



Notice of Ordinary Council Meeting

To be held on 25 June 2025 and to commence at 5:00pm
To be held at the Council Chambers in Donnybrook
(1 Bentley Street, Donnybrook)

Authorised:

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

Nicholas O'Connor, Chief Executive Officer

Prepared:

20 June 2025

Disclaimer:

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

TABLE 2: MEASURES OF CONSEQUENCE

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

TABLE 3: MEASURES OF LIKELIHOOD

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

TABLE 4: RISK MATRIX

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

TABLE 5: RISK TOLERANCE CRITERIA

Risk Rank	Description	Criteria For Risk Tolerance	Responsibility
Low	Tolerated	Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
Moderate	Monitor	Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
High	Urgent Attention Required	Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
Extreme	Unacceptable	Risk only tolerated with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

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

The Presiding Member will declare the meeting open, and welcome the public gallery.

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

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.

Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”

2. Attendance (OCM)

Councillors Present:

Cr Vivienne MacCarthy

Cr Lisa Glover

Cr John Bailey

Cr Peter Gubler

Cr Anita Lindemann

Cr Anne Mitchell

Cr Grant Patrick

Cr Deanna Shand

Staff Present:

Nick O'Connor, Chief Executive Officer

Loren Clifford, Acting Director Finance and Corporate

Michelle Dennis, Manager Development Services

Samantha Farquhar, Administration Officer Corporate Services

Other Members Present:

Public Gallery:

2.1. Apologies

Ross Marshall, Director Operations

2.2. Approved Leave of Absence

At its Ordinary Council Meeting held 23 April 2025 Council resolved the following:

"COUNCIL RESOLUTION 53/04-25

That Council approve Cr Alexis Davy's request for a leave of absence for the June 2025 Agenda Briefing Session and 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 Anne Mitchell declared a proximity interest regarding item 9.1.2, as she lives on Valentine Road, is not on the same water course, and knows one of the neighbours.

5. Public Question Time

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

Nil.

5.2. Public Question Time

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Confirmation of Minutes

7.1 Ordinary Council Meeting Minutes

7.1.1 Ordinary Council Meeting held on 28 May 2025

Minutes of the Ordinary Council Meeting held 28 May 2025 are attached as Attachment 7.1.1(1).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 28 May 2025 be confirmed as a true and accurate record.

8. Reports of Committees

8.1 Local Emergency Management Committee Meeting

8.1. Local Emergency Management Committee Meeting held on 6 May 2025

Minutes of the Local Emergency Management Committee Meeting held 6 May 2025 are attached at Attachment 8.1.(1).

Executive Recommendation:

That the Minutes from the Local Emergency Management Committee Meeting held on 6 May 2025 be received.

8.2 Audit and Risk Management Committee Meeting

8.2. Audit and Risk Management Committee Meeting held on 14 May 2025

Minutes of the Audit and Risk Management Committee Meeting held 14 May 2025 are attached at Attachment 8.2(1).

Executive Recommendation:

That the Minutes from the Audit and Risk Management Committee Meeting held on 14 May 2025 be received.

9. Reports of Officers

9.1. Director Operations

9.1.1. Development Application P24084 – Extractive Industry (Donnybrook Stone) renewal Lot 102 Beelerup Road, Beelerup

Report Details:

Prepared by: Principal Planner and Planning Officer

Manager: Manager Development Services

Applicant: Peter Henderson (Donnybrook Sandstone Supplies)

Location: Lot 102 Beelerup Road, Beelerup

File Reference: A3179 (P24084) **Voting Requirement:** Simple Majority

Attachment(s):

- 9.1.1(1) Landform Research - Excavation and Rehabilitation Management Plan and Staging Plan.
- 9.1.1(2) Public submissions.
- 9.1.1(3) Government agency submissions.
- 9.1.1(4) Assessment under Clause 67.
- 9.1.1(5) Previous development approval conditions IND 01/4.

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 P24084 Industry-Extractive (Donnybrook Sandstone) on Lot 102 Beelerup Road, Beelerup subject to the following conditions and advice:

Conditions:

VALIDITY AND APPROVED PLANS

1. This approval is valid for a period of twenty (20) years.
2. This approval permits the excavation of up to 5,000 tonnes (inclusive of by products) of Donnybrook Sandstone per annum from Lot 102. It also allows for the processing of Donnybrook Sandstone sourced from Lot 102 and 2,000 tonnes sourced from a quarry located in Irishtown within Special Control Area 4 (SCA4) under Local Planning Scheme No. 7 (LPS7) to occur within the existing shed on the site.
3. This approval permits the temporary site office to be retained on Lot 102 for the duration of the approved development.

4. This development approval applies only to the Northern Pit, as identified in the approved staging plan. No extraction activities shall occur within 40 metres of any adjoining watercourses or lot boundaries.
5. The Southern Pit does not form part of this approval. Excavation within the Southern Pit shall not commence until a separate development approval is obtained. Any future application for approval must be supported by additional information demonstrating groundwater levels and establishing an appropriate pit floor level, to the satisfaction of the Shire and in consultation with the Department of Water and Environmental Regulation.
6. The layout of the site and location of the quarrying of the Northern Pit, processing shed, stockpiles, access route and works permitted must always accord with 'Landform Research - Excavation and Rehabilitation Management Plan and Staging Plan' (Attachment 9.1.1(1)) and conditions of approval and must not be altered or modified without the further written consent of the Shire. In the event of any inconsistency between the approved 'Landform Research - Excavation and Rehabilitation Management Plan and Staging Plan' (Attachment 9.1.1(1)) and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

DUST MANAGEMENT

7. A Dust Management Plan must be submitted to and approved by the Shire. The Plan must be prepared in accordance with the *Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017*, to the satisfaction of the Shire.

The Plan must:

- a. Identify all dust-generating activities;
- b. Address the potential for crystalline silica dust emissions;
- c. Detail dust suppression measures;
- d. Include a map of nearby sensitive receptors;
- e. Outline monitoring, complaints handling, and response procedures.

Once approved, the Dust Management Plan will form part of this approval and must be implemented and complied with at all times.

8. A suitable supply of water for the purposes of all site management operations and processing within the processing shed, is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

9. A Weed Management Plan must be submitted to and approved by the Shire. Any declared weeds found to be within the site need to be appropriately treated and removed prior to any further excavation works. Once approved, the Weed

Management Plan shall become part of this approval and must be adhered to at all times for the duration of the approval.

- 10. Prior to the commencement of any further clearing or site disturbance activities, the applicant must confirm the presence or absence of dieback and prepare a Dieback Management Plan to the satisfaction of the Shire. Once approved, the Dieback Management Plan shall become part of this approval and must be adhered to at all times for the duration of the approval.**
- 11. A minimum 10m setback is to be provided between the extraction area and adjacent existing native vegetation, with the 10m setback located on the outside of the tree crown drip line. This setback is to be clearly demarcated on the lot to ensure vehicles, extraction works, detention pond, bunds, and stockpile areas are located outside this works exclusion area to the satisfaction of the Shire.**

STORMWATER MANAGEMENT

- 12. A Stormwater Management Plan shall be submitted to and approved by the Shire. The Plan must address the extraction area, associated shed, and all haulage routes within the property boundary. Following approval, stormwater shall be managed by the applicant in accordance with the approved Stormwater Management Plan, to the satisfaction of the Shire.**
- 13. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire.**
- 14. The maximum pit floor depth shall be established in accordance with a Pit Floor Contour Plan that reflects the proposed extraction depths (ranging from 1 to 8 metres below natural surface). The Plan is to be submitted to and approved by the Shire, in consultation with the Department of Water and Environmental Regulation.**
- 15. No groundwater is to be exposed on the surface of the pit floor. Should groundwater be exposed during excavation works, all works are to cease, and the Shire is to be notified within 24 hours. Any remedial works, as required by the Shire, in consultation with the Department of Water and Environmental Regulation, are the responsibility of the operator to rectify. No dewatering is permitted.**
- 16. Any refuelling and/or activities that carry a risk of fuel or chemical spills are not to be undertaken in close proximity to the detention basin or stormwater flow paths.**

17. A Waste Management Plan shall be submitted to and approved by the Shire, in consultation with the Department of Health and Department of Water and Environmental Regulation, prior to any further processing activities. The plan must include comprehensive details of the existing onsite wastewater treatment and disposal system relevant to all processes conducted within the processing shed.

The Plan shall include, but not be limited to:

- a. The exact location of the wastewater treatment and disposal system relating to the silt slush waste from the processing activities;
- b. Photographs of the existing system;
- c. A sketch drawing with dimensions; and
- d. A detailed description of the waste water reuse processes and treatment of final waste.

Once approved, the Waste Management Plan shall form part of this approval and must be implemented in full and complied with at all times for the duration of the approval.

NOISE MANAGEMENT

18. An Acoustic Assessment of the potential noise emissions of the extractive industry operations and operations within the processing shed must be prepared by a suitably qualified acoustic consultant whose qualifications and experience qualify them for membership of the Acoustical Society. The Acoustic Assessment shall include (but not be limited to):

- a. the expected level of noise emissions from the extractive industry and processing activities, including the use of machinery inside the processing shed.
- b. determines whether the emissions are expected to be free from tonality, impulsiveness, and modulation characteristics.
- c. an assessment of the expected level of noise emissions for compliance with the *Environmental Protection (Noise) Regulations 1997* at nearby sensitive receptors.
- d. provide detail as to the methodology used, calculations made, and any actual data obtained in relation to the assessment and expected noise emissions.

19. Following receipt of the Acoustic Assessment, the applicant is to submit a Noise Management Plan prepared by a suitably qualified acoustic consultant whose qualifications and experience qualify them for membership of the Acoustical Society. The Noise Management Plan is to include (but is not limited to):

- a. details of expected levels of noise emissions in accordance with Acoustic Assessment associated with the extractive industry operations.
- b. details of noise reduction measures to be implemented to control noise emissions.

Once approved, the Noise Management Plan shall become part of this approval and must be implemented and adhered to at all times for the duration of the approval. Should modifications to the processing shed be required a certified building

application must be submitted for consideration and approval before the works commence.

ONGOING COMPLIANCE AND MONITORING

20. A complaints register is to be established including:

- a. Details of the subject of the complaint;
- b. Actions undertaken by the applicant to rectify the complaint; and
- c. The on-site publication of appropriate contact details where complaints are to be directed (in the first instance).

REHABILITATION AND PIT CLOSURE MANAGEMENT

21. A Rehabilitation and Pit Closure Management Plan shall be submitted to and approved by the Shire. The plan must demonstrate (but not be limited to) the following:

- a. Stages of rehabilitation.
- b. Details of the establishment of pasture post-extraction with plant species, density of planting and maintenance measures.
- c. Weed identification and management measures to occur every six months (Autumn and Spring).
- d. Dieback identification and management measures.
- e. Demonstrate that it is consistent with the Department of Water and Environmental Regulation's WQPN 15 and the Guidelines for Preparing Mine Closure Plans. The applicant is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and land use. The final landform is not to contain any new waterbodies by leaving open pits and voids.
- f. Management and compliance reporting shall be included to ensure successful implementation.
- g. Demonstrate compliance with the conditions for sites under the *Shire of Donnybrook Balingup Extractive Industry Local Law 2016*.
- h. The revegetation of areas used for stockpiles.
- i. Extraction of subsequent stages may only commence if rehabilitation of the previous extraction site has substantially commenced.
- j. Contour plan demonstrating the expected final landform.

Once approved, the applicant is responsible to ensure that the development is carried out at all times and in all respects in accordance with the plan.

22. Pit closure works, and rehabilitation of the entire site is to be completed within two (2) years of the end of extraction works or the expiration of this approval (whichever is sooner) unless otherwise extended, in writing, by the Shire.

23. Prior to the commencement of works, a \$35,000 bond (cash or unconditional bank guarantee in favour of the Shire of Donnybrook Balingup) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

OPERATING HOURS

24. Operating hours of the extractive works are restricted to between 7:00am and 5:00pm Monday to Friday. No operations are permitted on Sundays or Public Holidays unless otherwise agreed in writing by the Shire. Operations on Saturdays shall be limited to carting activities only, between 7:00am and 1:00pm.
25. Operating hours of the processing shed shall be determined by the approved Acoustic Assessment and Noise Management Plan. Where the assessment does not specify more stringent hours, the operating hours of the processing shed are restricted to between 7:00am and 5:00pm Monday to Friday. No operations are permitted on Sundays or Public Holidays unless otherwise agreed in writing by the Shire. Operations on Saturdays are restricted to between 7:00am and 1:00pm.
26. Trucks are not to operate between 7:30am to 8:40am and 3:20pm to 4:20pm on any given school day on a school bus route.
27. Truck movements relating to the operations of the extractive industry and processing in the processing shed inclusive of any and all byproducts are limited to a maximum of six (6) movements into the lot and six (6) movements out of the lot during any week, from Monday to Saturday inclusive, unless otherwise approved in writing by the Shire. No truck movements are permitted on Sundays and/or Public Holidays unless otherwise agreed in writing by the Shire.

VEHICULAR MANAGEMENT

28. The existing crossover onto Beelerup Road shall be upgraded and constructed to a sealed standard in accordance with the Shire of Donnybrook Balingup's crossover specifications. The works shall be completed to the satisfaction of the Shire within six (6) months from the date of this development approval, unless otherwise agreed in writing by the Shire.
29. The cost to relocate and/or remove any services/infrastructure that may be required for the purposes of constructing the vehicle crossover are the responsibility of the applicant.
30. The applicant to install advance warning truck entering signs along Beelerup Road during operations to the satisfaction of the Shire.

OTHER

31. Prior to the commencement of works, a copy of a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations.

32. Adequate safety fencing and warning signs are to be placed around the perimeter of the extraction site.

Advice Notes:

- a. This development approval is not an Extractive Industry Licence. No works are to be undertaken until such time as all conditions of the Development Approval have been satisfied and an Extractive Industry Licence has been granted under the *Extractive Industry Local Law 2016*.
- b. With regards to dieback management measures these are to be implemented consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries.
- c. With regard to the construction of the crossover the applicant is required to liaise with the Shire's Works and Services Department to obtain the relevant specifications and any required approvals prior to the commencement of works. A crossover application form must be submitted and approved before construction begins.
- d. Depending on the quantity of material processed (including any byproducts), screened and crushed the applicant may be required to obtain a licence or registration from the Department of Water and Environmental Regulation. This is because the operations may be classified as a *Prescribed Premises* under the *Environmental Protection Regulations 1987*. As such, the proponent is to strongly advised to contact DWER's Industry Regulation branch regarding a works approval/license at info@dwer.wa.gov.au or 6364 7000. The Applicant is to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/ourwork/licences-and-works-approvals>
- e. With regards to the stormwater management plan this shall:
 - i. Demonstrate compliance with the Shire of Donnybrook-Balingup's stormwater management standards under the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017*.
 - ii. Be prepared in accordance with the Department of Water and Environmental Regulation's *Water Quality Protection Note (WQPN) No. 15: Basic Raw Materials Extraction* (July 2019), where applicable, to ensure that potential environmental impacts are adequately addressed and mitigated.
 - iii. Be designed and implemented to ensure that surface water flows during and following the extraction activities do not adversely affect downstream properties. The plan must incorporate appropriate management measures to mitigate stormwater runoff risks, including but not limited to:
 - (a) Detention basin sizing and associated stormwater volume.
 - (b) Sediment and erosion control measures.

- (c) Stormwater flow direction and control during pit establishment.
 - (d) Stockpile management.
 - (e) Maintenance schedule for detention basins.
 - (f) Silt trap design.
- f. With regards to the Acoustic Assessment and Noise Management Plan both these documents must be prepared by a registered Acoustic Consultant with suitable qualifications, expertise, and local experience in the assessment of transport and environmental noise. They or their organisation must hold the membership grade of 'Member,' being eligible to be a 'Member' or is working under the supervision of a 'Member' of the Australian Acoustical Society; or work for a firm that is a member of the Association of Australasian Acoustical Consultants.
- g. Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with the Department of Water and Environmental Regulation WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*'. Contingencies for spills should be in accordance with WQPN 10 – '*Contaminant spills — emergency response plan*'.
- h. Clearing of native vegetation on land may require a clearing permit from the Department of Water and Environmental Regulation (DWER). Clearing of native vegetation that is not exempt, or does not have a valid clearing permit, is an offence under the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. For further information regarding clearing permits, contact DWER on (08) 6364 7000.
- i. With regards to the suitable supply of water, Department of Water and Environmental Regulation have advised that the use of water associated with any existing dams or water courses may be subject to approval. It is recommended that the applicant contact the Department of Water and Environmental Regulation's Bunbury water licensing branch for further information.
- j. With regard to the bond/bank guarantee for Rehabilitation and Pit Closure Management Plan it is to be noted that Bank Guarantees totalling \$35,000.00—comprising \$30,000.00 and \$5,000.00—have been provided by Henderson Nominees Pty Ltd as trustee for The PG & N Henderson Family Trust under the previous approval IND 01/4. These guarantees shall be retained by the Shire as a security deposit to ensure the satisfactory rehabilitation of the quarry pit. The Shire may draw upon the deposit to carry out rehabilitation works or to undertake any necessary compliance action, should the proponent fail to fulfil rehabilitation obligations or other relevant compliance requirements.

- k. 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.

- B. Authorises the Chief Executive Officer to issue an Extractive Industry License for the extraction of Donnybrook Sandstone at Lot 102 Beelerup Road, Beelerup upon complying with the conditions of the above development approval and subject to the following conditions:
 - 1. The extractive operation shall comply with the Shire of Donnybrook-Balingup *Extractive Industry Local Law 2016* at all times.
 - 2. Compliance with all approved plans and any conditions/advice contained in Development Approval P24084 at all times during the life of the extractive industry to the satisfaction of the Shire.
 - 3. A licensee shall pay to the local government the annual licence fee in accordance with the Schedule of Fees and Charges adopted each year in the Shire annual budget prior to the commencement of extraction.
 - 4. The operator is required to submit to the Shire an annual 'Progress Report' by the 30 December, detailing progress of the pit over the previous 12-month period. The Report should provide details on the following:
 - a. Extent of extraction undertaken (volume and area);
 - b. Completion of stages;
 - c. Rehabilitation of completed stages.
 - d. Site survey plan.

Strategic Alignment

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

- Outcome:** 6 - The built environment is responsibly planned and well maintained.
- Objective:** 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.
- Item:** Nil.
- Outcome:** 9 - A thriving economy.
- Objective:** 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for development approval for the continuation of quarrying activities for Donnybrook Stone at Lot 102 Beelerup Road, Beelerup. The full details of the development application and associated plans are provided in [Attachment 9.1.1\(1\)](#).

In accordance with the Shire's delegation framework, officers do not have delegated authority to determine development applications where objections have been received. Three (3) objections were lodged during the referral and public advertising period from adjoining and nearby landowners.

Having assessed the proposal, officers consider that the development may proceed and recommend that Council grant development approval, subject to appropriate conditions and advice notes. These conditions and advice notes have been formulated to address the concerns raised in agency submissions and to ensure the ongoing management of the quarry operations.

Background

Proposal

The Shire has received a development application proposing the quarrying and processing of Donnybrook Sandstone at Lot 102 Beelerup Road, Beelerup. The proposed operation is intended to run over a 20-year period, with an estimated annual extraction volume of up to 5,000 tonnes. The application includes provisions for the progressive rehabilitation of the site, including the quarry pit and associated hardstand areas. The rehabilitation aims to return the land to a rural use; however, the final post-extraction land use will be contingent on the final landform resulting from the quarry operations and has not yet been confirmed. The subject site has previously operated under Development Approval IND 01/4, issued on 1 November 2004, which permitted quarry operations. This approval lapsed in November 2024. As such, any continuation or expansion of extractive industry activities now requires a new development approval in accordance with current planning and regulatory requirements. A summary of the key components of the development application is provided below:

Application Details – summary of the applicant's proposal	
Lot	Lot 102
Lot Area	44.4149 hectares
LPS7 Zoning	General Agriculture and within Special Control Area 4 – Established Donnybrook Stone
Permissibility in the Zone	Extractive Industry is an 'A' advertised use in the zone.
Hours of Operation	Hours of operation will continue at 7.00 am to 5.00 pm Monday to Saturday inclusive, excluding public holidays. No work on Sundays and Public holidays.
Total Extraction Area	The staging plan shows 8 stages part of the Northern Pit. A recent site visit identified that the applicant is working in stages 1, 5 and 6. The Southern Pit consist of two stages, but no quarrying is currently being undertaken in this area.
Extraction Depth	1 – 8m depends on the nature of rock and bedding.
Extraction Length (Years)	20-years

Application Details – summary of the applicant’s proposal	
Rehabilitation	<p>At the completion of quarrying and stockpile operations, the area will be rehabilitated as follows:</p> <ul style="list-style-type: none"> • The land surface will be formed to match the local natural landforms. • Excavated areas, access road, hardstand and other processing areas will be removed and deep ripped. • Road base, hardstand and any other inert materials left over or not required from the site operations will be scraped and recovered. • Any sections of the pit that bottomed on sandstone will be deep ripped and covered by overburden. • Overburden will be spread over the reformed surfaces, followed by topsoil where available. • Overburden and topsoil will be smoothed ready for rehabilitation. • The final land surface will be formed at a separation of at least 2 metres to the water table. • Water erosion on the batter slopes is avoided by the form of those slopes and by leaving the surface soft, rough, and undulating, with the undulations running along contour. The final machinery run should be along contour and not down slope. • Wet and damp areas are to be avoided. • Undertake Weed Management. • Trees will be added in clumps of 20 per hectare to form patches of native vegetation or to add to existing patches and corridors such as along the creek lines. • All tree species used in rehabilitation are to be local provenance species suited to local soils. • Undertake dieback management procedures. • Rehabilitation is to occur as soon as possible following the end of excavation on each stage of pit floor and batter slope.

Application Details – summary of the applicant’s proposal	
	<ul style="list-style-type: none"> Pasture will be normal agricultural species spread from topsoil or additional pasture seed.
Extraction Volume	5,000 tonnes annually.
Truck Haulage Volume	Estimated that 1 truck movement every 1 – 2 days exiting the site.
Haulage Route	The property has frontage to Beelerup Road. The proposed access to the pit will utilise the existing crossover onto Beelerup Road.

Location

Lot 102 is 44.4199 hectares in area and located approximately 4.5km north-east of Donnybrook townsite within the General Agriculture zone that supports traditional rural activities (some with dwellings) on the surrounding properties (see Figure 1 below).



Figure 1 - Lot 102 bordered in red showing quarry and processing shed.

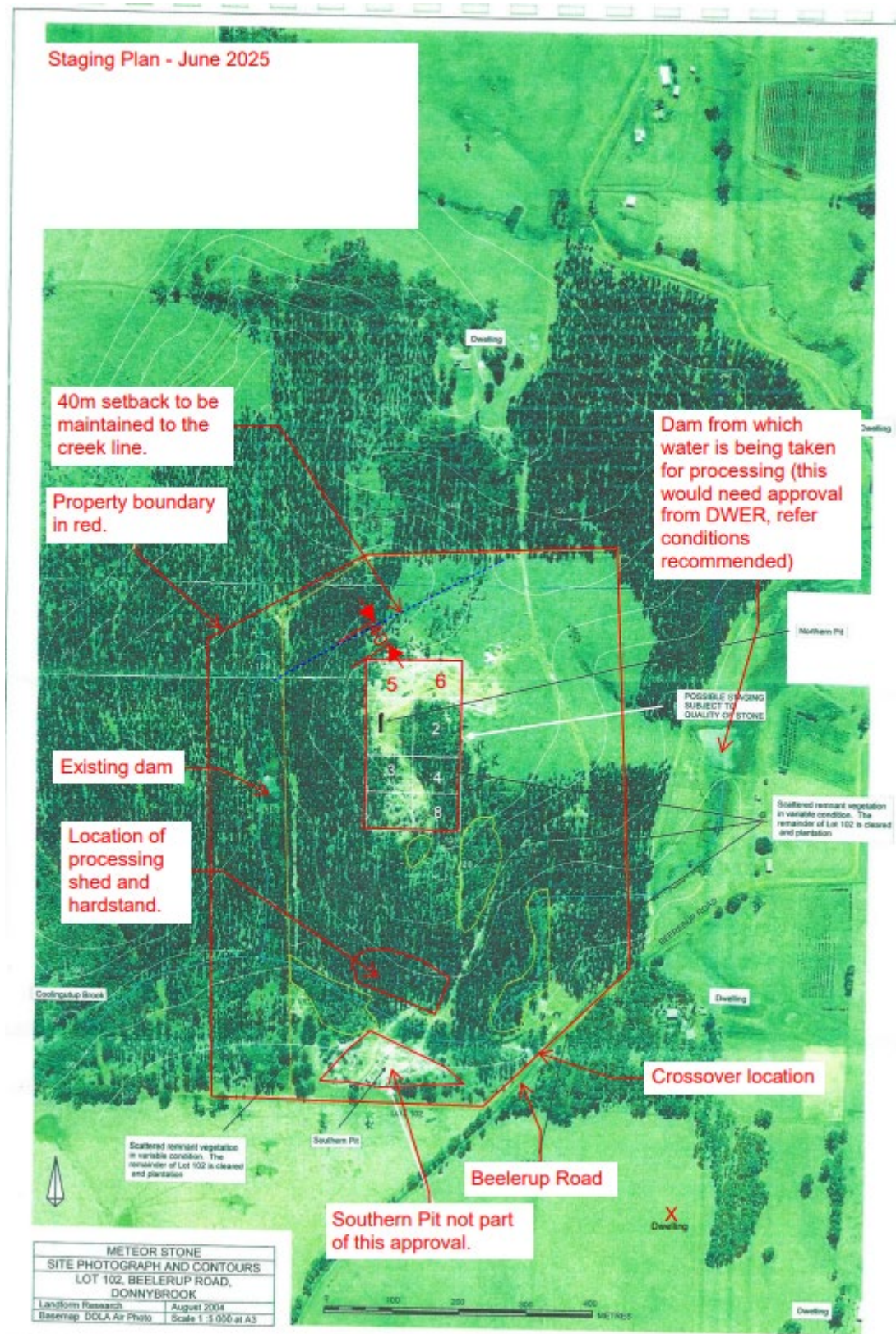


Figure 2 - Quarry areas and staging plan.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	Operation of the pit may have off-site impacts relating to generation of noise and dust. Complaints have recently been received.		
Mitigation:	Officers recommend that if approval is granted conditions are to be imposed to mitigate land use impacts and managing potential off-site effects to acceptable levels.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (5)
Risk Description:	Impact on local community due to operations.		
Mitigation:	Conditional development approval and compliance.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with legislation.		
Mitigation:	Conditional development approval and ongoing compliance inspections and licensing.		

Financial Implications

The applicant has paid all relevant development application fees in accordance with the Shire's Schedule of Fees and Charges. Should Council resolve to refuse the application, the applicant retains the right to seek a review of the decision by the State Administrative Tribunal (SAT). In the event of a SAT review, it is likely that additional resourcing may be required by the Shire, including officer time and/or the potential engagement of a planning consultant or legal representative to act on behalf of the Shire during proceedings.

In relation to the previous approval for quarry operations (Development Approval IND 01/4 dated 1 November 2004), Bank Guarantees totalling \$35,000.00—comprising \$30,000.00 and \$5,000.00—have been provided by Henderson Nominees Pty Ltd as trustee for The PG & N Henderson Family Trust, in compliance with Condition 9 of that approval.

Below is an excerpt of Development Approval IND 01/4.

9. Deposit \$30,000 for rehabilitation of the site and \$5,000 for roadworks maintenance of Beelerup Road in cash or an unconditional bank guarantee in favour of Shire of Donnybrook/Balingup to the satisfaction of the Chief Executive Officer.

These guarantees shall be retained by the Shire as a security deposit to ensure the satisfactory rehabilitation of the quarry pit. The Shire may draw upon the deposit to carry out rehabilitation works or to undertake any necessary compliance action, should the proponent fail to fulfil rehabilitation obligations or other relevant compliance requirements.

Policy Compliance

Local Planning Policy 9.7 Interpretation (Extractive Industry)

The application is for a commercial extractive industry and not covered by the Policy.

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions, and the proposal has also been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in [\(Attachment 9.1.1\(4\)\)](#).

Lot 102 is zoned 'General Agriculture' under the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7). The property is also located within Special Control Areas 4 and 6 as designated by LPS7. Special Control Area 4 (SCA4) – Established Donnybrook Stone – aims to ensure that all land use and development within its boundaries are compatible with the protection and long-term management of established Donnybrook Stone resources. In accordance with the provisions of SCA4, the proposal was referred to the Department of Energy, Mines, Industry Regulation and Safety for assessment. The Department reviewed the application, which is for a renewal, and advised that it has no objection to the proposal proceeding. Figure 3 below shows the extent of SCA4 relevant to Lot 102 Beelerup Road, Beelerup. Special Control Area 6 (SCA6) – Plantation Exclusion Area – applies to the site but does not affect or restrict the proposed development.

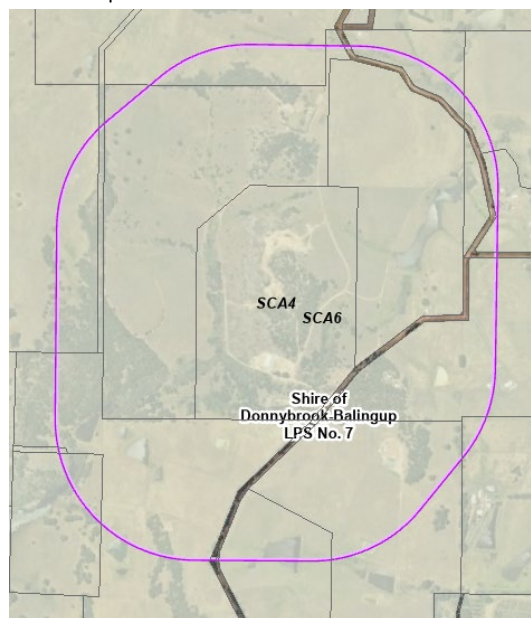


Figure 3 – Excerpt of LPS7 showing the extent of SCA4.

The proposed development is considered to fall within the definition of 'Industry – Extractive' under the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7), which is defined as: "An industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials or the

manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining.”

Under LPS7, ‘*Industry – Extractive*’ is classified as an ‘A’ use within the General Agriculture zone. This means: “The use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.”

In accordance with this classification, all applications for extractive industries within the General Agriculture zone must be advertised and/or referred in accordance with the relevant provisions. This process includes inviting public submissions and consideration of any comments received prior to the determination of the application by the Shire.

Consultation

Public Submissions

The application was advertised by erecting a site notice, placed in the South Western Times (6 February 2025) local newspaper and on the Shire’s website and referred to thirty (30) adjoining/nearby landowners within a 2km radius of the lot boundaries for comment (6 February 2025 – 21 February 2025) including a written notice and copy of the plans. In response to the advertising a total of five (5) submissions were received, two (2) submissions supporting the proposal and three (3) submissions objecting to the proposal. The Public Submissions are contained in ([Attachment: 9.1.1\(2\)](#)).

The key issues raised in the submissions are summarised below along with Officer comments in response:

Key issue	Officer response
<p>Objections received raising concerns about the proposal’s potential negative impact on the visual and rural amenity of the area.</p> <p>Specific issues include:</p> <p>The visual appearance of the quarry and its negative effect on the landscape and local views.</p> <ol style="list-style-type: none"> 1. Perceived inadequate rehabilitation at a similar quarry in Irishtown. 2. Concerns that the proposal is incompatible with the rural lifestyle character of the area, including impacts 	<p>The visual impact of the proposal has been addressed in the application documentation. However, it is noted that, since the submission, mature pine trees on the site have been removed, resulting in the quarry operations becoming more visible from the north and west. This change has increased the potential for visual impact, and it is regrettable that some vegetation was not retained to assist with screening and softening the visibility of the quarry.</p> <p>It is acknowledged that extractive industries inherently result in alterations to the landscape, particularly during active phases. However, the long-term rehabilitation plan submitted by the applicant proposes returning the land to pasture with tree clumps, which is considered consistent with the rural character of the surrounding area. Observations from the recent site visit confirm that the</p>

Key issue	Officer response
<p>on quality of life, future development potential, and the imposition of buffers without compensation.</p> <p>3. Requests for stricter control of operating hours to minimise disruption.</p>	<p>applicant is currently operating in Stages 1, 5, and 6, while a significant portion of the lot continues to be used for grazing cattle, preserving its rural use.</p> <p>The northern pit and processing shed are partially screened from Beelerup Road by a combination of remnant and planted vegetation, and the site's natural topography provides additional visual shielding. The overall siting and layout of the operations are considered to be consistent with the provisions of Local Planning Scheme No. 7 (LPS7).</p> <p>Concerns about the rehabilitation of a similar quarry in Irishtown are noted; however, these are outside the scope of the current proposal. Each extractive industry application is assessed on its own merits. In this case, the applicant has provided a Closure Program that outlines progressive rehabilitation actions consistent with standard industry practice. As per regulatory requirements, all extractive industry approvals will be conditioned to require a detailed Rehabilitation Plan prior to the issuing of an Extractive Industry Licence.</p> <p>The proposal does not involve clearing any native vegetation, and officers have recommended a 10-metre buffer be maintained to protect existing vegetation, further supporting the retention of the site's rural character. Should the applicant propose to clear any native vegetation in future, they must first contact the Department of Water and Environmental Regulation (DWER) to determine whether a clearing permit is required, as this is governed by separate legislation.</p> <p>In relation to residential amenity and lifestyle, previous complaints received by the Shire concerning quarry activity were followed up with the operator and resolved. To minimise future impacts, officers recommend conditions requiring:</p> <ul style="list-style-type: none"> • The maintenance of a complaints register; • Annual reporting of compliance; and • Restricted operating hours.

Key issue	Officer response
	<p>In response to concerns raised through public consultation, it is recommended that operations be limited to: Monday to Friday, 7:00am to 5:00pm, with Saturday carting only from 7:00am to 1:00pm, and no operations on Sundays or public holidays, unless otherwise approved in writing by the Shire.</p> <p>Regarding the 500-metre buffer zone, this was formalised under Special Control Area 4 – Established Donnybrook Stone as part of LPS7 in 2014. The purpose of the buffer is to protect the long-term viability of the Donnybrook Stone resource by managing potential land use conflicts with sensitive developments. It is noted that the buffer does not prevent current lawful land use, but it guides future planning decisions and requires the Shire to consult with the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) in relevant cases.</p> <p>In conclusion, the proposed renewal of quarry operations and associated stone processing activities are not considered to significantly alter or compromise the future development potential of the surrounding rural area. The proposal is considered consistent with the strategic intent of Special Control Area 4 and the established land use pattern in this part of the Shire.</p>
<p>Noise</p> <p>Concerns were raised about the impact of noise generated from quarry operations, stone processing activities, and truck movements, and the potential effect on residential amenity in the surrounding area.</p>	<p>Officers in consultation with the Department of Water and Environmental Regulation (DWER), are recommending that the applicant be required to prepare an Acoustic Assessment and Noise Management Plan covering all quarrying and processing activities, including the use of machinery within the processing shed.</p> <p>While the applicant has advised that setbacks to dwellings comply with the EPA's Generic Separation Distance Guidelines, the generation of noise emissions is expected, particularly during active stages of extraction and processing. The purpose of the acoustic assessment is to determine whether the proposal can comply with the <i>Environmental Protection (Noise) Regulations 1997</i>, and to identify any noise mitigation measures that may need to be implemented to ensure compliance.</p>

Key issue	Officer response
	<p>Once prepared, the draft Noise Management Plan will be referred to DWER's Environmental Noise Branch for technical assessment and feedback, ensuring that the plan is consistent with State requirements and best practice.</p> <p>It is noted that two (2) submissions were received in support of the proposal from nearby landowners, including from an adjoining dwelling located approximately 480 metres north, and another dwelling located 1.3 km south-east of the Northern Pit. Both landowners indicated that current noise levels were acceptable and had not caused amenity issues.</p> <p>In relation to truck movements, nor Main Roads WA or the Shire Works and Services have recommended any upgrades to Beelerup Road at this time.</p> <p>In summary, subject to the preparation and assessment of a detailed Noise Management Plan, it is considered that the potential noise impacts can be appropriately managed to ensure compliance with regulatory standards and minimise effects on neighbouring properties.</p>
<p>Dust Dust generation including silica sand health risks.</p>	<p>The applicant advises <i>"Most dust on a quarry site is generated;</i></p> <ul style="list-style-type: none"> • <i>During vehicle movements on hard surface such as internal roads and hardstand.</i> • <i>From cutting sandstone.</i> • <i>From dust lift off by wind, mainly from hardstand and vehicle movements.</i> <p><i>The greatest proportion of dust in quarries is visible dust. Dust during quarrying operations is only a problem when there is inadequate management of the dust risk. Most management consists of wetting down the products and keeping them moist, with other management being the use of screens and curtains on processing plant.</i></p> <p><i>The sandstone quarrying is low risk because of the small volumes created and the need to cut wet to keep the cutting saws cool. The water therefore decreases dust risk with the risks developing if that generated "cutting mud" from the sawing is at some point in the future is dry and broken up</i></p>

Key issue	Officer response
	<p><i>and powdered. Mostly that “cutting mud” cakes and hardens to fix and prevent future dust generation.</i></p> <p><i>The main dust particles on site are large sand sized grains which are not mobilised to the atmosphere and cannot be breathed in.</i></p> <p><i>The dust risk assessment based on the DEC (DWER) 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities shows a negligible risk when normal dust management is provided. That is confirmed by on site observations of the current operations.</i></p> <p><i>When visual dust trigger conditions are detected and/or alerted, relevant action is taken. This can include additional water suppression, modification of procedure, delay until more favourable conditions are present, use of alternative equipment etc.”</i></p> <p>Officers requested expert advice from DWER on the dust management practices outlined in the Excavation and Rehabilitation Management Plan. In its submission, DWER advised that the site risk assessment and dust management plan are reasonable, indicating a low risk of dust impacts. However, DWER also identified that the applicant has not provided sufficient information to determine whether crystalline silica dust will be generated. While DWER is not aware of any public health risks from crystalline silica dust at the site, it noted that the current monitoring program does not include dust composition analysis and therefore will not address this issue.</p> <p>In light of these concerns, it is recommended that a condition of approval be imposed requiring the submission of a revised Dust Management Plan. This plan should formalise dust suppression and management actions during operations and specifically address the concerns raised by nearby receptors regarding potential crystalline silica dust emissions.</p>

Key issue	Officer response
<p>Traffic Impact and Vehicular Access</p> <p>Submissions noted the potential of the proposal to increase truck traffic and negatively impact traffic safety on Beelerup Road.</p>	<p>Traffic and access impacts have been assessed. The applicant has advised that on-site activity will be minimal, with 1–3 employees and approximately one truck movement every 1–2 days, timed to avoid school bus operating periods. Main Roads WA and Shire staff have raised no objections to the proposal and have not identified any requirements for upgrades to Beelerup Road.</p> <p>To manage future impacts, officers recommend that the crossover be sealed, consistent with previous conditions of approval. In addition, it is recommended that a condition be imposed to limit truck movements to a maximum of six (6) movements into the lot and six (6) movements out of the lot per week, from Monday to Saturday inclusive, unless otherwise approved in writing by the Shire.</p> <p>This condition will ensure that the Shire is notified of any increase in traffic volumes that could impact road conditions. It also provides an opportunity for the Shire to negotiate potential road upgrade works or contributions with the applicant if road damage occurs due to increased traffic in the future.</p>

Consultation with Government/Service Agencies

The application was referred to the Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development, Department of Energy, Mines, Industry Regulation and Safety, Main Roads WA and Department of Water and Environmental Regulation for comment (7 January 2025 – 18 February 2025) including a written notice and copy of the plans.

All agencies responded with the Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development, Department of Energy, Mines, Industry Regulation and Safety and Main Roads WA having no objection or comments only on the application. The Department of Water and Environmental Regulation supported only part of the application. The Government Agency Submissions are contained in ([Attachment: 9.1.1\(3\)](#)).

Department of Biodiversity, Conservation and Attractions (DBCA).

Summary of submission	Officer response
Based on the information provided, DBCA Parks and Wildlife Service South West Region has no comments on the above proposal. It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.	The DBCA comments are noted.

Department of Primary Industries and Regional Development (DPIRD)

Summary of submission	Officer response
DPIRD does not object to the proposed renewal of the extractive industry licence for the extraction of Donnybrook sandstone at the lot. DPIRD assessed the Weed Management Plan and found that it fulfils the basic requirements.	The DPIRD comments are noted.

Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)

Summary of submission	Officer response
DEMIRS has no objections to the development application. DEMIRS has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comments: The subject land lies within SCA4 Established Donnybrook Stone Precinct of the LPS7. The site is recognised as a Significant Geological Resource (Donnybrook Sandstone) under State Planning Policy 2.4 Basic Raw Materials. There is a 0.27% encroachment between Lot 102 and granted exploration licence E 70/5599 held by Kula Gold Limited. However, the sandstone extraction does not impact the gold exploration being undertaken by Kula Gold Limited. This is a renewal of licence.	The DEMIRS comments are noted.

Main Roads WA (MRWA)

Summary of submission	Officer response
MRWA has no objections to the proposed development.	The MRWA comments are noted.

Department of Water and Environmental Regulation (DWER)

Summary of submission	Officer response
Issue 1: The proposed operations may be categorised as Prescribed Premises under the <i>Environmental Protection Regulations 1987</i> if they exceed 5,000 tonnes per year which may require a works approval/licence for a Prescribed Premises under the EP Act 1986. The applicant is strongly advised to contact DWER's Industry Regulation branch regarding a works approval/licence.	Advice will be provided to the applicant informing that any increase in the quarrying or processing activity over 5,000 tonnes annually will require a works approval/ licence to operate from DWER.
<p>Issue 2: Groundwater and pit floor levels</p> <p>The Northern Pit maximum pit floor depth shall be established in accordance with an agreed pit floor contour plan consistent with the proposed extraction depths (1-8 metres from natural surface) and no dewatering works are to be undertaken without DWER consultation.</p> <p>DWER's position on the Southern Pit: Due to the evidence of potential groundwater interception, the proposed extraction from the Southern Pit is not supported. In the event extraction is proposed over the Southern Pit, the applicant is to provide further information to the satisfaction of the Shire, on advice of DWER, to prove that groundwater will not be intercepted.</p>	A condition is recommended to limit operations to the northern pit only with advice that a separate development application must be lodged for further consideration of the southern pit prior to any works proceeding relating thereto.
<p>Issue 3: Stormwater management</p> <p>DWER recommend a condition be placed on the approval requiring a Stormwater Management Plan be prepared covering the proposed extraction area and haulage routes within the property boundary to be approved by the Shire, consistent with DWER's Water quality protection note no. 15 'Basic raw materials extraction'.</p>	The DWER comments/advice is detailed and supported and will be added as conditions/advice notes to the approval. Refer stormwater management plan condition and advice.
<p>Issue 4: Water supply</p> <p>DWER recommend a condition be placed on the approval for the applicant quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire. The applicant is strongly advised to contact DWER's Bunbury water licensing branch to determine licensing requirements for taking of water to support the proposed extraction activities.</p>	During the site inspection, the applicant advised that easements are in place allowing access to water from a dam located on the adjoining lot to the east. However, upon review of the easement documentation provided, it appears that the easements are specifically intended for livestock use, namely providing cattle and sheep access to water. The easement document refers to

Summary of submission	Officer response
	<p>Meteor Nominees Pty Ltd and not the current owner which is Hendersons Nominees Pty Ltd. These easements do not appear to provide a legal entitlement for the applicant to extract or use water from the dam for other purposes, such as stone cutting and processing. Accordingly, it is recommended that a condition be imposed requiring the applicant to confirm and demonstrate legal access to a sufficient and lawful water supply to support the proposed activities. This is necessary to ensure that the water use associated with the proposal is lawful, sustainable, and in line with DWER advice.</p>
<p>Issue 5: Environmental risks</p> <p>The proposed extraction is to be implemented in accordance with DWER's Water quality protection note no. 15 '<i>Basic raw materials extraction</i>' where appropriate to the site situation to ensure environmental risks are appropriately mitigated.</p>	<p>The DWER comments/advice is detailed and supported and will be added as conditions/advice notes to the approval. Refer stormwater management plan condition and advice.</p>
<p>Issue 6: Dieback management plan</p> <p>The Dieback Management measures provided in the Excavation and Rehabilitation Plan is to be reviewed, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries.</p>	<p>The DWER comments/advice is detailed and supported and will be added as conditions/advice notes to the approval. Refer Dieback Management condition and advice.</p>
<p>Issue 7: Staging Plan</p> <p>DWER recommend a condition be placed on the approval that extraction must be undertaken in accordance with an agreed staging plan, approved by the Shire and commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation.</p>	<p>The DWER comments/advice is noted. The applicant has confirmed that staging is in accordance with the previous approved staging plan. Notwithstanding this, a condition is recommended to limit</p>

Summary of submission	Officer response
	operations to the northern pit only.
<p>Issue 8: Rehabilitation plan and final landform</p> <p>DWER recommend a condition be placed on the approval that the Excavation and Rehabilitation Plan is to be updated and approved to the satisfaction of the Shire consistent with DWER's Water quality protection note no. 15 and the Guidelines for Preparing Mine Closure Plans.</p> <p>DWER recommend a condition be placed on the approval that the final landform is not to contain any new waterbodies by leaving open pits and voids.</p>	<p>In light of the concerns raised by DWER a condition is recommended that the applicant to revise and expand their Rehabilitation and Pit Closure Management Practices contained in the Excavation and Rehabilitation Management Plan to clearly address all elements identified by DWER, with specific focus on staging, pasture establishment, weed/dieback procedures, guideline alignment, compliance reporting, and staged extraction requirements.</p>
<p>Issue 9: Fuel and chemical management</p> <p>Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – <i>'Toxic and Hazardous Substance Storage and Use'</i> (Dec 2018). Contingencies for spills should be in accordance with WQPN 10 – <i>'Contaminant spills – emergency response plan'</i> (May 2020).</p>	<p>The DWER comments/advice is detailed and supported and will be added as an advice note to the approval.</p>
<p>Issue 10: Clearing of native vegetation is subject to the <i>Environmental Protection Act 1986</i> (EP Act)</p> <p>The applicant is to apply for a clearing permit and it is highly recommended they contact DWER's Native Vegetation Regulation section to discuss the requirements of the EP Act with regards to the clearing of native vegetation.</p>	<p>The DWER comments/advice is detailed and supported and will be added as an advice note to the approval.</p>
<p>Issue 11: Noise</p> <p>DWER notes the application commits the operator of the quarry to complying with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regulations) but does not cite nor include an acoustic report to demonstrate that this can be achieved. Considering this, DWER cannot provide a technical report concerning this development application. A technical report, in this case, would be a review of the acoustic report and advice on whether a proposed operation, based on the acoustic data provided, can achieve compliance with the Noise Regulations.</p>	<p>The comments and advice provided by the Department of Water and Environmental Regulation (DWER) are acknowledged and considered to be detailed and well-supported. It is noted that the Shire has received complaints from nearby residents regarding noise and nuisance associated with existing quarry operations. This confirms</p>

Summary of submission	Officer response
<p>Operations associated with this excavation site when considering noise impact.</p> <p>1. The Plan notes that the following will be undertaken at the quarry:</p> <p>1.1 The cutting of sandstone.</p> <p>1.2 The grinding subgrade rock.</p> <p>1.3 The preparation of working surfaces with a grinder.</p> <p>1.4 The reduction subgrade rock once a year with a mobile crusher.</p> <p>2. The following operations will be undertaken in a processing shed:</p> <p>2.1 The cutting of large sandstone blocks with wire and rotational saws.</p> <p>2.2 The crushing of waste rocks for one week once a year.</p> <p>3. The haulage of sandstone, to and from the site, every one to two days, with the vehicles operating at the pit to be fitted with broadband reversing alarms.</p> <p>Nearest noise sensitive premises</p> <p>Although not mapped, the application notes that <i>'the closest dwellings are located 400m east and 550m south-east from the processing area but over 500 metres to the pit which is protected by landform and trees'</i>.</p> <p>Recommended separation distance.</p> <p>The Environmental Protection Authority's <i>Guidance for the Assessment of Environmental Factors No. 3: Separation Distances between Industrial and Sensitive Land Uses</i> recommends that the buffer distance be considered case by case for an extractive industry where no blasting is required and material is processed by grinding, milling or separated by sieving or aeration as part of its operation to address potential dust and noise impacts.</p> <p>Considering the types of operations to be undertaken at the quarry and the distance of the dwellings to the site, DWER does not consider the applicant has substantiated the claim that the 'setbacks to dwellings complies with the EPA Generic Buffer Guidelines.'</p>	<p>that there are already impacts on nearby sensitive receptors.</p> <p>In light of these concerns, it is recommended that a condition of approval be imposed requiring the submission of an Acoustic Assessment for all operations on the lot relating to the extractive industry and processing shed. Additionally, a Noise Management Plan must be prepared to address and mitigate any issues identified in the Acoustic Assessment, with the aim of minimising noise impacts on surrounding sensitive land uses and ensuring compliance with relevant environmental noise regulations.</p>

Summary of submission	Officer response
<p>There is a potential for non-compliance with the Noise Regulations and recommend a condition be placed on the approval requesting that the applicant organise an acoustic assessment to determine if the proposed operation can meet the Noise Regulations including consultation with residents to determine if they are currently experiencing any impacts to their amenity.</p>	
<p>Issue 12: Dust</p> <p>DWER considers that the site risk assessment and the dust management plan are reasonable. The site risk assessment indicates that the risk of dust impacts is likely to be low.</p> <p>The DWER Guideline: Air emissions require the applicant to provide information on the air emission sources and pollutants for each emission source. DWER is unable to assess whether the proposed activities generate crystalline silica dust based on the information provided.</p> <p>DWER found some limitations in the risk assessment, however, these are unlikely to affect the outcome.</p> <p>These limitations are:</p> <ol style="list-style-type: none"> 1. The wind roses, which show only the 9 AM and 3 PM average conditions, are not a reliable indicator of average wind conditions for daily periods or for times when emissions occur. 2. The applicant did not provide a map showing the locations of receptors in the vicinity of the site or a table detailing information on the nature of sensitive receptors. <p>DWER is not aware of instances of public health risks due to crystalline silica dust. We note that the monitoring program will not provide information in this regard, as analysis of dust composition is not included.</p> <p>RECOMMENDATIONS</p> <p>If the application proceeds, early and ongoing engagement with adjacent residents should be a key focus of the applicant's environmental management.</p> <p>The applicant reviews dust management measures if dust impacts become evident (e.g., complaints).</p>	<p>The comments and advice provided by the Department of Water and Environmental Regulation (DWER) are acknowledged and considered to be detailed, relevant, and well-supported in the context of the proposal.</p> <p>To address potential dust impacts associated with the quarrying and processing activities, it is recommended that a condition of approval be imposed requiring a Dust Management Plan. This plan should formalise dust suppression and management actions during operations and specifically address the concerns raised by nearby receptors regarding potential crystalline silica dust emissions.</p>

Officer Comment

The proposal has been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in ([Attachment: 9.1.1\(4\)](#)).

Key considerations identified are zoning, land use class permissibility and consultation which identified considerations required to the development approval which are further outlined below.

Planning Framework and Site Use Compliance

Under the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7), the subject land is zoned General Agriculture, where *Industry – Extractive* is classified as an ‘A’ use. This denotes a use that is not permitted unless the local government has exercised its discretion and granted development approval following public advertising. The current proposal to renew the existing Donnybrook Stone quarry was advertised accordingly, with public submissions received and considered as part of the assessment process.

The proposal aligns with the objectives of Special Control Area 4 – ‘Established Donnybrook Stone’, which seeks to ensure that land use and development within the designated area remains compatible with the long-term protection and management of the Donnybrook Stone resource.

Use of the Existing Shed for Processing Activities

While the Excavation and Rehabilitation Management Plan references the use of the existing shed for stone processing, it is noted that the previous development approval issued on 21 May 2021 (P21004) approved the shed for use as a Caretaker’s Dwelling, storage shed, incidental office, and temporary site office, but did not explicitly approve stone processing activities.

However, the definition of ‘Industry – Extractive’ under LPS7 does include the treatment and storage of materials extracted on-site—such as the cutting of sandstone blocks using wire and rotational saws. Accordingly, some degree of processing may be interpreted as being consistent with the broader extractive industry use. Notwithstanding, concerns have been raised regarding the off-site impacts of processing activities within the shed, particularly:

- Noise emissions from processing equipment
- Environmental impacts related to the generation and management of silt slush waste from water-based stone cutting.

These matters were not addressed in the original assessment and approval of the shed for storage purposes.

A recent site inspection conducted on 27 May 2025 confirmed the use of water-cooled diamond cutters inside the shed, which produce a silt slush waste that is captured at the rear of the building in a waste pond. Given that this element was not previously assessed or approved, it is recommended that:

- A condition be imposed requiring the submission of detailed waste management measures, including confirmation of the adequacy and ongoing maintenance of the existing silt trap system.
- A condition be imposed requiring the applicant to provide an acoustic assessment and associated noise management plan to address potential off-site noise impacts from the three large machines currently used to cut stone into blocks, slabs, and tiles.

Below are two photos taken on 27 May 2025 of the sump and settlement pond at the rear of processing shed.



Photo 1 – recirculation sump



Photo 2 – settlement platform

Importation of Material from Off-Site Quarry

A more significant concern identified during the same site visit—and substantiated by public complaints—is the importation of additional Donnybrook Stone from a nearby quarry located in Irishtown, for processing within the on-site shed. Although the stone is of the same geological type and from the same locality (within the Shire of Donnybrook-Balingup), its processing on the subject lot is considered, under Clause 3.18.2 of LPS7, to fall within the type and class of activity associated with the existing extractive industry use.

However, officers are concerned that the volume of material being processed—particularly with the additional off-site stone—may exceed the permitted 5,000 tonnes annually as previously associated with the subject lot. If so, this would potentially trigger the requirement for a works approval under the Department of Water and Environmental Regulation (DWER) licensing thresholds.

It is the applicant's responsibility to ensure compliance with all relevant DWER legislation, including monitoring volumes and seeking any necessary environmental approvals or licenses if thresholds are exceeded.

Traffic impacts

To address a condition set under the previous Development Approval (IND 01/4, dated 1 November 2004), it is recommended that the site crossover be constructed to a sealed standard. This condition has not been complied with to date. As part of this retrospective approval for the processing shed and renewal of the stone quarry operations, it is recommended that a time-limited condition be imposed, requiring the crossover to be upgraded to the required sealed standard within 6 months of this approval. This will ensure safe and compliant access to the site, in accordance with both past and present development expectations.

It is also recommended that a condition be imposed to limit truck movements to a maximum of six (6) movements into the lot and six (6) movements out of the lot per week, from Monday to Saturday inclusive, unless otherwise approved in writing by the Shire. This condition will ensure that the Shire is notified of any increase in traffic volumes that could impact road conditions such as a 2 to 3 day campaigns to bring in stone from Irishtown. It also provides an opportunity for the Shire to negotiate potential road upgrade works or contributions with the applicant if road damage occurs due to increased traffic in the future.

Fencing

A condition of the previous Development Approval (IND 01/4, dated 1 November 2004) required the installation of adequate safety fencing and warning signage around the perimeter of the extraction site. It is recommended that this condition be carried over to the current approval to ensure continued compliance with safety standards.

A recent site inspection confirmed the presence of a high-quality access gate, equipped with remote operation, which effectively restricts vehicle access to the main site entry point. However, it was also observed that there is no boundary fencing along the eastern side of the lot, particularly in the area adjacent to the dam.

The applicant has indicated that the land is currently leased for grazing, allowing cattle to move freely between adjoining lots, which likely explains the absence of fencing in that area. While the eastern boundary is unfenced, it is considered that the existing arrangements adequately prevent unauthorised entry to the active extraction area, which is the primary intent of the fencing requirement under the local law.

Given the current level of access control and the operational context, it is considered that the site meets the intent of the original fencing condition. Nevertheless, the condition should be retained to ensure ongoing site safety, with flexibility in its application recognising that functional access control is being maintained.

Current approved operating hours

A condition of the previous Development Approval (IND 01/4, dated 1 November 2004) required that extraction works, including associated truck movements, be limited to between 7:00am and 5:00pm, Monday to Saturday. However, the Shire has received public complaints alleging that on-site activities

have occurred outside these approved hours, specifically on Friday and Saturday nights, with operations reportedly continuing until 10:00pm and, on some occasions, as late as midnight. These allegations indicate potential non-compliance with the approved operating hours and have raised concerns regarding noise and disturbance to surrounding landowners.

To address these concerns, mitigate noise impacts on nearby residents, align with conditions of more recent approvals, and facilitate improved compliance monitoring, it is recommended that the operating hours for extractive industry works be restricted to between 7:00am and 5:00pm, Monday to Friday, with no operations permitted on Sundays or Public Holidays unless otherwise agreed in writing by the Shire. Saturday operations should be limited to carting activities only, between 7:00am and 1:00pm.

Officers support the applicant's request to allow processing within the shed on Saturdays between 7:00am and 1:00pm, in addition to the standard weekday operations. This support is contingent upon the effective implementation of appropriate noise mitigation measures, which are expected to be outlined in the forthcoming Acoustic Assessment and Noise Management Plan. Provided that these measures are adhered to and the shed is suitably modified to contain noise, it is reasonable to expect that Saturday processing will not result in adverse noise impacts. Accordingly, the proposed Saturday operations are considered acceptable within these parameters.

Development considerations

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

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

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

Staff have assessed the application, including the advice from relevant Government agencies and other Shire service divisions. Staff consider the proposal capable of being approved and managed through reasonable and achievable conditions of approval.

Conclusion

The proposal has been assessed in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup LPS7.

The proposal complies with the objectives for the General Agriculture zone and the purpose of Special Control Area 4 'Established Donnybrook Stone' and considered compatible with the surrounding developments and character of the area.

Matters raised during the advertising period have been appropriately addressed and can be managed by conditions. Officers consider that the application complies with the requirement of orderly and proper planning and are therefore recommending conditional approval of the application.

9.1.2. Development Application P25008 – New Dam Lot 70 and 903 Valentine Road, Upper Capel

Report Details:

Prepared by: Principal Planner
Manager: Manager Development Services
Applicant: Jeremy Happ (Lot 70) and Mark Winkworth (Lot 903)
Location: Lots 70 and 903 Valentine Road, Upper Capel
File Reference: A5082 & A5020 (P25008) **Voting Requirement:** Simple Majority

Attachment(s):

- 9.1.2(1) Application plans.
- 9.1.2(2) Public Submissions.
- 9.1.2(3) Government Agency submissions.
- 9.1.2(4) Applicant's comments on submissions.
- 9.1.2(5) Assessment under Clause 67.

Executive Recommendation

A. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25008 for a new dam and crossing on Lots 70 and 903 Valentine Road, Upper Capel, subject to the following conditions and advice:

Conditions:

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

Approved plans as contained in Attachment 9.1.2(1):

- a. Crossing application description; and**
- b. Development plans combined.**

- 2. Prior to the construction of the dam, engineered drawings and certification by a suitably qualified person must be submitted to the Shire to ensure structural stability of the development.**
- 3. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater and dam overflow management, is to be rectified, so as not to impact any surrounding properties (other than Lot 903), including any infrastructure, to the satisfaction of the Shire.**

4. Rehabilitation planting within the creek line and windbreak areas must incorporate local endemic species. A detailed planting plan must be submitted to and approved by the Shire prior to implementation. All landscaping shown on the approved planting plan shall be planted within 12 months of the completion of dam construction and must be maintained thereafter to the satisfaction of the Shire.

Advice Notes:

- a. The Department of Water and Environmental Regulation advises:

1) *Rights in Water and Irrigation Act 1914 (RIWI Act)*

- i. A permit to interfere with the 'bed and banks' of the watercourse has been submitted (as required under the *RIWI Act*) by the applicant and is currently under assessment by DWER.
- ii. A 5C licence to take surface water may be required, depending upon details when the dam works are completed, and if the dam volume capacity is over 8ML.

2) Dam water quality advice

- i. The Department's Water Quality Protection Note (WQPN) 53 '*Dam construction and operation in rural areas*' (September 2019) provides for best practice measures to assist in protecting water quality and the proponent shall refer to the WQPN to assist in the proposal.

3) Clearing for the dam wall (covered by 'bed and banks' permit)

- i. Based on the information provided, the proposal is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 16 of the Clearing Regulations. This is noting that under the *RIWI Act* the Department previously issued a permit to interfere with the bed and banks of the watercourse at the proposal location.
- ii. Please note that this exemption only applies to the specific area considered in the permit to interfere with the bed and banks of a watercourse issued under the *RIWI Act*. Any clearing outside of that area would require a clearing permit.

4) Clearing outside the 'bed and banks' permit area

- i. Based on the information provided and desktop analysis the dam, the resulting flooded area may encroach on an area of possible native vegetation at the upstream end. Noting that native vegetation also includes native understorey species, such as grasses and sedges. The flooding of this area may result in the death of native vegetation and as such a clearing permit or notice under Section 51DA(5) that a clearing permit is not required would be required.
- ii. The Department has not received a clearing permit application for this proposal.
- iii. Application forms are available from
<https://www.wa.gov.au/service/environment/environment-information-services/clearing-permit-forms>.

- iv. Additional information on how to apply for a clearing permit is available from <https://www.wa.gov.au/service/environment/environment-information-services/native-vegetation-clearing-permits>.
- v. Information regarding clearing permit fees can be found here: <https://www.wa.gov.au/service/environment/environment-information-services/native-vegetation-clearing-permit-fees-frequently-asked-questions>.
- b. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.
- c. 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.
- Objective:** 3.1 - Care for the natural environment, including weed and pest management.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for development approval for a new dam and creek crossing at Lots 70 and 903 Valentine Road, Upper Capel.

As per the Shire's delegation framework, development applications that receive objections during the consultation process must be determined by Council. In this case, two objections were received from adjoining and nearby landowners following referral of the application.

Shire officers have assessed the application and recommend that the proposed development proceed, subject to appropriate conditions and advice. These recommended conditions address the concerns raised in the submissions and ensure the development complies with relevant planning requirements.

Background

The Shire received a development application for the construction of a new dam and creek crossing at Lots 70 and 903 Valentine Road, Upper Capel. The proposed dam, with an approximate surface area of 360m², and the creek crossing, approximately 15 metres wide and up to 3 metres high, are to be constructed on Lot 70, with water from the dam also ponding onto the adjoining Lot 903. Both the landowners of Lot 70 and Lot 903 have signed the application form. The dam is intended to provide water for creek line and windbreak revegetation planting, as well as for stock watering. The proposed

crossing will enhance access for stock management, fence maintenance, and fire defence purposes on Lot 70 and provide water for stock on Lot 903.

The development application plans are contained in [Attachment 9.1.2\(1\)](#).

Location Plan

Lots 70 (43.0552 hectares) and 903 (64.7495 hectares) are located within a General Agriculture zoned area that supports traditional rural activities on the surrounding properties (see Figure 1 below). The dam and crossing proposal are shown in Figure 2 below.

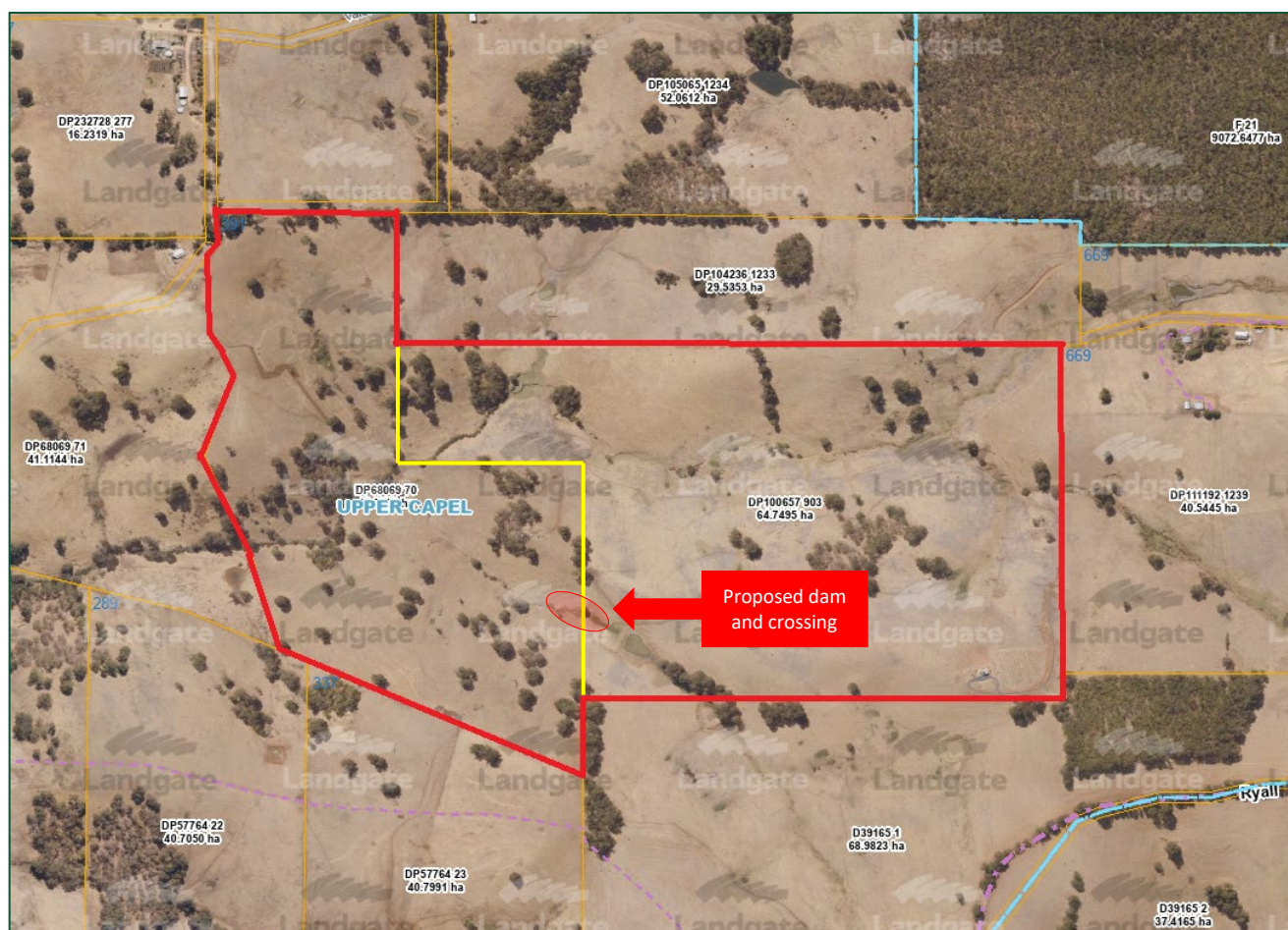


Figure 1 - Lots 70 and 903 bordered in red with common lot boundary in yellow line.

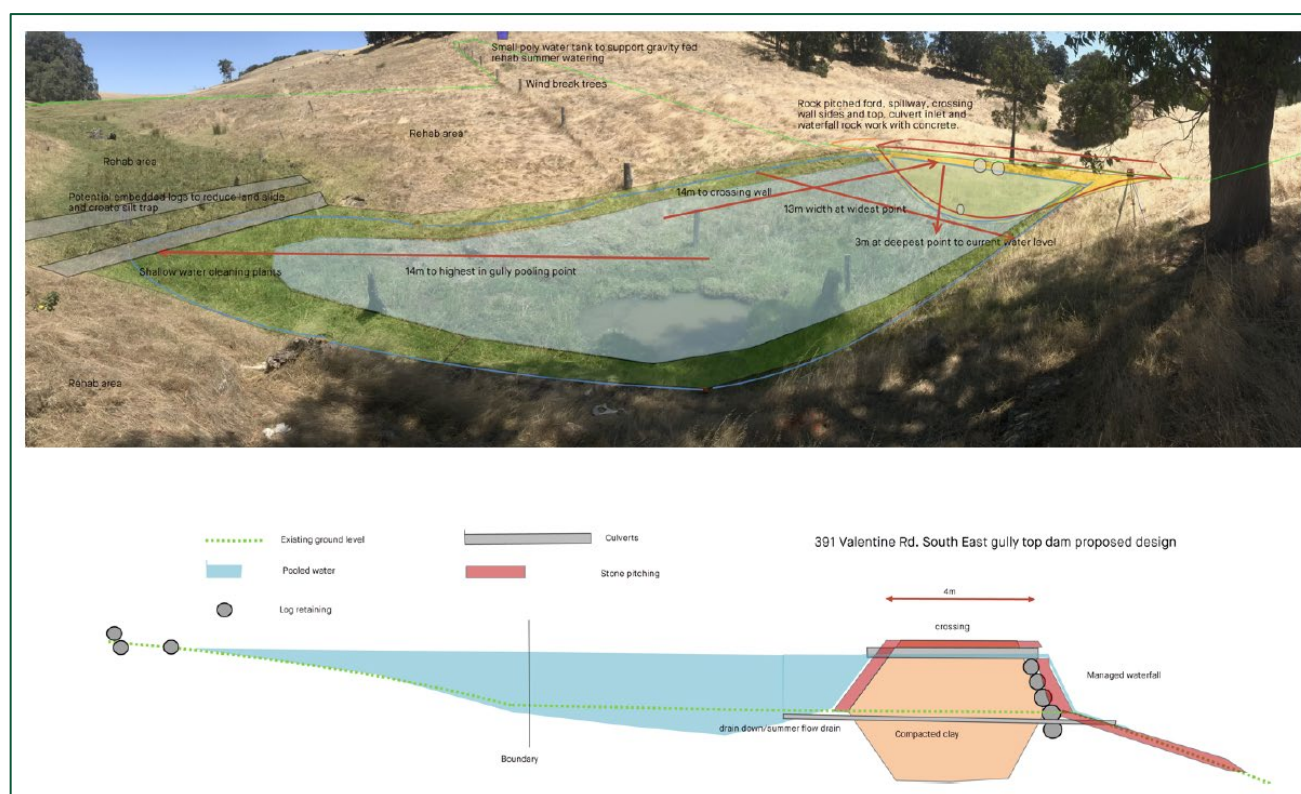


Figure 2 - Dam area and crossing.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	The dam may have off site impacts relating to ponding of water across lot boundaries and disruption to stream flow.		
Mitigation:	Officers recommend that if approval is granted conditions are to be imposed to mitigate impacts and managing potential off-site effects to acceptable levels.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with legislation.		
Mitigation:	Conditional development approval.		

Financial Implications

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

Policy Compliance

Nil.

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions below and has also been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment under Clause 67 is contained in [\(Attachment 9.1.2\(5\)\)](#).

Key considerations identified are:

The land is within the General Agriculture zone under LPS7, figure 3 below is an excerpt of the scheme map under LPS7.

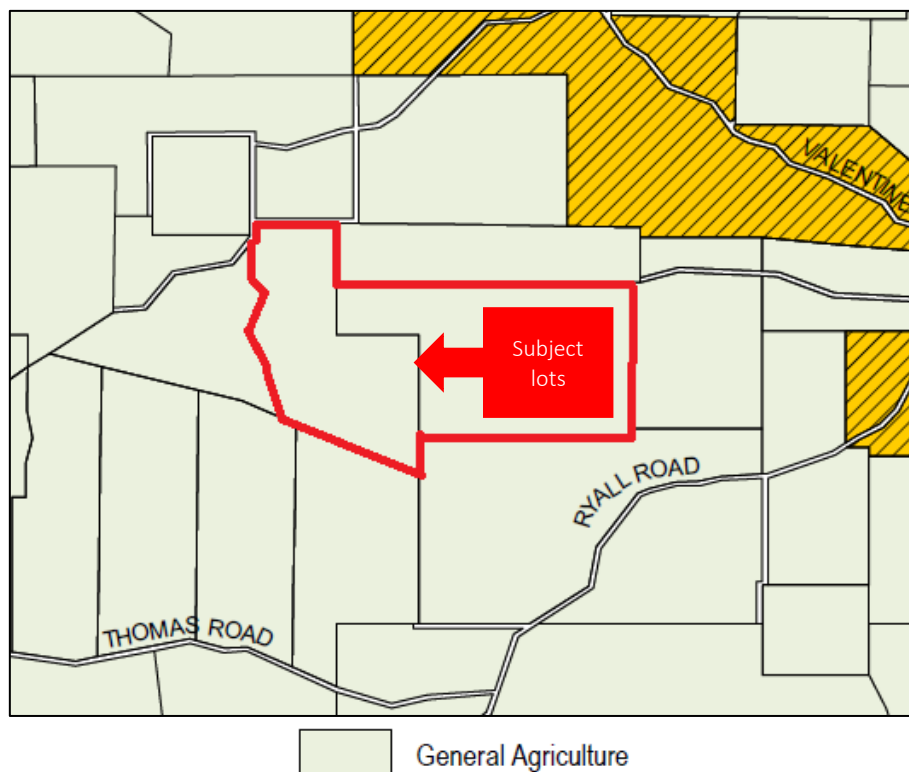


Figure 3 - Excerpt of the scheme map under LPS7.

Under the provisions of Local Planning Scheme No. 7 (LPS7), the proposed development is considered consistent with the land use definition of a 'Dam', which is defined as:

'Dam' means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin, but does not include ornamental ponds or other water features associated with landscaping and gardens.

Under LPS7, a 'Dam' is regarded as incidental to farming activities falling under the land use category 'Agriculture – Extensive', which is defined as: Premises used for the raising of stock (including domestic scale pigs, poultry and rabbits) or crops but does not include agriculture – intensive or animal husbandry – intensive.

'Agriculture – Extensive' is classified as a 'P' use (permitted) in the General Agriculture zone under LPS7. Notwithstanding the permitted nature of the use, the proposed dam is not exempt from requiring development approval under Schedule A – Supplemental Provisions of LPS7. Specifically, the exemption provision for dams under Clause (I)(ii) is not satisfied, which requires:

(ii) the external foot of the dam wall, and any other part of the dam including the stored water is further than 20 metres from the boundaries of the subject lot.

As this standard is not met, the proposal requires development approval under LPS7.

Local Planning Strategy

The subject lots are designated as General Agriculture under the Shire of Donnybrook-Balingup Local Planning Strategy (2014) and are identified as Rural under the draft Local Planning Strategy. The proposed dam and associated crossing are considered consistent with the objectives of the Local Planning Strategy for land within the General Agriculture area. The development will support and enhance the agricultural capability of the land, facilitating improved water management for farming purposes. The proposal is also compatible with existing agricultural uses on surrounding properties and aligns with the overarching aim of both the current and draft strategies to retain and support a diverse range of primary production activities within the Shire's General Agriculture areas. Accordingly, the proposal is considered to reinforce the long-term strategic planning objectives for rural land use in the locality.

Consultation

Public Submissions

The application was referred to adjoining landowners for comment during the period from 6 March 2025 to 21 March 2025. As a result of the referral, two submissions were received, both of which objected to the proposal. Copies of the public submissions are provided in [Attachment: 9.1.2\(2\)](#).

The key issues raised in the submissions are summarised below, along with Officer comments in response. In addition, the applicant has provided a written response addressing the concerns raised by the submitters, which is included in [Attachment: 9.1.2\(4\)](#).

Key issue	Officer response
Impact on Natural Waterways Both submissions express concern that the proposed dam may alter or disrupt natural watercourses, which could have broader environmental and agricultural implications.	The Department of Water and Environmental Regulation (DWER) has confirmed that the applicant has submitted a permit application to interfere with the bed and banks of the watercourse, as required under the <i>Rights in Water and Irrigation Act 1914 (RIWI Act)</i> . DWER has also previously issued a permit for this activity at the same location, indicating that the proposal is capable of meeting regulatory requirements. Under the RIWI Act, any dam must maintain waterway flows and must not cause a noticeable

Key issue	Officer response
	reduction in downstream flow. Compliance with these requirements will be ensured through the DWER permitting process.
Effect on Water Availability for Surrounding Properties The objectors are concerned that changes to water flow may reduce the availability of water for neighbouring farms, potentially affecting agricultural productivity and livelihoods.	DWER has advised that a 5C licence to take surface water may be required, depending on the final dam volume and operational details. The dam is required to be constructed and operated in a way that does not adversely affect downstream users. The applicant has engaged a qualified hydrologist (SW Hydrology – Chris Mulcahy) to assist with dam design and ensure compliance with water management standards. Additionally, DWER’s Water Quality Protection Note (WQPN No. 53) outlines methods such as bypass channels, overflow systems, and flow control devices to maintain stream flows and avoid impacts on downstream users.
Environmental Concerns There is concern about potential negative impacts on the local ecosystem, including harm to native flora and fauna that rely on existing water systems.	The WQPN notes that dam designs should consider the movement of aquatic fauna and, where necessary, include features such as fish ladders. These design considerations are part of the regulatory review process undertaken by DWER. Construction timing and methods will be managed to minimise disturbance, including sediment control and maintaining base flows to protect ecological function. DWER advises that dam construction should occur during the dry season (typically November to April) to reduce risk to water quality and fauna.
Lack of Environmental Assessment Both submissions call for a detailed environmental assessment to evaluate the potential effects of the dam on the environment and water resources.	The proposal has been referred to DWER for technical input as part of the development assessment process. DWER has not objected to the proposal and has provided technical advice to guide dam construction and operation. The applicant’s engagement of a qualified hydrologist aligns with WQPN recommendations that dam owners seek expert engineering and geotechnical advice to ensure safe and environmentally responsible design. With the application of appropriate conditions and compliance with state legislation, the dam can be developed without causing the environmental impacts raised in the submissions.
Need for Stakeholder Consultation The objectors request that affected landowners and relevant experts be consulted before any approval is granted.	The application has undergone formal neighbour consultation (6 March 2025 – 21 March 2025), during which adjoining landowners had the opportunity to provide comment. Technical referral to DWER and DBCA ensures that specialist advice is integrated into the assessment. The applicant has taken steps to engage professional expertise and address technical matters through the appropriate regulatory channels.
Conditional Support One submitter indicates they may support the proposal if it can be demonstrated that there will be no negative impact on the environment	Based on advice from DWER and DBCA and the technical information provided, the dam can be developed to meet environmental and water management standards. With appropriate development conditions, the proposal can proceed while addressing the concerns raised in public submissions.

Key issue	Officer response
or on surrounding water availability.	

Consultation with Government/Service Agencies

The proposal was referred to the Department of Biodiversity, Conservation and Attractions and Department of Water and Environmental Regulation for comment. The submissions are contained in [\(Attachment: 9.1.2\(3\)\)](#) and discussed below.

Department of Biodiversity, Conservation and Attractions' (DBCA)

Submission	Officer response
The proponent has indicated that no vegetation clearing will be required for the proposed works. DBCA supports the proposed Lot 70 creek-line fencing and rehabilitation works and recommends local endemic flora species be incorporated into the planting list. DBCA recommends that advice is sought from the Department of Water and Environmental Regulation in relation to surface water impacts associated with the construction of the dam/soak and expected ponding across lot boundaries.	Comments noted. The application has been referred to the Department of Water and Environmental Regulation for comment as part of the assessment. DWER have not objected to the proposal and provided advice to be included on the approval, if granted.

Department of Water and Environmental Regulation (DWER)

Submission	Officer response
<u>RIWI advice</u> DWER advises that: <ul style="list-style-type: none"> Professional designs for the proposed on-stream dam and creek crossing be provided with specific details that may include cross-sections showing the dam wall specifications; site contour levels; reservoir storage capacity details; proposed spillway/facility for overflows; and under wall pipe/bypass details. This plan should also identify any areas of vegetation clearing required for the dam development and reservoir footprint. A permit to interfere with the 'bed and banks' of the watercourse has been submitted (as required under the <i>Rights in Water and Irrigation Act 1914</i>) by the applicant and is currently under assessment by DWER. A 5C licence to take surface water may be required, depending upon details when the dam works are completed, and if the dam volume capacity is over 8ML. We do not approve of dam reservoir ponding across property boundaries unless there is a written agreement between the affected land owners. As such, this written agreement should be provided to avoid future issues. 	The DWER referral comments were provided to the applicant, who responded as follows: <ul style="list-style-type: none"> DWER's representative (Julian) informally advised that the existing design drawings may be sufficient given the small scale of the proposed works. Previously submitted drawings include the required details such as dam wall cross-sections, site contours, spillway design, under-wall pipe/bypass, and clearing area. Minor amendments to improve clarity were made

Submission	Officer response
<p><u>Dam water quality advice</u> The departments Water Quality Protection Note (WQPN) 53 '<i>Dam construction and operation in rural areas</i>' (September 2019) provides for best practice measures to assist in protecting water quality, to which the proponent may wish to refer to assist them in their proposal.</p> <p><u>Native vegetation advice</u> Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • 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. <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p><u>Clearing for the dam wall (covered by 'bed and banks' permit)</u> Based on the information provided, the proposal is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 16 of the Clearing Regulations. This is noting that under the <i>Rights in Water and irrigation Act 1914</i> (RIWI Act) the Department previously issued a permit to interfere with the bed and banks of the watercourse at the proposal location.</p> <p>Please note that this exemption only applies to the specific area considered in the permit to interfere with the bed and banks of a watercourse issued under the RIWI Act. Any clearing outside of that area would require a clearing permit.</p> <p><u>Clearing outside the 'bed and banks' permit area</u> Based on the information provided and desktop analysis the dam, the resulting flooded area may encroach on an area of possible native vegetation at the upstream end. Noting that native vegetation also includes native understorey species, such as grasses and sedges. The flooding of this area may result in the death of native vegetation and as such a clearing permit or notice under Section 51DA(5) that a clearing permit is not required would be required.</p> <p>The Department has not received a clearing permit application for this proposal.</p>	<p>based on DWER's recommendations and resubmitted to DWER on 10 March 2025.</p> <ul style="list-style-type: none"> • The proposed dam has an estimated storage capacity of 220,000 litres (0.22ML) — well below the 8ML threshold that would trigger the need for a 5C surface water licence under the <i>Rights in Water and Irrigation Act 1914</i>. • Property Boundary Ponding: Both affected landowners have signed the development application form, providing written consent to the proposal, as required by DWER where ponding across property boundaries is proposed. <p>Officers consider the applicant has adequately addressed DWER's technical requirements for a small-scale, low-capacity rural dam. The documentation and clarifications provided meet the expectations for a development of this nature, and no outstanding objections have been raised by DWER. The proposal can proceed subject to final permit determination by DWER and the imposition of appropriate development conditions.</p> <p>DWER's advice will be included on the approval, if granted.</p>

Officer Comment

The proposal has been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in ([Attachment: 9.1.2\(5\)](#)).

Key considerations identified are further outlined below:

- **Zoning and Strategic Planning Context**
The subject lots are zoned General Agriculture under the Local Planning Scheme No. 7 (LPS7) and identified as Rural under the draft Local Planning Strategy. The proposed dam aligns with the objectives of both the current and draft strategies to support and retain a range of primary production activities.
- **Land Use Permissibility**
Under LPS7, the dam is considered consistent with the land use definition of 'Dam', which includes structures designed to intercept and store water for agricultural use. The dam is classified as an incidental use to 'Agriculture – Extensive', which is a 'P' (permitted) use in the General Agriculture zone.
- **Development Approval Requirement**
Although the dam is associated with a permitted use, it requires development approval under LPS7 as it does not satisfy the exemption criteria in Schedule A, specifically:
 - The dam wall and stored water are less than 20 metres from a lot of boundaries and the landowner of the adjoining lot is one of the applicants confirming his acceptance of the proposal.
- **Water Management and Environmental Regulation**
The proposal has been referred to the Department of Water and Environmental Regulation (DWER) for assessment under the *Rights in Water and Irrigation Act 1914*. DWER has not objected to the proposal and has provided guidance to ensure the dam meets regulatory requirements regarding water flow, ecological impacts, and construction practices. Once the dam has approval from the Shire DWER will process the permit application further. The applicant needs a dual approval - one from the Shire and a Permit from DWER.
- **Technical Support and Design**
The applicant has engaged a qualified hydrologist to assist with the design and regulatory compliance, aligning with best practice as recommended by DWER's Water Quality Protection Note No. 53.
- **Compatibility with Surrounding Land Uses**
The dam is considered compatible with surrounding agricultural operations, and will enhance the subject land's water management capabilities for ongoing rural use. It will also support stock on the adjoining lot.

- Consultation

Two submissions were received during the public advertising period, both objecting to the proposal. The key concerns raised related to potential impacts on natural waterways, water availability for surrounding farms, and environmental effects on local flora and fauna. Submitters also requested a thorough environmental assessment and consultation with affected landowners and experts.

In response, the proposal was referred to the Department of Water and Environmental Regulation (DWER), which provided no objection and confirmed that the necessary permit under the *Rights in Water and Irrigation Act 1914* has been submitted and is under assessment. DWER also confirmed that the dam must be designed to maintain stream flows and prevent significant downstream impacts.

Development considerations

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

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

- (d) Granting development approval without conditions; or*
- (e) Granting development approval with conditions; or*
- (f) Refusing to grant development approval.*

Staff have assessed the application, including the advice from relevant Government Agencies and other Shire service divisions. Staff consider the proposal capable of being approved and managed through reasonable and achievable conditions of approval.

Conclusion

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

The proposal is compatible with the objectives for the General Agriculture zone and compatible with the surrounding developments and character of the area. Based on the advice received and subject to appropriate conditions, the proposal is considered capable of being developed in a manner that addresses the concerns raised in the submissions and complies with relevant planning and environmental requirements. Staff consider that the application complies with the requirement of orderly and proper planning and therefore recommend conditional approval of the application.

9.1.3. Development Application P25011 – Kirup Tavern extended licensed area for events Lot 101 (47) South Western Highway, Kirup

Report Details:

Prepared by: Principal Planner

Manager: Manager Development Services

Applicant: Kirup Events and Entertainment Pty Ltd

Location: Lot 101 (47) South Western Highway, Kirup

File Reference: A1668 (P25011)

Voting Requirement: Simple Majority

Attachment(s):

9.1.3(1) Application details

9.1.3(2) Public submissions

9.1.3(3) Government agency submissions.

9.1.3(4) Assessment under Clause 67.

Executive Recommendation

- A. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25011 to extend the licensed area for events at Lot 19 (180) South Western Highway, Donnybrook subject to the following conditions and advice:**

Conditions:

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

Approved plans as contained in Attachment 9.1.3(1).

- 2. No part of the construction of the proposed fencing (including any footings etc.) shall encroach over the lot boundary. The café barrier signage to be installed on the fence shall be maintained in good order and be designed to a professional standard to the satisfaction of the Shire.**
- 3. Events attracting over 150 people are not covered by this development approval and require a separate events approval from the Shire.**
- 4. This development approval allows for events to be held once monthly during summer/spring (September – February).**
- 5. The extended licensed area (outdoor area) may be used for events in accordance with this development approval. When not in use for events, the area may be used for camping, subject to compliance with the relevant approvals and conditions of the existing campground licence.**

6. Prior to the use of the extended licenced area (outdoor area) for live music events or the playing of amplified music, an Acoustic Assessment and a Noise Management Plan must be prepared by a suitably qualified acoustic consultant, to the satisfaction of the Shire. Once approved, the Noise Management Plan shall form part of this development approval and must be implemented and complied with at all times during relevant events.

Advice Notes:

a. The Shire's Health Services advise:

- i. The capacity of the existing onsite effluent disposal system currently limits the maximum accommodation of the venue to 150 people.
 - ii. The extended trading area will be considered a public building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911* and the *Health (Public Building) Regulations 1992*.
 - iii. Applicant to submit a FORM 1 Application to Construct Extend or Alter a Public Building.
 - iv. Any fencing around a camp site not to be higher than 1.2m.
 - v. Camp sites within the licensed area are not to be used during active liquor license times.
 - vi. The Acoustic Assessment and Noise Management Plan must be prepared by a suitably qualified acoustic consultant whose qualifications and experience qualify them for membership of the Acoustical Society. The Acoustic Assessment shall include (but not be limited to):
 - a. the expected level of noise emissions from the activity
 - b. an assessment of the expected level of noise emissions for compliance with the *Environmental Protection (Noise) Regulations 1997* at nearby sensitive receptors.
 - c. provide detail as to the methodology used, calculations made, and any actual data obtained in relation to the assessment and expected noise emissions.
 - vii. The resultant Noise Management Plan is to contain details of noise reduction measures to be implemented to control noise emissions and demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.
- b. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- c. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- d. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Strategic Alignment

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

- Outcome:** 6 - The built environment is responsibly planned and well maintained.
- Objective:** 6.3 - Create vibrant, attractive and welcoming towns.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for development approval to extend the licensed area at the Kirup Tavern over the existing garden area. The proposed extension is intended to accommodate future events such as live music, wakes, birthday parties, and other gatherings involving large numbers of people. The application also includes the construction of a front fence along Capel Street.

As officers do not have delegation to determine development applications where objections have been received, the matter is referred to Council for determination. The proposal was advertised to adjoining and nearby landowners, resulting in seven (7) submissions, three (3) objecting and four (4) in support. No objections were received from Government agencies.

Officers consider that the proposal can be supported and recommend that development approval be granted, subject to appropriate conditions and advice. These conditions address the concerns raised during the public consultation and agency referral process.

Background

Proposal

The proposal seeks development approval to extend the existing liquor licensed area at the Kirup Tavern to include the current lawned/garden area. The extended area is intended to accommodate future events such as live music, wakes, birthday parties, and other gatherings involving larger numbers of patrons. In addition, the application includes the construction of a front fence along Capel Street.

The subject property is 3,233m² in area and is located within the central Commercial zone in Kirup. This precinct contains a mix of commercial properties and is surrounded by low-density residential housing on large 4,000m² lots. The site is also adjacent to reserves designated for highway, recreation, and railway purposes.

The proposal does not seek an increase to the tavern's currently approved capacity of 150 people or any change to its approved operating hours. The applicant has acknowledged that any event exceeding the 150-person capacity will require a separate event approval from the Shire.

The proposed fencing will consist of branded café-style barriers secured in concrete footings, designed to provide a flexible and unobtrusive boundary for the licensed area during events.

The applicant further advises that the extended area is not intended to be permanently licensed and

will continue to be used as a campground when not required for events. It is anticipated that events will be held approximately once per month during the spring and summer months.

The development application details and plans are contained in [Attachment 9.1.3\(1\)](#).



Figure 1 - Aerial image of Kirup Tavern - Lot bordered in red.



Figure 2 - Aerial image of Kirup Tavern showing proposed extended licensed area bordered in yellow and proposed fence indicated with an orange line.

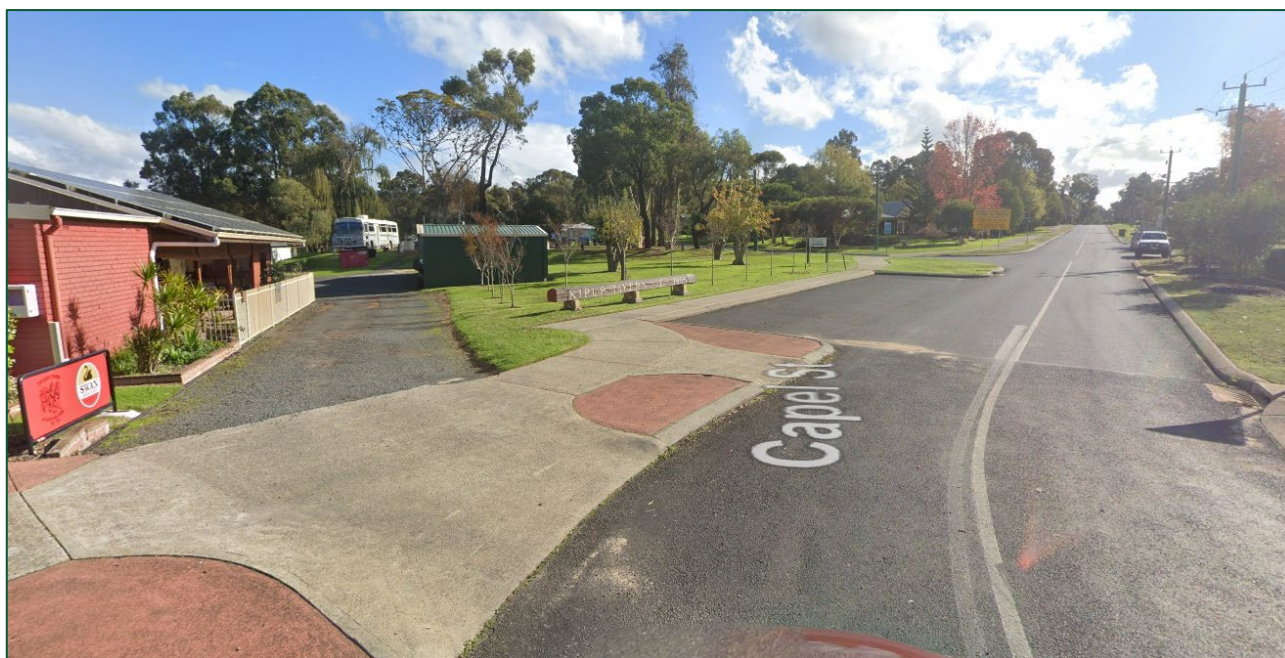


Figure 3 - Street view image of extended licensed area from Capel Street/South Western Highway.



Figure 4 - Street view image of extended licensed area from Lukis Street.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	The extended outdoor licensed area may have off-site impacts relating to generation of noise during music events.		
Mitigation:	Officers recommend that if approval is granted conditions are to be imposed to mitigate impacts and manage potential off-site effects to acceptable levels.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with legislation.		
Mitigation:	Conditional development approval.		

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

Council Policy COMD/CP-6 – Events

Under the provisions of the policy “events held in or at a building or venue that is approved for the purpose of events (i.e. with Shire development and health approval) and the event itself is within the approval limitations” fall outside of the policy. This means that if the existing liquor licenced area is approved, the applicant would be able to hold events in accordance with their approval e.g. up to 150 people and once per month between September and February. Events falling outside of these limitations would require separate event approval from the Shire.

Statutory Compliance

The application has been assessed against the provisions of the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7). Many of these provisions are mirrored in Schedule 2, Part 9, Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is provided in [\(Attachment 9.1.3\(4\)\)](#).

Zoning and Land Use

Lot 19 is zoned ‘Commercial’ under LPS7. Part of the proposed extended licensed area (outdoor area) currently holds approval for use as a camping ground. The applicant seeks development approval to allow this outdoor space to be used interchangeably for events and camping. A condition is recommended to support this dual use, ensuring the area can continue to operate as a campground when not being used for events, subject to compliance with the relevant campground licence requirements.

The proposal is considered to align with the purpose and objectives of the Commercial zone, as it:

- Promotes and supports the ongoing operation of the existing Kirup Tavern business;
- Utilises the existing lawned/garden area without altering the established streetscape or local character;
- Introduces additional community-based activities and functions to the townsite;
- Does not impact the built heritage fabric of the tavern building;
- Can be managed through conditions to address potential amenity impacts, particularly in relation to noise.

Car Parking

LPS7 provides the Shire with discretion to set appropriate standards for car parking. As the application does not propose an increase to the approved patron capacity (150 people) or ongoing permanent use of the outdoor area, no additional parking is considered necessary. Existing parking facilities at the front, side, and rear of the site are sufficient to accommodate the needs of the tavern and associated events.

Strategic Planning Context

- **Local Planning Strategy 2014**

The proposal supports the strategic vision for the Kirup townsite, contributing to local economic activity and community use of the site.

- **Draft Local Planning Strategy 2024**

Under the draft Strategy, the site is identified within the *Existing Urban Footprint – Rural*. The South Western Highway is classified as a *Primary Distributor Road*, and the adjacent railway is recognised as *Existing Regional Infrastructure and Public Purposes*. The proposal is consistent with the draft Strategy and does not conflict with the identified longer-term intention to support residential development in the area.

Heritage Considerations

The Kirup Hotel is listed on the Shire's Municipal Inventory as a Category 2 heritage place (InHerit Place No. 03603), signifying a high level of heritage value. The proposal relates only to the use of the existing lawned/garden area and does not involve any changes to the heritage-listed tavern building. Accordingly, the proposal is not expected to adversely impact the site's heritage significance and is considered compatible with the Shire's conservation objectives.

Local Law Relating to Fencing

In accordance with the Shire of Donnybrook Balingup's Local Law Relating to Fencing, a dividing or boundary fence on a commercial lot must be constructed and maintained in compliance with the specified materials and standards outlined in the local law.

Clause 4.9(1) of the Local Law stipulates that fencing on commercial lots must be constructed from one or more of the following materials: brick, stone, concrete, wrought iron, tubular steel, timber, plastic-coated or galvanised link mesh, corrugated fibre-reinforced cement sheeting, colour-bonded metal, or another material formally approved by the Shire.

The applicant proposes to use café-style barriers for the fencing along Capel Street. As café barriers are not a prescribed material under the Local Law, the proposed fencing material would require specific consideration and formal approval by the Shire. This can be addressed through an appropriate condition

Consultation

Public Submissions

The application was referred to sixty-two (62) adjoining and nearby landowners within a 500-metre radius of the Kirup Tavern for public comment during the period from 20 March 2025 to 25 April 2025. The referral included a covering letter and a copy of the proposal. In response to the advertising period, a total of seven (7) submissions were received. Of these, three (3) submissions objected to the proposal, while four (4) expressed support. The Public Submissions are contained in ([Attachment: 9.1.3\(2\)](#)).

The key issues raised in the objections are summarised below along with Officer comments in response:

Key issue	Officer response
Amenity and Behaviour: One submission raised concerns about the potential for antisocial behaviour and disturbances in the extended licensed area, particularly after hours, suggesting that patrons may be unsupervised and cause damage or disruption within the town.	<p>Concerns regarding unsupervised behaviour and potential anti-social activity have been noted. While this application does not propose an extension to the approved trading hours, it is acknowledged that future event applications may include requests for extended hours. Regardless, all events must operate in accordance with the requirements of the relevant liquor licensing regulations, which mandate responsible service of alcohol and adequate venue supervision.</p> <p>The Shire has not received any formal complaints related to previous events held at the Kirup Tavern. All events are also subject to compliance with applicable public safety, noise, and licensing legislation.</p> <p>To address the concerns raised, a condition is recommended requiring that any event attracting more than 150 attendees is not permitted under this development approval and must be subject to a separate event approval from the Shire. This process will allow Shire staff to assess the nature of the event in more detail and, where appropriate, determine whether WA Police should be notified in advance.</p>
Monitoring and Enforcement: Requests were made for the Shire to monitor music levels and take responsibility for ensuring the health and safety of local residents during weekends and public holidays when events may occur.	<p>This objection reflects broader concerns regarding the adequacy of existing noise controls. The proposal does not seek to increase venue capacity or frequency of events beyond one per month during the spring/summer season. The objector's property is approximately 106m–220m from the proposed area, with existing buildings and vegetation providing some natural sound mitigation.</p> <p>As noted above, the Shire has not received prior complaints regarding live music at the Kirup Tavern. However, the <i>Environmental Protection (Noise) Regulations 1997</i> remain</p>

Key issue	Officer response
	the primary mechanism for managing noise impacts. A condition is recommended.
<p>Noise Impacts: Concerns were expressed about the potential for increased noise from live music, including loud instrumental performances, amplified vocals, and general disturbance during events. Objectors noted that noise from current events is already disruptive and alleged a lack of enforcement of existing noise regulations.</p> <p>One submission specifically objected to live music being played in the proposed outdoor area, citing the existing impacts even when music is held in semi-enclosed areas.</p>	<p>The potential for noise impacts during live music events has been carefully considered as part of the assessment process. It is acknowledged that outdoor live music can adversely affect surrounding properties if not appropriately managed. In response to this, the application was referred to the Department of Water and Environmental Regulation (DWER) for comment. DWER advised that they were unable to provide technical advice in the absence of an acoustic assessment but confirmed that noise impacts are influenced by several factors, including proximity to sensitive receivers, the nature of performances, and the timing and frequency of events.</p> <p>All activities, including live music events, must comply with the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Noise) Regulations 1997</i>, which establish enforceable limits on noise emissions. These are monitored and enforced by Shire officers, DWER, and WA Police. However, compliance actions can be resource-intensive, and it is widely acknowledged that prevention is preferable to reactive enforcement.</p> <p>While a Noise Impact Assessment and Noise Management Plan were not submitted with this application, it is recommended that both be required prior to the use of the outdoor area for any live music events or amplified music. These documents will provide a proactive framework to manage potential impacts, establish mitigation measures, and outline a complaints response process, ensuring the amenity of nearby residents is adequately protected.</p>

Consultation with Government/Service Agencies

The application was referred to the Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions for comment. The submissions are contained in [\(Attachment: 9.1.3\(3\)\)](#) and discussed below.

Department of Biodiversity, Conservation and Attractions (DBCA)

Submission	Officer response
The department has no comments on the proposal.	The department's comment is noted.

Department of Water and Environmental Regulation (DWER)

Submission	Officer response
<p><u>Noise</u></p> <p>With regards to the Shire seeking DWER's comments on noise, we cannot provide any technical advice in relation to this proposal since no acoustic assessment has been prepared.</p> <p>As noted by the Shire, outdoor live music events have the potential to cause noise impacts and exceed the assigned noise levels under the regulations depending on the proximity to noise sensitive receivers, the nature of the performance, the time of day and frequency of events.</p> <p>If the Shire wishes to better understand the noise impacts associated with the proposal and how they can be minimised they should request an acoustic assessment be conducted by an appropriately qualified and experience acoustic consultant.</p>	<p>The advice provided by the Department of Water and Environmental Regulation (DWER) is acknowledged and supported. In response, it is recommended that their comments be incorporated into the approval as conditions and advice notes. Specifically, it is proposed that an Acoustic Assessment and a Noise Management Plan be required to be submitted and approved by the Shire prior to the use of the outdoor area for any live music events. These measures will ensure potential noise impacts are appropriately identified and managed in advance. Please refer to the recommended conditions for further detail.</p>
<p><u>Wastewater</u></p> <p>The proposed extension of the license area is likely to attract a greater patronage, but it is unknown if portable toilets will be brought in to cater for the events.</p> <p>From our GIS, it does not appear that the Kirup Tavern (as with the surrounding properties) is connected to reticulated sewerage.</p> <p>No details have been provided regarding the anticipated increase in wastewater volumes.</p> <p>As such, the applicant and Shire are advised to consider if the capacity of the existing on-site system is capable of treating the potential increase in wastewater volumes.</p>	<p>The concern raised by the Department of Water and Environmental Regulation (DWER) is acknowledged. However, any proposal to exceed the currently approved venue capacity of 150 patrons would require a separate event application. This process will provide the Shire with an opportunity to assess event-specific requirements, including the provision of adequate temporary facilities such as portable toilets.</p>

Officer Comment

The proposal has been assessed in accordance with Schedule 2, Part 9, Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A detailed assessment is provided in [\(Attachment 9.1.3\(4\)\)](#).

Key issues identified during the assessment process relate to amenity impacts, particularly noise from live music events, and matters raised during community consultation. These concerns have been carefully considered and are addressed through recommended conditions and advice notes.

While it is acknowledged that live music in the outdoor area has the potential to impact nearby residential properties, the proposal is consistent with the existing and intended use of the site within the Commercial zone. The events must comply with the *Environmental Protection (Noise) Regulations 1997*, and further management measures are recommended through conditions requiring the preparation and approval of an Acoustic Assessment and a Noise Management Plan prior to the use of the area for live music.

The extended licensed area is confined to the existing lawned/garden area and will continue to serve as a campground when not in use for events. The proposal will not alter the site's external appearance or constrain future development of adjoining land.

Officers are satisfied that the issues raised in public submissions can be appropriately managed through conditions and advice included in the development approval.

Development considerations

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

- The local government may determine an application for development approval by -*
- (g) Granting development approval without conditions; or*
 - (h) Granting development approval with conditions; or*
 - (i) Refusing to grant development approval.*

Conclusion

The proposal has been assessed in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup LPS7.

Matters raised during the advertising period have been appropriately addressed and can be managed by conditions. Staff consider that the application complies with the requirement of orderly and proper planning and recommend conditional approval of the application.

9.1.4. Dark Down South Open Air Festival

Report Details:

Prepared by:	Manager Development Services	
Manager:	Ross Marshall, Director Operations	
Applicant:	JamArt Sound Lounge	
Location:	Jim McDonald Oval, Kirup	
File Reference:	PWF 25A	Voting Requirement: Simple Majority
Attachment(s):		
9.1.4(1)	Site Plan	

Executive Recommendation

That Council:

1. In accordance with Council Policy COMD/CP-6 Events considers the event application, Dark Down South Open Air Festival, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Dark Down South Open Air Festival, proposed to be held at Jim McDonald Oval Kirup on 21 and 22 November 2025 subject to the following conditions:
 - a) All commitments and undertakings provided for in the application to be complied with. Should there be any discrepancies between the documents and these conditions, the condition prevail to the extent of the inconsistency;
 - b) A maximum accommodation number of 500 people on site at any one time (that includes event staff, vendors and volunteers);
 - c) Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;
 - d) Event organiser to provide evidence of minimum \$20 million public liability insurance for any one event for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 7 days prior to the event date;
 - e) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - f) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
 - g) A minimum of ten (10) temporary toilets comprising four (4) male toilets, five (5) female toilets and one (1) unisex accessible toilet and associated hand basins are to be provided for the event use. They are to be placed so that they are within 90 metres of any camp site;
 - h) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
 - i) Event and camp grounds are to have adequate lighting after dark;

- j) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
- k) All temporary structures (including gazebos, tents and camping structures) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
- l) For the stages and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed. Certificate of Structural Adequacy is required to be completed by an authorised installer or structural engineer and submitted prior to commencement of the event;
- m) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire Chief Executive Officer;
- n) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include a Noise Management Plan;
- o) Camping for event attendees is permitted for two (2) nights and for event organisers a total of six (6) nights and subject to separate written approval from the Shire;
- p) Applicant to submit a Traffic Management Plan (TMP) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event. Written evidence of Main Roads WA approval required to be submitted at least 7 days prior to the event;
- q) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- r) Event organiser to submit a list of all food vendors, including potable water carter if proposed, to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
 - i. A copy of the vendors 'Food Business Registration Certificate (*Food Act 2008*)' from their "home" Shire (if not from the Shire of Donnybrook Balingup); and;
 - ii. A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- s) A first aid post with a minimum of two qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;
- t) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties;
- u) Notification to residents within 2km of the oval grounds is to be undertaken by the Shire, at the applicant's cost; and;
- v) An event debrief meeting is to be arranged with the Shire within two months of the event date, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion.

Advice note:

The Shire's Ranger Service does not recommend that dogs be permitted or encourage to be brought to this event.

Strategic Alignment

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

- Outcome:** 2 - A safe and healthy community.
- Objective:** 2.2 - Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.
- Outcome:** 9 - A thriving economy.
- Objective:** 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.
- Outcome:** 10 - A popular destination for visitors and tourists.
- Objective:** 10.1 - Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.

Executive Summary

The Shire is in receipt of an event application for Dark Down South Open Air Festival (the event) to be held at Jim McDonald Oval in Kirup on 21 and 22 November 2025. The applicant describes this event as "family friendly, all ages, camp on site heavy metal music festival with food vans and BYO". The applicant held this event at this venue over the weekend of 22 and 23 November 2024.

As this is a multi-day event that requires consideration of a Regulation 18 noise approval, it is being referred to Council for determination. Conditional approval is recommended.

Background

A two-day music festival "Dark Down South Open Air Festival" has been proposed to be held at Jim McDonald Oval on the 21 and 22 of November 2025, with stage and marquee set up to commence from 18 November and pack down on 24 November. It will be a public, ticketed event with a cap of 400 audience members. It is proposed that live music will play from 2:00pm until 11:00pm on both days of the festival in 45 minute to 1 hour intervals. There will be recorded music between live performances with sound checks from 12:30pm. Food will be provided via food trucks. It is proposed to be a BYO alcohol event with camping available on site.

Along with their completed event application form JamArt Sound Lounge have provided:

- A site plan ([refer Attachment 9.1.4\(1\)](#))
- Certificate of currency showing public and products liability cover of \$20 million
- Application for approval of non complying event (including a noise management plan and example neighbour notification letter)
- Event risk assessment
- Fire Management Plan
- Application to consume liquor on a park reserve (BYO only)
- A temporary camping application with camping management plan

In their event application they have committed to providing:

- Temporary toilets to cater for their audience; acknowledging that the facilities at the Jim McDonald Oval are not adequate for this event
- Provision for disability access, including the opportunity to install a hearing loop if required
- First aid with two senior first aiders
- Cleaning and waste removal
- Temporary fencing
- Lighting towers
- Provision of professional security for the duration of the event
- A traffic management plan and accredited traffic controllers

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

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Negative community experience; risk to attendants.		
Mitigation:	Applications are assessed on a case-by-case basis, through an internal, multi-disciplinary approach. The application outcome is considered with a resultant recommendation determined using a risk based approach. Feedback from last year's event at the same venue was positive.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Catastrophic	High (15)
Risk Description:	Injury to participant on Shire land leads to insurance claim for financial damage.		
Mitigation:	The applicant is required to hold appropriate insurance to mitigate this risk to the Shire.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Possible	Moderate	Moderate (9)
Risk Description:	Negative community experience; risk to attendants.		
Mitigation:	The building infrastructure at the Jim McDonald Oval is not fit for purpose and is not being made available to the applicant for this event. The applicant will need to bring in temporary facilities including toilets, structures, lighting towers and generators to facilitate their event.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Catastrophic	High (10)
Risk Description:	Injury to attendees from fire risks, crowd behaviour and temporary facilities.		
Mitigation:	The event is occurring outside of the established high threat period, fires will not be permitted, mobile/temporary food businesses are required to be registered and the applicant has committed to crowd control, first aiders and bringing in appropriate facilities.		

Financial Implications

The event assessment process is a collaborative effort between Shire staff across the Operations Directorate, who each provide recommendations specific to their area of expertise. Application fees are not intended to fully recover the costs associated with the event assessment process.

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

Item	Rate
Event application fee	\$250
Application Fee Temporary Camping	\$100
Oval Hire 18-24/11/22025	\$120/day (\$840)
Application fee Regulation 18	\$1,000
Notification letters	To be determined as per Council's Fees & Charges schedule

Policy Compliance

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

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

Statutory Compliance

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

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

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

The proposed event meets the exempted development criteria.

Events in Western Australia are assessed under the following legislation:

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

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

Consultation

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

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

JamArt Sound Lounge intend to promote the event using social media, radio, newspapers, posters and flyers.

Last year, in the lead up to the event, a number of complaints were made to the Shire concerning the proposed activity and perceptions of the likely crowd. One particular resident, after the event, provided a glowing reference of the event organisers and the attendees. All feedback after the event was positive and no incidents or complaints were received.

Officer Comment

Noise

Noise emitted from any premises must comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*. The Regulations reference assigned levels, when received at a receiving premises. Regulation 18 allows the Chief Executive Officer of the local government to approve an event if satisfied that "its noise emissions would exceed the assigned noise levels but would lose its character or usefulness if it had to meet the assigned levels".

It is widely accepted that music festivals would lose its character if it had to meet the assigned levels. Similar to last year's event, the applicant has committed to the following within their proposed Noise Management Plan:

- Placing a dB meter at the boundary line of the two adjacent residential properties as well as the front gate of the oval so that noise levels can be monitored in real time.
- Directing speakers away from nearby residential properties.
- Changeover/interval music between sets will be quieter than the live bands.
- Each band playing for a maximum of 45 minutes, excluding the headlining band that will play for 1 hour.
- Campers will be provided with clear guidelines and etiquette regarding noise after the bands end for the night.
- Key personnel/event organisers will be on site to monitor camper's activities after the bands end for the night and take corrective actions if necessary.
- Publication of an onsite contact number for residents to contact regarding any aspect of the event. Enables adjustment of noise levels if necessary.

In relation to noise, the Department of Health's "Guidelines for concerts, events and organised gatherings" includes the following:

Noise management plans should consider measures that will reduce the event's noise impact on the community, such as maximum sound levels at the mixing desk and noise sensitive premises. Outdoor music concerts and festivals need to operate at sound levels of at least 95 dB(A) at the mixing desk to achieve an acceptable atmosphere. The sound mixing operators for many of the artists may wish to operate at higher levels, typically up to 105 dB(A) at the mixing desk. In most cases, this is unnecessary and a limit of 100 dB(A) at the desk is acceptable. Noise levels are measured as 1-minute LAeq (average) sound levels.

Time and duration of the event

Control over the start and finish times and duration of the event will reduce the noise impact on noise sensitive occupiers. Events should generally be held at reasonable hours of the day such as from 9.00 am to 11.00 pm. Event duration should not exceed 6 hours. Sound check, or practice times should also be limited to no more than 1 to 2 hours and not before 9.00 am or after 10.00 pm. Longer event duration and later hours may be acceptable if it is demonstrated the community does not object or specific noise amelioration measures are implemented.

The applicant proposes 95 dB(A) at the mixing desk. While each day's event exceeds the recommended 6 hour duration (i.e. 9 hours), there will be breaks between each live performance with live music to finish at 11:00pm. The event is proposed for a Friday and Saturday night which are generally more socially acceptable nights for later events. Sufficient advance notice of the event enables those residents with sensitivities to be aware of the event and its intended duration.

Fire

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



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

Figure 2 identifies the fuel age within the locality. The event grounds are flat with multiple emergency egress points available if required. In addition, the proximity to an established townsite further reduces the risk of fire, as well as affording areas of refuge, should a fire occur. On balance, the site is considered suitable for an event at this time of year.

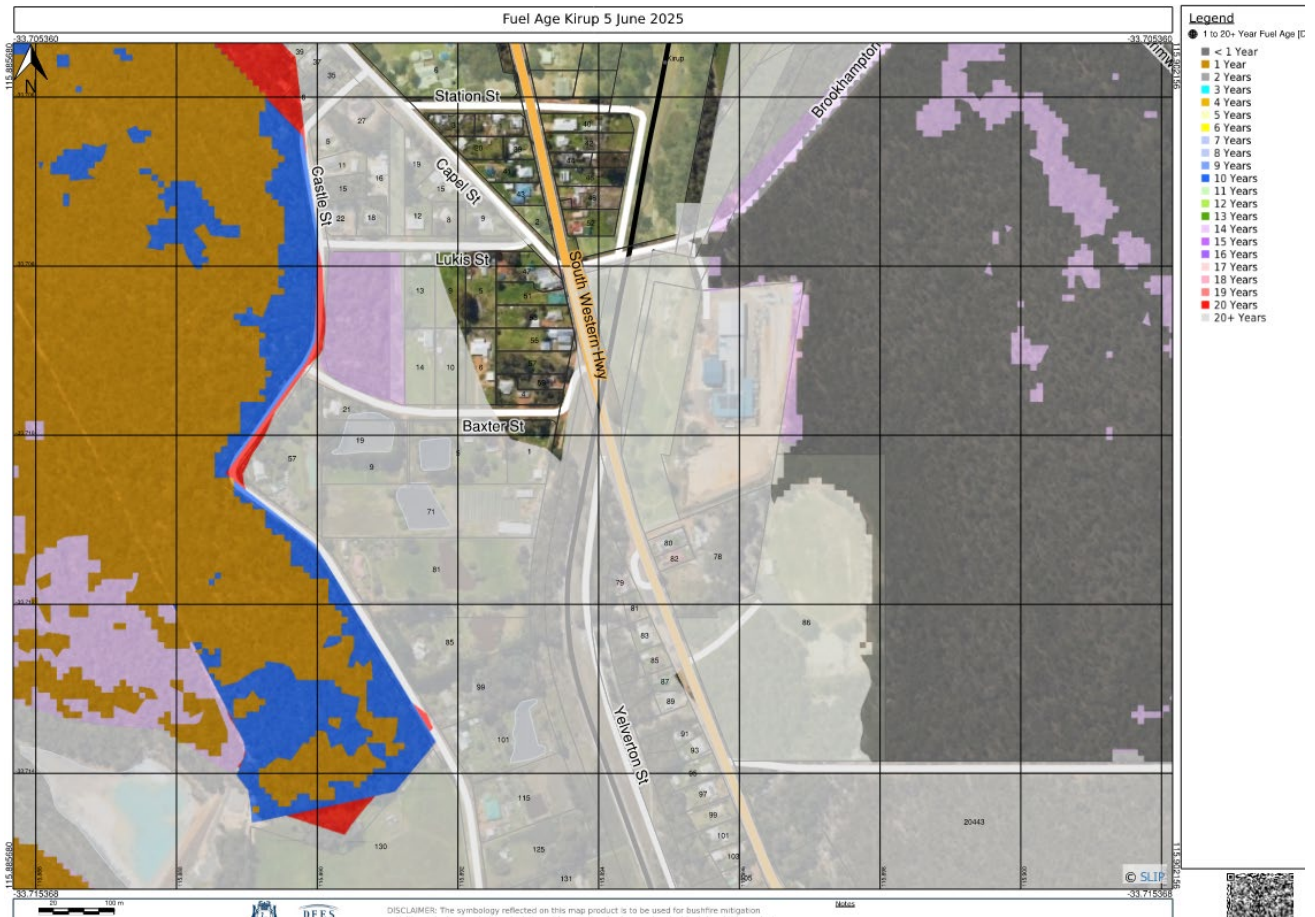


Figure 2 – Fuel Age Kirup (Plan generated 5/06/2025)

9.1.5. Indigenous Mural to Complement Yarning Circle

Report Details:

Prepared by: Senior Community Development Officer
Manager: Manager Development Services
Applicant: Donnybrook District High School
Location: Corner Emerald and Bentley Streets, Donnybrook.
File Reference: A2083 **Voting Requirement:** Simple Majority
Attachment(s):
Nil.

Executive Recommendation

That Council:

1. Notes the proposal to create a mural on the shed located behind the yarning circle at Donnybrook District High School;
2. Note that the final design will be approved by the school Principal in partnership with Indigenous Elders before commencing works; and
3. Approves a contribution of \$4,000 towards the project with those funds being drawn from account 127820 - indigenous mural project.

Strategic Alignment

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

Outcome: 1 - A diverse and growing population.
Objective: 1.4 - Encourage recognition and respect for all cultures.
Item: 1.4.1 - Enable development of a community-led Reconciliation Action Plan.
Outcome: 11 - Strong, visionary leadership.
Objective: 11.2 - Improve community consultation and engagement.

Executive Summary

Donnybrook District High School are planning an indigenous mural to complement the yarning circle which is already taking shape on school grounds. The Shire has been asked to provide funding support of \$4,000 to this project. This project allows the school, Shire, and the wider community to have a point of meeting, yarning, learning, and connection with Indigenous residents in the Shire.

Background

In 2020 the Shire received a donation of \$5,000 from Perkins and in 2022 received a further \$5,000 from Talison to go towards an Aboriginal Participation and Art project to encourage cultural awareness and engagement in Donnybrook. The \$10,000 budget (account 12780) was originally planned to be used for an Indigenous Mural. The parameters requirements of the art project are broad, and no

specific acquittal is required for the funding received. The first \$6,000 was spent on materials and labour for a yarning circle at Donnybrook District High School.

At its Ordinary Council meeting held 26 June 2024 Council resolved the following:

"COUNCIL RESOLUTION 94/24

That Council notes the proposal to develop an indigenous yarning circle at the Donnybrook District High School and approves a contribution of \$6000 towards the project with those funds being drawn from Account 127820- Indigenous mural project."

Donnybrook District High School have since worked to create a yarning circle which presently looks like this:



Figure 1: Current Yarning Circle and shed

Donnybrook District High School would now like to paint the shed (pictured) with a mural that recognises the cultural significance of the site for local Aboriginal people with its proximity to the Preston River. The mural will be painted on panels affixed to the shed to ensure an appropriate painting surface. To complete this project Donnybrook District High School have requested the remaining \$4,000 to be drawn from Account 127820 - Indigenous mural project. The mural design will be approved by the school Principal and in partnership with Indigenous elders before commencing works.



Figure 2: Proposed mural panels.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Unlikely	Minor	Low (2)
Risk Description:	Maintenance/vandalism		
Mitigation:	Location at the school mitigates this risk to the Shire as the school will maintain the site. Furthermore, the young people will be engaged in the process of designing and creating the mural, thus, they will be pre disposed to value and protect it. The shed as pictured has bore water stains, however the sprinklers have been realigned and the bore water no longer reaches the shed.		

Financial Implications

As the mural will be on school property it will be up to the school to maintain it thus, there are no ongoing financial implications for the Shire.

This funding which has been carried over since 2022 due to the inability to secure an appropriate project will be expended allowing this account (127820) to be closed.

Policy Compliance

Council Policy COMD/CP-3- Community Engagement Framework

Under the policy statement “Active community participation in the Shire’s decision-making processes” the Shire has committed to

b. Work in partnership with Aboriginal people, where possible

The school has confirmed that consultation regarding this project has been undertaken with Aboriginal Elders from the area through communication with Karim Khan (Gnaala Karla Booja Aboriginal Corporation) who is connected with country in Donnybrook and acts as a spokesperson for Elders who live in other Shires.

Statutory Compliance

Local Planning Policy 9.19 Memorials and Public Art applies to public art that can be viewed in the public domain, including public open space, reserves vested to the Shire and on privately owned land visible from public areas.

Shire Planning staff have viewed the proposed mural location from the nearest road which is Emerald Street. Given the large setback distance from Emerald Street, these works are primarily internal and therefore LPP 9.19 is not considered applicable.

Consultation

The project has been collaboratively developed with the Donnybrook District High School and has also been developed in consultation with Karim Khan. Telecia O’Dine, the artist on the project, is Karim Khan’s niece and she is keeping him informed at all stages of the project.

Officer Comment

The Indigenous mural will enhance and complement the yarning circle which is a space to recognise local Indigenous culture and facilitate meaningful conversations with Indigenous community members.

The chosen site means that ongoing maintenance will be the responsibility of the school which ameliorates financial impact on the Shire.

The funds were originally allocated for an Indigenous mural, so this project honours the original intent and spirit of the donation from Perkins and Talison.

9.2. Director Finance and Corporate

9.2.1. Schedule of Accounts Paid as at 31 May 2025

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 31 May 2025.

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 31 May 2025, 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 \$1,665,280.89.

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:

- The payee's name; and
- The amount of the payment; and
- The date of the payment; and
- Sufficient information to identify the transaction.

This list of accounts is to be:

- Presented to Council at the next ordinary meeting of the Council after the list is prepared; and
- 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 MAY TO 31 MAY 2025

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
CREDIT CARD PAYMENTS				
DD28426.1	14/05/2025	BENDIGO BANK		
	05/04/2025	SENDGRID	DBK REC CTR - MONTHLY AUTOMATED EMAIL SERVICE, LINKED TO ENVIBE - APR 25	147.98
	09/04/2025	DONNYBROOK FRUIT BARN PTY LTD	DIRECTOR OPERATIONS - FUEL	90.95
	10/04/2025	REDDY EXPRESS	CEO - TRAVEL EXPENSES - REFRESHMENTS	3.50
	10/04/2025	AUSTRALIA POST	BLN BFB - POST OFFICE BOX	56.00
	11/04/2025	OCEAN BEACH HOTEL	CEO - TRAVEL - MEAL	25.00
	11/04/2025	CALTEX BUSSELTON	DIRECTOR OPERATIONS - FUEL	131.73
	12/04/2025	OCEAN BEACH HOTEL	CEO - TRAVEL - REFRESHMENTS	4.50
	14/04/2025	WESTIN PERTH	PRINCIPAL ENV HEALTH OFFICER - TRAVEL - ACCOMMODATION	621.90
	14/04/2025	BP DONNYBROOK	DIRECTOR OPERATIONS - FUEL	128.48
	20/04/2025	ARMANTI	APEX PARK - PUBLIC TOILETS - TILES & GROUT	1,775.02
	25/04/2025	MAILCHIMP	MONTHLY MARKETING SUBSCRIPTION - APR 25	41.96
	29/04/2025	BENDIGO BANK	BENDIGO CARD FEES - MAY 25	16.00
			TOTAL: CREDIT CARD PAYMENTS	3,043.02
EFT PAYMENTS				
EFT30819A	01/05/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 30.04.25	149,848.82
EFT30819B	01/05/2025	AUSTRALIAN TAX OFFICE	PAYG PE: 30.04.25	41,180.00
EFT30820	08/05/2025	HARMONIC IT	DATA PLATFORM RENEWAL ONE YEAR	1,555.40
EFT30821	08/05/2025	AUSTRALIA POST - ACCOUNTS	SHIRE & LIBRARY POSTAGE - APR 25	1,403.14
EFT30822	08/05/2025	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	EMPLOYEE UNION DEDUCTIONS	212.00
EFT30823	08/05/2025	AUSTRALIAN COMMUNICATIONS &	BALINGUP COMMS SITE LICENSING FEES	116.00
EFT30824	08/05/2025	ALL LIFT LIFTING SERVICES	ANNUAL HEIGHT SAFETY EQUIP & STATIC LINE INSPECTIONS	2,511.85
EFT30825	08/05/2025	ADMEDIA AUSTRALIA PTY LTD	DBK REC CTR - BROADCAST RELEASE	55.00
EFT30826	08/05/2025	ABC FILTER EXCHANGE	DBK REC CTR - REPLACEMENT AIR FILTERS	36.30
EFT30827	08/05/2025	AUST WIDE TAX & PAYROLL	STAFF TRAINING	398.00
EFT30828	08/05/2025	AIC BUILDING SERVICES	YABBERUP HALL - CDC	550.00
EFT30829	08/05/2025	AUSTRALIAN ELECTORAL COMMISSION	REFUND OF HIRE BOND	150.00
EFT30830	08/05/2025	CHELSEA ATHERTON	REFUND OF SWIMMING LESSONS	138.96
EFT30831	08/05/2025	BALINGUP PROGRESS ASSOCIATION	COMMUNITY GRANT FOR BALINGUP ACADEMY - 2024/25	2,000.00
		BALINGUP PROGRESS ASSOCIATION	BALINGUP ARTS AND CULTURAL HUB (BACH) - GRANT 2024/25	1,545.00
EFT30832	08/05/2025	BUNNINGS GROUP LIMITED	DBK REC CTR - CARGO CASE	436.05
EFT30833	08/05/2025	BOC LIMITED	LPG	82.30

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT30834	08/05/2025	BANKS PEST AND WEED CONTROL	SPRAYING ROAD VERGES	1,947.00
EFT30835	08/05/2025	COUNTRY WOMENS ASSOCIATION - BALINGUP	ANZAC DAY WREATH 2025	60.00
EFT30836	08/05/2025	BETTER TELCO SOLUTIONS PTY LTD - PHONE ACCOUNT	ADMIN - MONTHLY PHONE/SIP ACCOUNT - APR 25	928.09
EFT30837	08/05/2025	BRIGHTMARK GROUP PTY LTD	PUBLIC TOILET, BBQ & OFFICE CLEANING - APR 25, ONE OFF CLEAN PUMP TRACK BUILDING, DBK LIBRARY CARPET CLEAN	18,005.21
EFT30838	08/05/2025	SARAH JO BEHAN	DONATION FOR STATE TRIATHLON PARTICIPATION	700.00
EFT30839	08/05/2025	GEOGRAPHE FORD	TOWING PACK & LIGHT BAR	4,967.55
EFT30840	08/05/2025	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	701.60
EFT30841	08/05/2025	BIDFOOD BUNBURY	DBK REC CTR - KIOSK STOCK	170.39
EFT30842	08/05/2025	CRS ELECTRICAL	DBK REC CTR - REPLACE LIGHTS IN STADIUM	1,491.60
EFT30843	08/05/2025	CORSIGN WA	DOGS ON LEASH SIGNS	74.80
EFT30844	08/05/2025	COUGHLAN ESTATE	REFUND - FOOD SAFETY SERVICE CHARGE	36.67
EFT30845	08/05/2025	CS LEGAL	LEGAL EXPENSES - RATES DEBT RECOVERY	110.00
EFT30846	08/05/2025	CAPE TRAINING & ASSESSING	STAFF TRAINING - CHAINSAW	1,110.00
EFT30847	08/05/2025	COOEE PTY LTD	DBK & BLN WMF - WASTE MANAGEMENT SYSTEM - 01.06.25 TO 31.05.26	13,735.70
EFT30848	08/05/2025	CHG-MERIDIAN AUSTRALIA PTY LIMITED	LEASE PAYOUT FOR SPIN BIKES	1,936.00
EFT30849	08/05/2025	DONNYBROOK & DISTRICTS PLUMBING SERVICE	APEX PARK PUBLIC TOILETS - SUPPLY AND INSTALL PLUMBING	6,600.00
EFT30850	08/05/2025	DONNYBROOK BRIDGESTONE TYRE SERVICE	TYRE REPAIR AND ROTATION OF ALL TYRES	88.00
EFT30851	08/05/2025	DONNYBROOK DISTRICT HIGH SCHOOL P & C ASSOC.	COMMUNITY GRANT 2024/25	2,000.00
EFT30852	08/05/2025	DE LAGE LANDEN PTY LTD	CISCO CATALYST SUPPORT & LICENSES	670.12
EFT30853	08/05/2025	DONNYBROOK COMMUNITY RADIO INC.	RADIO ADVERTISING FOR LIBRARY 25TH ANNIVERSARY	65.00
EFT30854	08/05/2025	DONNYBROOK BALINGUP CHAMBER OF COMMERCE INC.	SHOP LOCAL VOUCHERS	200.00
EFT30855	08/05/2025	DONNYBROOK FAMILY DOCTORS	CONSULTATION	198.00
EFT30856	08/05/2025	DONNYBROOK MOBILE WELDING	VC MITCHELL PARK - FABRICATE STREET SIGN POSTS	7,010.30
EFT30857	08/05/2025	ENVISIONWARE AUSTRALIA PTY LTD	ENVISIONWARE ANNUAL RENEWAL FOR RESERVATION SERVICE	990.00
EFT30858	08/05/2025	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	REFUND OF GRANT	15,750.00

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT30859	08/05/2025	JENNIFER HELEN SMITH	ANZAC DAY WREATHS 2025	525.00
EFT30860	08/05/2025	FAIRTEL PTY LTD	DBK SES - PHONE AND NBN SERVICE	154.00
EFT30861	08/05/2025	MOORE AUSTRALIA (WA) PTY LTD	COMBINED FINANCIAL MANAGEMENT SYSTEMS REVIEW & AUDIT, REGULATION 17 REVIEW	3,520.00
EFT30862	08/05/2025	HASTIE WASTE PTY LTD	DBK & BLN WMF - PROCESSING OF MATTRESSES FOR RECYCLING	520.00
			APEX PARK PUBLIC TOILETS - SKIP BIN HIRE	445.50
			DBK WMF - MANAGEMENT - APR 25	26,107.57
			BLN TRANSFER STATION - MANAGEMENT - APR 25	13,807.93
			CLIFFORD ST - SERVICING OF FRONTLIFT WASTE BIN - APR 25	90.00
			SOUTH WEST HWY - SERVICING OF FRONTLIFT WASTE BIN - APR 25	90.00
			DBK WMF - DELIVERY, SUPPLY, PICKUP & DISPOSAL OF HAZIBAG	494.00
EFT30863	08/05/2025	HOST CORPORATION PTY LTD	VC MITCHELL - CATERING EQUIPMENT	391.05
EFT30864	08/05/2025	HEMSLEY'S LANDCARE SERVICES	BLACKBERRY CONTROL - BALINGUP BROOK	1,360.00
EFT30865	08/05/2025	DOMINIKA HALL	REFUND CANCELLATION DBK TRANSIT PARK	45.00
EFT30866	08/05/2025	INFIELD SERVICES PTY LTD	VEHICLE SERVICE & REPAIR	990.01
EFT30867	08/05/2025	SOUTH WEST ISUZU	VEHICLE SERVICE	350.79
EFT30868	08/05/2025	JONNO'S HANDYMAN AND CARPENTRY SERVICES	COMMUNITY HOUSING - GENERAL MAINTENANCE & GARDENING	2,653.20
			MINOR BUILDING REPAIRS & MAINTENANCE - VC MITCHELL, EGAN PARK, APEX TOILETS	2,110.90
EFT30869	08/05/2025	KMART SOUTH BUNBURY - 1187	DBK REC CTR - PROGRAM SUPPLIES	72.00
EFT30870	08/05/2025	LOTEX FILTER CLEANING SERVICE	FILTER CLEANING	201.92
EFT30871	08/05/2025	LGISWA	MEMBER RETAINED RISK PAYMENT - MOTOR VEHICLE CLAIM	500.00
EFT30872	08/05/2025	MANJIMUP FREIGHT DISTRIBUTORS & BMI LOGISTICS	FRIEGHT CHARGES	26.68
EFT30873	08/05/2025	MATTHEW JAMES KNOTT	BLN CEMETERY - CONSTRUCT NICHE WALLS & SEATING	13,600.00
EFT30874	08/05/2025	OFFICEWORKS	VC MITCHELL - OFFICE CHAIRS	2,677.95
EFT30875	08/05/2025	ONSITE RENTAL GROUP OPERATIONS PTY LTD	DBK REC CTR - HIRE OF SCISSOR LIFT FOR STADIUM MAINTENANCE	1,038.44
EFT30876	08/05/2025	PRESTON VALLEY MAINTENANCE	MINOR BUILDING REPAIRS & MAINTENANCE - VC MITCHELL	495.00
EFT30877	08/05/2025	PALMER EARTHMOVING (AUSTRALIA) PTY LTD	WINNING AND CRUSHING OF GRAVEL	29,185.52
EFT30878	08/05/2025	CR GRANT PATRICK	COUNCILLOR TRAVEL	428.58
EFT30879	08/05/2025	PAPALIA	REFUND SWIMMING LESSONS	108.08

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT30880	08/05/2025	HWAPYEONG PARK	REFUND GYM CARD	25.00
EFT30881	08/05/2025	JARRAD A RAMSDEN	STAFF TRAINING - REIMBURSEMENT OF MEAL EXPENSES	81.87
EFT30882	08/05/2025	RAY TINK ROOFING	COMMUNITY CENTRE & INFANT HEALT CLINIC - ROOF COVER REPLACEMENT	28,105.11
EFT30883	08/05/2025	RECRUITWEST PTY LTD	CASUAL LABOR HIRE	6,865.36
EFT30884	08/05/2025	SPENCER SIGNS	MAGNETIC SIGNS FOR BUSH FIRE PREPERARDNESS SIGNAGE	122.82
EFT30885	08/05/2025	STEWART & HEATON CLOTHING CO. P/L	BFB PPE	709.87
EFT30886	08/05/2025	SOUTH WEST SEPTICS	DONNYBROOK LIONS CLUB - SEPTIC TANK PUMP OUT	620.00
EFT30887	08/05/2025	SOUTHWEST FENCING & BALUSTRADES	VC MITCHELL - SUPPLY & INSTALL BALUSTRADE	9,489.90
EFT30888	08/05/2025	SYKES ENGINEERING PTY LTD TRADING AS SOUTHWEST ELECTRICAL & COMMUNICATION	DBK ADMIN CENTRE - REPLACE TWO FAULTY LED PANEL LIGHTS	827.75
			AYRES GARDEN PRECINCT- REPAIRS TO SITE MAIN SWITCHBOARD	5,234.36
EFT30889	08/05/2025	SUPAGAS	BLN HALL - GAS FACILITY FEE	50.60
EFT30890	08/05/2025	SOUTHERN STAR BUILDING COMPANY & MAINTENANCE	BROOKHAMPTON PUBLIC HALL - REPLACE JARRAH ROUGH SAWN WEATHERBOARD CLADDING	7,580.00
EFT30891	08/05/2025	SWADEE COMPANY PTY LTD	APEX PARK PUBLIC TOILETS - TILING	9,625.00
EFT30892	08/05/2025	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES - APR 25	2,164.10
EFT30893	08/05/2025	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	181.74
EFT30894	08/05/2025	TOTALLY WORKWEAR BUNBURY	BFB PPE	498.47
EFT30895	08/05/2025	TELAIR PTY LTD	NBN - APR 25	287.00
EFT30896	08/05/2025	TUDOR HOUSE (WA) PTY LTD	FLAGS	1,435.00
EFT30897	08/05/2025	LANDGATE - VALUATION SERVICES	INTERIM VALUATIONS	129.00
EFT30898	08/05/2025	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	6,792.44
EFT30899	08/05/2025	SYNERGY	ELECTRICITY CHARGES	7,752.07
EFT30900	08/05/2025	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	WALGA CEO PERFORMANCE REVIEW ONSITE TRAINING	6,270.55
EFT30901	08/05/2025	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING - APR 25	2,454.15
EFT30902	08/05/2025	WOODLANDS DISTRIBUTORS PTY LTD	COMPOSTABLE DOG WASTE BAGS	1,100.88
EFT30903	08/05/2025	YABBERUP COMMUNITY ASSOCIATION INC.	COMMUNITY GRANT - WATER TANK YABBERUP HALL - 2024/25	2,000.00
EFT30904	08/05/2025	ZIPFORM	PROGRAMING, SET UP, PRINTING, ENVELOPE INSERT & LODGEMENT OF 4TH INSTALLMENT	1,473.70
EFT30904A	15/05/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 14.05.25	154,225.11

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 MAY TO 31 MAY 2025

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT30904B	16/05/2025	AUSTRALIAN TAX OFFICE	PAYG PE: 15.05.25	42,374.00
EFT30905	22/05/2025	HARMONIC IT	MANAGED SERVICES AGREEMENT - IT SUPPORT	6,160.00
			MANAGED FORTANALYZER FOR 5 FIREWALLS SITE LICENCE	385.00
EFT30906	22/05/2025	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	PAYROLL DEDUCTIONS	106.00
EFT30907	22/05/2025	NATIONAL TRANSPORT RESEARCH ORGANISATION (NTRO)	BEST PRACTICE GUIDE TO UNSEALED ROADS	3,948.00
EFT30908	22/05/2025	WINC AUSTRALIA PTY LTD - ACCOUNTS	STATIONERY SUPPLIES	481.48
EFT30909	22/05/2025	ALL LIFT LIFTING SERVICES	LOAD TEST CONCRETE CLUTCHES	780.57
EFT30910	22/05/2025	ARC INFRASTRUCTURE PTY LTD	CONSTRUCTION LICENCE - STAGE COVER & CULVERT WORKS (TO BE REIMBURSED FROM BLN MEDIEVAL CARNIVAL COMMITTEE)	1,375.00
EFT30911	22/05/2025	AFGRI EQUIPMENT AUSTRALIA PTY LTD	VEHICLE PARTS	695.36
EFT30912	22/05/2025	ALTUS GROUP CONSULTING PTY LIMITED	DBK REC CTR - COST ESTIMATE - CHANGING ROOM RENOVATION	4,675.00
EFT30913	22/05/2025	AIC BUILDING SERVICES	BLN PUBLIC HALL/LIBRARY - CERTIFICATE OF DESIGN COMPLIANCE FOR NEW FLAT ROOF	330.00
EFT30914	22/05/2025	BUNNINGS GROUP LIMITED	BROOKHAMPTON HALL REFURBISHMENT PROJECT MATERIALS, VC MITCHELL SYNTHETIC TURF	4,776.80
EFT30915	22/05/2025	WALTER JOHN BAILEY	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30916	22/05/2025	BUNBURY & BUSSELTON AIR	DBK REC CTR - POOL HEATER REPAIRS	795.62
EFT30917	22/05/2025	BLUE FORCE PTY LTD	PRESTON VILLAGE - MONTHLY EMERGENCY HELP MONITORING	440.00
EFT30918	22/05/2025	BESAFE BUILDING INSPECTIONS	BLN TRANSFER STATION - CERTIFICATE OF DESIGN COMPLIANCE	690.00
EFT30919	22/05/2025	BUNBURY SUBARU	VEHICLE SERVICE	647.11
EFT30920	22/05/2025	BLACKWOOD TANKS	EGAN PARK - WATER TANK	22,435.00
EFT30921	22/05/2025	CARBONE BROS. PTY LTD	CUNDINUP KIRUP RD - RFT 01-2425 - CLAIM #03	7,201.70
			BALINGUP-NANNUP RD - RFT 01-2425 - CLAIM #02	327,459.92
EFT30922	22/05/2025	COATES HIRE OPERATIONS PTY LTD - BUNBURY BRANCH	INS CLAIM - IRISHTOWN RD BRIDGE - HIRE OF CRASH BARRIERS	1,078.11
EFT30923	22/05/2025	CITY & REGIONAL FUELS	DB5 - PURCHASES ON FUEL CARD - APR 25	608.93
			DB15 - PURCHASES ON FUEL CARD - APR 25	130.79
			BULK DIESEL & ULP - APR 25	10,719.42

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 MAY TO 31 MAY 2025

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
			DB8891 - PURCHASES ON FUEL CARD - APR 25	370.30
			DB8887 - PURCHASES ON FUEL CARD - APR 25	273.26
			DB8893 - PURCHASES ON FUEL CARD - APR 25	448.56
			DB2523 - PURCHASES ON FUEL CARD - APR 25	173.59
			DB2234 - PURCHASES ON FUEL CARD - APR 25	193.70
			DB7324 - PURCHASES ON FUEL CARD - APR 25	170.99
			DB252 -PURCHASES ON FUEL CARD - APR 25	383.86
			DB463 - PURCHASES ON FUEL CARD - APR 25	256.67
EFT30924	22/05/2025	CLIFFORD AUTO REPAIRS	VEHICLE SERVICES	1,818.84
EFT30925	22/05/2025	DUG CROSS ELECTRICS	ELECTRICAL REPAIRS & MAINTENANCE - APEX PARK PUBLIC TOILETS, BLN REC CTRE, DBK PUMP TRACK, AYRES GARDEN, DBK REC CTR	5,250.00
EFT30926	22/05/2025	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	350.80
EFT30927	22/05/2025	CLEANAWAY OPERATIONS PTY LTD.	BLN TRANSFER STATION - RECYCLING BIN TRANSFER/PROCESSING - APR 25	1,041.70
EFT30928	22/05/2025	WESTERN AUSTRALIA POLICE	ELS - VOLUNTEER POLICE CHECKS - APR 25	18.00
EFT30929	22/05/2025	CRESCENT CONVEYANCERS	RATES REFUND	457.75
EFT30930	22/05/2025	CLEANAWAY	REFUSE COLLECTION - WASTE - APR 25	56,852.07
EFT30931	22/05/2025	CROSS SECURITY SERVICES	LOWDEN BFB - QUARTERLY SECURITY MONITORING EXPENSES	135.00
EFT30932	22/05/2025	CAFE 48	COUNCILLOR & BUDGET DEVELOPMENT WORKSHOPS - REFRESHMENTS	189.00
EFT30933	22/05/2025	CONNECT CALL CENTRE SERVICES	AFTERHOURS CALL CENTRE - W&S, PARKS AND GARDENS, RANGERS - APR 25	204.38
EFT30934	22/05/2025	CLEANAWAY PTY LTD	DBK WMF - RECYCLING BIN TRANSFER/PROCESSING - APR 25	1,685.20
EFT30935	22/05/2025	CLEANAWAY OPERATIONS PTY LTD	BLN TRANSFER STN - CLEAR 4.5M & 9M GENERAL WASTE BINS - APR 25	4,466.91
EFT30936	22/05/2025	SHIRE OF DARDANUP	SIRSI DYNIX SOFTWARE	215.93
EFT30937	22/05/2025	DONNYBROOK MEDICAL SERVICES	PRE EMPLOYMENT MEDICAL	165.00
EFT30938	22/05/2025	DONNYBROOK HARDWARE & GARDEN	HARDWARE SUPPLIES - WETTING AGENT, FERTILISER, NATIVE	684.73

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 MAY TO 31 MAY 2025

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
			PLANTS, KIWIKSET, BOLTS, WATERING CAN, BATTERIES, TUBS, HOE, SHOVEL, KNIFE, RAKE, PAINT, KEY CUTTING, KEYS, DRILL RIVET, ANT SPRAY, CABLE TIES, TOILET ROLL HOLDERS, HACKSAW	
EFT30939	22/05/2025	DONNYBROOK FRUIT BARN PTY LTD	BFB - DIESEL - APR 25	186.69
EFT30940	22/05/2025	DONNYBROOK BRIDGESTONE TYRE SERVICE	TYRE REPLACEMENT & REPAIRS, BLACK CHIP BARK	1,223.00
EFT30941	22/05/2025	DONNYBROOK DISTRICT HIGH SCHOOL	DBK LIBRARY - BOOK STOCK, MAGAZINE SUBSCRIPTIONS, ELECTRICITY, WATER USAGE & VARIOUS ITEMS FOR LIBRARY PROGRAMS	2,196.24
EFT30942	22/05/2025	DONNYBROOK FARM SERVICE	RETIC COMPONENTS, POOL CHEMICALS, INSECTICIDE	1,820.94
EFT30943	22/05/2025	DONNYBROOK FRESH SUPA IGA	GROCERY SUPPLIES	581.63
EFT30944	22/05/2025	DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY - BUILDING COMMISSION	BSL LEVY COLLECTIONS APR 2025	1,798.10
EFT30945	22/05/2025	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MUNRO BFB - LEASE	173.56
EFT30946	22/05/2025	DONNYBROOK FAMILY DOCTORS	CONSULTATION	147.65
EFT30947	22/05/2025	DISMANTLE INC	BIKE RESCUE PROGRAM - TERM 2 2025 - 50%	7,985.00
EFT30948	22/05/2025	CR ALEXIS LOUISE DAVY	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30949	22/05/2025	DG AIR SOUTHWEST	DBK DEPOT - SUPPLY & INSTALL X2 REVERSE CYCLE SPLIT SYSTEMS	4,403.30
EFT30950	22/05/2025	ASSIMINA DI LOLLO/DANNY ESTRADA	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	2,509.55
EFT30951	22/05/2025	ELIZABETH EMILY ELLIS	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	338.30
EFT30952	22/05/2025	FRONTLINE FIRE & RESCUE	JERRY CANS	242.00
EFT30953	22/05/2025	FERTILUS PTY LTD	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	1,178.95
EFT30954	22/05/2025	CR LISA KATHLEEN GLOVER	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	1,198.81
EFT30955	22/05/2025	PETER GEORGE GUBLER	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30956	22/05/2025	MOORE AUSTRALIA (WA) PTY LTD	2025 ANNUAL FINANCIAL WORKSHOP	660.00
EFT30957	22/05/2025	HEATLEYS SAFETY & INDUSTRIAL	INS CLAIM - DBK DEPOT - SUPPLY RATCHET TIE DOWNS	59.90
EFT30958	22/05/2025	GARRY ALLEN HATCH	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	619.40
EFT30959	22/05/2025	MICHAEL JOE HAYES	RATES REFUND	2,276.05

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT30960	22/05/2025	HOBERG PTY LTD	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	550.00
EFT30961	22/05/2025	INTERFIRE AGENCIES PTY LTD	KIRUP BFB - REPLACEMENT HOSES	1,310.20
EFT30962	22/05/2025	ITR PACIFIC PTY LTD	BUCKET TEETH	394.59
EFT30963	22/05/2025	JONNO'S HANDYMAN AND CARPENTRY SERVICES	COMMUNITY HOUSING - GENERAL MAINTENANCE & GARDENING	917.40
			MINOR BUILDING REPAIRS & MAINTENANCE - VC MITCHELL, COUNCIL CHAMBERS	1,540.50
EFT30964	22/05/2025	LIVING SPRINGS WATER PTY LTD	BOTTLED WATER - APR 25	26.00
EFT30965	22/05/2025	CR ANITA MAREE LINDEMANN	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30966	22/05/2025	METLAM AUSTRALIA PTY LTD	APEX PARK PUBLIC TOILETS - BABY CHANGE STATION SURFACE MOUNTED	3,379.18
EFT30967	22/05/2025	CR ANNE BEATRICE MITCHELL	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30968	22/05/2025	MJB INDUSTRIES PTY LTD	SOUTHAMPTON RD - DRAINAGE PRODUCTS	18,787.93
EFT30969	22/05/2025	MICROSOFT REGIONAL SALES CORPORATION	MICROSOFT 365 BUSINESS LICENSES & EXCHANGE ONLINE PLAN - APR 25	2,122.23
EFT30970	22/05/2025	CR VIVIENNE FRANCES MACCARTHY	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	744.00
EFT30971	22/05/2025	OFFICEWORKS	OFFICE STATIONERY, FUNITURE, WHITE BOARD	799.53
EFT30972	22/05/2025	NICHOLAS GREGORY O'CONNOR	REIMBURSE PROFESSIONAL DEVELOPMENT - DIGITAL TRANSFORMATION	4,125.72
EFT30973	22/05/2025	LEIGH CAROLINE OROHOE	COUNCIL CONTRIBUTION FOR CROSSOVER - 5C BRIDGE STREET	159.00
EFT30974	22/05/2025	IAN NIGEL OBERN	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	586.00
EFT30975	22/05/2025	PRESTON PRESS	SHIRE CONNECT PUBLICATIONS	500.00
EFT30976	22/05/2025	FULTON HOGAN INDUSTRIES PTY LTD	GREENBUSHES GRIMWADE ROAD - PRIMERSEAL	42,558.12
EFT30977	22/05/2025	PRESTON VALLEY MAINTENANCE	GENERAL MAINTENANCE - REPLACE SKYLIGHT ROOF SHEETS, INSTALL SEPTIC TANK, REPLACE WINDOW LINTELS, INSTALL WHITE BOARD, INSTALL SIGNAGE, REPAIR PAVING SLABS, REMOVE PLAY EQUIPMENT, INSTALL FLAGPOLES, INTALL CONCRETE SLAB, FOOTPATH & KERB REPAIRS, INSTALLATION OF COAT RACKS	14,596.00
EFT30978	22/05/2025	PRESTON POWER EQUIPMENT	NYLON LINE, SUPERCUT HEAD, EDGER BLADES, OIL, REPAIR	359.50

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
			JAMMED FLYWHEEL & STARTER RECOIL	
EFT30979	22/05/2025	PROGRAMMED PROPERTY SERVICES	PAINTING - VC MITCHELL WALLS	5,498.90
EFT30980	22/05/2025	CR GRANT PATRICK	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30981	22/05/2025	JEFFREY BRUCE PHILLIPS	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	1,001.00
EFT30982	22/05/2025	MILTON PENNY/JAQUELINE HESTER	REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL	518.15
EFT30983	22/05/2025	ROYAL LIFE SAVING SOCIETY WA INC.	DBK REC CTR - SPEEDBLOCK HEAD SYSTEM	223.33
EFT30984	22/05/2025	ROSE & CROWN HOTEL	ACCOMMODATION - RANGER TRAINING	690.00
EFT30985	22/05/2025	REECE PTY LTD	DBK REC CTR - TODDLER SWIM ISLAND	1,204.50
EFT30986	22/05/2025	REPCO - DONNYBROOK	VEHICLE BATTERIES, BATTERY CHARGER	781.32
EFT30987	22/05/2025	RECRUITWEST PTY LTD	CASUAL LABOUR HIRE	5,758.11
EFT30988	22/05/2025	TREVOR WILLIAM ROSE	REFUND FOR STERILISATION WITHIN FIRST YEAR AFTER REGISTRATION	150.00
EFT30989	22/05/2025	PETER ROBINS	REFUND CANCELLATION DONNYBROOK TRANSIT PARK FEES	80.00
EFT30990	22/05/2025	SOUTHERN LOCK & SECURITY	ALARM CALL OUTS	895.00
EFT30991	22/05/2025	SOS OFFICE EQUIPMENT	MONTHLY PRINTER METER READS - APR 25, TONER	1,924.00
EFT30992	22/05/2025	SCOUTS WA	2024/25 COMMUNITY GRANTS - DBK SCOUT GROUP	1,001.00
EFT30993	22/05/2025	SEEK LIMITED	JOB ADVERTISEMENTS - PLANT OPERATOR, CORPORATE INFORMATION OFFICER, PARKS & GARDEN HAND	1,512.50
EFT30994	22/05/2025	SPECIALTY TIMBER FLOORING WA	DBK REC CTR - CLEAN STADIUM FLOOR	6,402.00
EFT30995	22/05/2025	SHRED-X PTY LTD & AUSTRALIAN PAPER RECYCLING	SHREDDING BIN PICKUP	154.85
EFT30996	22/05/2025	CR DEANNA RUTH SHAND	MONTHLY COUNCILLOR ALLOWANCES - MAY 25	973.15
EFT30997	22/05/2025	SOUTHWEST FENCE HIRE PTY LTD	APEX PARK PUBLIC TOILETS - TEMPORARY FENCE HIRE	948.20
EFT30998	22/05/2025	SOUTH WEST PROPERTY MANAGEMENT	RENTAL SUBSIDY FOR CHILD CARE WORKER	869.05
EFT30999	22/05/2025	ELLA STEWART	REFUND FOR GYM MEMBERSHIP	80.50
EFT31000	22/05/2025	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES - APR 25	1,016.27
EFT31001	22/05/2025	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	170.68

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31002	22/05/2025	TENDERLINK	TENDERLINK ADVERTISEMENT - WET PLANT HIRE & MINOR CIVIL WORKS SERVICES, TRAFFIC MANAGEMENT SERVICES	360.80
EFT31003	22/05/2025	TPG NETWORK PTY LTD	MONTHLY FAST FIBRE INTERNET	1,304.60
EFT31004	22/05/2025	THE TOWNSMORE INVESTMENT TRUST	VC MITCHELL - CATERING & LOOSE FURNITURE SCOPE OF SUPPLY/WORKS	2,112.00
EFT31005	22/05/2025	THINK WATER CAPES REGION	VC MITCHELL - IRRIGATION DESIGN FOR PAVILLION/CARPARK GARDEN LANDSCAPING	1,331.00
EFT31006	22/05/2025	LANDGATE - VALUATION SERVICES	RURAL UV GENERAL VALUATIONS	23,084.55
EFT31007	22/05/2025	EARTH 2 OCEAN COMMUNICATIONS	ANTENNA INSTALLATION, SPEAKER, 12V CHARGER, FIX RADIO REPEATER FAULT	3,425.07
EFT31008	22/05/2025	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	120.35
EFT31009	22/05/2025	SYNERGY	ELECTRICITY CHARGES	5,457.99
EFT31010	22/05/2025	WML CONSULTANTS PTY LTD	PRESTON RIVER RAMP PROJECT - DESIGN AND DOCUMENTATION	27,148.00
EFT31011	23/05/2025	BDA TREE LOPPING	TREE PRUNING	22,990.00
EFT31011A	29/05/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR PERIOD ENDING 28.05.25	155,384.26
			TOTAL: EFT PAYMENTS	1,557,420.87
CHEQUES PAYMENTS				
53828	01/05/2025	DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY	U2 LANGLEY VILLA BOND	846.40
53829	19/05/2025	PETTY CASH - ADMIN OFFICE	BLN LIBRARY POSTAGE	36.85
			TOTAL: CHEQUE PAYMENTS	883.25
BANK FEES				
	31/05/2025	BENDIGO BANK	BANK FEES	462.01
		COMMONWEALTH BANK	BANK FEES	228.43
		TYRO BANK	BANK FEES	724.94
		PAYPAL	TRANSACTION FEES	9.97
		WA TREASURY	BANK FEES	2.00
		RMS PAY	TRANSACTION FEES	239.51
		EZIDEBIT	TRANSACTION FEES	2.31
			TOTAL: BANK FEES	1,669.17
DIRECT DEBITS				
DD28375.1	30/04/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	34.19
DD28375.2	30/04/2025	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	400.20
DD28375.3	30/04/2025	TATE SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	295.27
DD28375.4	30/04/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	276.62
DD28375.5	30/04/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	414.00
DD28375.6	30/04/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	20,307.90
DD28375.7	30/04/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	5,504.96

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
DD28375.8	30/04/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	745.09
DD28375.9	30/04/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,389.27
DD28375.10	30/04/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	193.29
DD28375.11	30/04/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	1,019.53
DD28375.12	30/04/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	621.29
DD28375.13	30/04/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	300.87
DD28400.1	14/05/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	34.19
DD28400.2	14/05/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	295.27
DD28400.3	14/05/2025	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	400.20
DD28400.4	14/05/2025	TATE SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	296.59
DD28400.5	14/05/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	318.46
DD28400.6	14/05/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	19,921.24
DD28400.7	14/05/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	5,487.86
DD28400.8	14/05/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	736.09
DD28400.9	14/05/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	698.98
DD28400.10	14/05/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	220.65
DD28400.11	14/05/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	999.88
DD28400.12	14/05/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	850.06
DD28400.13	14/05/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	628.45
DD28422.1	09/05/2025	RMS (AUST) PTY LTD	RMS CLOUD & SUPPORT - DONNYBROOK TRANSIT PARK	214.50
DD28422.2	15/05/2025	SG FLEET AUSTRALIA PTY LIMITED	CESM - VEHICLE LEASE PAYMENT	1,018.60
DD28430.1	27/05/2025	WA TREASURY CORPORATION	LOAN NO. 74 INTEREST PAYMENT	7,680.60
DD28432.1	28/05/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	34.19
DD28432.2	28/05/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	295.27
DD28432.3	28/05/2025	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	400.20
DD28432.4	28/05/2025	TATE SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	295.27
DD28432.5	28/05/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	276.62
DD28432.6	28/05/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	318.46
DD28432.7	28/05/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	20,204.15
DD28432.8	28/05/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	5,431.36
DD28432.9	28/05/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	736.09
DD28432.10	28/05/2025	ANZ SMART CHOICE SUPER	EMPLOYEE SUPER DEDUCTIONS	161.56
DD28432.11	28/05/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	226.16
DD28432.12	28/05/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	991.85
DD28432.13	28/05/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	968.01
DD28432.14	28/05/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	621.29
			TOTAL: DIRECT DEBITS	102,264.58
			TOTAL: PAYMENTS FROM MUNICIPAL ACCOUNT	1,665,280.89

CERTIFICATION BY CHIEF EXECUTIVE OFFICER

This Schedule of Accounts Paid is submitted to the Council Meeting on 25 June 2025 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

9.2.2 Statement of Financial Activity report for the period ending 31st of May 2025

Report Details:

Prepared by: Manager Financial Services

Manager: Acting Director Finance & Corporate

File Reference: Nil

Voting Requirement: Simple Majority

Attachment(s):

9.2.2(1) Statement of Financial Activity May 2025

Executive Recommendation

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

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

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

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

Background

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

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

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

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

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

Risk Management

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

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

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

Policy Compliance

Nil.

Statutory Compliance

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

Consultation

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

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

Officer Comment

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

May 2025 Financial Analysis Summary

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

- First instalment and due date for single full payment occurred 11th November 2024.
- Second rates instalment due date occurred 10th January 2025.
- Third rates instalment due occurred 11th March 2025.
- Fourth and final instalment due date occurred 12th May 2025.

The rates and service charges collected at 31st of May 2025 is 92.8%, which is slightly lower than previous year due to the third instalment being a later date.

The Shire's surplus after imposition of rates was \$1,283,701 which is 181.15% higher than the year-to-date budgeted deficit of (\$1,574,847) at the end of May 2025.

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

Operating Activities

Revenue: The total inflow from revenue activities was \$12,223,529 which is on track with budget estimates. Key areas include:

- Operating grants, subsidies and contributions is lower than budget estimates due to timing of expenditure.
- Fees and charges are slightly higher than budget estimates due to timing.
- Interest revenue is higher than budget estimates now being permanent.

Expenditure: The total outflow from expenditure activities was \$18,696,543 being 3.52% lower than budget estimates. Key areas include:

- Materials and contracts 12.59% lower than budget estimates due to timing.
- Employee costs 2.16% lower than budget estimates due to timing.
- Utilities charges 6.63% lower than budget estimates due to billing cycles.
- Loss on asset disposals 75.91% lower than budget estimates.

Investing Activities

Inflows: The total inflows from investing activities was \$4,822,424 which is \$1,817,388 (27.37%) below the YTD budget estimates. Key contributors include:

- Proceeds from capital grants, subsidies, and contributions: \$4,470,910 (29.42%) below budget.
- Proceeds on disposal of assets \$324,096 (16.47%) above budget.

Outflows: The total outflows from investing activities was \$9,621,685, which is \$4,632,518 (32.50%) below the YTD budget estimates. Key areas include:

- Payments for property, plant, and equipment \$6,745,648 (23.81%) below budget.
- Payments for construction of infrastructure \$2,876,037 (46.74%) below budget.

9.2.3. Council Policy FIN/CP-9 Related Party Disclosures

Report Details:

Prepared by: Acting Manager Corporate Services

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: ADM 11/4

Voting Requirement: Simple Majority

Attachment(s):

9.2.3(1) Council Policy FIN/CP-9 Related Party Disclosures

Executive Recommendation

That Council:

1. **Adopt the amendments to Council Policy FIN/CP-9 Related Party Disclosures at Attachment 9.2.3(1).**

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

A review of several Council policies has been undertaken in accordance with the Policy Framework process. The purpose of this report is to seek Council resolution to adopt the amendments to Council Policy FIN/CP-9 Related Party Disclosures ([Attachment 9.2.3\(1\)](#)).

Background

Council Policy FIN/CP-9 Related Party Disclosures has been in place in several formats since it was first adopted in July 2017 and was identified as due for review in 2024. The policy defines the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Accounting Standard AASB 124 Related Party Disclosures, as made by the Australian Accounting Standards Board under s.334 of the *Corporations Act 2001* (Cth).

The policy defines the Key Management Personnel of the Shire who are required to submit Related Party Disclosures. It also specifies the requirements for Council to comply with the relevant Accounting Standard, including review of Key Management Personnel Related Parties and the financial information to be disclosed in financial statements of the Shire for each financial year period.

The review of the policy has identified that the due date for Key Management Personnel to provide Related Party Disclosures requires amending. The policy currently states that disclosures are required to be provided 'yearly, no later than 30 June each year'. The relevant period for disclosures applies for each financial year, from 1 July to 30 June, in accordance with the Accounting Standard. As such, it is proposed to amend the policy to specify that Key Management Personnel must submit a Related Party Disclosure to the Shire 'no later than 31 July of each year'. This amendment is shown as tracked

changes in red in as per [Attachment 9.2.3\(1\)](#). The amendment will ensure disclosures reflect the applicable full reporting period for each financial year and allow sufficient time for submission.

The review of the policy also identified minor amendments, consistent with a change of formatting to reflect the current policy template, varying of syntax and updating listed legislation. These changes are considered as ‘Minor Amendments’ in accordance with the definition specified in Council Policy EXE/CP-8 Policy Framework and do not impact on the application of the policy.

Additionally, references to specific sections of applicable legislation have been removed, as recommended by Moore Australia in their findings from the *Local Government (Audit) Regulations 1996* r.17 review undertaken in December 2024. The auditors noted the content of several Council policies contain specific detail relating to legislation and that this practice may result in conflict between the policy and legislation in the instance of a change to sections of legislation.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Moderate	Moderate (9)
Risk Description:	Council policies that have not been reviewed for compliance with current requirements and legislation.		
Mitigation:	Ensure Council policies are reviewed in accordance with the Shire’s adopted Policy Framework process to ensure they are concise, clear, consistent and compliant with legislation, standards and strategic objectives.		

Financial Implications

Nil.

Policy Compliance

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

Statutory Compliance

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

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

Section 334 of the *Corporations Act 2001* (Cth) enables Accounting Standard AASB 124 Related Party Disclosures to be made by the Australian Accounting Standards Board.

Consultation

Review of Council policies is undertaken in accordance with the Shire’s Policy Framework. This process encompasses consultation and collaboration between staff and external parties where relevant.

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

Officer Comment

As part of supporting Council in its role to set appropriate and legislatively compliant policies for the Shire, it is advised that Council accept the Executive Recommendation and adopt the amendments to Council Policy FIN/CP-9 Related Party Disclosures ([Attachment 9.2.3\(1\)](#)) as outlined in this report.

9.2.4 Delegations Register Review

Report Details:

Prepared by: Acting Manager Corporate Services

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: CNL 31

Voting Requirement: Absolute Majority

Attachment(s):

9.2.4(1) 2025-2026 Delegations Register

9.2.4(2) New, Amended & Revoked Delegations

Executive Recommendation

That Council:

1. **Notes completion by Council as the Delegator, of the annual statutory review of the Delegations Register, in accordance with s.5.18 and s.5.46 of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB of the *Dog Act 1976*.**
2. **Approves, by Absolute Majority, the following listed delegations as detailed in Attachment 9.2.4(2), in accordance with s.5.42 of the *Local Government Act 1995*, s.127 of the *Building Act 2011* and s.21 of the *Public Health Act 2016*:**
 - a. **Delegation 1.2.36 Extend Time for Lodging an Objection;**
 - b. **Delegation 2.1.11 Authorise Persons to Commence Proceedings;**
 - c. **Delegation 8.1.6 Give Enforcement Orders and Issue Clearance Certificates; and**
 - d. **Delegation 8.1.7 Enforcement Orders – Implement and Recover Costs.**
3. **Approves, by Absolute Majority, the following listed delegations inclusive of amendments as detailed in Attachment 9.2.4(2), in accordance with s.5.42 of the *Local Government Act 1995*, s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.16 of the *Planning and Development Act 2005* and s.82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a. **Delegation 2.1.9 Private Pool Barrier – Alternative and Performance Solutions;**
 - b. **Delegation 3.1.11 Prosecution of Offences; and**
 - c. **Delegation 9.2.1 Local Planning Scheme No. 7 – Development Applications.**
4. **Revokes, by Absolute Majority, the following listed delegation as detailed in Attachment 9.2.4(2), in accordance with s.5.42 of the *Local Government Act 1995* and s.21 of the *Public Health Act 2016*:**
 - a. **Delegation 8.1.6 Commence Proceedings and Issue Enforcement Orders.**

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

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

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

Item: Nil.

Executive Summary

The purpose of this report is for Council to receive the annual statutory review of the Shire's Delegations Register, in accordance with s.5.18 and 5.46 of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB of the *Dog Act 1976*. The revised 2025-2026 Delegations Register is at Attachment 9.2.4(1).

Background

Local Governments have responsibility for decision making assigned under a wide range of legislation. Each power or duty described in legislation requires Local Governments to fulfil a mandatory duty or use a discretionary power to make decisions. Delegation is the process that enables Local Governments to assign its power or duties. Delegation enables efficient and effective strategic, financial, resource and operational management decisions to be made.

Council last reviewed and adopted its Delegations Register on 26 June 2024. A comprehensive review of the Shire's Delegations Register has been undertaken for Council's consideration to complete the annual statutory process. The review has identified the need for four (4) new delegations and amendment of three (3) existing delegations, with one (1) delegation proposed to be revoked.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Almost Certain	Moderate	High (15)
Risk Description:	Non-compliance with the statutory requirement for an annual review of delegations.		
Mitigation:	Resolve the completion of the annual statutory review of the Delegations Register.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Impact on local community trust, and possible media item, due to non-compliance with legislation.		
Mitigation:	Resolve the completion of the annual statutory review of the Delegations Register.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

The delegations contained within the Delegations Register are made pursuant to the below listed legislation:

- *Local Government Act 1995* s.5.16 (delegation to Committees of Council) and s.5.42 (delegation to the Chief Executive Officer);
- *Building Act 2011* s.127;
- *Bush Fires Act 1954* s.48;
- *Cat Act 2011* s.44 & s.45;
- *Dog Act 1976* s.10AA;
- *Environmental Protection Act 1986* s.20;
- *Food Act 2008* s.118;
- *Graffiti Vandalism Act 2016* s.16 & s.17;
- *Planning and Development Act 2005* s.16 & *Planning and Development (Local Planning Schemes) Regulations 2015* s.82; and
- *Public Health Act 2016* s.21.

At least once every financial year, delegations made are required to be reviewed by the delegator. An Absolute Majority decision of Council is necessary when approving new, amending existing and revoking delegations.

Consultation

Shire staff, including those with delegated authority, have been consulted as part of the review of the Delegations Register. Advice provided by the Western Australian Local Government Association (WALGA) has also been sought and considered.

Officer Comment

The annual review of the Shire's Delegations Register has been undertaken to confirm the extent of powers and duties delegated by Council and that conditions specified are sufficient and appropriate. The review encompassed an assessment of changes to legislation, delegated local government responsibilities and Shire operational requirements for continuity of service.

The review has identified the need for four (4) new delegations and amendment of three (3) existing delegations, with one (1) delegation proposed to be revoked.

The changes for consideration are outlined below. This list excludes changes made in relation to minor edits, such as title updates, spelling and document formatting. Copies of the proposed new, amended and revoked delegations are as per [Attachment 9.2.4\(2\)](#), with amendments shown in red text.

It is recommended that Council adopt the Executive Recommendation to this report to ensure completion of the required annual review process for the Delegations Register and to enable effective and efficient undertaking of duties by the Shire and its staff for the community.

New	
Delegation	Rationale
1.2.36 Extend Time for Lodging an Objection	<p>This delegation has been identified as part of reviewing the delegations to Local Government specified in the <i>Local Government Act 1995</i>. Section 9.5 of the Act allows for objections to be lodged regarding prescribed decisions made by the Shire.</p> <p>This delegation will authorise the CEO to extend the time for a person to make an objection in accordance with the Act.</p>
2.1.11 Authorise Persons to Commence Proceedings	<p>This delegation has been identified as part of reviewing the delegations to Permit Authorities (Local Government) in accordance with the <i>Building Act 2011</i>. Section 133(1) of the Act enables a Permit Authority to commence prosecution for offences against the Act.</p> <p>The delegation grants authority to the CEO to authorise a person to commence a prosecution for relevant offences in accordance with the Act.</p>
8.1.6 Give Enforcement Orders and Issue Clearance Certificates	<p>This delegation is proposed to reflect the recent changes to the <i>Public Health Act 2016</i> in terms of the expanded legislative power and duties able to be delegated to Enforcement Agencies (Local Government).</p> <p>The delegation will grant authority to the CEO to implement enforcement options relevant to the Act.</p> <p>Note that some of the powers granted by this delegation are included in existing Delegation 8.1.6 <i>Commence Proceedings and Issue Enforcement Orders</i> contained in the 2024-2025 Delegations Register. This delegation is proposed for revocation as specified below. It is recommended to be replaced with Delegations 8.1.6 and 8.1.7 as described to align with the current provisions of the Act.</p>
8.1.7 Enforcement Orders – Implement and Recover Costs	<p>Corresponding to the above delegation, this proposed new delegation reflects changes to the <i>Public Health Act 2016</i> in terms of power and duties delegated to Enforcement Agencies (Local Government).</p> <p>The delegation grants authority to the CEO to take suitable action with regards to issued enforcement orders and associated administrative functions relating to incurred costs and recovery.</p> <p>Note that some of the powers granted by this delegation are included in existing Delegation 8.1.6 <i>Commence Proceedings and Issue Enforcement Orders</i> contained in the 2024-2025 Delegations Register. This delegation is recommended for revocation given its replacement by proposed new Delegations 8.1.6 and 8.1.7.</p>

Amendment	
Delegation	Description
2.1.9 Private Pool Barrier – Alternative and Performance Solutions	<p>Amendment: Inclusion of an additional condition in the ‘Council Conditions on this Delegation’ section in the delegation, to ensure decisions made under the delegation are consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B.</p> <p>Rationale: The amendment will ensure compliance with current legislative provisions specified in the <i>Building Regulations 2012</i>, enacted under the <i>Building Act 2011</i>.</p>
3.1.11 Prosecution of Offences	<p>Amendment: Inclusion of an additional Delegate, Manager Development Services.</p> <p>Rationale: The amendment aligns with recent management changes to operational areas of responsibility.</p>
9.2.1 Local Planning Scheme No. 7 – Development Applications	<p>Amendment: Change to the wording in the ‘NOTE’ listed in the ‘Function’ section of the delegation regarding single dwelling development, to align with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Rationale: This amendment will ensure consistent wording between the delegation and relevant legislation for improved clarity and application of statutory provisions.</p>
Revocation	
Delegation	Rationale
8.1.6 Commence Proceedings and Issue Enforcements Orders	Proposed new Delegations 8.1.6 and 8.1.7 as detailed above will replace this delegation and will incorporate the expanded legislative power and duties able to be delegated to Enforcement Agencies (Local Government) in accordance with the <i>Public Health Act 2016</i> .

9.2.5 Annual Council Plan Review 2024/2025

Report Details:

Prepared by: Loren Clifford, Acting Director Finance and Corporate

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: CNL 19

Voting Requirement: Absolute Majority

Attachment(s):

9.2.5(1) Council Plan 2022-203

9.2.5(2) Council Plan Reviewed 2022-2032 priority projects

Executive Recommendation

That Council:

1. **Notes the annual review of the Council Plan 2022-2032; and**
2. **Adopts the Council Plan 2022-2032, including the modifications to the priority project as outlined in Attachment 9.2.5(2).**

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: 11.1.1 - Provide an annual review of key informing strategies to the Integrated Planning and Reporting Framework to inform the Annual Budget.

Executive Summary

It's requested that Council to consider adopting the Council Plan 2022-2032 as revised.

Background

The Integrated Planning and Reporting Framework provides a suite of strategic plans that ensure local governments plan responsibly and sustainably for their community. These plans detail our resourcing capabilities for operational services and major projects, maintenance of community assets and predicted long term financial expectations.

During the major review of the Strategic Community Plan in 2022, it was decided to merge the Corporate Business Plan into a single, consolidated Council Plan. As a result of this integration, the Shire is now required to conduct an annual review of the Corporate Business Plan components—referred to as “priority projects”—as outlined in the Council Plan, in accordance with the *Local Government Act 1995*.

These Priority Project elements identify Council priorities and detail current services, future operations and major projects expected to be undertaken by the Shire over the next four years and outline the operational activities that will be undertaken to achieve the desired strategic outcomes.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Minor	Moderate (6)
Risk Description:	Failure to fulfil statutory, regulatory or compliance requirements.		
Mitigation:	Maintain a compliance register. Regularly review and update statutory documents.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Possible	Moderate	Moderate (9)
Risk Description:	Inadequate project/change management (e.g. poor planning of priority projects).		
Mitigation:	Monitor project milestones and risks. Engage stakeholders early and often.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Inadequate engagement practices (e.g. poor communication of plan changes).		
Mitigation:	Provide clear, timely public notices. Monitor and respond to community feedback.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Minor	Moderate (6)
Risk Description:	Community dissatisfaction due to project deferrals or changes.		
Mitigation:	Clearly explain the rationale for project changes.		

Financial Implications

Nil.

Policy Compliance

COMD/CP-3 – Community Engagement Framework

The review of priority projects has been informed by input from Elected Members, consistent with their role in representing community interests as outlined in the Shire's Community Engagement Framework.

Statutory Compliance

Local Government Act 1995 – Section 5.56: Planning for the Future

Section 5.56 outlines the requirements for planning for the future of the district. A local government must plan for the future of the district. The plans must be in accordance with regulations made under the Act. This section provides the legislative basis for strategic and corporate planning, which is further detailed in the regulations.

Local Government (Administration) Regulations 1996

Regulation 19DA outlines the requirements for the Corporate Business Plan (Council Plan), including:

1. Development
 - a. A local government must develop a Corporate Business Plan covering at least 4 financial years.
 - b. It must align with the Strategic Community Plan.
2. Content:
 - a. The plan must set out priorities, services, operations, and projects.
 - b. It must include resource requirements (human, asset, and financial).
3. Review:
 - a. The Corporate Business Plan (Council Plan) must be reviewed every year.
 - b. Any modifications must be adopted by the council by an absolute majority.

Consultation

On 21 February 2025, the Shire conducted a strategic planning workshop with Councillors and Senior Staff to review priority projects, including those previously deferred from earlier financial years. A further session was held on 11 June 2025 to run through the priority projects with Councillors. The Reviewed Council Plan will be updated on the Shire's website.

Officer Comment

It's recommended that council note the review and adopt (by absolute majority) the modifications made during the annual review as outlined in [Attachment 9.2.5\(2\)](#).

This year's review of the Council Plan has solely focused on the Corporate Business Plan elements, including updates for the priority projects. A more comprehensive review of the Plan will be undertaken once the Community Scorecard has been completed.

9.2.6 Adoption of 2025/26 Fees and Charges

Report Details:

Prepared by: Naomi Newport, Senior Finance Officer
Manager: Meta Hazeldine, Manager Financial Services
File Reference: FNC 04/3 **Voting Requirement:** Absolute Majority
Attachment(s):
Nil.

Executive Recommendation

That Council:

- 2.1. Notes that Council adopted the 2025/26 Schedule of Fees and Charges at its Ordinary Council Meeting held 28 May 2025; and
- 2.2. Adopts the following amendments:
 - 2.1. Special Series Number Plates: increase from \$200.00 to \$225.00 no GST applicable,
 - 2.2. Final Demand Fee: increasing from \$26.90 to \$27.60 no GST applicable,
 - 2.3. Enforcement Certificate Fee: increasing from \$22.90 to \$23.50 no GST applicable,
 - 2.4. Fines Enforcement Registration Fee: increasing from \$86.00 to \$88.50 no GST applicable.
- 2.3. Adopt the following new fee:
 - 3.1. EV Charging Station set at \$0.60 per kWh inclusive of GST

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.
Objective: 12.1 - Deliver effective and efficient operations and service provision.
Item: Nil.

Executive Summary

Council is requested to consider adopting the amendments and a new charge to the recently adopted Schedule of Fees and Charges for 2025/26.

Background

Council adopted the Schedule of Fees and Charges at its Ordinary Council Meeting on 28 May 2025.

"COUNCIL RESOLUTION 92/05-25

That Council:

1. *Adopt the 2025/26 Schedule of Fees and Charges; and*
2. *Notes that it will determines the kerbside waste collection services charges at the time of adoption of the 2025/26 Annual Budget."*

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 2025/26		
Mitigation:	That Council adopts the fees and charges prior to end of year, to allow for advertising period and to take effect 1 July 2025		

Financial Implications

The draft 2025/26 budget will contain a number of income streams that will be estimated using the Schedule of Fees & Charges.

The adoption of the proposed amendments and the introduction of the new fee are anticipated to mitigate the risk of potential income shortfalls.

Policy Compliance

Nil.

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).

Section 6.16(1) and (2) of the Local Government Act 1995 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) of the Local Government Act 1995 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 of the Local Government Act 1995 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.

Consultation

Following the adoption of the 2025/26 Schedule of Fees and Charges at the Ordinary Council Meeting in May 2025, external agencies have since provided updated information that impacts specific items within the Schedule.

At the earliest opportunity following Council's endorsement of the amendments, Officers will arrange for a Local Public Notice to be issued. The notice will be published via the Shire's official communication channels, including the Shire website, social media platforms, Newsletter/Email, and Notice Boards, in accordance with statutory requirements.

Officer Comment

The following amendments are proposed for consideration in the 2025/26 Schedule of Fees and Charges:

- **Special Series Number Plates**

The Department of Transport currently charges the Shire for the manufacture of special series number plates. Officers have been advised that, effective 1 July 2025, the Department's fee will increase from \$200.00 to \$225.00.

- **Fines Enforcement Registry Fees**

The Shire submits unpaid infringements to the Fines Enforcement Registry. Officers have received notification that, effective 1 July 2025, the following statutory fees will apply:

- Final Demand Fee: increasing from \$26.90 to \$27.60
- Enforcement Certificate Fee: increasing from \$22.90 to \$23.50
- Fines Enforcement Registration Fee: increasing from \$86.00 to \$88.50

These fees are determined by the relevant authority and are not set by Council.

- **EV Charging Station**

Effective 1 July 2025, the Shire will assume responsibility for the Donnybrook EV Charging Station. Council now holds the authority to determine the charging fee. It is recommended that the fee be set at \$0.60 per kWh (inclusive of GST).

The proposed amendments to the 2025/26 Fees and Charges, if adopted by Council, are subject to a 7 day public notice period and will apply from 3 July 2025.

9.3. Chief Executive Officer
Nil.

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

10.1.1. Council Liability Event Approvals

Report Details:

Prepared by: Councillor John Bailey

Manager: Nick O'Connor, Chief Executive Officer

Location: Shire of Donnybrook Balingup

File Reference: CNL 33 **Voting Requirement:** Simple Majority

Attachment(s):

Nil.

Elected Member Recommendation

That Council:

1. Request the CEO, to define the appropriate dollar amount of public liability insurance that must be held by proponents of functions/festivals held outside of a Shire controlled area. The policy amount should be sufficient enough as to, as far as possible negate action against the Shire's insurance. If this information could be provided within 14 days of this motion, I request the CEO and President to call an emergency meeting of the Audit and Risk Committee to assess the financial and reputational risk to the Shire and residents of approving major functions/festivals in a non-Shire-controlled area and report back to Council with their findings to be presented at the July Council meeting.

Elected Member Summary

The CEO, senior staff, Council and the Audit and Risk committee need to place further distance between private business ventures and the people's paid insurance.

Local events.

Staff have the ideal requirements in place.

Balingup Medieval carnival, Balingup small farm field day, Donnybrook apple festival and I assume other events held in a Shire controlled area require.

1, stall holders must hold a \$20 million public liability policy.

2, event proponents to hold a \$20-50 million public liability

There is a \$40- 70 million buffer before any claim against the people's paid insurance.

The proposed Bliss festival.

From information provided.

1, the property owner was providing a \$ 20million public liability policy.

2, WA Fire (career fire fighters) were providing a \$25million public liability policy,

along with a firefighting appliance and three full time fire fighters for the duration of the event.
3, the Liberators (the proponents) were providing \$10-20 million public liability policy.
A buffer of \$55-65 million before any claim against the people's insurance.

Compare this with the festival in Newlands

1, First entry point is over private farmland. Will the farmer be required to provide a public liability policy?

2, The track then enters an easement, right of carriageway over private property, a separate owner. Who covers the liability for that owner? Are we again exposing the people's insurance.

This easement is approximately 3.3 meters wide with two concrete bridges at each end of the easement. Both bridges have a wet drain that could not be traversed in a 4x4 in the summer months. Entry/exit is the same track. this situation would not be approved for any function in any part of the Shire. Again, are we exposing the people's insurance, if so, why?

3, Would it be prudent to ask the owner of the property where the event is being held to provide a \$20million policy? If not, why not?

Staff spend an enormous amount of time on these types of applications. The more approvals we provide the more exposed is our insurance.

To assist, over the next few weeks, I will seek advice from the ministers of Police, DFES and the office of the Auditor General, and report back to the CEO and Council

Public liability insurance of \$20 million appears to be woefully inadequate coverage. The maximum payout for a single or multiple claims is \$20 million in total, not \$20 million for each claim

The Shires insurance is paid for by the people, it is the for the people of the Shire, not a pack up for outside businesses.

Officer Comment

During a review of Shire Development Services application forms and processes LGIS Member Services, the Shire's Insurer, were consulted to provide comment on the adequacy of public liability insurance for activities on Shire land. They provided the following:

The recommended amount of Public Liability Insurance for traders/stall holder permits on Shire owned/managed property can vary depending on various factors, including the size and nature of the events, the number of attendees, and the potential risks involved. Some larger events or venues may require higher coverage limits to adequately address the potential liabilities.

\$10 million is a relatively high coverage limit and is often considered sufficient for many public events and outdoor eating areas. It provides a substantial level of protection in case of accidents or incidents resulting in bodily injury or property damage.

However, in most circumstances it is suggested that other parties entering into an agreement with the Shire, or undertaking activities on local government controlled land that are regulated by the Shire, have a current public and products liability policy for a limit of liability of \$20,000,000 any one

occurrence and in the aggregate for Products Liability. This may need to be significantly higher depending on the specific circumstances and level of risk associated with the individual issue, but it is suggested a lower amount should be clearly justified by an appropriate and documented scenario-based risk assessment.

The Shire's standard event conditions, even on private land, include the following conditions specific to insurance:

Event organiser to provide evidence of minimum \$20 million public liability insurance for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 7 days prior to the event date;

Event organiser to submit a list of all food vendors, including potable water carter if proposed, to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:

- A copy of the vendors 'Food Business Registration Certificate (*Food Act 2008*)' from their "home" Shire (if not from the Shire of Donnybrook Balingup); and;
- A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;

As outlined in the Council Policy COMD/CP-6 events are assessed based on set criteria including consideration of likely impacts using a risk-based approach.

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 Bridge 3617 – Awarding of Unbudgeted Urgent Repair Works.

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 09-2425 Traffic Management Services

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.

12.2. Public reading of Resolutions that may be made public

Nil.

13. Closure

The Presiding Member to advise that the next Agenda Briefing Session will be held on 16 July 2025 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.