the transfer of a valid licence; iii. a licensee of any variation made under clause 4.13(1); iv. a licensee when her or his licence is due for renewal and the manner in which it may be renewed; v. a licensee when her or his licence is renewed; vi. a licensee of the cancellation of a licence under clause 4.13(2)(a); and vii. a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27 (6) of the Act [cl4.15]; vi. inspect an approved kennel establishment at any time [cl4.16]; vii. issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations [cl7.3]; viii. withdraw an infringement notice [cl7.5] (please see conditions below [cl7.6(2)]; ix. serve a notice on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government [cl7.7]; x. order that all kennels and yards and drinking vessels be maintained [schedule 2 (n)].
Delegates	CEO
Conditions	a. A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

DRAFT

Delegation	**1.4.7 Extractive Industries Local Law 1998 (Amended 2016)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Extractive Industries Local Law 1998:* Part 2, 2.2 Applicant to advertise proposal Part 2, 2.3 Application for licence Part 3 3.1 Determination of application Part 4, 4.1 Transfer of licence Part 4, 4.2 Cancellation of licence Part 4, 4.3 Renewal of licence Part 5, 5.1 Security for restoration and reinstatement Part 5, 5.2 Use by the local government of secured sum Part 6, 6.1 Limits on excavation near boundary Part 6, 6.2 Prohibitions Part 6, 6.3 Blasting Part 6, 6.4 Obligations of the licensee Part 7, 7.4 Works to be carried out on cessation of operations Part 8, 8.1 Objections and Appeals
Function	1. Authority to approve; i. a licence to excavate [cl2.2(1)]; ii. the content, size and construction of a notice used by an applicant to advertise the licence issued by the local government [cl2.2(2b)]; iii. the placement of the datum peg on the surface of a constructed public road or such other land in the vicinity [cl2.3(1d); iv. the application - i. over the whole or part of the land in respect of which the application is made; and ii. on such terms and conditions, if any, as it sees fit [cl3.1(2b)]; v. the issue of a licence in the form determined by the local government [cl3.1(3b)]; vi. the application to transfer a licence on such terms and conditions, if any, as it sees fit [cl4.1(2b)]; vii. excavation outside of the following limits; i. 20 metres of the boundary of any land on which the excavation site is located; ii. 20 metres of any land affected by a registered grant of easement; iii. 40 metres of any road; or iv. 40 metres of any watercourse. [cl6.1] viii. viii.to a licensee in writing to remove trees or shrubs and impose any conditions in accordance with cl3.1 [cl6.2(a)]; ix. blasting on a Saturday, Sunday or Public Holiday [cl6.3(2)]; x. proposals to restore and reinstate an excavated site [cl7.4(a)]. 2. Authority to determine; i. the form used by an applicant to advertise the licence issued [cl2.2(2a); ii. the form used to apply for a licence in respect to any land [cl2.3(1)]; iii. the licence period for a licence application the licence period for a licence application, not exceeding 21 years from the date of issue [cl3.1(3a)]; iv. the annual licence fee, or the relevant proportion of the annual licence fee to 31st December [cl3.1(4a)]; v. the form used to transfer a licence [cl4.1(3)]; vi. a sum the licensee must give to the local government as a bond, bank

DRAFT

guarantee or other security, of a kind and in a form acceptable to the local government [cl5.1(1)];
vii. the hours that blasting takes place [cl6.3(1b)];
viii. the standard of fencing required to securely fence an excavation site [cl6.4(a)].

3. Authority to refuse;
   i. to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained [cl3.1(1)];
   ii. the application, in respect of an application for a licence [cl3.1(2a)];
   iii. the application to transfer a licence [cl4.1(2a)];
   iv. the application for the renewal of a licence [cl4.3(4a)].

4. Authority to request;
   i. request any information to transfer a licence application [cl4.1(1e)];
   ii. request a licensee give a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government for security for restoration and reinstatement of an excavation site [cl5.1(1)].

5. Authority to;
   i. cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices referred to in sub-clause (1) [cl2.2];
   ii. may impose conditions in respect of the following matters:
      i. the orientation of the excavation to reduce visibility from other land;
      ii. the appropriate siting of access roads, buildings and plant;
      iii. the stockpiling of material;
      iv. the hours during which any excavation work may be carried out;
      v. the hours during which any processing plant associated with, or located on, the site may be operated;
      vi. requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
      vii. the depths below which a person must not excavate;
      viii. distances from adjoining land or roads within which a person must not excavate;
      ix. the safety of persons employed at or visiting the excavation site;
      x. the control of dust and wind-blown material;
      xi. the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
      xii. the prevention of the spread of dieback or other disease;
      xiii. the drainage of the excavation site and the disposal of water;
      xiv. the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
      xv. the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
      xvi. requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
      xvii. requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;
      xviii. any other matter for properly regulating the carrying on of an extractive industry; and
      xix. requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses

DRAFT

	incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence. [cl3.1(5)]; iii. cancel a licence where the licensee has: i. been convicted of an offence against - ii. this local law; or iii. any other law relating to carrying on an extractive industry; or iv. transferred or assigned or attempted to transfer or assign the licence without the consent of the local government; v. permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law; vi. failed to pay the annual licence fee under clause 3.2; or vii. failed to have a current public liability insurance policy under clause 7.1 (1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2) [cl4.2(1)]; iv. advise the licensee in writing of the licence cancellation [cl4.2(2a)]; v. waive any of the requirements specified in clause 4.3 (1) (d) or (e) [cl4.3(2)]; vi. carry out the required restoration and reinstatement work or so much of that work as remains undone; and [cl5.291c)]; vii. demand all costs incurred by the local government or which the local government may be required to pay under this clause [cl5.2(1d)]; viii. apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause [cl5.2(2)]; ix. vary a licence that a person has under this local law [cl8.1(b)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Excavation Industries Local Law 1998*
Record keeping	Extractive Industries Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.8 Fencing Local Law 1999 (Amended 2016)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Fencing Local Law 2016:* Part 2, 4 Sufficient fences Part 3, 8 Fences across rights-of-way, public access ways or thoroughfares Part 8, 8 General Discretion of the Local Government Part 6, 11 Requirement for a Licence Part 6, 12 Transfer of a Licence Part 6, 13 Cancellation of a Licence Part 7, 14 Notices of Breach

DRAFT

Function	1. Authority to approve; i. the erection of a dividing fence or a boundary fence that is not a sufficient fence [cl4(1)]; ii. the erection or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed [cl8]; iii. a licence to have and use an electrified fence [cl11(4)(a)]; iv. subject to such conditions a licence to have and use an electrified fence [cl11(4)(b)]; v. to transfer a licence to another occupier or owner of the lot; vi. approve the application for a transfer of the licence [cl12(3)(a)]; vii. the application for a transfer of the licence subject to such conditions as it thinks fit [cl12(3)(b)]; viii. any other material in compliance with the Local Law to erect a timber fence [cl First Schedule 5(f)]. 2. Authority to refuse; i. a licence to have and use an electrified fence [cl11(4)(c)]; ii. to approve the application for a transfer of the licence. [cl12 (3)(c)]. 3. Authority to determine; i. the form used to transfer a licence [cl12(2)(b)]; ii. the fee to transfer a licence to another occupier or owner of the lot [cl12(2)(d)]. 4. Authority to; i. give consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws [cl8(1)]; ii. request information to determine an application to transfer a licence to another occupier or owner of the lot [cl12(2)(e)]; iii. cancel a licence issued under this Part, subject to Division 1 Part 9 of the Local Government Act 1995 if: i. the fence no longer satisfies the requirements specified in clause 14(2) or 14(3) as the case may be; or ii. the licence holder breaches any condition upon which the licence has been issued [cl13]; iv. give a notice in writing to the owner of that lot ('notice of breach') where a breach of any provision of these Local Laws has occurred in relation to a fence on a lot [cl14(1)]; v. may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach [cl14(3)]; vi. may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction [cl14(3)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Fencing Local Law 1999*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**1.4.9 Health Local Laws 1999 (Amended 2017)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Health Local Laws 1999:* Part 3 Div1 3.1.2 Guttering and Downpipes Part 3 Div2 3.2.4 Ventilation Part 4 Div1 4.1.3 Disposal of Liquid Waste Part 4 Div1 4.1.4 Approval for Septic Tank Pump outs and Removal of Liquid Waste Part 4 Div1 4.1.5 Application for Approval Part 4 Div1 4.1.6 Provision of Quarterly Reports Part 4 Div2 4.3.2 Restriction of Vehicles Part 4 Div2 4.3.3 Transport of Butchers' Waste Part 5 Div7 5.7.2 Ventilation Part 6 Div1 6.1.5 Council may Execute Work and Recover Costs Part 6 Div2 6.2.3 Council may Execute work and recover costs Part 6 Div6 6.8.1 prescribe any other "Arthropod vectors of disease" Part 7 Div1 7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfest Part 7 Div1 7.1.2 Environmental Health Officer may disinfect or disinfest premises Part 7 Div1 7.1.6 Persons in contact with an infectious disease sufferer Part 7 Div1 7.1.7 Declaration of infected house or premises Part 7 Div1 7.1.10 Council may carry out work and recover costs Part 7 Div2 7.2.1 Disposal of used condoms Part 8 Div1 8.1.2 Lodging House Not to be Kept Unless Registered Part 8 Div1 8.1.4 Approval of Application Part 8 Div1 8.1.7 Revocation or Registration Part 8 Div2 8.2.7 Fire Prevention and Control Part 8 Div2 8.2.11 Sleeping Accommodation, Short Term Hostels and Recreational Campsites Part 8 Div3 8.3.3 Keeper Report Part 9 Div1 9.1.5 Certificate of Registration Part 9 Div1 9.1.7 Alterations to Premises Part 9 Div4 9.4.2 Receiving Depot
Function	1. Authority to approve; i. the owner of a house to use or occupy, or permit to be used or occupied, a house without guttering and downpipes [cl3.1.2]; ii. the owner or occupier of premises to discharge liquid waste into an apparatus for the treatment of sewage and disposal [cl3.2.4(4)]; iii. give written approval to collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes [cl4.1.4(b)]; iv. a vehicle or container for transporting butchers' waste [cl4.3.2(a)]; v. other impervious material to cover butchers' waste in transport [cl4.3.3(1aiv)]; vi. a lodging house, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate [cl8.1.4]; vii. fire protection equipment fitted in a lodging house [cl8.2.7(2)]; viii. mechanical ventilation in lieu of fixed ventilation of a short-term hostel or recreational campsite [cl8.2.11(5b)]. 2. Authority to give notice to; i. the owner of a house that is not properly ventilated, to; i. provide a different, or additional method of ventilation; or ii. cease using the house until it is properly ventilated [3.2.4(4)];

DRAFT

ii. to the occupier of an incorrectly ventilated car park to:
    i. provide a different or additional method of ventilation; and
    ii. cease using the car park until it is properly ventilated [5.7.2(2)];
iii. an owner or occupier in writing to clean, disinfect and disinfest:
    i. the premises; or
    ii. such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer [cl7.1.1(1)];
iv. the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked, before revoking the registration of a lodging house [8.1.7(3)];
v. the keeper of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper when revokes the registration of a lodging house [8.1.7(4)];
vi. withdraw permission to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2].

3. Authority to impose;
    i. terms and conditions on approvals for septic tank pump outs and removal of liquid waste [cl4.1.4(c)];
    ii. conditions on an application for septic tank pump outs and removal of liquid waste [cl4.1.5(3)].

4. Authority to request;
    i. quarterly reports from approved carriers to the Council containing accurate details of:
        i. the date of servicing the liquid waste system;
        ii. the address or location of the involved property; and
        iii. the type of system serviced [cl4.1.6];
    ii. a report to the Council in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night [cl8.3.3].

5. Authority to direct;
    i. an officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises [cl7.1.2(2)];
    ii. the removal of a person mentioned in section 7.1.6 to isolation in an appropriate place to prevent or minimise the risk of the infection spreading [cl7.1.6(b)];
    iii. an occupier of premises to dispose of used condoms [cl7.2.1(1)].

6. Authority to revoke;
    i. the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation [cl8.1.7(1)];
    ii. a registration of a lodging house upon any one or more of the following grounds:
        i. that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
        ii. that the keeper has:
        iii. been convicted of an offence against these local laws in respect of the lodging house;
        iv. not complied with a requirement of this Part; or
        v. not complied with a condition of registration.

7. Authority to give written permission;
    i. to make or permit any change or alteration whatever to the premise while it remains registered under this division [cl9.1.7];
    ii. to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2].

DRAFT

	8. Authority to; i. grant an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)]; ii. refuse an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)]; iii. vary conditions on an application for septic tank pump outs and removal of liquid waste [4.1.5(4)]; iv. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.1.4 [cl6.1.5(1)]; v. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.1.5 subsection (1) [cl6.1.5(2)]; vi. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.2.2 [cl6.2.3(1)]; vii. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.2.2 subsection (1) [cl6.2.3(2)]; viii. prescribe any other "Arthropod vectors of disease" [cl6.8.1]; ix. recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out. [cl7.1.2(3)]; x. issue instructions to a person if a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house [cl7.1.6(a)]; xi. declare a house or premises to be infected [cl7.1.7(1)]; xii. Carry out work or arrange for the work to be carried out to dispose of a body of a person who has died of any infectious disease [cl7.1.10(1)]; xiii. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 7.1.10 subsection (1) {cl7.1.10(2)]; xiv. register a lodging house under section 8.1.4 [cl8.1.2(b)]; xv. issue to the applicant a certificate of registration in the form prescribed in Schedule (11) to establish an offence trade [cl9.1.5].
Delegates	CEO
Conditions	a. Sub-delegates must hold current qualifications to the satisfaction of the Chief Medical Officer to perform any functions authorised above.
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Health Local Laws 1999 (Amended 2017)*
Record keeping	Synergy: Records Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.10 Meeting Procedures Local Law 2017**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Meeting Procedures Local Law 2017:* Part 6 6.10 Petitions
Function	1. Authority to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3) [cl6.10(2)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995 & Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Meeting Procedures Local Law 2017*
Record keeping	Council Meeting Agenda and Minutes
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.4.11 Outdoor Eating Areas Local Law 2013**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Outdoor Eating Areas Local Law 2013:* Part 2 2.2 Exemptions Part 2 2.3 Application for a licence Part 2 2.5 Decision on application for licence Part 2 2.6 Conditions which may be imposed on a licence Part 2 2.8 Amendment of licence conditions Part 2 2.11 Transfer of licence Part 2 2.12 Cancellation or suspension of licence Part 2 2.13 Production of licence Part 4 4.2 Notice to repair damage to public place Part 4 4.3 Local Government may undertake requirements of notice Part 4 4.4 Removal and impounding of goods
Function	1. Authority to determine; i. the form for a licence [cl2.3(2a)]; ii. the fee imposed for a licence [cl2.3(2d)]; iii. the form to transfer a licence [cl2.11(1)(a)]. 2. Authority to request; i. an applicant to provide additional information reasonably related to an application before determining the application [cl2.3(3)]; ii. a licensee to produce his or her valid licence immediately [cl2.13]. 3. Authority to refuse; i. to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) [cl2.3 (5)]; ii. refuse to approve the application [cl2.5(1b)]; iii. refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1) [cl2.11(2)]. 4. Authority to give notice; i. In writing to refuse an application, and written reasons for, the refusal to the applicant [cl2.5(4a)]; ii. In writing to a licensee of, and written reasons for, its decision to amend [cl2.8 (5i)]; iii. In writing of, and reasons for, the decision to cancel or suspend a licence[cl2.12 (3a)]; iv. to a licensee Where any portion of a public place has been damaged as a result of the use of that public place as an outdoor eating area [cl4.2]. 5. Authority to inform; i. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision [cl2.5(4b)]; ii. the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision [cl2.8(5ii)]; iii. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; [cl2.12(3b)].

DRAFT

	6. Authority to approve; i. the application unconditionally or subject to any conditions [cl2.5(1a)]; ii. an application for a licence subject to conditions relating to [cl2.6]; iii. approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval [cl2.11(3)]. 7. Authority to amend; i. the licence, either in accordance with the application or otherwise as it sees fit [cl2.8(2i)]; ii. any of the terms and conditions of the licence [cl2.8(3)]. 8. Authority to cancel; i. a licence on any one or more of the following grounds [cl2.12(1)]; ii. or suspend a licence if the local government or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place [cl2.12(2)]. 9. Authority to; i. exempt a person or class of persons in writing from the requirement to have a licence [cl2.2(1)]; ii. give an exemption in subclause (1) subject to any conditions the local government sees fit [cl2.2(3)]; iii. give local public notice of the application for a licence [cl2.3(4)]; iv. impose other conditions on the licence under subclause (1)(a) [cl2.5(5)]; v. decline to amend a licence [cl2.8(2ii)]; vi. notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification [cl2.8(4)]; vii. refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence [cl2.12(5)]; viii. give lawful direction to a licensee [cl4.1(1)]; ix. undertake the works specified in the notice and recover from that licensee, as a debt, the costs incurred in so doing If a person fails to comply with a notice under clause 4.2 [cl4.3]; x. remove and impound any furniture Where an outdoor eating area is conducted without a valid licence or in contravention of a condition of a licence [cl4.4].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Outdoor Eating Areas Local Law 2013*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.12 Parking and Parking Facilities Local Law 2000 (Amended 2008)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Parking and Parking Facilities Local Law 2000:* Part 1 1.4 Application and pre-existing signs Part 2 2.3 Vehicles to be within parking stall in parking station Part 2 2.4 Parking prohibitions and restrictions Part 3 3.2 Restrictions on parking in particular areas Part 3 3.12 Authorised person may mark tyres Part 3 3.16 Parking on reserves Part 3 3.17 Suspension of parking limitations for urgent, essential or official duties Part 4 4.2 Unauthorised signs and defacing of signs Part 4 4.6 Vehicles not to obstruct a public place
Function	1. Authority to give permission; i. to a person to park a vehicle on any part of a parking station contrary to a sign referable to that part [cl2.4 (1b)]; ii. to a person to park a vehicle in an area designated by a sign stating "Authorised Vehicles Only" [cl3.2(4)]; iii. to a person to leave a vehicle, or any part of a vehicle, in a public place where it obstructs the use of any part of that public place [cl4.6(1)]. 2. Authority to permit; i. a vehicle to park on any part of a parking station [cl2.4 (1c)]; ii. a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties [cl3.17(1)]. 3. Authority to authorise a person; i. person to drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose [cl3.16)]; ii. *to mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law [cl4.2(a)]; iii. *to remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act [cl4.2(b)]; iv. *to affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law [cl4.2(c)]. 4. Authority to; i. agree in writing with the owner or occupier of that facility or station that this Local Law will apply to that facility or station [cl1.4(2)]; ii. direct a person to park a vehicle in a parking station otherwise than wholly within a parking stall [cl2.3]; iii. mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers [cl3.12(1)]; iv. prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission [cl3.17(2)].

DRAFT

Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Parking and Parking Facilities Local Law 2000*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**1.4.13 Local Government Property Local Law 2000 (Amended 2014)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Property Local Law 2000:* Part 1 1.4 Application Part 2 Div1 2.2 Procedure for making a determination Part 2 Div1 2.3 Discretion to erect sign Part 2 Div1 2.5 Register of determinations Part 3 Div2 3.2 Application for permit Part 3 Div2 3.3 Decision on application for permit Part 3 Div2 3.4 Conditions which may be imposed on a permit Part 3 Div3 3.5 Imposing conditions under a policy Part 3 Div3 3.6 Compliance with and variation of condition Part 3 Div4 3.7 Agreement for building Part 3 Div4 3.10 Transfer of permit Part 3 Div4 3.11 Production of permit Part 3 Div4 3.12 Cancellation of permit Part 3 Div5 3.13 Activities needing a permit Part 4 Div2 4.6 Signs Part 5 Div1 5.1 When entry must be refused Part 5 Div2 5.2 No entry to fenced or closed local government property Part 6 6.1 No unauthorised entry to function Part 7 7.1 Application of Division 1, Part 9 of the Act Part 8 8.1 Authorised person to be obeyed Part 8 8.2 Persons may be directed to leave local government property Part 8 8.3 Disposal of lost property Part 8 8.4 Liability for damage to local government property Part 9 Div1 9.2 Local government may undertake requirements of notice
Function	1. Authority to enter; i. into an agreement with any person regarding the use of any local government property [cl1.4 (2b)]; ii. into an agreement with the permit holder in respect of the ownership of the materials in the building [cl3.7]. 2. Authority to erect a sign; i. on local government property to give notice of the effect of a determination which applies to that property [cl2.3]; ii. on local government property specifying any conditions of use which apply to that property [cl4.6(1)]. 3. Authority to determine; i. the form for an application for a permit under this local law [cl3.2(2a)]. 4. Authority to request; i. an applicant to provide additional information reasonably related to an application before determining an application for a permit [cl3.2(3)]; ii. an applicant to give local public notice of the application for a permit [cl3.2(4)]; iii. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)]; iv. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)];

DRAFT

	v. a permit holder to produce to an authorized person her or his permit immediately [cl3.11]. 5. Authority to refuse; i. to consider an application for a permit which is not in accordance with sub clause (2) [cl3.2(5)]; ii. to approve an application for a permit [cl3.3(1b)]; iii. to approve an application for the transfer of a permit [cl3.10(2)]; iv. admission to, may direct to leave, or shall remove or cause to be removed, from a pool area any person [cl5.1]. 6. Authority to approve; i. an application for a permit unconditionallyor subject to any conditions [cl3.3(1a)]; ii. an application subject to conditions by reference to a policy [cl3.4(1)]; iii. an application subject to conditions by reference to a policy. [cl3.5(2)]; iv. an application for the transfer of a permit, or approve it subject to any conditions. [cl3.10(2)]. 7. Authority to give written notice; i. for the refusal to approve a permit to an applicant [cl3.3(3)]; ii. to a person who unlawfully damages local government property to pay the costs of [cl8.4(1)]. 8. Authority to exempt; i. a person from compliance with sub-clause (1) on the application of that person [cl3.13(2)]; ii. specified local government property or a class of local government property from the application of sub-clause (1)(a) [cl3.13(3)]; iii. a person from compliance with sub-clause (1)(b) [cl6.1(2)]. 9. Authority to direct a person; i. on local government property [cl8.1]; ii. to leave, or temporarily suspend a person from, local government property where she or he reasonably suspects that the person has contravened a provision of any written law [cl8.2]. 10. Authority to cancel; i. cancel a booking during the course of an annual or seasonal booking [cl3.4(2g)]; ii. cancel a permit [cl3.12(1)]. 11. Authority to; i. hire local government property to any person [cl1.4(2a)]; ii. give local public notice of its intention to make a determination [cl2.2(1)]; iii. keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6 [cl2.5]; iv. give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2) [cl3.5(3)]; v. vary the conditions of a permit [cl3.6(2)]; vi. authorise a person to enter local government property which has been fenced off or closed to the public by a sign or otherwise [cl5.2]; vii. renew, vary, or cancel a permit or consent that a person has under this local law [cl7.1(b)]; viii. dispose of any article left on any local government property, and not claimed within a period of 3 months [cl8.3]; ix. recover the costs referred to in the notice as a debt due to failure to comply with a notice issued under sub-clause (1) [cl8.4(3)]; x. do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing when a person fails to comply with a notice referred to in clause 9.1 [cl9.2].
Delegates	CEO
Conditions	Nil

DRAFT

Statutory framework	*Local Government Act 1995* *Local Government (Functions and general) Regulations 1996* *Shire of Donnybrook Balingup Local Government Property Local Law 2000*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**1.4.14 Waste Local Law 2017 (Amended 2024)**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Shire of Donnybrook Balingup Waste Local Law 2017:* Part 1, 1.6 Local public notice of determinations Part 1, 1.7 Rates, fees and charges Part 1, 1.8 Power to provide waste services Part 2, 2.3 General waste receptacles Part 2, 2.4 Recycling waste receptacles Part 2, 2.5 Organic waste receptacles Part 2, 2.6 Direction to place or remove a receptacle Part 2, 2.7 Duties of owner or occupier Part 2, 2.8 Exemption Part 2, 2.9 Damaging or removing receptacles Part 3, 3.1 Duties of an owner or occupier Part 3, 3.2 Removal of waste from premises Part 3, 3.3 Receptacles and containers for public use Part 4, 4.2 Hours of operation Part 4, 4.3 Signs and directions Part 4, 4.4 Fees and charges Part 4, 4.5 Depositing waste Part 4, 4.6 Prohibited activities
Function	1. Authority to determine; i. a matter under this local law [cl1.6]; ii. the weight for general waste receptacles [cl2.3(1b)]; iii. the weight for recycling waste receptacles [cl2.4(c)]; iv. the weight for organic waste receptacles [cl2.5(c)]; v. an area for placing a receptacle for collection [cl2.7(b)]; vi. the hours of operation of a waste facility [cl4.2]; vii. the classification of any waste that may be deposited at a waste facility [cl4.5(2)]; viii. non-collectable waste [clSchedule1(l)]. 2. Authority to give written direction; i. to an owner or occupier of specified premises to place a receptacle in respect of those premises for collection [cl2.6(1a)]; ii. to an owner or occupier of specified premises to remove a receptacle in respect of those premises after collection [cl2.6(1b)]. 3. Authority to approve; i. in writing a position for placing a receptacle for collection [cl2.7(b)]; ii. a person to remove waste from a receptacle [cl3.2(2a)]; iii. a person to deposit household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place [cl3.3(a)]; iv. a person to remove any waste from a receptacle provided for the use of the general public in a public place [cl3.3(b)]. 4. Authority to authorise; i. a person to remove a receptacle from any premises to which it was delivered by the local government or its contractor [cl2.9(b)]; ii. a person in writing to remove waste from premises [cl3.2(1c)];

DRAFT

	iii. a person to remove any waste or any other thing from a waste facility [cl4.6(1a)]; iv. a person to deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law [cl4.6(1b)]; v. a person to light a fire in a waste facility [cl4.6(1c)]; vi. a person to remove, damage or otherwise interfere with any flora in a waste facility [cl4.6(1d)]; vii. a person to remove, injure or otherwise interfere with any fauna in a waste facility [cl4.6(1e)]; viii. a person to damage, deface or destroy any building, equipment, plant or property within a waste facility [cl4.6(1f)]. 5. Authority to direct; i. an owner or occupier of premises thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle [cl3.1(d)]; ii. a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately [cl4.3(3)]. 6. Authority to; i. give local public notice, under section 1.7 of the LG Act [cl1.6(a)]; ii. impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the Waste Avoidance and Resource Recovery Act 2007 and section 6.16 and 6.17 of the LG Act [cl1.7]; iii. provide, or enter into a contract for the provision of, waste services as dealt with in section 50 of the Waste Avoidance and Resource Recovery Act 2007 [cl1.8]; iv. grant, with or without conditions an application for exemption from compliance under this clause [cl2.8(2)]; v. impose conditions on an exemption [cl2.8(3c)]; vi. decide if an exemption ceases to apply on reasonable grounds, that there has been a failure to comply with a condition of the exemption [cl2.8(4a)]; vii. inform the owner or occupier of its decision under clause 2.8(4)(a) [cl2.8(4b)]; viii. regulate the use of a waste facility [cl4.3(1)]; ix. demand a person to pay the fee or charge as assessed on or before entering a waste facility [cl4.4(1)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Local Government Act 1995* *Waste Avoidance and Resource Recovery Act 2007* *Shire of Donnybrook Balingup Waste Local Law 2017*
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**2.1.1 Grant a Building Permit**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *BuildingRegulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]: i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.
Statutory framework	• *Building Act 2011* s.119 Building and demolition permits – application for review by SAT, s.23 Time for deciding application for building or demolition permit, s.17 Uncertified application to be considered by building surveyor • *Building Regulations 2012* r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) reviewable by SAT • *Building Services (Registration Act) 2011* – Section 7 • *Home Building Contracts Act 1991* – Part 3A, Division 2, Part 7, Division 2 • *Building and Construction Industry Training Levy Act 1990* • *Heritage Act 2018*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**2.1.2 Demolition Permits**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]: i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.
Statutory framework	• *Building Act 2011* s.119 Building and demolition permits – application for review by SAT, s.23 Time for deciding application for building or demolition permit • *Building Services (Complaint Resolution and Administration) Act 2011* Part 7, Division 2 • *Building and Construction Industry Training Levy Act 1990* • *Heritage Act 2018* • *Building Regulations 2012*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**2.1.3 Occupancy Permits or Building Approval Certificates**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration *Building Regulations 2012* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.
Statutory framework	• *Building Act 2011* • *Building Regulations 2012* • *Shire of Donnybrook Balingup Health Local Laws 1999* • *Building Services (Complaint Resolution and Administration) Act 2011* Part 7, Division 2 • *Building and Construction Industry Training Levy Act 1990* • *Heritage Act 2018*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**2.1.4 Designate Employees as Authorised Persons**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Function	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be in accordance with r.5 of the *Building Regulations 2012*. b. NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation 70.
Statutory framework	*Building Act 2011* *Building Regulations 2012*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.5. Appoint Approved Officers and Authorised Officers**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.70 Approved officers and authorised officers
Function	1. Authority to appoint an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(1) and (1A). *NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s.9.19 or s.9.20 may be appointed as "approved officers".* 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2). *NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).*
Delegates	CEO
Conditions	Nil
Statutory framework	*Building Regulations 2012* r 70(3) each authorised officer must be issued a certificate of appointment
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.6. Building Orders**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.110 Building orders s.111 Notice of proposed building order other than building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.133(1) Prosecutions
Function	1. Authority to make Building Orders in relation to: i. Building work; ii. Demolition work; iii. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: i. take any action specified in the order; or ii. commence or complete any work specified in the order; or iii. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Building Act 2011*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.7 Inspection and Copies of Building Records**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.131(2) Inspection, copies of building records
Function	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	CEO
Conditions	a. Only Interested persons can inspect building records – an interested person means: i. an owner of the building or incidental structure to which the building record relates; or ii. a person who has the written consent of an owner mentioned in paragraph (a) to inspect, or receive a copy of, a building record relating to the owner; or iii. a person, or a person belonging to a prescribed class of persons.
Statutory framework	*Building Act 2011* s.146 Confidentiality
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.8 Referrals and Issuing Certificates**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.145A Local Government functions
Function	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Donnybrook Balingup's District [s.145A(2)].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
Statutory framework	*Building Act 2011*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.9. Private Pool Barrier – Alternative and Performance Solutions**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.51 Approvals by permit authority
Function	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	CEO
Conditions	a. Decisions under this delegation must be consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B. b. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5.
Statutory framework	*Building Act 2011* *Building Regulations 2012*
Record keeping	Synergy: Swimming Pools Module
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**2.1.10 Smoke Alarms – Alternative Solutions**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Function	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.
Statutory framework	*Building Act 2011* *Building Regulations 2012*
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**2.1.11 Authorise persons to commence proceedings**
Head of power	02 Building Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	1. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Building Act 2011*
Record keeping	Synergy: Records Module Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**3.1.1 Make Request to FES Commissioner – Control of Fire**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Function	1. Authority to request on behalf of the Shire of Donnybrook Balingup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.2 Prohibited Burning Times - Vary [DRAFT]**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers unders.17(7) and (8))
Express power or duty delegated	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister
Function	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised *Conservation and Land Management Act 1984* Officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer President
Conditions	a. Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Record keeping	Attain: Executed Delegations Register

DRAFT

Delegation	**3.1.3 Prohibited Burning Times – Control Activities**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	CEO
Conditions	a. Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.4 Restricted Burning Times – Vary and Control Activities**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18),form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times

DRAFT

Function	1. Authority, where seasonal conditions warrant it and after consultation with an authorised Officer under the Conservation and Land Management Act 1984, to determine to vary the restricted burning times in respect of that year [s.18(5)]. a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B (3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.5 Control of Operations Likely to Create Bush Fire Danger**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.27D Requirements for carriageand deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cuttingapparatus, use of in open air r.39CA Bee smoker devices, useof in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised Conservation and Land Management Act 1984 Officer.*
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.6 Burning Garden Refuse / Open Air Fires**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Function	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a. building or fence, only where satisfied it is not likely to create a fire hazard [s.24F (2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. i. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. ii. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: i. camping or cooking [s.25(1)(a)]. ii. conversion of bus into charcoal or for the production of lime, in consultation with an authorised Officer under the Conservation and Land Management Act 1984 [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954* *Shire of DonnybrookBalingup Animals, Environment and Nuisance Local Law 2017 Sec 4.4*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**3.1.7 Firebreaks**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: i. clearing of firebreaks as determined necessary and specified in the notice; ii. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; iii. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]; and iv. determine that these matters have been acted upon to the satisfaction of the Shire of Donnybrook Balingup. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]: i. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Function	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and i. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and ii. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Donnybrook Balingup [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]: i. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.9 Control and Extinguishment of Bush Fires**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	1. Authority to prohibit or postpose the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46 (1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised Officer under the *Conservation and Land Management Act 1984* is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act 1954**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Function	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Donnybrook Balingup or those on behalf of the Shire of Donnybrook Balingup to do [s.58].
Delegates	CEO
Conditions	Nil
Statutory framework	*Bush Fires Act 1954*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**3.1.11 Prosecution of Offences**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
Function	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A].
Delegates	CEO Director Operations Manager Development Services Manager Works & Services Ranger Senior Ranger
Conditions	a. Section 59A Alternative Procedure – Infringement Notices of the Act must be complied with. b. CEO authorised for both Functions 1 & 2. c. Director Operations, Manager Development Services, Manager Works & Services, Senior Ranger and Ranger authorised for Function 2 (infringement notices) only
Statutory framework	*Bush Fires Act 1954* s.65 Proof of certain matters & s. 66 Proof of ownership or occupancy
Record keeping	Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**4.1.1 Cat Registrations**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Function	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Donnybrook Balingup's District [Regs. Sch. 3 cl.1(4)].
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* *Shire of Donnybrook Balingup Cat Local Law 2016*
Record keeping	Synergy Cats Module Attain: Executed Delegations Register (Function 5)
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.2 Cat Control Notices**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Donnybrook Balingup's District [s.26].
Delegates	CEO
Conditions	Nil
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* – r.20 Cat control notice [s.23(3)] prescribes the Form of the notice *Shire of Donnybrook Balingup Cat Local Law 2016*
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.3 Approval to Breed Cats**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. The Officer that approved an application to breed cats cannot cancel the approval.
Statutory framework	Shire of Donnybrook Balingup Cat Local Law 2016 *Cat Act 2011* *Cat Regulations 2012* r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.4. Recovery of Costs – Destruction of Cats**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by localgovernment
Express power or duty delegated	*Cat Act 2011:* s.49(3) Authorised person may cause cat to be destroyed
Function	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* Shire of Donnybrook Balingup Cat Local Law 2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.5 Authorise a person to perform Specified functions under the Cat Act 2011**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.73 Prosecutions
Function	1. Authority to authorise a person to commence a prosecution for an offence against the *Cat Act 2011* and the Shire of Donnybrook Balingup Cat Local Law 2016 [s.73(1)(b) & (2)(b)
Delegates	CEO
Conditions	Nil
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* Shire of Donnybrook Balingup Cat Local Law2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.6 Applications to Keep Additional Cats**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat (Uniform Local Provisions) Regulations 2013:* r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*. b. Decisions are to be made based on the advice received from the Senior Ranger, Ranger. c. Neighbour consultation must be undertaken.
Statutory framework	*Cat Act 2011* and *Cat Regulations 2012* *Shire of Donnybrook Balingup Cat Local Law 2016*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**4.1.7 Reduce or Waiver Registration Fee**
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by localgovernment
Express power or duty delegated	*Cat Regulations 2012:* Schedule 3 Fees clause 1(4)
Function	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	CEO
Conditions	This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995*.
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* Shire of Donnybrook Balingup Cat Local Law 2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.1 Appoint Registration Officer**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.3 Terms Used *(Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act)*
Function	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the *Dog Act 1976* [s.3].
Delegates	CEO
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Statutory framework	*Dog Act 1976* Division 1 Registration *Dogs Local Law 2000*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.2 Grant Exemption as to Number of Dogs Kept at Premises**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act1976:* s.10AADelegation of local government powers and duties
Express power or duty delegated	*Dog Act1976* s.26(3) Limitation as to numbers
Function	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Delegates	CEO
Conditions	a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Donnybrook Balingup Dogs Local Law 2000, including: i. Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]; ii. Apply the provisions of s.26(4). c. Conditions that must be applied to an approved exemption, include: i. Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO; ii. Registrations for each dog subject of the approved exemption must be current and maintained; iii. An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. d. Prior to granting an exemption the following must be undertaken: i. An application for exemption must be made and paid for by the applicant; ii. A Ranger must inspect the proposed property and be satisfied with the property being suitable for the management of the amount of proposed dogs; iii. Neighbour consultation must be undertaken, and any objections being received given due consideration; iv. The request not exceeding any of the maximum requirements outlined in the Act; v. Written advice from the Ranger received providing a recommendation and comment on any previous issues relating to the property or animals on the property.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DRAFT

Delegation	**5.1.3 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.10A Payments to veterinary surgeons towards costs of sterilisation.
Function	1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 50% [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.4 Refuse or Cancel Registration**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.15(2) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Function	1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the *Animal Welfare Act 2002*; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Donnybrook Balingup's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000* Note – Decisions underthis delegation may be referred for review by the State Administration Tribunal– s.16A, s.17(4) and (6)
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.5 Kennel Establishments**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.27 Licensing of approved kennel establishments
Function	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	CEO
Conditions	a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. b. Application processing and decisions made under this delegation are to comply with the *Shire of Donnybrook Balingup Dogs Local Law 2000*.
Statutory framework	*Dog Act 1976* and *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.6 Recovery of Moneys Due Under this Act**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.29(5) Power to seize dogs
Function	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000* Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense; s.33M Local government expenses to be recoverable; s.47 Veterinary service expenses recoverable from local government; r.31 Local government expenses as to dangerous dogs (declared)
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.7 Dispose of or Sell Dogs Liable to be Destroyed**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.29(11) Power to seize dogs
Function	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.8 Declare Dangerous Dog**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	CEO
Conditions	a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].
Statutory framework	*Dog Act 1976 & Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.9 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] I. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. b. Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog. – See 5.1.8.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.10 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976* s.33H(5) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2).
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**5.1.11 Determine Recoverable Expenses for Dangerous Dog Declaration**
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	*Dog Act 1976* s.10AA Delegation of localgovernment powers and duties
Express power or duty delegated	*Dog Act 1976* s.33M(1)(a) Local Government expenses to be recoverable
Function	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee occurs by Council resolution in accordance with s.6.16 of the *Local Government Act 1995*.
Statutory framework	*Dog Act 1976* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.1 Determine Compensation**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $500. Compensation requests above this value are to be reported to Council.
Statutory framework	*Food Act 2008* Note – Decisions underthis delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records - HealthFood Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.2 Prohibition Orders and Certificates of Clearance**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the *Food Act 2008* [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Statutory framework	*Food Act 2008* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records -Health Food Business file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

DRAFT

Delegation	**6.1.3 Food Business Registrations**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: i. *Food Act 2008* Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 iii. WA Priority Classification System iv. Verification of Food Safety Program Guideline
Statutory framework	*Food Act 2008*
Record keeping	Synergy Records – HealthFood Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.4 Appoint Authorised Officers and Designated Officers**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	1. Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008* [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).
Delegates	CEO Director Operations
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: i. Appointment of Authorised Officers as Meat Inspectors ii. Appointment of Authorised Officers iii. Appointment of Authorised Officers – Designated Officers only iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer b. The CEO is to keep a Register of Authorisations as per [s.1.22(3)]; c. The CEO is to keep a copy of the certificate of authorisation [s.123] and ID card, produced by Governance for any persons being authorised under this delegation.
Statutory framework	*Food Act 2008* *Shire of Donnybrook Balingup Health Local Laws 1999* s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.5 Debt Recovery and Prosecutions**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.54 Cost of destruction ordisposal of forfeited item s.125 Institution of proceedings
Function	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3). 2. Authority to institute proceedings for an offence under the *Food Act 2008* [s.125].
Delegates	CEO Director Operations Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. CEO to be informed prior to instituting legal action.
Statutory framework	*Food Act 2008* *Shire of Donnybrook Balingup Health Local Laws 1999*
Record keeping	Synergy Records – Health Food Business file Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.6 Abattoir Inspections and Fees**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Regulations 2009:* r.43 Local government may require security r.45 Withdrawal of inspection services
Function	1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: i. require a person to provide security; ii. determine the form that security is to be provided; and iii. discharge a security held by the Shire of Donnybrook Balingup [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Statutory framework	*Food Act 2008 & Food Regulations 2009* *Shire of Donnybrook Balingup Health Local Laws1999*
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**6.1.7 Food Businesses List -Public Access**
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* r.51 Enforcement agency may make list of food businesses publicly available
Function	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. All records being released must be reviewed by the FOI Coordinator.
Statutory framework	*Food Act 2008* *Food Regulations 2009* *Shire of Donnybrook Balingup Health Local Laws1999*
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**7.1.1 Give Notice Requiring Obliteration of Graffiti**
Head of power	07 Graffiti Vandalism Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Local Government Act 1995:* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	Synergy: Records Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**7.1.2 Notices -Deal with Objections and Give Effect to Notices**
Head of power	07 Graffiti Vandalism Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Local Government Act 1995:* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24 (3)].
Delegates	CEO
Conditions	Nil
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	Synergy Records – Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**7.1.3 Obliterate Graffiti on Private Property**
Head of power	07 Graffiti Vandalism Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Local Government Act 1995:* s.25(1) Local government graffiti powers on land not local government property
Function	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	CEO
Conditions	a. Subject to exercising Powers of Entry.
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	Synergy Records - Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**7.1.4 Powers of Entry**
Head of power	07 Graffiti Vandalism Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Local Government Act 1995:* s.28 Notice of entry s.29 Entry under warrant
Function	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO
Conditions	Nil
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	Synergy Records – Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Health (Asbestos) Regulations 1992:* r.15D(7) - Infringement Notices.
Express power or duty delegated	*Health (Asbestos) Regulations 1992* r.15D(5) - Infringement Notices.
Function	1. Authority to appoint a person or classes of persons as an Authorised Officer or Approved Officer for the purposes of the *Criminal Procedure Act 2004* [r.15D(5)].
Delegates	CEO
Conditions	a. Subject to each person so appointed being issued with a certificate of authorisation, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Statutory framework	*Health (Asbestos) Regulations 1992* *Criminal Procedure Act 2004*– Part 2 *Shire of Donnybrook Balingup Health Local Laws 1999*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**8.1.2 Enforcement Agency Reports to the Chief Health Officer [DRAFT]**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 - Enforcement agency may delegate.
Express power or duty delegated	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Function	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Donnybrook Balingup [s.22 (1)]. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	CEO
Conditions	a. Shire CEO to be provided with a copy of reports required under this delegated function prior to submission to the Chief Health Officer. *NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.*
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies *Shire of Donnybrook Balingup Health Local Laws 1999*
Record keeping	Synergy Records – file DEP 15

DRAFT

Delegation	**8.1.3 Appoint Authorised Officers**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate.
Express power or duty delegated	*Public Health Act 2016*: s.24(1) and (3) Designation of Authorised Officers.
Function	1. Authority to designate a person or class of persons as Authorised Officers for the purposes of: i. The *Public Health Act 2016* or other specified Act; ii. Specified provisions of the *Public Health Act 2016* or other specified Act; iii. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act; Including: i. An Environmental Health Officer or Environmental Health Officers as a class; OR ii. A person who is not an Environmental Health Officer or a class of persons who are not Environmental Health Officers; OR iii. A mixture of the two.
Delegates	CEO
Conditions	1. Subject to each person so appointed, being: a. Appropriately qualified and experienced [s.25(1)(a)]; and b. Issued with a certificate, badge or identity card, identifying the Authorised Officer [s.30 and s.31] 2. A Register (list) of authorised officers is to be maintained in accordance with s.27. *NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.*
Statutory framework	*Public Health Act 2016:* s.20 - Conditions on performance of functions by enforcement agencies. s.25 - Certain Authorised Officers required to have qualifications and experience. s.26 - Further provisions relating to designations. s.27 - Lists of Authorised Officers to be maintained. s.28 - When designation as Authorised Officer ceases. s.29 - Chief Health Officer may issue guidelines about qualifications and experience of Authorised Officers. s.30 - Certificates of Authority. s.31 - Issuing and production of Certificate of Authority for purposes of other written laws. s.32 - Certificate of Authority to be returned. s.136 - Authorised Officer to produce evidence of authority. *Shire of Donnybrook Balingup Health Local Laws 1999* *Criminal Investigation Act 2006, P*arts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code, Chapter XXVI* – refer s.252 of the *Public Health Act 2016*
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024

DRAFT

Adoption references	Council resolution 102/24

DRAFT

Delegation	**8.1.4 Dealing with Seized Items**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency maydelegate
Express power or duty delegated	*Public Health Act 2016* s.260 Return of seized item s.262 Cost of destruction ordisposal of forfeited items s.263 Return of forfeited items s.264 Compensation
Function	1. Authority to determine if no contravention of the *Public Health Act 2016* has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	a. Compensation is limited to a maximum value of $500 with any proposal for compensation above this value to be referred for Council's determination. *NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.*
Statutory framework	*Public Health Act 2016* s.20 *Shire of Donnybrook Balingup Health Local Laws 1999* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**8.1.5 Appoint Designated Officer – Information Sharing**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency maydelegate
Express power or duty delegated	*Public Health Act 2016* s.299 Information Sharing
Function	1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Delegates	CEO
Conditions	a. Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline, prepared in accordance with s.300. b. A Register (list) of appointed designated officers is to be maintained. *NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.*
Statutory framework	*Public Health Act 2016* s.300 Guidelines relating to information sharing.
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**8.1.6 Give Enforcement Orders and Issue Clearance Certificates**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Function	Authority to: 1. Give an enforcement order in accordance [s.216]. 2. Extend the period for compliance specified in the order [s.218]. 3. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 4. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Delegates	CEO
Conditions	a. Content of enforcement order must comply with s.217 provisions.
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority s.217 Contents of enforcement order *Criminal Investigation Act 2006,* Parts 6 and 13 – refer s.245 *Public Health Act 2016* *The Criminal Code,* Chapter XXVI – refer s.252 *Public Health Act 2016*
Record keeping	Synergy: Property Assessment file
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**8.1.7 Enforcement Orders - Implement and Recover Costs**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Local Government
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.219 Enforcement agency may implement enforcement order s.221 Recovery of costs incurred by or on behalf of enforcement agency
Function	1. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 2. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)].
Delegates	CEO
Conditions	a. Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)].
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority s.220 Application of Criminal and Found Property Disposal Act 2006 *Criminal Investigation Act 2006,* Parts 6 and 13 – refer s. 245 *Public Health Act 2016* *The Criminal Code*, Chapter XXVI – refer s.252 *Public Health Act 2016*
Record keeping	Property Assessment file
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**9.1.1 Illegal Development**
Head of power	09 Planning and Development Act 2005 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Planning and Development Act 2005:* Section 214(2), (3) and (5)
Function	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: i. to remove, pull down, take up, or alter the development; and ii. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Delegates	CEO
Conditions	Nil
Statutory framework	*Planning and Development Act 2005* - Part 13 *Local Government Act 1995*
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

Delegation	**9.2.1 Local Planning Scheme No. 7 - Development Applications**
Head of power	09 Planning and Development Act 2005 Delegations
Delegator	Local Government
Express power to delegate	*Planning and Development (Local Planning Schemes) Regulations 2015* Schl 2, Div 2, s.82(1) Delegation of some powers or duties to a committee or CEO Schl 2, Div 2, s.83(1) Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2 – Part 1-11 Part 5, Div 3 Process for standard amendments to Local Planning Scheme Part 5, Div 4 Process for basic amendments Part 5, Div 5 Giving Effect to decision on amendment to local planning scheme
Function	1. Authority to exercise the powers or discharge the duties of the local government under the Planning and Development (Local Planning Schemes) Regulations 201*5* and Local Planning Scheme No.7 including the authority to sub-delegate. 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions [Part 10, Planning and Development Act 2005]. *NOTE: In accordance with Regulation 84C of the Planning and Development (Local Planning Schemes) Regulations 2015, when a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by the local government CEO or an authorised employee.*
Delegates	CEO
Conditions	a. **Key Trigger for Council Consideration** This delegation must not be exercised by the delegated officer where: i. There are unresolved submissions/objections; or ii. Is significant in size, scale and or value.; **Note:** Mandatory DAP's when >$10m, and optional when > $2m-$10m. b. **Development Applications - Exclusions to Delegated Authority** This power of delegation does not extend to approving applications for development approval in the following categories: i. Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval; ii. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest; iii. The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable). c. **Heritage - Exclusions to Delegated Authority** This power of delegation does not extend to the following categories: i. The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area; ii. The entering, removal or modification of a place on the Heritage List; iii. The designation, removal or modification of a Heritage Area; iv. The entering into a Heritage Agreement with an owner or occupier of land; v. The issuing revoking or varying of a Heritage Conservation Notice

DRAFT

v. The issuing revoking or varying of a Heritage Conservation Notice.

d. Local Planning Policy - Exclusions to Delegated Authority
This power of delegation does not extend to the adoption, revocation or amendment of a Local Planning Policy.

e. **Subdivision and Amalgamation - Conditions**
All decisions made in accordance with this delegation are to be Noted in the Quarterly Information Report.

f. **Minor modification to plans - Exclusions to Delegated Authority**
This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:
    i. not minor;
    ii. of a contentious nature;
    iii. may attract community objection; or
    iv. may detrimentally impact on the Shire to maintain infrastructure, land, facilities or services.

g. **Structure Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to:
    i. Recommendations to the WAPC on structure plans other than minor amendments which are not contentious;
    ii. Minor amendments to a structure plan which, in the opinion of the delegated officer, are;
        i. of a contentious nature;
        ii. likely to attract a high level of community objection; or
        iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services.

h. **Structure Plans - Conditions**
    i. Decisions to advertise structure plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing;
    ii. Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the Quarterly Information Report.

i. **Activity Centre Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to:
    i. Recommendations to the WAPC on activity centre plans other than minor amendments which are not contentious;
    ii. Minor amendments to a activity centre plan which, in the opinion of the delegated officer, are;
        i. of a contentious nature;
        ii. .likely to attract a high level of community objection; or
        iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services.

j. **Activity Centre Plans - Conditions**
    i. Decisions to advertise activity centre plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing;
    ii. Decisions to advertise activity centre plans and amendments to activity centre plans in accordance with this delegation are to be noted in the Quarterly Information Report.

k. **Local Development Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:
    i. of a contentious nature;
    ii. likely to attract a high level of community objection; or
    iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services.

l. **Scheme Amendments**
    i. Scheme amendments for minor or procedural matters or to remove anomalies actioned is to be reported to Council prior to the preparation of a submission to the Minister for the final approval;
    ii. Effect modifications to Scheme Amendments by the Minister which do not change the general intent of an Amendment, in consultation with the Chief

DRAFT

	change the general intent of an Amendment, in consultation with the Chief Executive Officer.
Statutory framework	*Planning and Development (Local Planning Schemes) Regulations 2015* *Shire of Donnybrook Balingup Local Planning Scheme No.7*
Record keeping	Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

DRAFT

Delegation	**9.2.2 Planning and Development (Local Planning Schemes) Regulations 2015 - Strata Applications**
Head of power	09 Planning and Development Act 2005 Delegations
Delegator	Local Government
Express power to delegate	*Planning and Development Act 2005* s.16 (3)(e) Delegation by Commission
Express power or duty delegated	*Strata Titles General Regulations 1996:* Sec. 25(1),(3),(4) Period and documents prescribed (Act s.35(1)(h)) Sec.27 Provision prescribed (Act s. 36B(1)(b))
Function	1. Authority to assess strata applications, sign Form 24 and endorse Form 26 after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission [cl25(1),(3),(4)]
Delegates	CEO
Conditions	a. Review and respond to referrals for subdivision and strata applications from the Western Australian Planning Commission. b. Authorise clearance of strata and subdivision conditions, where the development has met the requirements of the Western Australian Planning Commission approval or represents only a minor departure thereof, this to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions. *Note: "Determine" means "to approve, approve with conditions or refuse the application or referral."*
Statutory framework	*Strata Titles Act 1985* *Strata Titles General Regulations 1996* *Planning & Development Act 2005* *Planning and Development (Local Planning Schemes) Regulations 2015* *Shire of Donnybrook Balingup Local Planning Scheme No.7*
Record keeping	Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

DRAFT

DELEGATIONS

Delegation	**1.1.1 Audit and Risk Management Committee [PUBLISHED, BUT MARKED FOR REMOVAL]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	*Local Government Act 1995:* s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: i. Examine an audit report received by the Shire and determine if any matters raised by the audit report require action to be taken by the Shire [s.7.12A(3)(aa) & (a)]; and ii. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)(b)]. 3. Authority to review and endorse the Shire of Donnybrook Balingup's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	Audit and Risk Management Committee
Conditions	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council. b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.
Statutory framework	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - *The appointment, function and responsibilities of Audit Committees* Audit and Risk Management Committee Terms of Reference
Record keeping	Audit and Risk Management Committee Minutes shall record and identify each decision made under this Delegation in accordance with the requirements of *Local Government (Administration) Regulations 1996* r.19.
Date adopted	26 June 2024
Adoption references	Resolution 102/24

DRAFT

Delegation	**1.2.4 Powers of Entry [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	~~*Local Government Act 1995:*~~ *Local Government Act 1995:* s.3.28 When this Subdivision applies s.3.31 General procedure for entering property s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences ~~s.3.28 When this Subdivision applies~~ ~~s.3.32 Notice of entry~~ ~~s.3.33 Entry under warrant~~ ~~s.3.34 Entry in an emergency~~ ~~s.3.36 Opening fences~~
Function	1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. ~~Authority to give notice of entry [s.3.32].~~Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. ~~Authority to seek and execute an entry under warrant [s.3.33].~~Authority to give notice of entry [s.3.32]. 4. ~~Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].~~Authority to seek and execute an entry under warrant [s.3.33]. 5. ~~Authority to give notice and effect entry by opening a fence [s.3.36].~~Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 6. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	CEO
Conditions	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): i. A register of Authorisations is to be maintained as a Local Government Record. ii. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. iii. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Statutory framework	*Local Government Act 1995:* Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record keeping	Synergy Records – Property Assessment file

Delegation	**1.2.7 Disposal of Sick or Injured Animals [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.47A Sick or injured animals, disposal of ~~s.3.48 Impounding expenses, recovery of~~
Function	1. ~~Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].~~ Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)] 2. ~~Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].~~
Delegates	CEO
Conditions	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Statutory framework	*Local Government Act 1995* *Shire of Donnybrook Balingup Animals, Environment & Nuisance Local Law 2017* *Shire of Donnybrook Balingup Dogs Local Law 2000*
Record keeping	Synergy Records

DRAFT

Delegation	**1.2.21 Disposing of Property [DRAFT]**
Head of power	01 Local Government Act 1995 Delegations
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.58(2) & (3) Disposing of Property *Local Government (Functions and General) Regulations 1996:* R.30 Dispositions of property excluded from Act s.3.58
Function	1. Authority to dispose of property to: a. to the highest bidder at public auction [s.3.58(2)(a)]. b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. ~~Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].~~Authority to dispose of property by private treaty only in accordance with section 3.58(3), subject to following the giving of public notice [s.3.58(3)] no submissions were received. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: i. disposal of land to an adjoining owner, where the market value is less than $5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)]; ii. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]; iii. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G r.30(20(e)]; iv. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]; v. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via State-wide public notice [F&G r.(2A); vi. disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)]; vii. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than $75,000. [F&G.r.30(3)(b)].
Delegates	CEO
Conditions	a. In accordance with Council policies. b. Any disposals under this delegation are to be reported to Council quarterly. c. Items with a value of $1,000 (excluding GST) or less can be sold without calling for expressions of interest or advertising. d. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required

and in any other case, a Council resolution is required.

e. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $10,000 (excluding GST) or less.

f. When determining the method of disposal:
    I. Where a public auction is determined as the method of disposal:
        i. Reserve price has been set by independent valuation;
        ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.
    II. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.
    III. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:
        i. Negotiate the sale of the property up to a -10% variance on the valuation; and
        ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded

g. A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.

h. Where the market value of the property is determined as being less than $20,000 (F&G r.30(3) excluded disposal) may be undertaken:
    i. Without reference to Council for resolution; and
    ii. In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.

i. The Chief Executive Officer is authorised to affect the renewal of leases and agreements, service level agreements or written arrangements in place between Council and third parties, where;
    i. There is no significant change proposed to the terms and conditions of the lease/agreement; and
    ii. The lease/agreement must include provisions for further renewal within the document.

PROPERTY MANAGEMENT FRAMEWORK

j. The Chief Executive Officer is authorised to approve and execute any new lease and licence agreements, or variation, extension, assignment, or sub-lease in respect to a Category One (1) – Small community groups or Category Two (2) – Sporting clubs, community groups and organisations tenant, pursuant to the adopted Property Management Framework, where:
    i. The community/sporting group or organisation is currently occupying a Shire building, or building on Shire owned or managed land; and
    ii. The terms and condition of any lease or licence agreement must be in accordance with the terms and conditions approved by Council as set out in the Property Management Framework.

Any new applications for *Category One (1) - Small community groups, or Category Two (2) – Sporting clubs, community groups and organisations,* not currently occupying a Shire building, or building on Shire owned or managed land, will require a specific resolution of Council.

The delegation does not extend to *Category Three (3) – Commercial*

DRAFT

	The delegation does not extend to *Category Three (3) – Commercial entities, state and national clubs, associations, and community organisations, or Category Four (4) – Government agencies, pursuant* to the adopted Property Management Framework. **Any leases, or licences in accordance with *Category Three (3) or Four (4)* will require a specific resolution from Council.** k. The Chief Executive Officer is authorised to approve and execute the renewal of Commercial leases in place between Council and third parties, where: i. There is no significant change proposed to the terms and conditions of the lease/agreement; and ii. The lease/agreement has provided for the further term within the document; and iii. The lease has not been transitioned to the adopted Property Management Framework.
Statutory framework	*Local Government Act 1995* – s.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58
Policy	Council Commercial Lease Policy Council Property Management Policy
Record keeping	Attain: Executed Delegations Register

DRAFT

Delegation	**3.1.2 Prohibited Burning Times - Vary [DRAFT]**
Head of power	03 Bush Fires Act 1954 Delegations
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers unders.17(7) and (8))
Express power or duty delegated	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister ~~*Bush Fire Regulations 1954:*~~ ~~r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.~~ ~~r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times~~ ~~r.39B Crop dusters etc., use of in restricted or prohibited burning times~~
Function	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised *Conservation and Land Management Act 1984* Officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer President
Conditions	a. Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Record keeping	Attain: Executed Delegations Register

DRAFT

Delegation	**8.1.2 Enforcement Agency Reports to the Chief Health Officer [DRAFT]**
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 - Enforcement agency may delegate.
Express power or duty delegated	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Function	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Donnybrook Balingup [s.22 (1)]. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	CEO ~~Principal Environmental Health Officer~~
Conditions	a. Shire CEO to be provided with a copy of reports required under this delegated function prior to submission to the Chief Health Officer. *NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.*
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies ~~Shire of Donnybrook Balingup Health Local Laws 1999~~*Shire of Donnybrook Balingup Health Local Laws 1999*
Record keeping	Synergy Records – file DEP 15

DRAFT