



Minutes of Ordinary Council Meeting

Held on 26 November 2025 and commenced at 5:00pm

Held at the Council Chambers in Donnybrook

(1 Bentley Street, Donnybrook)

Authorised:

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

Nick O'Connor, Chief Executive Officer

Prepared:

2 December 2025

TABLE 2: MEASURES OF CONSEQUENCE

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

TABLE 3: MEASURES OF LIKELIHOOD

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

TABLE 4: RISK MATRIX

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

TABLE 5: RISK TOLERANCE CRITERIA

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

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

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

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

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

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

2. Attendance (OCM)

Councillors Present:

Cr John Bailey	Cr Alexis Davy	Cr Tyler Hall
Cr Anita Lindemann	Cr Vivienne MacCarthy	Cr Grant Patrick
Cr Alex Purich		

Staff Present:

Nick O'Connor, Chief Executive Officer	Ross Marshall, Director Operations
Loren Clifford, Acting Director Finance and Corporate	Michelle Dennis, Manager Development Services
Samantha Farquhar, Administration Officer Corporate Services	Cecilia Muller, Principal Planner

Other Members Present:

Public Gallery: 8 members of the public were in attendance.

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

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

COUNCIL RESOLUTION: 214/11-25		
MOVED BY:	Cr Alexis Davy	SECONDED BY: Cr Anita Lindemann

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

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

2.1. Apologies

Cr Amanda McNab

2.2. Approved Leave of Absence

Nil.

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

Extraordinary Election

After 28 years of postal voting, an extraordinary election has provided a unique opportunity for Council, Shire and community to connect through an in-person election, which is scheduled to take place on Saturday 28 March 2026.

Coming so soon after the October 2025 election, this approach will allow us to compare costs, participation rates, and the overall experience for voters. It is also an opportunity to for our community to come together on the day of the election, share in the process, and provide valuable feedback on what works best for them.

Taking Liberty

CircuitWest & Theatre 180, in association with WA Museum, present a Shows on the Go tour of Taking Liberty by Ingle Knight, taking place at the Donnybrook Soldiers Memorial Hall from 6pm to 8pm on Tuesday 16 December 2025.

Tickets are \$20 per person and are currently available online via Humanitix – refer to the event listing on the Shire website for more details.

International Day of People with Disability (IDPWD)

Council endorsed the Shire's Disability & Access Inclusion Plan (DAIP) in April 2024, expressing our commitment to community members who live with disability.

The Donnybrook Community Resource Centre (CRC) hosts an event each year in recognition of the International Day of People with Disability, and this year's event will be held at Ayers Garden in Donnybrook on Monday 1 December 2025. There will be a sausage sizzle and activities including face painting, a petting zoo, and information stalls, all of which contribute towards a fun and engaging opportunity to expand your awareness and support community members who live with disability.

Disaster Preparedness Fair

Bushfire danger isn't hypothetical in our area – in the last year alone, we have had bushfire alerts in issued for Argyle, Beelerup, Brookhampton and more. Disasters can escalate very quickly and very easily, and everyone who lives in our Shire needs to know what to do before it happens, whether you're raising a family, running a business, or caring for animals.

A Disaster Preparedness Fair is being held at the Donnybrook Community Library this weekend from 10am to 2pm on Saturday 29 November 2025, with the goal of helping families and residents prepare before disaster strikes. It will feature:

- Expert-led sessions about Firebreak responsibilities, building a family bushfire plan with personalized advice, and powerline safety,
- In-person access to DFES (Department of Fire & Emergency Services), Western Power, St John Ambulance, wildlife rescue groups, and more,
- Emergency services demonstrations and fire trucks,
- VR bushfire simulation,
- Kids activities,
- Free sausage sizzle.

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 Davy declared a financial, proximity, and impartiality interest regarding item 12.1.1.

Cr Alex Purich declared an indirect financial interest in relation to item 9.1.1 and 9.1.2.

5. Public Question Time

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

Nil.

5.2. Public Question Time

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Please note that no new information is to be raised during the deputation.

Jay McCormack and Chris Amey on behalf of Save Preston River Valley in relation to item 9.1.2.
(Presented at the Agenda Briefing Session)

Angelo Logiudice in relation to item 9.2.7. (Presented at the Agenda Briefing Session)

Jonathan Ward in relation to item 9.1.1. (Presented at the Agenda Briefing Session)

Kingsley Smith in relation to item 9.2.5. (Presented at the Agenda Briefing Session)

Paul Fry in relation to item 9.1.1 (Presented at the Ordinary Council Meeting)

Edward (Mick) Stroud in relation to item 9.1.2 (Presented at the Ordinary Council Meeting)

Fred Carbonne in relation to item 9.1.1 (Presented at the Ordinary Council Meeting)

6.4. Delegates' Reports

Nil.

Adoption by Exception

COUNCIL RESOLUTION: 215/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

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

- 7.1.1 Ordinary Council Meeting held on 22 October 2025
- 7.2.1 Special Council Meeting held 22 October 2025
- 7.2.2 Special Council Meeting held 12 November 2025
- 8.1.1 Bunbury Geographe Group of Councils Meeting held on 16 October 2025
- 9.1.4 Proposed Road Name Change – Kirkpatrick Street, Beelerup
- 9.2.1 Schedule of Accounts Paid as at 31 October 2025
- 9.2.2 Statement of Financial Activity Report for the Period Ending 30 September 2025
- 9.2.5 Offer of purchase and Proposed Disposition of Property Lot 58 (70) South Western Highway Donnybrook
- 9.2.8 Authorisation for CEO to Execute Right of Entry Deed – Tuia Lodge Donnybrook
- 9.2.9 Agenda Briefing and Council Meeting Dates 2026
- 9.2.10 Audit and Risk Management Committee Meeting Dates 2026

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

7. Confirmation of Minutes

7.1 Ordinary Council Meeting Minutes

7.1.1 Ordinary Council Meeting held on 22 October 2025

Minutes of the Ordinary Council Meeting held 22 October 2025 are attached as [Attachment 7.1.1\(1\)](#).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 22 October 2025 be confirmed as a true and accurate record.

COUNCIL RESOLUTION:	216/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Tyler Hall

That the Minutes from the Ordinary Council Meeting held 22 October 2025 be confirmed as a true and accurate record.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

7.2 Special Council Meeting Minutes

7.2.1 Special Council Meeting held on 22 October 2025

Minutes of the Special Council Meeting held 22 October 2025 are attached as Attachment 7.2.1(1).

Executive Recommendation:

That the Minutes from the Special Council Meeting held 22 October 2025 be confirmed as a true and accurate record.

COUNCIL RESOLUTION:	217/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Tyler Hall

That the Minutes from the Special Council Meeting held 22 October 2025 be confirmed as a true and accurate record.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

7.2.2 Special Council Meeting held on 12 November 2025

Minutes of the Special Council Meeting held 12 November 2025 are attached as [Attachment 7.2.2\(1\)](#).

Executive Recommendation:

That the Minutes from the Special Council Meeting held 12 November 2025 be confirmed as a true and accurate record.

COUNCIL RESOLUTION:	218/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Tyler Hall

That the Minutes from the Special Council Meeting held 12 November 2025 be confirmed as a true and accurate record.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

8. Reports of Committees

8.1 Bunbury Geographe Group of Councils Meeting Minutes

8.1.1 Bunbury Geographe Group of Councils Meeting held on 16 October 2025

Minutes of the Bunbury Geographe Group of Councils Meeting held 16 October 2025 are attached as Attachment 8.1.1(1).

Executive Recommendation:

That the Minutes from the Bunbury Geographe Group of Councils Meeting held 16 October 2025 be confirmed as a true and accurate record.

COUNCIL RESOLUTION:	219/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Tyler Hall

That the Minutes from the Bunbury Geographe Group of Councils Meeting held 16 October 2025 be confirmed as a true and accurate record.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9. Reports of Officers

9.1. Director Operations

COUNCIL RESOLUTION: 220/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council suspend clause 8.10 of the *Meeting Procedures Local Law 2017* to allow Councillors to speak more than once.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

COUNCIL RESOLUTION: 221/11-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anita Lindemann

That Council re-instate 8.10 of the *Meeting Procedures Local Law 2017*.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

Cr Purich left the Council Chamber at 5:37pm.

9.1.1. Development Application P25015 – Extractive Industry (Gravel) Lot 77 Upper Capel Road, Upper Capel

Report Details:

Prepared by: Principal Planner

Manager: Manager Development Services

Applicant: Amando Carbone (Carbone Bros Pty Ltd)

Location: Lot 77 (706) Upper Capel Road, Upper Capel

File Reference: A5439 (P25015)

Voting Requirement: Simple Majority

Attachment(s):

- 9.1.1(1) Accendo – Works and Excavation Plan (Gravel) Oct 2025 V3
- 9.1.1(2) Public submissions
- 9.1.1(3) Agency submissions.
- 9.1.1(4) Assessment under Clause 67.
- 9.1.1(5) Applicant's comment on submissions.
- 9.1.1(6) Stages 1 and 2

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 P25015 Industry-Extractive (Gravel) at Lot 77 (706) Upper Capel Road, Upper Capel subject to the following conditions and advice:

CONDITIONS:

VALIDITY

1. This approval is valid for a period of five (5) years after the date of issue of the extractive industry licence or within any extended period as determined, in writing, by the Shire.
2. This approval permits the excavation, crushing/screening, and transportation of a maximum of 10,000 m³ (16,000 tonnes) of gravel per year, with an overall maximum of 50,000 m³ (80,000 tonnes) of gravel extraction for the life of the approval.

APPROVED PLANS

3. This approval applies to Stages 1 and 2 only (refer Attachment 9.1.1(6)).
4. The layout of the site, including the location of the crusher, stockpiles, access route, and all approved works, must at all times be carried out in accordance with '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*' (Attachment 9.1.x(1))

and the conditions of this approval. The site layout and works must not be altered or modified without the prior written consent of the Shire. Where there is any inconsistency between the approved Works and Excavation Plan and the conditions of this approval, the conditions of this approval shall prevail.

DUST MANAGEMENT

5. Dust management must be undertaken in accordance with the Dust Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*'. The Dust Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.
6. A suitable supply of water for the purposes of all site management operations is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

7. Weed management must be undertaken in accordance with the Weed Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*'. The Weed Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.
8. Dieback management must be undertaken in accordance with the Dieback management measures contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*', to the satisfaction of the Shire.
9. A minimum 6m setback is to be provided between the extraction area and adjacent existing native vegetation, with the 6m setback measured from the tree crown drip line. This setback is to be clearly demarcated on the lot to ensure vehicles, extraction works, detention pond, and stockpile areas are located outside this works exclusion area to the satisfaction of the Shire

STORMWATER MANAGEMENT

10. Water Management Plan must be undertaken in accordance with the Water Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*' (Attachment 9.1.1(1)). The Water Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire..
11. 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.

12. 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. 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.
13. 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.

NOISE MANAGEMENT

14. Noise management must be undertaken in accordance with the Noise Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*' (Attachment 9.1.1(1)). The Noise Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.

ONGOING COMPLIANCE AND MONITORING

15. 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).
16. A suitable report is to be prepared and submitted to the Shire every 3 months including information relating to:
 - a. A copy of the complaints register; and
 - b. Any other information as deemed necessary by the Shire.

REHABILITATION AND PIT CLOSURE MANAGEMENT

17. Prior to the commencement of works, a Rehabilitation and Pit Closure Management Plan shall be submitted to and approved by the Shire. The plan must demonstrate (but not 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.
 - f. The applicant is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and land use.

- g. The final landform is not to contain any new waterbodies by leaving open pits and voids.
- h. Management and compliance reporting shall be included to ensure successful implementation.
- i. Demonstrate compliance with the conditions for sites under the *Shire of Donnybrook Balingup Extractive Industry Local Law 2016*.
- j. The revegetation of areas used for stockpiles.
- k. Extraction of subsequent stages may only commence if rehabilitation of the previous extraction site has substantially commenced.

Once the Shire approves the Rehabilitation and Pit Closure Management Plan, the applicant is responsible to ensure that the development is conducted at all times and in all respects in accordance with the plan.

- 18. 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.
- 19. A \$20,000 bond (cash or unconditional bank guarantee in favour of the Shire) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

OPERATING HOURS

- 20. Operating hours of the extractive works are restricted to between 7:00am to 6:00pm Monday to Friday. Operations on Saturdays are restricted to between 7:00am to 1:00pm and shall be limited to rehabilitation activities only. No operations are permitted on Sundays or Public Holidays unless otherwise agreed, in writing, by the Shire.
- 21. 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.

VEHICULAR MANAGEMENT

- 22. Prior to the commencement of works, the crossover is to be constructed for the use of the extractive industry operations. The crossover and the first 50m of the driveway inside the property is to be bitumen sealed at the applicants cost to the satisfaction of the Shire.
- 23. Prior to the commencement of works, the applicant shall, at their cost, widen and seal Upper Capel Road for a distance of 50 metres in each direction from the crossover, to the satisfaction of the Shire.

24. The cost to relocate and remove any infrastructure that may be required for the purposes of upgrade to the access and crossover, are the responsibility of the applicant.
25. Prior to the commencement of operations, the applicant shall enter into an agreement with the Shire to pay a road maintenance contribution determined in accordance with the *Western Australia Local Government Association (WALGA) document "Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks" (May 2025)*, based on the volume of gravel extracted from the site, to the satisfaction of the Shire.
26. The applicant is to install advance warning truck entering signs along Upper Capel Road to the satisfaction of the Shire.

OTHER

27. 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.
28. The maximum extraction depth shall not exceed 1.5 metres below the existing natural ground level. All excavation activities must be managed to ensure this limit is maintained across the approved extraction area.

ADVICE NOTES:

- a. Stages 3 and 4 of the proposed development are not approved. Should the applicant wish to proceed with extraction in these stages in the future, a separate development application must be submitted. The application must include submission and assessment of:
 - i. Visual Impact Assessment;
 - ii. Noise and Amenity Assessment; and
 - iii. Groundwater and environmental risk assessment.This approach ensures that potential impacts on sensitive receptors, environmental values, and the rural character of the area are appropriately managed.
- b. 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*.
- c. The applicant is advised that, under the *Aboriginal Heritage Act 1972*, they are required to protect Aboriginal heritage sites and artefacts. Should any unregistered sites, artefacts, or other cultural heritage values be discovered during ground disturbance, or if off-site impacts from the extractive industry operations may affect

nearby Aboriginal Heritage Places, the applicant must immediately cease works in the affected area and notify the Department of Planning, Lands and Heritage (DPLH) and/or other relevant authorities before any further works resume. Compliance with these obligations is mandatory and remains the responsibility of the applicant for the duration of the development.

- d. With regards to the bond, return of the bond will be measured against the works identified within the Rehabilitation and Pit Closure Management Plan as determined by the Shire.
 - e. The Department of Water and Environmental Regulation (DWER) advise:
 - i. As the proposal is likely to exceed the threshold for a prescribed premises Category 70: >5,000 but < 50,000 tonnes/year), it is likely to require a works approval/license for a Prescribed Premises under the *Environmental Protection Act 1986*. As such, the applicant 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/our-work/licences-and-works-approvals>.
 - ii. The applicant is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities.
 - iii. 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*'.
 - f. 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.
 - g. 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 gravel at Lot 77 (706) Upper Capel Road, Upper Capel 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. This Extractive Industry License is valid for a period of five (5) years from the date of issue.
3. Compliance with all approved plans and any conditions/advice contained in Development Approval P25015 at all times during the life of the extractive industry to the satisfaction of the Shire.
4. 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.
5. 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.

Executive Summary

This report seeks Council's consideration of an application for Development Approval for an Extractive Industry (Gravel) at Lot 77 (706) Upper Capel Road, Upper Capel. The proposal involves the extraction and transport of gravel material from the site, with full details and plans provided in [Attachment 9.1.1\(1\)](#).

The application was advertised to adjoining and nearby landowners within 1.5 kilometres and referred to relevant government agencies for comment. A total of twelve (12) submissions were received, one in support, five providing comment, and the remainder raising concerns primarily relating to road safety, amenity, dust, noise and environmental management.

As officers do not have delegation to determine applications that are contentious and have attracted a high level of community objection, the matter is referred to Council for determination.

Following assessment against the relevant planning framework, officers consider that the proposal can be appropriately managed through the imposition of suitable conditions. The recommended conditions and advice notes address the issues raised in submissions and are consistent with those applied to comparable extractive industry approvals.

Background

Proposal

The Shire has received a development application seeking approval to extract, screen/crush, and transport approximately 80,000m³ of gravel over a five (5) year period from Lot 77 (706) Upper Capel Road, Upper Capel. The operation is proposed to occur in four (4) stages, with an estimated maximum annual extraction of 20,000m³.

Upon completion of each stage, the applicant proposes to progressively rehabilitate the disturbed areas back to pasture to support future rural uses consistent with the existing land use and zoning.

A summary of the key components of the development application is provided below:

Application Details

Lot	Lot 77
Lot Area	60.0131 hectares
LPS7 Zoning	General Agriculture
Permissibility in the Zone	Extractive Industry is an 'A' advertised use in the General Agriculture zone
Hours of Operation	Hours of operation will be 7.00am to 6.00pm Monday to Friday. Saturday 7.00am to 1.00pm only for rehabilitation works. No work on Sundays and Public Holidays.
Total Extraction Area	Maximum of 8.15 hectares in 4 stages, refer Figure 2 below.
Proposed Extraction Activities	<ul style="list-style-type: none"> • Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out, and a 1 metre contour plan developed. • Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use. • An excavator or front-end loader will be used to excavate the gravel material. • A loader will then transfer the material into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site. • All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening. • Upon completion of excavation, the quarry will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours. • At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.
Extraction Depth	Maximum 1.5m below ground level
Extraction Length (Years)	5-years

Application Details

Rehabilitation

- Progressive rehabilitation will be undertaken as far as practicable. Rehabilitation will be undertaken upon the completion of each stage.
- Upon completion of quarrying, the following broad completion criteria will be achieved:
 - A self-sustaining cover of pasture;
 - Weed levels that are not likely to impact on the viability of the reconstructed soils; and
 - A safe and stable landform suitable for the proposed future land use which will be productive, grazing pasturelands.

Extraction Volume

20,000m³ estimated maximum annually
80,000m³ estimated total supply available.

Truck Haulage Volume

Estimated that 12 truck movements (semi-trailers) to and from the site every day during main season October – May.

Haulage Route

The property has frontage to Upper Capel Road. The proposed access to the pit will utilise the existing crossover onto Upper Capel Road, then travelling north to Goodwood Road, Emerald Street, Marmion Street and on to South Western Highway.

Location

Lot 77 is 60.0131 hectares in area and located approximately 7km south of the Donnybrook townsite within a General/Priority Agriculture zoned area that supports mainly traditional rural activities (grazing, cropping etc. some with dwellings) on the surrounding properties with some smaller 2 hectare properties used for rural lifestyle properties (300 – 500m) to the east (see image below).



Figure 1 - Lot 77 bordered in red showing surrounding land configuration

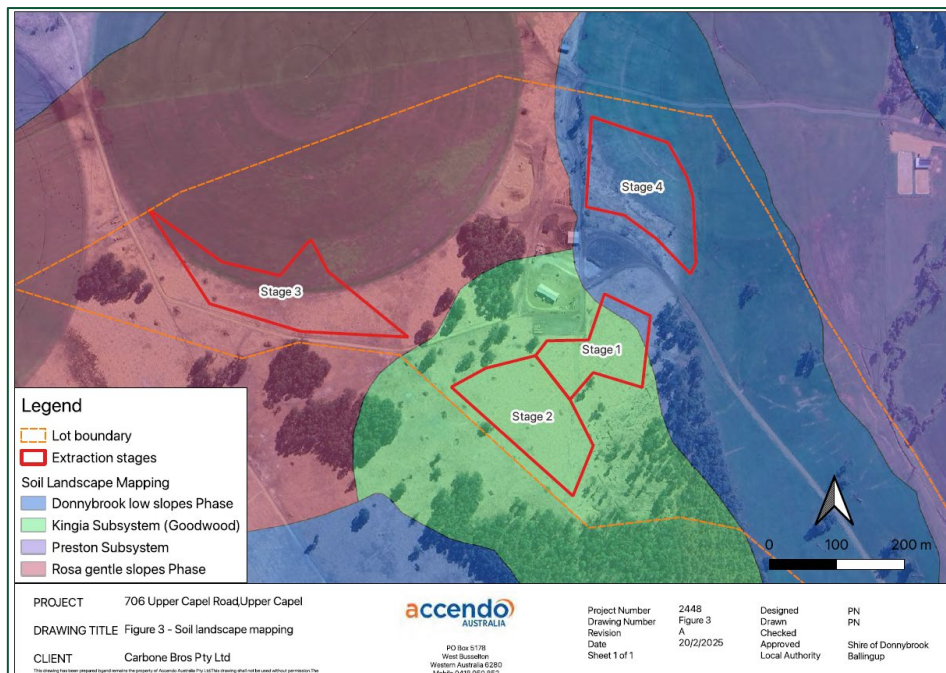


Figure 2 - Extraction areas and staging plan

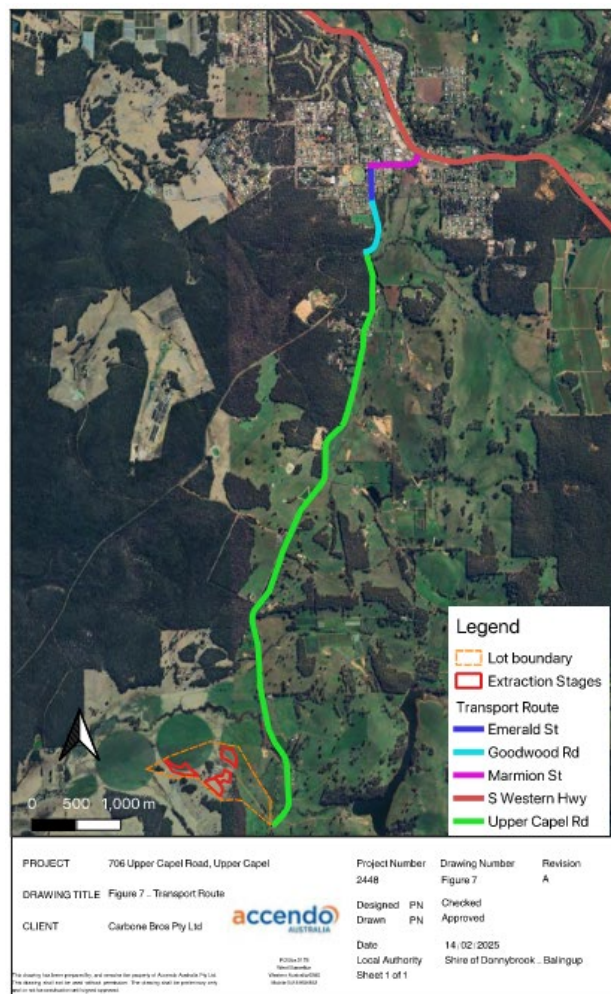


Figure 3 – Transport Route

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 traffic, noise and dust.		
Mitigation:	Officers recommend that if approval is granted conditions are imposed to mitigate land use impacts and managing potential off-site effects to acceptable levels.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
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 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).

A bond of \$20,000 is required to be paid to the Shire prior to the issue of the extractive industry licence in accordance with the *Shire of Donnybrook Balingup Extractive Industries Local Law 1998*. This bond is refundable on completion of rehabilitation of the site in accordance with an approved rehabilitation management plan. Once the extractive industry licence has been granted a licensee shall pay to the local government the annual licence fee determined by the local government from time to time.

In response to the submissions, the applicant has requested that, rather than being required to maintain the road to the Shire's satisfaction, a condition be imposed requiring payment of a road maintenance levy to the Shire. This levy would be determined in accordance with the Western Australian Local Government Association (WALGA) document, *Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks* (May 2015), based on the volume of gravel extracted from the operations. This approach provides the applicant with greater certainty regarding the expected costs.

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\(4\)](#).

The proposed extractive industry is considered compatible with the purpose and majority of the objectives for the General Agriculture zone as it would enable the gravel resource to be extracted with the land then being returned to be used for an agricultural use.

Consultation

Public Submissions

The application was advertised for public comment by way of a site notice, a notice published in the local newspaper and on the Shire's website, and direct written notification to adjoining and nearby landowners within a 1.5km radius of the lot boundaries. The advertising was undertaken over two periods, from 1 May 2025 to 22 May 2025, and 19 May 2025 to 9 June 2025.

Two separate referral periods were undertaken as it became apparent during the initial consultation that some lots within the notification area were held in multiple ownerships. To ensure all affected landowners were given the opportunity to review the proposal and provide feedback, additional notices were issued.

A total of twelve (12) submissions were received, one in support, five providing comment, and the remainder objecting to the proposal. Copies of the submissions are provided in [Attachment 9.1.1\(2\)](#).

Following receipt of the submissions, the applicant was provided with a schedule of submissions and subsequently made several modifications to the proposal. The main changes include the incorporation of bunding around the extraction area to mitigate noise and visual impacts for nearby residents. In addition, the hours of operation have been amended, and a road contribution has been proposed. Refer [Attachment 9.1.1\(1\)](#) for the revised proposal Version 3 dated October 2025, and [Attachment 9.1.1\(5\)](#) Applicant's comment on submissions.

The key issues raised in the submissions, together with officer comments in response, are summarised below.

Key issue	Officer response
1. Road Safety and Traffic Hazards <ul style="list-style-type: none">Narrow and Unsuitable Roads: Upper Capel Road is narrow, winding, steep, and structurally	The proposal has been assessed by Main Roads Western Australia (MRWA) and the Shire's Engineering Services with respect to its potential impacts on the local road network. Neither has objected to the application.

Key issue	Officer response
<p>unsuited for frequent heavy vehicle use.</p> <ul style="list-style-type: none"> • Driveway and Visibility Risks: Some residences (including one just 50m from the road) face steep crests and limited sightlines, making driveway entry/exit dangerous. • Increased Heavy Vehicle Movements: Unclear but potentially escalating truck movements (3 to 12+ per day) create noise, danger, and disruption. • School Bus and Public Safety Risks: Existing concerns for school transport; increased traffic raises unacceptable risk levels. • Tourist and Recreational Conflict: Upper Capel Road is a tourist route used by cyclists, car clubs, and motorcyclists; gravel trucks pose a safety threat. • Lack of Risk Assessment: No independent transport or road safety analysis has been provided. 	<p>The proposal is supported subject to conditions of development approval, including the following:</p> <ul style="list-style-type: none"> • Upgrading of the site entrance/driveway and parts of Upper Capel Road to the satisfaction of the Shire. • No truck movements during school bus pick-up and drop-off times. • Installation of advance warning signage along Upper Capel Road during haulage operations. • Road contribution: A condition is recommended requiring the applicant to pay a road maintenance levy, determined in accordance with the <i>Western Australia Local Government Association (WALGA) document "Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks" (May 2015)</i>, based on the volume of gravel extracted from the operations.
<p>2. Noise, Dust, and Air Quality</p> <ul style="list-style-type: none"> • Noise Pollution: Constant disturbance from machinery, crushers, alarms, and engine braking, especially near homes and sensitive training areas. • Dust Generation: High concern during summer due to prevailing easterly winds. Potential for harmful silica dust and particulate matter. • Impact on Health: Dust poses respiratory risks to residents, horses, and therapy clients. • Lack of Dust Control: No evidence of effective mitigation or environmental management. 	<p>The applicant has submitted a Noise Assessment prepared by <i>Lloyd George Acoustics Pty Ltd</i>, dated 1 October 2025, as part of the revised (Version 3) proposal.</p> <p>The assessment concludes that compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> can be achieved at all noise-sensitive receivers, provided that the recommended noise mitigation measures are implemented. These measures include:</p> <ul style="list-style-type: none"> • Construction of noise bunds using topsoil and overburden during the initial construction phase, as illustrated in <i>Figure 6-1</i>:

Key issue

Officer response



Figure 6-1: Scenario 4 – Noise Bunds To Be Constructed During 'Construction Phase'

- Bunds surrounding the future fixed crusher/screening plant, constructed atop natural ground to a minimum height of 3.5 metres AGL (as high as reasonably practicable).
- Bunds to the east and south of the extractive areas, constructed atop natural ground to a minimum height of 4.0 metres AGL.

Additional operational noise management measures are recommended within the consultants assessment.

Officers consider that the proposed noise mitigation and operational measures are appropriate and capable of managing potential impacts on surrounding land uses. Accordingly, officers recommend that the proposal be supported, subject to conditions requiring:

- Implementation of the updated Noise Management Plan contained in the 'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3' for the duration of operations.
- Implementation of the Dust Management Plan.
- Establishment of a complaints register and annual reporting mechanism to the satisfaction of the Shire.

3. Visual Amenity and Property Value

- Degraded Rural Character: Quarry operations conflict with the area's quiet, natural setting.
- Viewshed Impact: Development on elevated land will be highly visible, reducing landscape amenity.
- Devaluation of Property: Anticipated drop in property value

It is acknowledged that the proposed extractive industry may have some temporary visual impact on the landscape during its operational life (approximately five years). Upon completion, the site is proposed to be rehabilitated to pasture and rural uses, which aligns with the existing and anticipated future character of the locality.

While the objector(s) has raised concerns regarding potential devaluation of surrounding properties, it should

Key issue	Officer response
due to noise, dust, traffic, and industrial intrusion.	<p>be noted that impacts on property values are not a valid planning consideration and cannot influence the assessment of this application.</p> <p>Regarding landscape visibility, stages 1 and 2 are set further back from the road, with extractions occurring on elevated land sloping away from the frontage, and are therefore considered less visually intrusive. In contrast, stages 3 and 4 are likely to be highly visible from passing traffic, which may impact landscape amenity.</p> <p>The applicant has not provided a Visual Impact Assessment to demonstrate the effects of these later stages. Accordingly, it is recommended that approval be limited to stages 1 and 2 at this time, with further stages only considered following submission and assessment of a Visual Impact Assessment.</p>
4. Impact on Livelihoods and Local Business	<p>The concerns raised regarding the potential impact on the adjoining equine therapy business are acknowledged.</p>
<ul style="list-style-type: none"> Equine Therapy Business at Risk: <ul style="list-style-type: none"> Specialised, UK-trained dressage therapist operates a business supporting PTSD, depression, and terminal illness clients. Business relies on calm, rural setting and noise-free training environment. Quarry risks making business unviable due to disruption, danger, and declining client confidence. High-Value Livestock Transport Risk: Regular transport of elite horses increases stakes of any incident involving heavy trucks. 	<p>The business relies on a calm, rural setting for specialised dressage therapy and the transport of high-value horses.</p> <p>The subject site is located within a General Agriculture zone, and with the implementation of the Noise Management Plan, Dust Management Plan, and operational controls recommended above, the proposal is not expected to unreasonably compromise the long-term operations of the equine therapy business.</p> <p>However, while the noise assessment has addressed nearby sensitive receptors, it does not specifically consider impacts on the equine therapy business. Given the specialised nature of the business and potential for noise to disrupt training and horse handling, it is recommended that approval be limited to stages 1 and 2 at this time. Further stages should only be considered following submission and assessment of an additional noise nuisance assessment specifically addressing potential impacts on the operational equine therapy business.</p>
5. Environmental and Cumulative Impacts	<p>The proposal has been assessed by Department of Biodiversity Conservation and Attraction who have not opposed the application and provided recommendations to address the potential impacts.</p>
<ul style="list-style-type: none"> Biodiversity and Soil Health: Concern over large-scale (~80,000m²) impact on local flora, fauna, groundwater, and soil. 	

Key issue	Officer response
<ul style="list-style-type: none"> Inadequate Drainage: Existing water runoff issues may worsen; increased flooding risk to neighbouring properties. 	<p>The Department of Primary Industries and Regional Development has not raised any concerns regarding the proposed rehabilitation of the land back to pasture.</p> <p>The proposal is supported subject to standard conditions of development approval including implementation of a Water Management Plan to control stormwater and ensure the gravel extraction does not adversely affect adjoining properties.</p>
6. Compatibility and Proximity Concerns <ul style="list-style-type: none"> Proximity to Sensitive Land Uses: <ul style="list-style-type: none"> Stage 4 located within 200–300m of residences and equestrian areas. Too close to livestock, pets, and recreational areas. Incompatible Land Use: Intensive industrial activity directly conflicts with surrounding rural-residential and recreational uses. 	<p>DWER has provided technical comment on dust and noise management as originally proposed. Subsequently the applicant has submitted a Noise Assessment prepared by <i>Lloyd George Acoustics Pty Ltd</i>, dated 1 October 2025, as part of the revised (Version 3) proposal.</p> <p>The land adjoining Lot 77 is not a Reserve for Recreational Purposes and also not zoned Rural Residential. However, as previously noted, there is potential for impacts on the adjoining equine therapy business, which the applicant has not addressed. Given the specialised nature of this business and the potential for operational noise to disrupt horse training and handling, it is recommended that approval be limited to Stages 1 and 2 at this time. Any further stages should only be considered following the submission and assessment of an additional noise nuisance report specifically addressing impacts on the operational equine therapy business.</p>
7. Amenity and Lifestyle Disruption <ul style="list-style-type: none"> Loss of Liveability: Residents fear significant decline in their use and enjoyment of land (e.g., sports, recreation, animal care). Change in Community Character: Introduction of quarry changes the rural lifestyle appeal, prompting concerns about long-term sustainability of the area's land use. 	<p>The proposal is for a limited operational period of five years (with the potential for a further extension to ten years). While temporary impacts on amenity may occur during operations, the proposal is not expected to result in a long-term reduction in liveability or permanently alter the existing or future rural character of the area. Following the cessation of quarrying, the site is to be rehabilitated to pasture and rural uses, consistent with the surrounding landscape.</p>
8. Procedural and Documentation Issues <ul style="list-style-type: none"> Incorrect Landowner Consent: Application inaccurately lists landowner permissions—John Fry not authorised for all relevant lots. Incorrect Complaint Contact: Noise complaints wrongly directed to the 	<p>The application has been amended to relate solely to Lot 77 (706) Upper Capel Road, with the correct landowner consent in place.</p> <p>Other administrative issues raised, including the correct point of contact for noise complaints, have been addressed by the applicant.</p>

Key issue	Officer response
<p>City of Busselton instead of the Shire of Donnybrook–Balingup.</p> <ul style="list-style-type: none"> Lack of Disclosure at Sale: Quarry plans were likely known but not disclosed during property purchases, raising concerns of misleading conduct. 	<p>Extractive industry is a use that may be considered in the General Agriculture zone under LPS7. It is generally expected to be supported where identified resources exist.</p> <p>The procedural and documentation concerns do not affect the planning merits of the proposal.</p>
<p>9. Community Requests and Proposed Measures</p> <ul style="list-style-type: none"> Reroute truck access via Goodwood Road. Enforce working hour limitations and provide advance notice of activities. Install screening, apply dust suppression, and limit noise-generating machinery use. Conduct independent road safety and environmental assessments. Maintain road shoulders and verges regularly. 	<p>These concerns have been addressed above. The applicant is not proposing access via Goodwood Road, and the application has been assessed based on the details and information provided in the current submission.</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 Planning, Lands and Heritage, Department of Energy, Mines, Industry Regulation and Safety, Main Roads WA and Department of Water and Environmental Regulation and Public Transport Authority for comment.

All agencies responded with the Department of Biodiversity, Conservation and Attractions, Department of Energy, Mines, Industry Regulation and Safety, Department of Planning, Lands and Heritage, Main Roads WA and Public Transport Authority having no objection or comments only on the application. The Department of Primary Industries and Regional Development and Department of Water and Environmental Regulation have concerns and only support 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
<p>The Accendo Works and Excavation Plan (v2 26 February 2025) depicts the proposed extent of the extractive works. If any future native vegetation clearing is proposed, the applicant should seek advice from the Department of Water and Environmental Regulation (DWER) in relation to clearing permit requirements. If a clearing permit is</p>	<p>The Department's comments are noted and will be added as conditions/advice notes to the approval, if granted.</p>

Summary of submission	Officer response
<p>required, DBCA expects that the environmental values that are likely to be impacted by the proposed development will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER.</p> <p>The proposed extraction area is within close proximity to retained native vegetation. DBCA recommends that a 6-metre wide buffer between the extraction area and retained vegetation be located outside the tree crown drip zone, with the buffer being measured from the crown drip zone rather than the tree trunk. The vegetation buffer should consist of suitable demarcation materials to protect the retained trees and tree roots from accidental vehicle damage, soil compaction and tree root exposure.</p> <p>DBCA recommends that stockpiles are located outside the tree buffer areas to minimise potential impacts to the remnant vegetation.</p>	

Department of Primary Industries and Regional Development (DPIRD)

Summary of submission	Officer response
<ul style="list-style-type: none"> The Weed Management Plan meets the basic requirements. The plan should be implemented during both the operational and rehabilitation phases of the project. The Rehabilitation Plan satisfies the basic requirements. Groundwater contours are not marked DPIRD used interpolation to determine the contour values between groundwater bore 1 (2.16mBGL) and 2 (0.99mBGL) Applicant mentioned that any areas where 1.5m of extraction would result in less than 0.5m separation to groundwater is excluded from this application Using the interpolation to determine contour values – only stage 1 and 2 will be able to maintain a 0.5m separation to groundwater after the removal of 1.5 m Only the areas marked (orange colour) in stage 3 and 4 will be able to maintain a 0.5m separation to groundwater after the removal of 1.5m 	<p>The comments from DPIRD are noted. DPIRD has supported the Weed Management Plan and Rehabilitation Plan, which will be required to be implemented through conditions of approval.</p> <p>Following DPIRD's review of the updated groundwater information, concerns remain regarding the ability to achieve and maintain the minimum 0.5m separation to groundwater, particularly within Stages 3 and 4. Consistent with DPIRD's position, officers recommend that only Stages 1 and 2 be approved at this stage.</p>

Summary of submission	Officer response
DPIRD is only able to support the extraction of stage 1 and 2 at this stage. DPIRD recommends that the application be sent to the Department of Water and Environmental Regulation (DWER) to assess if a separation of 0.5 m to groundwater will be maintained after the removal of 1.5 m of gravel.	

Department of Planning, Lands and Heritage (DPLH)

Summary of submission	Officer response
A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal Heritage Places or Registered Sites. Therefore, based on the current information held by DPLH, no approvals under the <i>Aboriginal Heritage Act 1972</i> (AHA) are required in this instance.	The DPLH comments are noted. The proposal must always comply with the <i>Aboriginal Heritage Act 1972</i> (AHA) and the Department's advice will be included on the development approval, if granted.

DPLH also advises the applicant regularly checks ACHIS should new Aboriginal Cultural Heritage be reported within your subject area.

DPLH also advises the following:

- The granting of the development approval does not impact the Aboriginal heritage of the area;
- Given that the granting of the development approval will facilitate works the applicant (Carbone Bros Pty Ltd) needs to contact the Aboriginal Heritage Conservation Team for their own advice prior to the commencement of works;
- It should be emphasised to the applicant that the granting of the development approval does not count as approval under the *Aboriginal Heritage Act 1972* (AHA).

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

Summary of submission	Officer response
DEMIRS has determined this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	The DEMIRS comments are noted.

Main Roads WA (MRWA)

Summary of submission	Officer response
MRWA has no objection to the proposed gravel extractive activity.	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 (Category 70: more than 5,000 tonnes/year but less than 50,000 tonnes/year) under the <i>Environmental Protection Regulations 1987</i> which may require a works approval/license for a Prescribed Premises under the <i>Environmental Protection Act 1986</i> . The applicant is strongly advised to contact DWER's Industry Regulation branch regarding a works approval/license.	DWER comments/advice are detailed and supported and will be added as an advice note to the approval.
Issue 2: Groundwater and pit floor levels Additional information be provided to confirm that a 0.5m separation to the highest groundwater can be achieved. DWER advises that the highest groundwater occurs between August to early October (late winter to early spring) depending upon rainfall.	Following the review of the updated groundwater information provided by the applicant, concerns remain regarding the ability to achieve and maintain the minimum 0.5m separation to groundwater, particularly within Stages 3 and 4. Consistent with DPIRD's position, officers recommend that only Stages 1 and 2 be approved at this stage.
Issue 3: Stormwater management DWER recommend a condition be placed on the approval requiring the submitted Stormwater Management Plan be amended to be consistent with DWER's WQPN 15 ' <i>Basic Raw Materials Extraction</i> ' and approved by the Shire.	The DWER comments/advice are noted. The applicant has updated the water management plan accordingly.
Issue 4: Water supply 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 to provide details of the proposed off-site water supply and 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.	The DWER comments/advice are detailed and supported and will be added as an advice note/condition to the approval.
Issue 5: Environmental risks DWER advise the proposed extraction is to be implemented in accordance with DWER's WQPN 15 ' <i>Basic</i>	The DWER comments/advice are detailed and supported and will be

Summary of submission	Officer response
<p><i>Raw Materials Extraction'</i> where appropriate to the site situation to ensure environmental risks are appropriately mitigated.</p>	<p>added as an advice note to the approval.</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 comments and advice from DWER are noted.</p> <p>The applicant has confirmed that no disturbance to adjacent vegetation will occur and that appropriate setbacks will be maintained to protect nearby native vegetation. In addition, surface water will be directed away from vegetated areas, further reducing the potential for the spread of dieback.</p> <p>The applicant has also confirmed that the <i>Dieback Management Measures</i> are consistent with the <i>DBCA Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries</i>. The Department of Biodiversity, Conservation and Attractions (DBCA) has not raised any concerns in relation to the proposal during its assessment.</p>
<p>Issue 7: Staging Plan</p> <p>DWER recommend 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 proposal identifies four extraction stages; however, due to concerns relating to groundwater depth and other environmental factors, it is recommended that only Stages 1 and 2 be supported for extraction at this time.</p>
<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 WQPN 15 and the Guidelines for Preparing Mine Closure Plans.</p>	<p>The DWER comments/advice are detailed and supported and will be added as an advice note to the approval.</p>

Summary of submission	Officer response
<p>Issue 9: Fuel and chemical management</p> <p>DWER advise 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>. Contingencies for spills should be in accordance with WQPN 10 <i>'Contaminant spills — emergency response plan'</i>.</p>	<p>The DWER comments/advice are detailed and supported and will be added as an advice note to the approval.</p>
<p>Issue 10: Noise</p> <p>DWER's Environmental Noise Branch (ENB) has reviewed the Works and Excavation Plan (Gravel) – specifically Appendix F – Noise Management Plan (NMP) – prepared by Accendo Australia (Accendo) for the proposed gravel extraction at Lot 77 Upper Capel Road, Upper Capel.</p> <p>Accendo have stated a screening assessment has been completed in line with the Prescribed Premises Guidelines. However, the screening assessment was not included as part of the NMP for completeness or verification purposes. Furthermore, the list of noise producing equipment purported to have been used as part of the screening assessment appears incomplete. Additionally, the 300-500 metre buffer distance for sand and limestone extraction is not an appropriate screening criterion for extraction activities involving crushing and screening of laterite rock.</p> <p>Having regard to the nature of the proposed extractive industry operations, the proposed equipment to be used, and the proximity to noise sensitive premises, the proposed development should be supported by a detailed environmental noise assessment.</p> <p>Detailed environmental noise assessments should be undertaken by a competent person either holding 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.</p>	<p>Following DWER's submission, the applicant has provided a Noise Assessment (Lloyd George Acoustics, 1 October 2025, Version 3). The assessment demonstrates that compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> can be achieved at all sensitive receivers, subject to the implementation of recommended mitigation measures, and operational controls.</p> <p>Officers consider the proposed measures appropriate to manage potential noise impacts.</p> <p>While the noise assessment addresses nearby sensitive receptors, it does not specifically consider impacts on the adjoining equine therapy business. Due to the specialised nature of this business, it is recommended that approval be limited to Stages 1 and 2, with further stages only considered following an additional noise assessment addressing potential impacts on its operations.</p>

Summary of submission	Officer response
<p>Issue 12: Dust</p> <p>Gravel extraction is not listed in EPA GS3, but it specifies the following separation distances:</p> <ul style="list-style-type: none"> • 1,000m for extractive industries hard rock quarrying (including blasting), crushing and screening. • 300m to 500m, for extractive industries sand and limestone extraction, depending on size, and without grinding or milling works. <p>The applicant used a separation distance of 300m to 500m for extractive industries (sand and limestone extraction with no grinding or milling works) for the proposal assessment. However, the proposal includes crushing and screening onsite. DWER considers that this may indicate that an appropriate separation distance would be greater noting that 1,000m is the separation distance for hard rock operations that include crushing and screening.</p> <p>Additionally, DWER notes that the Aboriginal Cultural Heritage place Capel River (ID: 20061) is located 300 m away from the excavation area but was not considered in the DMP as a receptor for potential fugitive dust impacts.</p> <p>The proposed dust controls detailed in the DMP are consistent with commonly used dust controls for similar operations such as those described in the DEC 2011 dust guideline and the DWER draft <i>Guideline: Fugitive dust emissions</i>.</p> <p>DWER recommends that:</p> <ul style="list-style-type: none"> • If the development proceeds, early and ongoing engagement with the adjacent residents and Traditional Owners is included in the DMP, given that the site is located in a rural area with a small number of residences in the vicinity. This should include opening communication pathways to notify the applicant of air quality concerns throughout the life of the project. • Should dust impacts become evident, the applicant reviews dust management practices to ensure additional dust controls (and potentially dust monitoring) as per the DEC 2011 dust guideline. 	<p>The comments and advice from DWER are noted.</p> <p>The <i>Dust Management Plan</i> contained within the <i>Accendo Australia – Works and Excavation Plan (Gravel), October 2025, Version 3</i> includes appropriate measures to manage and monitor potential dust impacts. A complaints register is included to provide communication pathways for nearby residents and stakeholders to notify the applicant of any air quality concerns throughout the life of the project. Contingency and corrective actions are also addressed within the Plan.</p> <p>As this approval relates only to Stages 1 and 2, the separation distance to the Capel River (Aboriginal Cultural Heritage Place ID: 20061) is greater than 500 metres. Given this distance, it is not expected that there will be any dust impacts on the River.</p>

Summary of submission	Officer response
<ul style="list-style-type: none"> The Aboriginal Cultural Heritage place Capel River (ID: 20061) to be considered a sensitive receptor. 	

Public Transport Authority (PTA)

Summary of submission	Officer response
PTA has no objections to the proposal.	The PTA comments are noted.

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:

1. Traffic and Road Impacts

The proposal has been assessed by Main Roads Western Australia (MRWA) and the Shire's Engineering Services with respect to traffic and road impacts. Conditions of approval are recommended, including:

- Restricting truck movements during school bus times;
- Installing advance warning signage; and
- The crossover and the first 50 metres of the driveway inside the property are to be bitumen sealed at the applicant's cost, to the satisfaction of the Shire.
- The applicant shall, at their cost, widen and seal Upper Capel Road for a distance of 50 metres in each direction from the crossover, to the satisfaction of the Shire.
- The applicant shall enter into an agreement with the Shire to pay a road maintenance contribution, determined in accordance with the Western Australian Local Government Association (WALGA) document *"Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks"* (May 2015), based on the volume of gravel extracted from the site, to the satisfaction of the Shire.

All loading, unloading, manoeuvring, and parking of vehicles will occur within the property boundaries.

2. Noise and Dust

A Noise Assessment prepared by Lloyd George Acoustics (1 October 2025, Version 3) demonstrates that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997*, provided mitigation measures, and operational controls are implemented.

Officers recommend conditions requiring ongoing implementation of:

- A Noise Management Plan;
- A Dust Management Plan;
- A complaints register; and
- Annual reporting.

While the assessment addresses nearby sensitive receptors, it does not specifically consider noise nuisance from extractive industry operations and other amenity impacts on the adjoining equine therapy business. Accordingly, approval is recommended to be limited to Stages 1 and 2, with further stages subject to an additional noise and amenity assessment under a separate development application process.

3. Visual Amenity

Temporary visual impacts are expected during operations, but the site will be rehabilitated to pasture and rural uses post-extraction, consistent with the rural character of the area.

- Stages 1 and 2 are less visible from the road;
- Stages 3 and 4 will be highly visible and adversely impact landscape amenity.

Approval is therefore limited to Stages 1 and 2 until a Visual Impact Assessment is provided.

4. Groundwater Depth and Environmental Management

Concerns remain regarding the ability to achieve and maintain the minimum 0.5 m separation to groundwater within Stages 3 and 4.

- DPIRD supports the Weed Management Plan and Rehabilitation Plan, which will be required through conditions of approval, but remains concerned about groundwater separation in later stages.
- DWER has expressed similar concerns regarding groundwater depth.

Given these issues, officers recommend approval be limited to Stages 1 and 2. The development will also be subject to conditions addressing dust and noise mitigation, ensuring environmental and human health risks are appropriately managed. The applicant has provided management practices for weeds, water, rehabilitation, and dieback, of which some will require refinement prior to implementation, and conditions have been recommended to ensure ongoing protection of the natural environment. No clearing of native vegetation is required, and existing vegetation will be retained and protected, with a 6-metre setback from the crown drip line of existing vegetation as recommended by DBCA.

6. Zoning and Land Use Compatibility

The site is located within the General Agriculture zone, and Stages 1 and 2 of the proposal are considered compatible with the zoning. The limited duration of extraction, combined with rehabilitation to pasture, ensures that the rural landscape and visual amenity are maintained.

Concerns regarding Stages 3 and 4 include potential impacts on visual amenity, groundwater, and the adjoining equine therapy business. Further information would be required to demonstrate that Stages 3 and 4 are compatible with the General Agricultural zoning.

7. Social and Operational Impacts

Some objections were received from neighbouring landowners; however, approval limited to Stages 1 and 2 can be effectively managed through operational management practices, including dust and noise controls. The development is not expected to generate significant adverse social impacts.

8. Summary Recommendation

- Approval is recommended to be limited to Stages 1 and 2 at this time.

- Further stages (3 and 4) should only be considered following submission and assessment of:
 - Visual Impact Assessment;
 - Noise and Amenity Assessment; and
 - Groundwater and environmental risk assessment.

This approach ensures that potential impacts on sensitive receptors, environmental values, and the rural character of the area are appropriately managed.

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 advice from relevant government agencies and Shire service divisions, against key considerations such as traffic and road impacts, noise and dust management (including potential effects on the adjoining equine therapy business), visual amenity, groundwater and environmental management, zoning and land use compatibility, and social and operational impacts. On balance, Stages 1 and 2 are considered suitable for approval, subject to conditions addressing dust, noise, traffic, rehabilitation, and environmental protection, while Stages 3 and 4 require further assessment of groundwater, visual, and amenity impacts before approval can be considered.

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 (LPS7).

- Stages 1 and 2 of the proposal complies with the objectives of the General Agriculture zone and is considered compatible with surrounding developments and the rural character of the locality.
- Matters raised during the advertising period, including potential impacts on the adjoining equine therapy business, visual amenity, groundwater, dust, and noise, have been appropriately addressed and can be managed by conditions.

Further stages (3 and 4) may be considered following submission and assessment of additional visual, noise/amenity, and groundwater/environmental risk information.

Overall, staff conclude that the proposal can be effectively managed through reasonable and achievable conditions, ensuring the development operates safely, sustainably, and compatibly with the surrounding rural environment.

MOVED BY:	Cr Grant Patrick	SECONDED BY:	Cr Anita Lindemann
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That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25015 Industry-Extractive (Gravel) at Lot 77 (706) Upper Capel Road, Upper Capel subject to the following conditions and advice:

CONDITIONS:

VALIDITY

1. This approval is valid for a period of five (5) years after the date of issue of the extractive industry licence or within any extended period as determined, in writing, by the Shire.
2. This approval permits the excavation, crushing/screening, and transportation of a maximum of 10,000 m³ (16,000 tonnes) of gravel per year, with an overall maximum of 50,000 m³ (80,000 tonnes) of gravel extraction for the life of the approval.

APPROVED PLANS

3. This approval applies to Stages 1 and 2 only (refer Attachment 9.1.1(6)).
4. The layout of the site, including the location of the crusher, stockpiles, access route, and all approved works, must at all times be carried out in accordance with '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*' (Attachment 9.1.x(1)) and the conditions of this approval. The site layout and works must not be altered or modified without the prior written consent of the Shire. Where there is any inconsistency between the approved Works and Excavation Plan and the conditions of this approval, the conditions of this approval shall prevail.

DUST MANAGEMENT

5. Dust management must be undertaken in accordance with the Dust Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3*'. The Dust Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.
6. A suitable supply of water for the purposes of all site management operations is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

7. Weed management must be undertaken in accordance with the Weed Management Plan contained in the '*Accendo Australia – Works and Excavation Plan (Gravel) Oct*

2025 V3'. The Weed Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.

8. Dieback management must be undertaken in accordance with the Dieback management measures contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'*, to the satisfaction of the Shire.
9. A minimum 6m setback is to be provided between the extraction area and adjacent existing native vegetation, with the 6m setback measured from the tree crown drip line. This setback is to be clearly demarcated on the lot to ensure vehicles, extraction works, detention pond, and stockpile areas are located outside this works exclusion area to the satisfaction of the Shire

STORMWATER MANAGEMENT

10. Water Management Plan must be undertaken in accordance with the Water Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'* (Attachment 9.1.1(1)). **The Water Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire..**
11. 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.
12. 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. 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.
13. 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.

NOISE MANAGEMENT

14. Noise management must be undertaken in accordance with the Noise Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'* (Attachment 9.1.1(1)). **The Noise Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.**

ONGOING COMPLIANCE AND MONITORING

15. 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).
16. A suitable report is to be prepared and submitted to the Shire every 3 months including information relating to:
 - a. A copy of the complaints register; and
 - b. Any other information as deemed necessary by the Shire.

REHABILITATION AND PIT CLOSURE MANAGEMENT

17. Prior to the commencement of works, a Rehabilitation and Pit Closure Management Plan shall be submitted to and approved by the Shire. The plan must demonstrate (but not 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.
 - f. The applicant is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and land use.
 - g. The final landform is not to contain any new waterbodies by leaving open pits and voids.
 - h. Management and compliance reporting shall be included to ensure successful implementation.
 - i. Demonstrate compliance with the conditions for sites under the *Shire of Donnybrook Balingup Extractive Industry Local Law 2016*.
 - j. The revegetation of areas used for stockpiles.
 - k. Extraction of subsequent stages may only commence if rehabilitation of the previous extraction site has substantially commenced.

Once the Shire approves the Rehabilitation and Pit Closure Management Plan, the applicant is responsible to ensure that the development is conducted at all times and in all respects in accordance with the plan.
18. 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.

19. A \$20,000 bond (cash or unconditional bank guarantee in favour of the Shire) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

OPERATING HOURS

20. Operating hours of the extractive works are restricted to between 7:00am to 6:00pm Monday to Friday. Operations on Saturdays are restricted to between 7:00am to 1:00pm and shall be limited to rehabilitation activities only. No operations are permitted on Sundays or Public Holidays unless otherwise agreed, in writing, by the Shire.
21. 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.

VEHICULAR MANAGEMENT

22. Prior to the commencement of works, the crossover is to be constructed for the use of the extractive industry operations. The crossover and the first 50m of the driveway inside the property is to be bitumen sealed at the applicants cost to the satisfaction of the Shire.
23. Prior to the commencement of works, the applicant shall, at their cost, widen and seal Upper Capel Road for a distance of 50 metres in each direction from the crossover, to the satisfaction of the Shire.
24. The cost to relocate and remove any infrastructure that may be required for the purposes of upgrade to the access and crossover, are the responsibility of the applicant.
25. Prior to the commencement of operations, the applicant shall enter into an agreement with the Shire to pay a road maintenance contribution determined in accordance with the *Western Australia Local Government Association (WALGA) document "Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks" (May 2025)*, based on the volume of gravel extracted from the site, to the satisfaction of the Shire.
26. The applicant is to install advance warning truck entering signs along Upper Capel Road to the satisfaction of the Shire.

OTHER

27. 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.

28. The maximum extraction depth shall not exceed 1.5 metres below the existing natural ground level. All excavation activities must be managed to ensure this limit is maintained across the approved extraction area.

ADVICE NOTES:

- a. Stages 3 and 4 of the proposed development are not approved. Should the applicant wish to proceed with extraction in these stages in the future, a separate development application must be submitted. The application must include submission and assessment of:
 - i. Visual Impact Assessment;
 - ii. Noise and Amenity Assessment; and
 - iii. Groundwater and environmental risk assessment.

This approach ensures that potential impacts on sensitive receptors, environmental values, and the rural character of the area are appropriately managed.
- b. 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*.
- c. The applicant is advised that, under the *Aboriginal Heritage Act 1972*, they are required to protect Aboriginal heritage sites and artefacts. Should any unregistered sites, artefacts, or other cultural heritage values be discovered during ground disturbance, or if off-site impacts from the extractive industry operations may affect nearby Aboriginal Heritage Places, the applicant must immediately cease works in the affected area and notify the Department of Planning, Lands and Heritage (DPLH) and/or other relevant authorities before any further works resume. Compliance with these obligations is mandatory and remains the responsibility of the applicant for the duration of the development.
- d. With regards to the bond, return of the bond will be measured against the works identified within the Rehabilitation and Pit Closure Management Plan as determined by the Shire.
- e. The Department of Water and Environmental Regulation (DWER) advise:
 - i. As the proposal is likely to exceed the threshold for a prescribed premises Category 70: >5,000 but < 50,000 tonnes/year), it is likely to require a works approval/license for a Prescribed Premises under the *Environmental Protection Act 1986*. As such, the applicant 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/our-work/licences-and-works-approvals>.

- ii. The applicant is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities.
 - iii. 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*'.
- f. 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.
- g. 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 gravel at Lot 77 (706) Upper Capel Road, Upper Capel 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. This Extractive Industry License is valid for a period of five (5) years from the date of issue.
 - 3. Compliance with all approved plans and any conditions/advice contained in Development Approval P25015 at all times during the life of the extractive industry to the satisfaction of the Shire.
 - 4. 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.
 - 5. 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.

Cr Lindemann raised the following amendment.

MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Alexis Davy
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Change condition 20 of the motion to reflect the following:

Operating hours of the works are restricted to between 7:00am to 6:00pm Monday to Friday. No operations are permitted on Saturdays, Sundays or Public Holidays unless otherwise agreed, in writing, by the Shire.

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

Substantive motion, including the amendment above as condition 20

COUNCIL RESOLUTION:		222/11-25	
MOVED BY:	Cr Grant Patrick	SECONDED BY:	Cr Anita Lindemann

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 P25015 Industry-Extractive (Gravel) at Lot 77 (706) Upper Capel Road, Upper Capel subject to the following conditions and advice:

CONDITIONS:

VALIDITY

1. This approval is valid for a period of five (5) years after the date of issue of the extractive industry licence or within any extended period as determined, in writing, by the Shire.
2. This approval permits the excavation, crushing/screening, and transportation of a maximum of 10,000 m³ (16,000 tonnes) of gravel per year, with an overall maximum of 50,000 m³ (80,000 tonnes) of gravel extraction for the life of the approval.

APPROVED PLANS

3. This approval applies to Stages 1 and 2 only (refer Attachment 9.1.1(6)).

4. The layout of the site, including the location of the crusher, stockpiles, access route, and all approved works, must at all times be carried out in accordance with *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'* (Attachment 9.1.x(1)) and the conditions of this approval. The site layout and works must not be altered or modified without the prior written consent of the Shire. Where there is any inconsistency between the approved Works and Excavation Plan and the conditions of this approval, the conditions of this approval shall prevail.

DUST MANAGEMENT

5. Dust management must be undertaken in accordance with the Dust Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'*. The Dust Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.
6. A suitable supply of water for the purposes of all site management operations is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

7. Weed management must be undertaken in accordance with the Weed Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'*. The Weed Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.
8. Dieback management must be undertaken in accordance with the Dieback management measures contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'*, to the satisfaction of the Shire.
9. A minimum 6m setback is to be provided between the extraction area and adjacent existing native vegetation, with the 6m setback measured from the tree crown drip line. This setback is to be clearly demarcated on the lot to ensure vehicles, extraction works, detention pond, and stockpile areas are located outside this works exclusion area to the satisfaction of the Shire

STORMWATER MANAGEMENT

10. Water Management Plan must be undertaken in accordance with the Water Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'* (Attachment 9.1.1(1)). The Water Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire..
11. 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.

12. 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. 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.
13. 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.

NOISE MANAGEMENT

14. Noise management must be undertaken in accordance with the Noise Management Plan contained in the *'Accendo Australia – Works and Excavation Plan (Gravel) Oct 2025 V3'* (Attachment 9.1.1(1)). The Noise Management Plan must be implemented and complied with at all times for the duration of this approval, to the satisfaction of the Shire.

ONGOING COMPLIANCE AND MONITORING

15. 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).
16. A suitable report is to be prepared and submitted to the Shire every 3 months including information relating to:
 - a. A copy of the complaints register; and
 - b. Any other information as deemed necessary by the Shire.

REHABILITATION AND PIT CLOSURE MANAGEMENT

17. Prior to the commencement of works, a Rehabilitation and Pit Closure Management Plan shall be submitted to and approved by the Shire. The plan must demonstrate (but not 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.

- f. The applicant is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and land use.
- g. The final landform is not to contain any new waterbodies by leaving open pits and voids.
- h. Management and compliance reporting shall be included to ensure successful implementation.
- i. Demonstrate compliance with the conditions for sites under the *Shire of Donnybrook Balingup Extractive Industry Local Law 2016*.
- j. The revegetation of areas used for stockpiles.
- k. Extraction of subsequent stages may only commence if rehabilitation of the previous extraction site has substantially commenced.

Once the Shire approves the Rehabilitation and Pit Closure Management Plan, the applicant is responsible to ensure that the development is conducted at all times and in all respects in accordance with the plan.

- 18. 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.
- 19. A \$20,000 bond (cash or unconditional bank guarantee in favour of the Shire) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

OPERATING HOURS

- 20. Operating hours of the works are restricted to between 7:00am to 6:00pm Monday to Friday. No operations are permitted on Saturdays, Sundays or Public Holidays unless otherwise agreed, in writing, by the Shire.
- 21. 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.

VEHICULAR MANAGEMENT

- 22. Prior to the commencement of works, the crossover is to be constructed for the use of the extractive industry operations. The crossover and the first 50m of the driveway inside the property is to be bitumen sealed at the applicants cost to the satisfaction of the Shire.
- 23. Prior to the commencement of works, the applicant shall, at their cost, widen and seal Upper Capel Road for a distance of 50 metres in each direction from the crossover, to the satisfaction of the Shire.

24. The cost to relocate and remove any infrastructure that may be required for the purposes of upgrade to the access and crossover, are the responsibility of the applicant.
25. Prior to the commencement of operations, the applicant shall enter into an agreement with the Shire to pay a road maintenance contribution determined in accordance with the *Western Australia Local Government Association (WALGA) document "Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks" (May 2025)*, based on the volume of gravel extracted from the site, to the satisfaction of the Shire.
26. The applicant is to install advance warning truck entering signs along Upper Capel Road to the satisfaction of the Shire.

OTHER

27. 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.
28. The maximum extraction depth shall not exceed 1.5 metres below the existing natural ground level. All excavation activities must be managed to ensure this limit is maintained across the approved extraction area.

ADVICE NOTES:

- d. Stages 3 and 4 of the proposed development are not approved. Should the applicant wish to proceed with extraction in these stages in the future, a separate development application must be submitted. The application must include submission and assessment of:
 - i. Visual Impact Assessment;
 - ii. Noise and Amenity Assessment; and
 - iii. Groundwater and environmental risk assessment.This approach ensures that potential impacts on sensitive receptors, environmental values, and the rural character of the area are appropriately managed.
- e. 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*.
- f. The applicant is advised that, under the *Aboriginal Heritage Act 1972*, they are required to protect Aboriginal heritage sites and artefacts. Should any unregistered sites, artefacts, or other cultural heritage values be discovered during ground

disturbance, or if off-site impacts from the extractive industry operations may affect nearby Aboriginal Heritage Places, the applicant must immediately cease works in the affected area and notify the Department of Planning, Lands and Heritage (DPLH) and/or other relevant authorities before any further works resume. Compliance with these obligations is mandatory and remains the responsibility of the applicant for the duration of the development.

- d. With regards to the bond, return of the bond will be measured against the works identified within the Rehabilitation and Pit Closure Management Plan as determined by the Shire.
 - e. The Department of Water and Environmental Regulation (DWER) advise:
 - i. As the proposal is likely to exceed the threshold for a prescribed premises Category 70: >5,000 but < 50,000 tonnes/year), it is likely to require a works approval/license for a Prescribed Premises under the *Environmental Protection Act 1986*. As such, the applicant 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/our-work/licences-and-works-approvals>.
 - ii. The applicant is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities.
 - iii. 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*'.
 - f. 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.
 - g. 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 gravel at Lot 77 (706) Upper Capel Road, Upper Capel 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. This Extractive Industry License is valid for a period of five (5) years from the date of issue.
3. Compliance with all approved plans and any conditions/advice contained in Development Approval P25015 at all times during the life of the extractive industry to the satisfaction of the Shire.
4. 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.
5. 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.

For: Cr Bailey, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Patrick
Against: Cr Hall
Carried: 5/1

Cr Purich re-entered the Council Chamber at 6:05pm.

COUNCIL RESOLUTION: 223/11-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr John Bailey

C. That Council requests the Chief Executive Officer to engage a suitably qualified planning consultant to prepare a policy for the consideration of bond amounts for the rehabilitation of extractive industries within the Shire of Donnybrook Balingup and approve unbudgeted expenditure of \$10,000 to be funded from the 2024/25 surplus.

For: Cr Bailey, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Cr Hall
Carried: 6/1 by absolute majority vote

Cr Purich left the Chamber at 6:07pm.

9.1.2. Development Application P25035 – Extractive Industry (Sand) Lot 10 Donnybrook Boyup-Brook, Yabberup

Report Details:

Prepared by: Principal Planner

Manager: Manager Development Services

Applicant: Edward Stroud (Westwall Holdings)

Location: Lot 10 Donnybrook Boyup-Brook, Yabberup

File Reference: A4781 (P25035)

Voting Requirement: Simple Majority

Attachment(s):

- 9.1.2 (1) Environmental Management Plan Rev 0.6.
- 9.1.2 (2) Development Approval P22022 - gravel extraction
- 9.1.2 (3) Weed Management Plan.
- 9.1.2 (4) Water Management Plan.
- 9.1.2 (5) Noise Management Plan.
- 9.1.2 (6) Dust Management Plan.
- 9.1.2 (7) Pit Rehabilitation and Maintenance Management Plan.
- 9.1.2 (8) Dieback Brochure.
- 9.1.2 (9) Visual Impact Assessment.
- 9.1.2 (10) Agronomist Report.
- 9.1.2 (11) Complaint Register.
- 9.1.2 (12) Public Submissions.
- 9.1.2 (13) Agency Submissions.
- 9.1.2 (14) Assessment under Clause 67.

Executive Recommendation

That Council:

- A.** Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25035 Industry-Extractive (Sand) at Lot 10 Donnybrook Boyup Brook, Yabberup subject to the following conditions and advice:

CONDITIONS

VALIDITY

1. This approval is valid for a period of five (5) years after the date of issue of the extractive industry licence or within any extended period as determined, in writing, by the Shire.

2. This approval allows the excavation, screening and transportation of a maximum 18,000 tonnes of sand annually with an overall total of 88,000 tonnes of sand extraction permitted over five (5) years.

APPROVED PLANS

3. The layout of the site and location of the works permitted must always accord with 'Environmental Management Plan Rev 0.6' (Attachment 9.1.2(1)) and/or conditions of approval and must not be altered or modified without the further written consent of the Shire. If any inconsistency between the application documentation and the conditions then the conditions of this approval would prevail.

DUST MANAGEMENT

4. Dust Management is to be undertaken in accordance with the approved Dust Management Plan (Attachment 9.1.2(6)). The plan will form part of this approval and must be complied with at all times for the life of this approval.
5. A suitable supply of water for the purposes of all site management operations is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

6. Weed management is to be undertaken in accordance with the approved Weed Management Plan (Attachment 9.1.2(3)). The plan will form part of this approval and must be complied with at all times for the life of this approval.
7. Dieback measures to reduce the spread of dieback into adjoining properties are to be undertaken in accordance with part 5.8 of the 'Environmental Management Plan Rev 0.6' (Attachment 9.1.2(1)), and the Dieback Brochure (Attachment 9.1.2(8)) to the satisfaction of the Shire.

STORMWATER MANAGEMENT

8. All stormwater from the proposed development including hardstand areas shall be managed by the landowner in perpetuity, in accordance with the *Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017* and the approved Water Management Plan (Attachment 9.1.2(4)) to the satisfaction of the Shire. The plan will form part of this approval and must be complied with at all times for the life of this approval.
9. 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.
10. Extraction works (sand) are not to exceed a depth of 1.5 m below the existing natural ground level unless otherwise approved, in writing, by the Shire in consultation with the Department of Water and Environmental Regulation.

11. 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. 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.
12. 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.

NOISE MANAGEMENT

13. The Noise Management Plan (Attachment 9.1.2(5)) must be amended to either:
 - i. Confirm that all mitigation measures outlined in HSA's 2023 report will be implemented in full; or
 - ii. Provide updated noise modelling demonstrating that the proposed noise control measures will achieve compliance with the *Environmental Protection (Noise) Regulations 1997* at all neighbouring sensitive premises.

Once the Noise Management Plan is approved by the Shire the plan will form part of this approval and must be implemented and complied with at all times for the life of the approval.

ONGOING COMPLIANCE AND MONITORING

14. 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).
15. A suitable report is to be prepared and submitted to the Shire every 3 months including information relating to:
 - a. A copy of the complaints register; and
 - b. Any other information as deemed necessary by the Shire.

REHABILITATION AND PIT CLOSURE MANAGEMENT

16. Pit Rehabilitation and Closure Management Plan is to be undertaken in accordance with the approved Pit Rehabilitation and Closure Management Plan (Attachment 9.1.4(7)). The plan will form part of this approval and must be complied with at all times for the life of this approval.
17. Pit closure works, and rehabilitation of the entire site is to be completed within two (2) years of the end of extraction works unless the applicant proceed extraction of gravel under a valid development approval.

OPERATING HOURS

18. Operating hours of the extractive works are restricted to between 8:00am to 5:00pm Monday to Friday (excluding Public Holidays) unless otherwise agrees, in writing, by the Shire.

19. 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.

VEHICULAR MANAGEMENT

20. The intersection of the unnamed road onto Donnybrook Boyup-Brook Road is to be maintained at the applicant's costs to the satisfaction of the Shire for the life of this approval.
21. Prior to the commencement of works, the applicant is to install advance warning truck entering signs along Donnybrook Boyup-Brook Road to the satisfaction of the Shire.

OTHER

22. 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.
23. Unless a bond of \$20,000 has already been received for this land parcel under an existing Extractive Industry approval, a \$20,000 bond (cash or unconditional bank guarantee in favour of the Shire) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

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. The proposed operations are categorized as a Prescribed Premises, as per Schedule 1 of the *Environmental Protection Regulations 1987 (EP Regulations)*. The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals>. The applicant will need to contact the Department of Water and Environmental Regulation (DWER) at info@dwer.wa.gov.au or (08) 6364 7000 regarding requirements.
- c. The applicant is advised that, under the *Aboriginal Heritage Act 1972*, they are required to protect Aboriginal heritage sites and artefacts. Should any unregistered sites, artefacts, or other cultural heritage values be discovered during ground disturbance, or if off-site impacts from the extractive industry operations may affect nearby Aboriginal Heritage Places, the applicant must immediately cease works in the affected area and notify the Department of Planning, Lands and Heritage (DPLH) and/or other relevant authorities before any further works resume. Compliance with

these obligations is mandatory and remains the responsibility of the applicant for the duration of the development.

- d. 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’*.
- e. 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.
- f. 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.
- g. 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 sand at Lot 10 Donnybrook Boyup Brook Road, Yabberup 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. This Extractive Industry License is valid for a period of five (5) years from the date of issue.
 - 3. Compliance with all approved plans and any conditions/advice contained in Development Approval P25035 at all times during the life of the extractive industry to the satisfaction of the Shire.
 - 4. 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.
 - 5. 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.

Executive Summary

This report seeks Council's consideration of an application for development approval for an extractive industry (sand) at Lot 10 Donnybrook–Boyup Brook Road, Yabberup. Council (the Commissioner) previously approved Development Application P22022 on 30 August 2023 for gravel extraction on the same lot. Subsequent investigations identified the presence of sand within the approved extraction footprint. The current proposal seeks approval to extract sand in addition to the already approved gravel, as detailed in [Attachment 9.1.2\(1\)](#).

The application was advertised to adjoining and nearby landowners and referred to relevant government agencies for comment. A total of ten (10) objections and one (1) submission of support were received.

Following assessment against the relevant planning framework, officers consider that the proposal can be appropriately managed through the application of suitable conditions and advice notes. These conditions are consistent with those imposed on similar extractive industry approvals and align with the requirements applied to the existing gravel extraction approval on Lot 10. Accordingly, it is recommended that Council grant development approval for the proposed extractive industry (sand), subject to the conditions and advice outlined in this report.

Background

Proposal

The Shire has received a development application (P25035) seeking approval to extract, screen, and transport approximately 88,000 tonnes of sand over a five-year period from Lot 10 Donnybrook–Boyup Brook Road, Yabberup. The proposed operation will occur within 4.4 hectares, staged across three areas (Stages 1, 3a, and 5a) of the previously approved six-stage gravel extraction site (P22022), refer [Attachment 9.1.2\(2\)](#) for the approval conditions.

No concurrent extraction of sand and gravel will take place. Within each stage, sand will be extracted and stockpiled first, followed by gravel extraction once sand removal is complete. After completion of gravel extraction, the land will be progressively rehabilitated to irrigated pasture to support sheep farming.

The current proposal is therefore confined to the same extraction footprint as the previously approved gravel extraction. The table below provides a summary comparison of the sand extraction proposal (P25035) against the approved gravel extraction (P22022).

	Proposed sand extraction P25035	Approved gravel extraction P22022
Tonnage	88,000 tonnes over 5 years (approx. 18,000 tonnes per year)	228,600 tonnes over 5 years (approx. 45,720 tonnes per year)
Hours of Operation	Not specified. If approved, the same operating hours as P22022 will apply: <ul style="list-style-type: none"> • 8:00am–5:00pm Monday to Friday (excluding Public Holidays), unless otherwise agreed in writing by the Shire. • No truck movements during school bus hours (7:30–8:40am and 3:20–4:20pm on school days). 	8:00am–5:00pm Monday to Friday (excluding Public Holidays), unless otherwise agreed in writing by the Shire. No truck movements during school bus hours (7:30–8:40am and 3:20–4:20pm on school days).
Total Extraction Area	4.7 hectares in 3 stages (refer Figure 1)	12.7 hectares in 6 stages (refer Figure 2)
Extraction Depth	Up to 1.5 metres below natural ground level. The yellow sand that will be extracted is greater than 80cm deep.	Up to 1 metre below natural ground level.
Extraction Duration	5-years	5-years
Truck Movements	Estimated average of 2 truck movements (semi-trailers) per day, up to a maximum of 10 per day depending on demand.	Estimated average of 13 truck movements (semi-trailers) per day.
Extraction Methodology	<ul style="list-style-type: none"> • Vine plantation to be cleared progressively by stage, limiting disturbance to active areas only. • Topsoil to be stripped and stockpiled separately (max height 3m, width 18m, batters 1:3). • Material excavated using a front-end loader, optionally screened and stockpiled (max 3m height, batter 1:3). • Product stockpiles to function as visual and noise buffers. • The ground level is to be lowered by approximately 1 m after rehabilitation. The rehabilitated soil profile, totaling 1 m depth (10,000 m³ per hectare), will comprise 20 cm of topsoil from the extraction area placed back on top, overlying an 80 cm layer of yellow 	<ul style="list-style-type: none"> • Vine plantation to be cleared progressively by stage. • Topsoil to be stripped and stockpiled (max height 3m, width 18m, batters 1:3). • Bulldozer to rip and blade material to stockpile, processed through a mobile crushing and screening plant operating 3–4 weeks per year. • Product stockpiles up to 5m high and 28m wide (batters 1:3). • Stockpiles to act as noise buffers; crusher and stockpile positions identified for each stage. • Ground level reduced by approx. 1m. • One stage (up to 2ha) open at a time, with progressive rehabilitation to pasture. • 20m boundary buffer maintained. • Batters of 1:6 to be maintained. • Dust, noise, rehabilitation, and

Proposed sand extraction P25035
sand left in situ. Refer to Section 3.1
of the Agronomist report.

- Only one stage (up to 2ha) to be open at a time, with progressive rehabilitation to pasture prior to winter.
- 20m lot boundary buffer maintained.
- Batters of 1:3 to be maintained.
- Rehabilitation and stormwater management to be implemented.
- Dust and noise mitigation measures to apply.

Approved gravel extraction P22022
stormwater management measures as
per approved management plans.



Surrounding land is predominantly used for rural purposes, including viticulture and general agriculture, with many of the lots north of Donnybrook–Boyup Brook Road containing single dwellings.

The subject lot is zoned Priority Agriculture under the Shire of Donnybrook–Balingup Local Planning Scheme No. 7 (LPS7). Access to the proposed development will be via an existing road connecting the site to Donnybrook–Boyup Brook Road. This access route is the same as that approved for the extractive industry (gravel) on Lot 10 under Development Approval P22022 in August 2023.

The blue line in Figure 3 below illustrates the proposed access route.

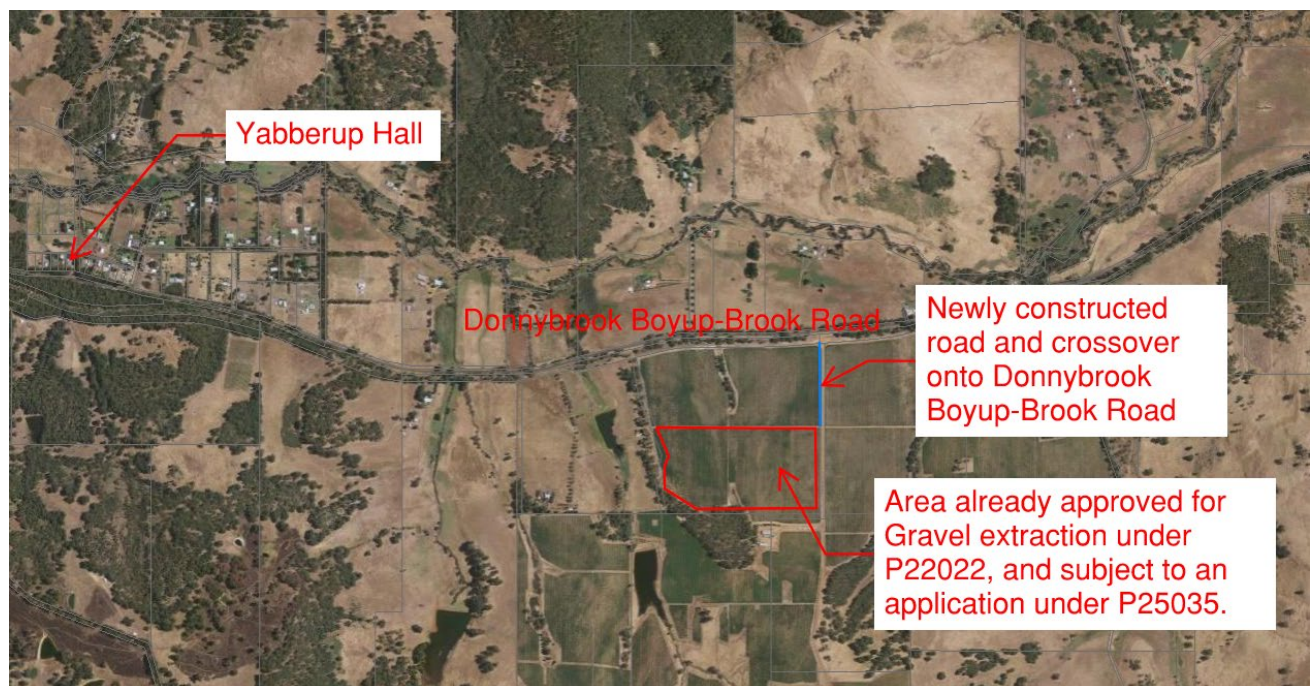


Figure 3 – Location Plan

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 traffic, noise and dust.		
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	Insignificant	Low (3)
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

A bond/bank guarantee of \$20,000 has already been imposed as a condition of the approved gravel extraction application (P22022). This bond is refundable upon completion of rehabilitation in accordance with an approved Rehabilitation Management Plan.

As the sand extraction is proposed to occur prior to gravel removal, the existing bond/bank guarantee is considered sufficient, and no additional bond is required for the sand extraction.

Following the granting of the Extractive Industry Licence, the licensee will be required to pay the annual licence fee, as determined in the adoption of the annual fees and charges.

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 provisions of the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7), as well as Schedule 2, Part 9, Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is provided in [Attachment 9.1.2\(14\)](#).

The extractive industry land use has previously been considered and approved on part of Lot 10 under Development Approval P22022, which was approved by Council (the Commissioner) under Resolution 106/23, based on the conclusion that matters raised during the referral period could be reasonably managed through conditions of approval.

The assessment of this proposal focuses on the likely additional impacts of extracting sand within the approved footprint, and whether there are any further offsite impacts that need to be addressed. Proposed conditions aim to ensure there are no adverse impacts on the environment or the community.

Consultation

Public Submissions

The application was advertised for public comment by way of a site notice, a notice published in the local newspaper and on the Shire's website, and direct written notification to adjoining and nearby

landowners within a 1.5km radius of the extraction site. The advertising was undertaken from 17 July 2025 to 7 August 2025.

A total of ten (10) objections and one (1) submission of support were received. Copies of the submissions are provided in [Attachment 9.1.2\(12\)](#).

The key issues raised in the submissions, together with officer comments in response, are summarised below:

Key issue	Officer response
<p>1. Legislative and Planning Compliance</p> <ul style="list-style-type: none"> • Proposal is linked to earlier applications (P22022, P23002), which faced strong objections, which were either refused or approved only under strict conditions that remain unmet. • Inconsistent with: <ul style="list-style-type: none"> ◦ Local Planning Scheme No. 7 (LPS7) – Priority Agriculture zoning. ◦ Local Planning Strategy (2014) – protects high-value agricultural land. ◦ Deemed Provisions, Clause 67(2) – land use, amenity, and environmental compatibility. ◦ State Planning Policy 2.5 (Rural Planning) and SPP 2.4 (Basic Raw Materials). • Concerns about inconsistent governance, with approvals previously made by the Commissioner rather than elected councillors. 	<p>As mentioned earlier in this report, the Council (the Commissioner) approved Development Application P22022 on 30 August 2023 for gravel extraction on Lot 10. The approval is subject to 30 conditions, with the applicant continuing to work towards compliance. This process has taken some time, as most of the management plans required updating to reflect the approved area, limited to Lot 10 and staged over six stages of approximately 2 hectares per stage. Officers consider that the development has substantially commenced, as the applicant has completed the bitumen sealing of the access road and intersection with Donnybrook Boyup-Brook Road.</p> <p>The current proposal seeks approval to extract sand, in addition to the already approved gravel extraction, within three of the six stages of the approved extractive industry (gravel) area. The use class of “Extractive Industry” has already been approved under P22022 and is not under dispute at this time.</p> <p>Regarding high-value agricultural land, the proposal was referred to the Department of Primary Industries and Regional Development (DPIRD), which has confirmed no objection to the sand extraction proposal.</p> <p>The applicant has advised that the existing vineyard on the property will be removed over the next few years due to lack of profitability, rendering the land unproductive in its current state. This would have occurred irrespective of the extractive industry approval. The long-term intent is to rehabilitate the land to pasture for sheep grazing, using Sudan grass to assist in soil recovery and stabilisation.</p>

Key issue	Officer response
<p>2. Protection of Priority Agricultural Land</p> <ul style="list-style-type: none"> • Priority Agriculture land is intended for intensive agriculture and viticulture, not extractive industry. • Soil profiles and fertility will be permanently degraded; rehabilitation unlikely to restore land to productive use. • Sand and gravel removal threatens the long-term sustainability and reclassification of Priority Agriculture land. • Extractive industries undermine the region's role in food and wine production. 	<p>Each application must be assessed on its individual merits. In this instance, the land use class of extractive industry has already been approved. The proposal seeks to remove sand in addition to gravel where available in three of the six stages approved for gravel extraction. The applicant has provided a soil rehabilitation report (May 2025) prepared by agronomist Mr. Nicolas Silva. The report concludes that the soil characteristics are suitable for extraction of a portion of the sand, while leaving a residual soil layer with an average depth of one metre after rehabilitation. This approach maintains the main physical properties of the soil, making it possible to re-establish the land for agricultural purposes.</p>
<p>3. Environmental Risks</p> <ul style="list-style-type: none"> • Soil & Erosion: Steeper slopes (1:6) and topsoil removal risk erosion, runoff, and dieback spread. • Water: Increased stormwater runoff and contamination risks to Preston River, tributaries, wetlands, and dams. • Biodiversity: Threats to native flora and fauna, including Rakali and freshwater mussels. • Bushfire Risk: Lack of credible fire management planning despite high local bushfire history. • Rehabilitation: Previous pits in the region remain degraded, undermining trust in rehabilitation promises. 	<p>Soil & Erosion: Shire local law requires pit sides to be sloped no steeper than 1:3 (vertical:horizontal) where sand is extracted. For limestone or other materials, slopes must be sufficient, in the opinion of the Shire, to leave the site stable. A 1:6 slope is generally safe for post-extraction rehabilitation, provided vegetation is established, surface cover is applied, and proper drainage is maintained. A slope of 1:6 was previously considered acceptable for the approval under P22022. During gravel extraction, stormwater will be managed on-site, and any erosion will be rectified by the landowner as required under approval P22022. If approved, this condition will also be placed on P25035.</p> <p>Water & Biodiversity: No clearing of native vegetation is proposed, and no impacts on native flora or fauna are expected. Stormwater management on-site will help mitigate potential impacts on wetlands, rivers, and local species.</p> <p>Bushfire Risk: Parts of the proposed gravel pit area is within designated bushfire-prone zones. No habitable buildings are proposed, and staff presence is limited to operations, so the development is considered low-risk and exempt from State Planning Policy 3.7 – Bushfire Protection. The applicant must comply with the</p>

Key issue	Officer response
<p>4. Amenity, Lifestyle, and Health Impacts</p> <ul style="list-style-type: none"> Noise: Heavy machinery, crushing, and transport amplified by valley acoustics. Dust: Health risks and contamination of agricultural land; inadequate dust management. Traffic & Safety: Significant increase in heavy truck movements on already narrow, unsafe roads with limited passing areas. Visual Impact: Stockpiles, bunds, and pits highly visible from Donnybrook–Boyup Brook Road and surrounding properties. Loss of Rural Character: Operations conflict with the quiet, natural lifestyle valued by residents. Health & Wellbeing: Stress, anxiety, and reduced liveability from repeated proposals and potential long-term industrial activity. <p>5. Tourism, Community Vision, and Reputation</p> <ul style="list-style-type: none"> Extractive industry directly conflicts with regional initiatives: <ul style="list-style-type: none"> Expansion of Wellington National Park (\$3.35M investment). 	<p>Shire’s annual Fire Prevention Order, DFES Total Fire Ban days, and Shire Harvest Vehicle Movement Bans.</p> <p>Rehabilitation: Current practice involves officers conducting annual inspections of operational pits to ensure compliance with approved conditions. Rehabilitation bonds are not released until the site has been restored to the satisfaction of both the landowner and the Shire. This process ensures that post-extraction rehabilitation is completed to a standard that supports the agricultural reuse of the land.</p> <p>The applicant has submitted a Noise Management Plan, Dust Management Plan, and Visual Impact Assessment addressing operational impacts and outlining measures to minimise effects on the surrounding community.</p> <p>Visual Impact: While the extraction site will be highly visible from Donnybrook–Boyup Brook Road due to its upslope location, the Visual Impact Assessment shows that:</p> <ul style="list-style-type: none"> Topsoil stockpiles will be placed along the northern boundary to act as a visual buffer. Product stockpiles will be positioned further upslope to shield crushing and screening machinery from view and assist in noise mitigation. <p>Loss of Rural Character: Impacts are confined to the operation period, which is limited to a five-year approval. Any extension would require further assessment, and rehabilitation must be completed at the end of the approval period.</p> <p>Health and Wellbeing: While concerns are noted, the Shire also considers the broader community benefit. Gravel and sand resources are essential for local construction and farming, keeping sourcing costs low for residents. Ensuring access to these resources supports both economic and community needs in the Shire.</p> <p>The <i>Extractive Industry</i> land use has already been approved under Development Approval P22022 and is not under reconsideration at this time. The current proposal seeks to include the extraction of sand within the already approved</p>

Key issue	Officer response
<ul style="list-style-type: none"> ○ Proposed Donnybrook–Mumballup/Noggerup rail trail. ○ Revitalisation of Lords recreation area. ○ Preston River Valley promotional website promoting eco-tourism. • Difficult to market the Preston River Valley as a clean, eco-friendly destination with an extractive industry at its gateway. • Proposal undermines the Shire’s vision to build economic, environmental, and social capital in the valley. 	<p>footprint. As such, any potential impact on tourism values would be consistent with the existing approval and is therefore considered limited.</p> <p>It is also noted that construction of roads and homes and development within the Shire rely on the availability of basic materials such as sand and gravel, which are essential to supporting the local economy and growth.</p>
<p>6. Governance, Oversight, and Credibility</p> <ul style="list-style-type: none"> • Confusion between P22022 and P25035 on conditions (e.g., hours of operation, rehabilitation, appendices missing). • Doubts about Shire’s capacity to monitor and enforce conditions effectively. • Skepticism about applicant’s compliance with obligations; past performance undermines trust. • Questions raised about financial transparency (e.g., use of \$300,000 Collie’s Future Fund grant for unrelated developments). • Concerns that amendments will complicate governance and weaken accountability. 	<p>If approved, the proposed sand extraction would be subject to conditions similar to those applied to the existing gravel extraction, including hours of operation, rehabilitation requirements, and environmental management.</p> <p>Under the <i>Shire of Donnybrook–Balingup Extractive Industry Local Law</i>, each pit requires an annual licence renewal. Renewal is only granted following a site inspection by Shire officers and a review of compliance of the approved conditions.</p> <p>It is unclear which past obligations are being referred to. However, the applicant has been progressively addressing existing conditions under P22022 and has recently completed the construction of the access road and intersection associated with the gravel pit.</p> <p>Matters relating to financial transparency or funding associated with separate developments, such as the reception centre, are not planning considerations in the assessment of this development application.</p> <p>This proposal for sand extraction will be considered on its merits and may be subject to additional conditions as deemed necessary. The applicant has also updated the supporting documentation to reflect the proposed expansion of activities.</p>
<p>7. Social and Economic Impacts</p> <ul style="list-style-type: none"> • Limited local benefit: few jobs and short-term gains vs. long-term costs. 	<p>Local economic benefit is not limited to direct employment opportunities. The Shire and the community rely on the local availability of basic construction materials such as sand and gravel, which are essential for supporting development</p>

Key issue	Officer response
<ul style="list-style-type: none">• Risks of reduced property values, agricultural viability, and eco-tourism potential.• Precedent-setting: Approval could open the door to further extractive or mining proposals.• Strong, consistent community opposition (~98% against extractive/mining in the valley).	<p>and infrastructure, including sand pads for housing construction and gravel for road building and maintenance.</p> <p>Impacts on property values are not a planning consideration under the relevant planning framework.</p> <p>In relation to concerns about precedent, each application is required to be assessed on its individual merits, taking into account site-specific circumstances and applicable planning controls.</p> <p>Community opposition to extractive industries within the Preston River Valley is acknowledged. Notwithstanding this, the current proposal is limited to sand extraction within an already approved gravel pit and would only involve three of the six approved extraction stages.</p>

Government/Service Agencies

The application was referred to the Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development, Department of Planning, Lands and Heritage, Department of Mines, Industry Regulation and Safety, Main Roads Western Australia, Department of Water and Environmental Regulation, Public Transport Authority, and the Department of Health for comment. All agencies provided responses indicating no objection to the proposal. Government agency submissions are provided in [Attachment 9.1.2 \(13\)](#) and are summarised below:

Department of Biodiversity, Conservation and Attractions (DBCA)

Summary of submission:

The following comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016* (BC Act).

Advice to Shire

Lot 10 contains the Queenwood (QW) vegetation complex that has approximately 542ha of the pre-1750 vegetation extent remaining. This is below the nationally recommended 1500ha threshold for the retention of remnant vegetation. Black cockatoos are listed as threatened species under the BC Act and the Environment Protection and *Biodiversity Conservation Act 1999* (EPBC Act) and have been found in close proximity to Lot 10.

Section 3.6 of the application advises that no clearing of native vegetation is required for the proposed extraction works and that a 10-metre buffer will be provided between retained bushland and extraction works.

DBCA supports a minimum 10-metre buffer being provided between proposed extraction areas and adjacent retained native vegetation and recommends the 10-metre buffer be demarcated to clearly identify the exclusion area to ensure vehicles, extraction works, detention pond and stockpile areas are located outside the 10-metre buffer zone.

Officer response:

Noted. The proposed sand extraction area is located away from native vegetation, and unlike the gravel extraction, it is not expected to have any impact on the vegetation. Therefore, the 10 m setback requirement does not apply to the sand extraction area.

Department of Primary Industries and Regional Development (DPIRD)

Summary of submission:

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed

Officer response:

Noted. DPIRD has supported the Weed Management Plan, which will be

addition of sand extraction to the current approval for gravel extraction at the above-mentioned lot. DPIRD assessed the Weed Management Plan and found that it fulfils the basic requirements.

required to be implemented through conditions of approval.

Department of Planning, Lands and Heritage (DPLH)

Summary of submission:

A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage places or registered sites.

DPLH Aboriginal Heritage Conservation does not have any objections to the proposed amendment to Approval P22022 to include sand extraction. Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal heritage present. Therefore, the applicant needs to be made aware of their obligations under the *Aboriginal Heritage Act 1972*.

Officer response:

Noted. The proposal must always comply with the *Aboriginal Heritage Act 1972* (AHA) and relevant advice has been incorporated into the recommendation.

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

Summary of submission:

Although EIL's fall outside the *Mining Act 1978*, information on mineral resources, including basic raw materials, is of importance to the Geological Survey and Resource Strategy Division within the Department of Mining, Petroleum and Exploration (DMPE). The information is used in our MINEDEX database, which is a source of information for our State-wide resource mapping system – GeoView. The locations and status of basic raw material extraction sites are also valuable inputs to our resource assessment and land use planning role.

Officer response:

Noted.

Our aim is for the database to be a comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources and including basic raw materials. The Geological Survey and Resource Strategy Division (Land Use Planning) assessed the impact that the

proposal may have on access to potential or defined resources and related infrastructure within the area.

DMPE has determined that this proposal raises no significant concerns with respect to mineral and petroleum resources, geothermal energy and basic raw materials. It would be appreciated if DMPE continues to be notified of all applications for EIL's in the Shire of Donnybrook - Balingup and that all future correspondence is addressed to the Executive Director of the Geological Survey and Resource Strategy Division and submitted electronically to records@dmpe.wa.gov.au.

Main Roads WA (MRWA)

Summary of submission:

Main Roads has no objections in principle to the proposed extension of the existing extractive industry licence, subject to the following comments.

The proposed activity is expected to increase traffic movements onto Donnybrook-Kojonup Road (Donnybrook–Boyup Brook Road), which may result in material or debris being tracked onto the road. Should this occur, the applicant will be required to undertake sweeping and implement appropriate, approved, traffic management measures at their full cost.

In addition, during the previous extractive industry approval process, the sealing of the crossover was completed without inspection by Main Roads. As we cannot confirm whether it was constructed to the required standard and Main Roads satisfaction, the applicant must maintain the crossover in a weatherproof condition and ensure it remains fit for purpose. This includes addressing any deterioration such as potholes or tracking of material, which may compromise the condition of Main Roads' assets, at their full cost.

Officer response:

Main Roads' comments are noted. A condition is recommended requiring that the intersection from the unnamed road onto Donnybrook–Boyup Brook Road be maintained at the applicant's cost.

Public Transport Authority (PTA)

Summary of submission:

Public Transport Authority (PTA), has no objection to the proposal.

Officer response:

Noted.

Department of Health (DoH)

Summary of submission:

DoH position

No objection – with comments provided below.

DoH advice

1. Industrial / agricultural interface

The site lies in agricultural (arable) land immediately north of the existing farmhouse (owners). The nearest sensitive land uses are other farmhouses located 450m to the west and 500m and to the north of the proposed quarry.

Given the remote location of the site and its distance from sensitive receptors, and considering the proposed dust controls, the Department of Health considers the public health risks to be low and manageable.

However, even when dust does not cause direct physical health effects, persistent nuisance dust can lead to community stress and anxiety, which may contribute to health issues over time.

2. Contaminated sites

The site has not been classified as a C-RR[1], CRU[2], RRU[3] as recorded on DWER's Contaminated Sites database (*Contaminated Sites Act 2003*).

3. Water supply and wastewater disposal

All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.

Any non-drinking water (i.e. water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply.

Disposal of wastewater generated on site is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the Government Sewerage Policy 2019. In accordance with the Regulations, an Application to Construct or Install an Apparatus for the Treatment of Sewage is required to be submitted to the Shire of Donnybrook-Balingup for the wastewater treatment system. The application for this

Officer response:

Noted. The Department recommended several conditions already addressed through the proposed standard conditions relating to dust management. The remaining recommended conditions are not considered relevant to this planning application.

system is required to be forwarded to the DoH for assessment and approval.

Department of Water and Environmental Regulation (DWER)

Summary of submission:

Advice to current referral P25035
Support for Shire's conditions in conditional approval
P22022 to be transferred to P25035.

Staging: Proposed sizes for Stages 1, 3a, and 5a (2.2, 1.1, and 1.1 ha) are consistent with Condition 2a (max 2 ha).

Support for Condition 20 regarding commencement of subsequent extraction stages following substantial rehabilitation of previous stages.

Water Supply: Support for Condition 6 and Advice Note E; DWER requires confirmation from the Shire that the Extractive Industry Licence (EIL) has been granted before issuing a water licence under the *RIWI Act*. *Current undertaking lapses 30 August 2025 if licence is not provided.*

Dieback and Weed Management: Conditions 7–9 require review and implementation in consultation with DBCA, consistent with Best Practice Guidelines for Phytophthora Dieback management.

Water Management: Conditions 11–16 supported; additional condition recommended for approval and implementation of Water Management Plan (Appendix 4 of Lundstrom EIL/EMP v0.6), with ongoing maintenance of cut-off bunds and detention basins.

Rehabilitation & Pit Closure: Conditions 19–23 supported; no open waterbodies post-extraction; final land contours provided; liaison with engineers and DPIRD recommended to ensure stability and agricultural viability.

Groundwater Protection: Excavation to 1 m depth supported; Conditions 13 & 14 address requirements.

Fuel and Chemical Management: Requirements under WQPN 56 adopted; environmental risks to be managed.

Officer response:

The DWER comments/advice are comprehensive and will be included as conditions and advice notes in the approval to help minimise impacts on local environment and water resources.

Staging: No further conditions required.

Water Supply: DWER has confirmed that the letter of undertaking remains valid, with an extension granted until 31 December 2025 for the applicant to provide a copy of the Extractive Industry licence to DWER.

Dieback and Weed Management: DWER requires the document to be updated; this will be implemented as a condition.

Water Management: Shire Works and Services are satisfied that the Water Management Plan is acceptable and ready for implementation.

Rehabilitation: Existing P22022 conditions ensure soil restoration to pre-extraction levels in line with the Agronomist Report; no additional conditions required.

Crushing and Screening: Applicant advised to comply with *Environmental Protection Regulations 1987*; support for Advice Note B requiring applicant to contact DWER regarding licensing.

General: Planning application to be considered prior to any EP Act approvals; modifications with environmental/water implications to be referred to DWER.

Noise – technical assessment advice:

No updated noise assessment has been undertaken for the amended operations, and the submitted Noise Management Plan (NMP) by Lundstrom Environmental Consultants references the 2023 Herring Storer Acoustics (HAS) report prepared for the original gravel proposal. As sand extraction typically generates lower noise levels than gravel extraction, the conclusions of the 2023 HSA assessment may remain valid provided that all mitigation measures identified in that report are fully implemented. However, review of the NMP indicates that key noise mitigation measures—specifically the extent and placement of earth bunds—differ significantly from those proposed by HSA (2023). Several bunds have been removed or repositioned, and no supporting assessment or justification has been provided to demonstrate that the revised configuration will maintain compliance with the Environmental Protection (Noise) Regulations 1997.

Given these discrepancies, it cannot be confirmed that the amended operations will achieve noise compliance. The applicant should therefore be required to:

1. Confirm that all mitigation measures from HSA's 2023 report will be implemented in full; or
2. Undertake revised noise modelling and assessment to demonstrate that the amended design will comply with the Noise Regulations at all neighbouring sensitive premises.

Dust – technical assessment advice:

The nearest sensitive receptors are located beyond the recommended separation distance in EPA Guidance Statement 3 (GS3), and the risk of air quality impacts is therefore considered low. The proposed dust management measures align with DWER guidelines, though their effectiveness will depend on proper implementation. Should dust impacts occur following approval, it is recommended that the applicant review and strengthen management practices, potentially including

The advice provided by DWER is noted. Based on this, the submitted Noise Management Plan is not considered satisfactory. It is recommended that the plan be amended to confirm that all mitigation measures outlined in HSA's 2023 report will be implemented in full, or that updated noise modelling be provided to demonstrate compliance with the Noise Regulations at all neighbouring sensitive premises. A condition is recommended.

The advice provided by DWER is noted. Based on this, the submitted Dust Management Plan is considered satisfactory and is recommended for approval, subject to proper implementation of the proposed control measures.

dust monitoring, in accordance with the DEC (2011) Dust Management Guidelines.

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\(14\)\)](#).

Key considerations identified are:

1. Legislative and Planning Compliance

The proposed sand extraction occurs within the area already approved for gravel extraction under DA P22022. The use class “Extractive Industry” is established, and the applicant has substantially commenced works, including construction of the sealed access road and intersection with Donnybrook–Boyup Brook Road. DPIRD has raised no objection. Removal of the existing vineyard aligns with the applicant’s plan to rehabilitate the land for future grazing. The proposal is consistent with the orderly planning of the area and the prior approval footprint.

2. Protection of Priority Agricultural Land

A soil rehabilitation report confirms that a residual soil depth of approximately one metre will remain post-extraction, preserving future agricultural productivity.

3. Environmental Risks

Pit slopes, erosion, and stormwater management will comply with Shire requirements. No native vegetation clearing is proposed, and biodiversity impacts are not expected. Annual inspections will ensure extraction and restoration meets Shire standards. DWER conditions relating to water management, dieback, weed control, and fuel/chemical management will also be implemented to protect environmental values.

4. Amenity, Lifestyle, and Health Impacts

Potential impacts on amenity, lifestyle, and health, including noise, dust, and visual effects, are addressed through the submitted management plans. Stockpiles of topsoil and extracted product provide additional visual and noise buffering. Impacts are expected to be temporary and limited to the five-year approval period. The extraction and supply of local sand and gravel support community development and infrastructure. Dust management, monitoring, complaint handling, and adherence to operational limits will help protect public health.

In relation to noise management, it is noted that the submitted Noise Management Plan requires amendment to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. This requirement is reflected in the conditions, which requires the Noise Management Plan to be updated to either implement all mitigation measures from HSA's 2023 report in full or provide updated noise modelling demonstrating compliance at all neighbouring sensitive premises.

5. Tourism, Community Vision, and Reputation

Sand extraction is within the existing approved footprint; therefore, impacts on tourism initiatives and the Preston River Valley's eco-tourism values are limited. The operation supports essential local construction needs and economic resilience.

6. Governance, Oversight, and Credibility

Conditions will mirror those applied to the existing gravel pit, including hours of operation, rehabilitation, and environmental management. Annual licensing under the Shire Extractive Industry Local Law ensures ongoing monitoring and compliance. Agency referrals and conditions, including MRWA requirements for road maintenance, provide further oversight.

7. Social and Economic Impacts

The proposal provides indirect local economic benefit by supplying essential construction materials for housing, roadworks, and infrastructure. Each application is assessed on its merits, and this proposal is limited to sand extraction within the approved gravel pit footprint.

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.*

Conclusion

Staff have undertaken a thorough assessment of the proposed sand extraction within the approved gravel extraction footprint. The assessment has considered the relevant planning framework, environmental and agricultural values, potential impacts on amenity and public health, and advice from all relevant Government agencies.

The proposal is consistent with the existing approval, the Shire's planning controls, and environmental management requirements. Agency recommendations and community concerns can be appropriately

addressed through conditions and advice notes. Rehabilitation, dust, water, and operational management measures are achievable and enforceable.

On this basis, staff consider the proposal capable of approval subject to conditions that ensure compliance, environmental protection and the mitigation of amenity and operational impacts.

COUNCIL RESOLUTION: 224/11-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anita Lindemann

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 P25035 Industry-Extractive (Sand) at Lot 10 Donnybrook Boyup Brook, Yabberup subject to the following conditions and advice:

CONDITIONS

VALIDITY

1. This approval is valid for a period of five (5) years after the date of issue of the extractive industry licence or within any extended period as determined, in writing, by the Shire.
2. This approval allows the excavation, screening and transportation of a maximum 18,000 tonnes of sand annually with an overall total of 88,000 tonnes of sand extraction permitted over five (5) years.

APPROVED PLANS

3. The layout of the site and location of the works permitted must always accord with 'Environmental Management Plan Rev 0.6' (Attachment 9.1.2(1)) and/or conditions of approval and must not be altered or modified without the further written consent of the Shire. If any inconsistency between the application documentation and the conditions then the conditions of this approval would prevail.

DUST MANAGEMENT

4. Dust Management is to be undertaken in accordance with the approved Dust Management Plan (Attachment 9.1.2(6)). The plan will form part of this approval and must be complied with at all times for the life of this approval.
5. A suitable supply of water for the purposes of all site management operations is to be provided to the satisfaction of the Shire.

WEED AND DIEBACK MANAGEMENT

6. **Weed management is to be undertaken in accordance with the approved Weed Management Plan (Attachment 9.1.2(3)). The plan will form part of this approval and must be complied with at all times for the life of this approval.**
7. **Dieback measures to reduce the spread of dieback into adjoining properties are to be undertaken in accordance with part 5.8 of the 'Environmental Management Plan Rev 0.6' (Attachment 9.1.2(1)), and the Dieback Brochure (Attachment 9.1.2(8)) to the satisfaction of the Shire.**

STORMWATER MANAGEMENT

8. **All stormwater from the proposed development including hardstand areas shall be managed by the landowner in perpetuity, in accordance with the *Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017* and the approved Water Management Plan (Attachment 9.1.2(4)) to the satisfaction of the Shire. The plan will form part of this approval and must be complied with at all times for the life of this approval.**
9. **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.**
10. **Extraction works (sand) are not to exceed a depth of 1.5 m below the existing natural ground level unless otherwise approved, in writing, by the Shire in consultation with the Department of Water and Environmental Regulation.**
11. **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. 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.**
12. **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.**

NOISE MANAGEMENT

13. **The Noise Management Plan (Attachment 9.1.2(5)) must be amended to either:**
 - i. **Confirm that all mitigation measures outlined in HSA's 2023 report will be implemented in full; or**
 - ii. **Provide updated noise modelling demonstrating that the proposed noise control measures will achieve compliance with the *Environmental Protection (Noise) Regulations 1997* at all neighbouring sensitive premises.**

Once the Noise Management Plan is approved by the Shire the plan will form part of this approval and must be implemented and complied with at all times for the life of the approval.

ONGOING COMPLIANCE AND MONITORING

14. 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).
15. A suitable report is to be prepared and submitted to the Shire every 3 months including information relating to:
 - a. A copy of the complaints register; and
 - b. Any other information as deemed necessary by the Shire.

REHABILITATION AND PIT CLOSURE MANAGEMENT

16. Pit Rehabilitation and Closure Management Plan is to be undertaken in accordance with the approved Pit Rehabilitation and Closure Management Plan (Attachment 9.1.4(7)). The plan will form part of this approval and must be complied with at all times for the life of this approval.
17. Pit closure works, and rehabilitation of the entire site is to be completed within two (2) years of the end of extraction works unless the applicant proceed extraction of gravel under a valid development approval.

OPERATING HOURS

18. Operating hours of the extractive works are restricted to between 8:00am to 5:00pm Monday to Friday (excluding Public Holidays) unless otherwise agrees, in writing, by the Shire.
19. 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.

VEHICULAR MANAGEMENT

20. The intersection of the unnamed road onto Donnybrook Boyup-Brook Road is to be maintained at the applicant's costs to the satisfaction of the Shire for the life of this approval.
21. Prior to the commencement of works, the applicant is to install advance warning truck entering signs along Donnybrook Boyup-Brook Road to the satisfaction of the Shire.

OTHER

22. 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.
23. Unless a bond of \$20,000 has already been received for this land parcel under an existing Extractive Industry approval, a \$20,000 bond (cash or unconditional bank

guarantee in favour of the Shire) is required for the works identified by the Rehabilitation and Pit Closure Management Plan.

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. The proposed operations are categorized as a Prescribed Premises, as per Schedule 1 of the *Environmental Protection Regulations 1987 (EP Regulations)*. The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals>. The applicant will need to contact the Department of Water and Environmental Regulation (DWER) at info@dwer.wa.gov.au or (08) 6364 7000 regarding requirements.
- c. The applicant is advised that, under the *Aboriginal Heritage Act 1972*, they are required to protect Aboriginal heritage sites and artefacts. Should any unregistered sites, artefacts, or other cultural heritage values be discovered during ground disturbance, or if off-site impacts from the extractive industry operations may affect nearby Aboriginal Heritage Places, the applicant must immediately cease works in the affected area and notify the Department of Planning, Lands and Heritage (DPLH) and/or other relevant authorities before any further works resume. Compliance with these obligations is mandatory and remains the responsibility of the applicant for the duration of the development.
- d. 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*’.
- e. 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.
- f. 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.
- g. 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 sand at Lot 10 Donnybrook Boyup Brook Road, Yabberup 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.** This Extractive Industry License is valid for a period of five (5) years from the date of issue.
 - 3.** Compliance with all approved plans and any conditions/advice contained in Development Approval P25035 at all times during the life of the extractive industry to the satisfaction of the Shire.
 - 4.** 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.
 - 5.** 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.

For: Cr Lindemann, Cr MacCarthy, Cr Patrick, (President's casting vote)
Against: Cr Bailey, Cr Davy, Cr Hall,
Carried: 4/3

As the vote was a tied vote, President MacCarthy made her cast vote for the recommendation, which resulted in the resolution being carried 4/3.

Cr Purich re-entered the Chamber at 6:25pm

9.1.3. Development Application P25052 – Forward Works Lot 502 (30) Allnutt Street, Donnybrook, Including Major Works Lease Consent

Report Details:

Prepared by:	Principal Planner		
Manager:	Manager Development Services		
Applicant:	Planning Solutions on behalf of Hall & Prior Health and Aged Care Group		
Location:	Lot 502 (30) Allnutt Street, Donnybrook		
File Reference:	A5048 (P25052)	Voting Requirement:	Simple Majority

Attachment(s):

- 9.1.3(1) Development application documentation.
- 9.1.3(2) Further information.
- 9.1.3(3) Updated elevations.
- 9.1.3(4) Public submissions.
- 9.1.3(5) Agency submissions.
- 9.1.3(6) 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 P25052 Forward Works associated with the redevelopment of Tuia Lodge (Aged Persons Accommodation) at Lot 502 (30) Allnutt Street, 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 approved plans, including any notations and or conditions, and must not be altered or modified without the further written consent of the Shire.**

Approved Plans:

- i. Existing site plan – DMG Drawing DA.01 A
- ii. Affected Tree Plan – DMG Drawing DA.02 A
- iii. Site Works Plan – DMG Drawing DA.03 A received 16-10-2025
- iv. Elevations DA.08 A received 16-10-2025
- v. Elevations DA.09 received 16-10-2025
- vi. Forward Works Site Layout Plan – Terpkos Drawing C1.01 Rev 2
- vii. Forward Works Typical Sections & Details – Terpkos Drawing C1.02 Rev 2

2. The applicant is responsible for the ongoing maintenance of the retaining walls, including the prompt repair or removal of any graffiti or vandalism, to the satisfaction of the Shire.
3. Fencing on top of the retaining wall shall consist of an open-style design (e.g. pool-style fencing) and/or a partially solid fence incorporating open sections, unless otherwise approved by the Shire. Once installed the approved fencing shall be maintained in good condition thereafter, to the satisfaction of the Shire.
4. Prior to the works commencing, a Stormwater Management Plan prepared by a suitably qualified practising engineer shall be submitted to and approved by the Shire. The Stormwater Management Plan must include runoff calculations demonstrating how stormwater from all development relevant to the forward works will be contained and disposed of on-site, unless otherwise approved, to the satisfaction of the Shire.
5. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire.
6. Prior to works commencing, a Construction management Plan must be submitted to and approved by the Shire and thereafter implemented in full, addressing the following matters:
 - i. Dust management.
 - ii. Noise management.
 - iii. Site vehicle access.
 - iv. Parking and loading arrangements.
 - v. Traffic management.
 - vi. On-site storage.
 - vii. Site safety and hoarding.
 - viii. Protection of Shire roads, footpaths, verges and other infrastructure, including commitments regarding prompt rectification of any damage caused to Shire infrastructure during construction.

ADVICE NOTES

- a. Compliance with the Building Code of Australia is required. A Certified Building Application must be submitted to and approved by the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- b. Construction activities must be managed in accordance with the *Environmental Protection (Noise) Regulations 1997*. Under these Regulations, construction work is restricted to the hours of 7:00am to 7:00pm, Monday to Saturday, and is not permitted on Sundays or Public Holidays without separate approval.
- c. Regardless of whether approval is required from the Shire for the clearing of vegetation on a lot, any 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*. For further information regarding clearing permits, contact DWER on (08) 6364 7000.

Prior to the removal of any native vegetation, a copy of the approved clearing permit issued by the Department of Water and Environmental Regulation in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, or confirmation from the department that a clearing permit is not required is to be provided to the Shire for Shire records.

- d. The Shire's Engineering Services advises that with regards to the condition relating to stormwater, written approval must first be obtained from the Shire when an applicant proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.
- e. The Department of Water and Environmental Regulation advise:
 - i. The applicant is to obtain Developmental Approval prior to clearing to ensure the clearing is exempt under Regulation 5, Item 1 of the EP Act, and clearing to be in accordance with the Shire's Firebreak and Fuel Hazard Reduction notice. In the absence of Development Approval, this exemption does not apply. If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).
 - ii. The next stage of the development is to connect to reticulated sewerage, to achieve compliance with the Department's Water Quality Protection Note 25 - *Land use compatibility tables for public drinking water source areas*.
 - iii. Care should be taken during construction works to ensure that material is not mobilised into the neighbouring properties, being the Yelverton Street at eastern boundary, Allnut Street to the south and Lot 500 to the north
- f. The Water Corporation advise that in relation to the next stage of the development the applicant will be responsible for providing all necessary reticulation infrastructure, payment of headworks contributions, and any required upgrades or land provision associated with Water Corporation infrastructure and works.
- g. The Department of Biodiversity Conservation and Attraction (DBCA) advise that any disturbance to threatened species requires Ministerial authorisation under section 40 of the *Biodiversity Conservation Act 2016*. DBCA further recommends that the applicant seek advice from its Species and Communities Branch prior to any clearing works.
- h. 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.
- i. 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.

- j. 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. That Council, pursuant to clause 17.4 of the lease that commenced 28 June 2021, consents to the Major Work proposed at Tuia Lodge Residential Aged Care Facility, Lot 502 (30) Allnutt Street, Donnybrook subject to the following conditions in accordance with Lease clauses 21.6 *Conduct of Major Work* and 21.7 *Lessor to be informed* i.e.:
 - 1. The Major Work is to be carried out at the Cost of the Lessee;
 - 2. The Major Work must be undertaken in a proper and workmanlike manner and otherwise in accordance with all approvals from a relevant Government Agency having jurisdiction in respect of the Major Work;
 - 3. The Major Work must be executed by qualified and competent contractors;
 - 4. The Major Work must be executed under the supervision of an architect or other suitably qualified and competent person; and;
 - 5. The Lessee must keep the Shire regularly informed (at least on a monthly basis) in relation to the following matters:
 - a. progress of the Major Work since the last report;
 - b. status of all applications to any Government Agency in respect of their approval for the Major Work;
 - c. the construction status of the Major Work including:
 - i. progress of construction as against any construction program;
 - ii. timeframes for completion of the Major Work, including the expected date of practical completion; and
 - iii. potential and actual delays to practical completion.

Strategic Alignment

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

- Outcome:** 1 – A diverse and growing population
- Objective:** 1.2 - Support older people in the community to positively age in place.
- Outcome:** 6 - The built environment is responsibly planned and well maintained.
- Objective:** 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.

Executive Summary

The purpose of this report is for Council to consider an application for development approval and lease consent for forward works associated with the redevelopment of Tuia Lodge Residential Aged Care

Facility at Lot 502 (30) Allnutt Street, Donnybrook. The development application details and plans are contained in [Attachment 9.1.3\(1\), \(2\) and \(3\)](#). Councillors have previously been provided a copy of the lease for this property.

Officers do not have delegation to determine applications for development approval where objections are received, or where the proposal is considered contentious or the subject of significant community interest.

Officers consider that the proposal may proceed and recommend it be granted conditional development approval with advice notes. Consent under the lease consideration is also recommended with conditions consistent with the provisions of the lease for Major Work.

Background

Proposal

The Shire has received a development application for forward works associated with the future expansion of the existing Tuia Lodge Residential Aged Care Facility.

The proposal includes the following components:

- Minor demolition works on the eastern edge of the existing facility
- Site works, including:
 - Earth fill and installation of retaining walls
 - Construction of a concrete slab (intended for future development)
- Installation of stormwater management measures (to support future development)
- Erection of 1.8 metre high fencing above the retaining walls
- Removal of trees required to facilitate the site works

The development plans, civil engineering plans, and tree removal plan are provided in [Attachment 9.1.3\(1\), \(2\) and \(3\)](#).

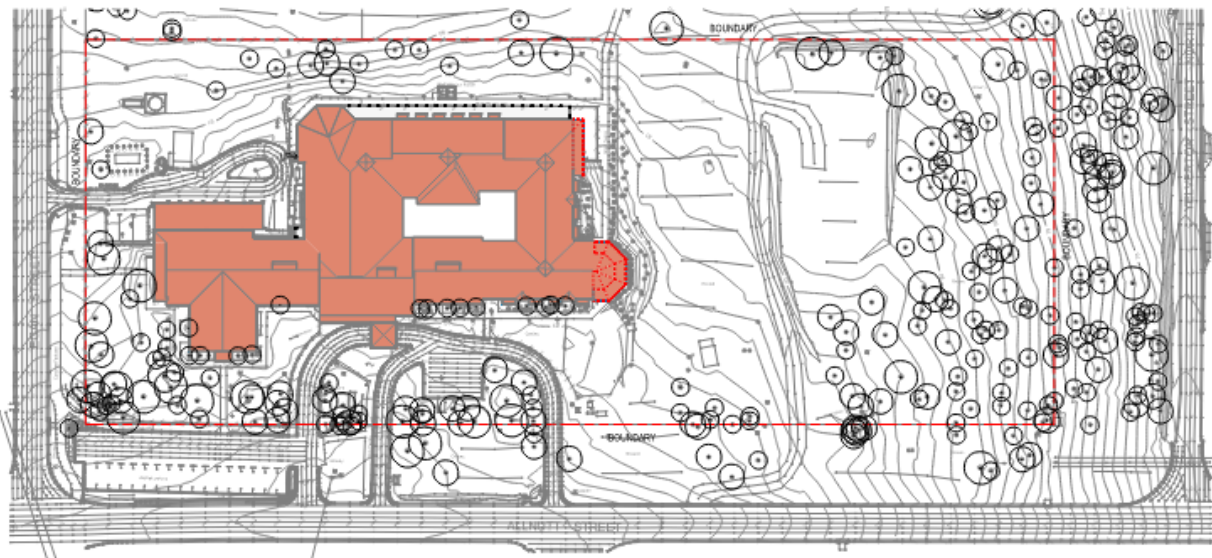


Figure 1 – Existing Site Plan (DMG Architecture DA.01 A)

AFFECTED TREE SURVEY
REF: DONNYBROOK - TREE SURVEY 2020
TREE NUMBER TREE TYPE TRUNK DIA (CM) HEIGHT (M)

101	Eucalyptus	250mm	12m
102	Grevillea	200mm	15m
103	Acacia	100mm	8m
104	Acacia	100mm	8m
105	Acacia	100mm	8m
106	Acacia	100mm	8m
107	Acacia	100mm	8m
108	Acacia	100mm	8m
109	Acacia	100mm	8m
110	Acacia	100mm	8m
111	Acacia	100mm	8m
112	Acacia	100mm	8m
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144	Acacia	100mm	8m
145	Acacia	100mm	8m
146	Acacia	100mm	8m
147	Acacia	100mm	8m
148	Acacia	100mm	8m
149	Acacia	100mm	8m
150	Acacia	100mm	8m

LEGEND:
TSH = REFER TO TREE SURVEY 2020
TH = REFER TO TAGGED TREES IN TREE SURVEY 2020
S = 0.5M - 0.5M TRUNK DIAMETER
M = 0.0M - 1.0M TRUNK DIAMETER
= UNSPECIFIED - HUBBERRY

DMG
ARCHITECTURE

PROJECT: 24023
DATE: 24/02/2023
DRAWN: DA.02

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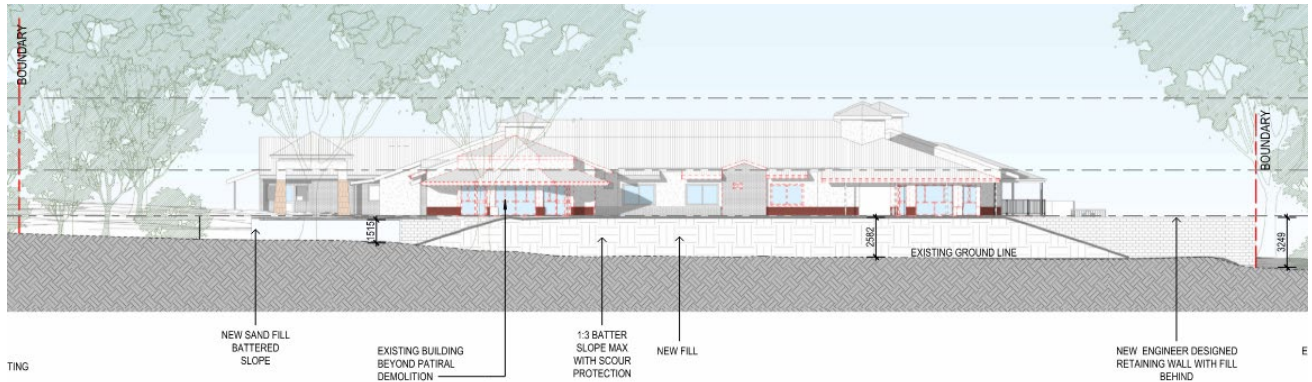


Figure 4 – East elevation

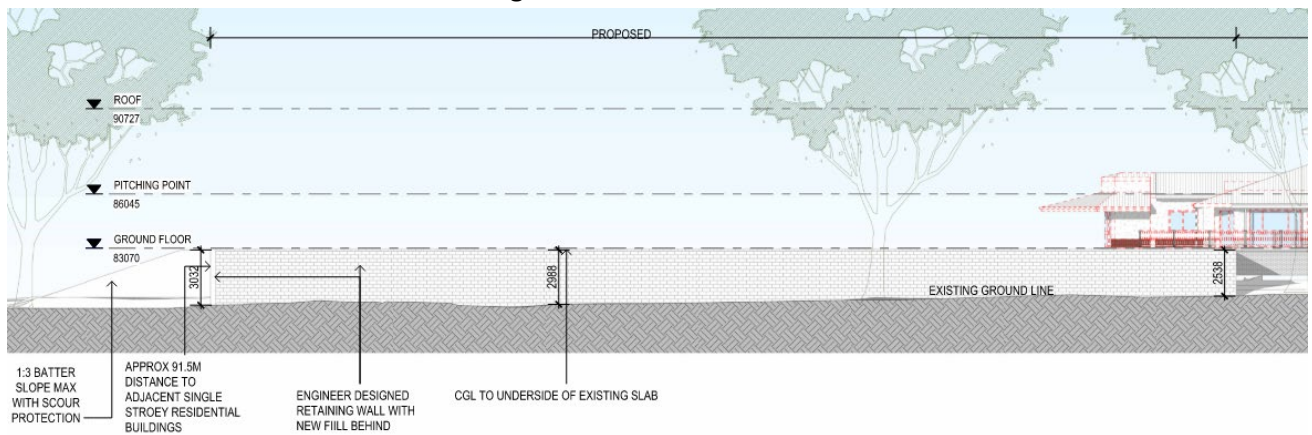


Figure 5 – North elevation

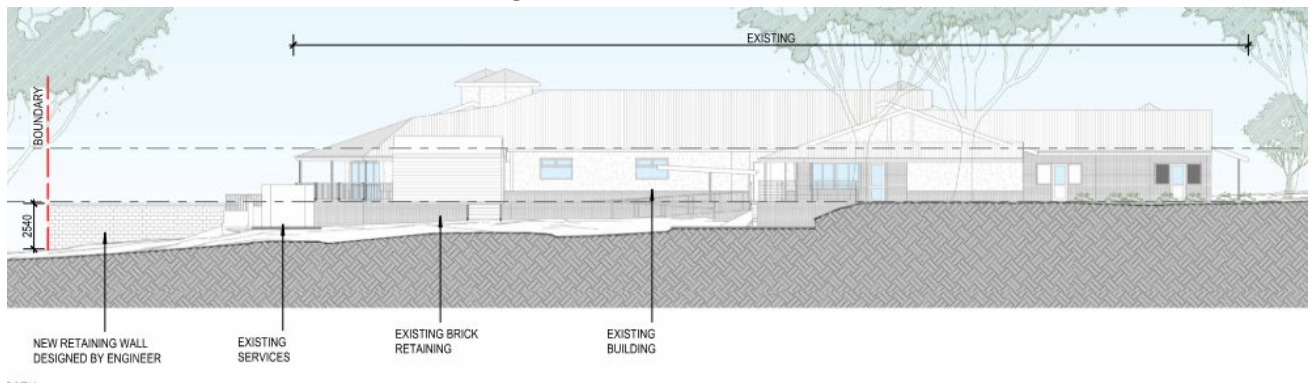


Figure 6 – West elevation



Figure 7 – South elevation

Other details relevant to Lot 502:

Application Details	
Lot	Lot 502 (30) Allnutt Street, Donnybrook
Reserve No.	R52022
Lot Area	1.6110 hectares
LPS7 Local Scheme Reserve	Public Purposes Hospital and Allied Purposes
Special Control Areas impacting the lot	SCA2 – Public drinking water source protection SCA6 – Plantation exclusion area
Management Order Vesting	Shire of Donnybrook Balingup
Reserve Purpose – Notification M853783	Aged Persons Accommodation

Location

Lot 502 has an area of 1.6110 hectares and is situated directly south of the Donnybrook Medical Centre, Donnybrook District Hospital, and the St John Ambulance premises. The surrounding properties to the west, south, and east of the application site are developed with single residential dwellings (refer to image below).



Figure 8 - Lot 502 bordered in blue showing surrounding uses

Lease – arrangement and consent for Major Works

On 17 June 2021, the Shire of Donnybrook-Balingup entered into a registered lease with Great Southern Care Company Pty Ltd (GSCC) for the Tuia Lodge Residential Aged Care Facility. This lease was later assigned to Fresh Fields Aged Care Pty Ltd (FFAC), a Hall & Prior entity, on 30 June 2024 under a deed of assignment.

The existing lease defines “Major Work” as:

Any work having a value in excess of the Threshold which the Lessee elects or is required to carry out under this lease:

- (a) of a structural or capital nature relating to the Premises, including structural and capital works to the Building Services;*
- (b) involving the erection of any further buildings on the Land; or*
- (c) involving the extension or alteration of any existing buildings comprising the Premises.*

Therefore, the forward works, as presented are considered Major Work for the purpose of the existing lease. In addition they are referred to in clause 17 specifically as the “New Wing” and “Additional Works” Under clause 17.1 of the Lease, FFAC is expressly required to undertake the development of the New Wing, design and construct the Additional Works, and commit a minimum of \$1.5 million toward these improvements. The Shire has no financial or in-kind contribution obligations for these works. These requirements were embedded in the original lease terms, which were approved following the Shire’s completion of the statutory business plan process under section 3.59 of the *Local Government Act 1995* prior to entering the Lease in 2021.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	Potential impact on the local environment due to the removal of trees, including loss of habitat.		
Mitigation:	Environmental values will be considered as part of the assessment process, including potential impacts on threatened species such as the black cockatoo and the western ringtail possum. Where necessary, further environmental investigations or approvals may be required.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Possible	Minor	Moderate (6)
Risk Description:	Potential noise and dust nuisance during the construction phase of site works, which may affect nearby residents and sensitive land uses.		
Mitigation:	It is recommended that, if approval is granted, conditions be imposed to manage and mitigate noise and dust impacts. These conditions will aim to ensure that any off-site effects are kept within acceptable levels.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Major	High (12)
Risk Description:	The provision of Residential Aged Care within the Shire is jeopardised.		
Mitigation:	The lease agreement between the Shire and the applicant/lessee clearly sets out the obligations regarding the continued provision of this service within the Shire, and in this case, within a former Shire run facility. The application progresses these lease obligations.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Withholding consent to undertake Major Works without valid reason may breach the lease and expose the Shire to legal or reputational consequences.		
Mitigation:	Providing consent in accordance with the lease terms ensures the Shire meets its lease obligations and avoids non-compliance with the lease.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Likely	Moderate	High (12)
Risk Description:	If the Shire unreasonably withholds consent, it may breach the lease and risk legal action or disruption to rent payments.		
Mitigation:	Providing consent to undertake the Major Works ensures compliance with the lease and protects the Shire from financial exposure.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Refusing consent without valid reason may damage the Shire's relationship with Hall & Prior and undermine its support for aged care services.		
Mitigation:	Providing consent to undertake the Major Works demonstrates the Shire's commitment to fair dealings and community-focused partnerships.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Moderate	Moderate (9)
Risk Description:	Delaying or denying consent may impact residents and staff at Tuia Lodge, where many local families have strong ties and there is urgent need for expansion.		
Mitigation:	Providing consent to undertake the Major Works supports timely development of essential aged care services and demonstrates Council's responsiveness to community needs.		

Financial Implications

The applicant has paid all relevant application fees. Should Council decide to refuse the application, the applicant retains the right to seek a review through the State Administrative Tribunal (SAT). If such a review is initiated, the Shire may incur additional resourcing requirements, including internal staff time and/or the potential engagement of an external planning consultant for representation.

The Shire currently receives \$221,092 per annum in lease income. There are no costs to the Shire for any of the proposed works.

Policy Implications

Nil.

Statutory Compliance

The application has been assessed against the relevant provisions of the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7), as well as Schedule 2, Part 9, Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is provided in [Attachment 9.1.3\(6\)](#).

Lot 502 is a local scheme reserve for Public Purposes. The proposal is consistent with the purpose of the reserve as outlined in the management order which states that the reserve is to be used for Aged Persons Accommodation.

The planning assessment of this proposal focuses on the impacts of the works, and the proposed conditions aim to ensure there are no adverse impacts on the environment or the community.

Section 3.59 of the *Local Government Act 1995* requires a local government to prepare a business plan before commencing a major trading undertaking or enters a major land transaction. Council should note that the New Wing and Additional Works are being carried out under the existing Lease provisions, and the Shire is not entering into any new agreement or disposing of any further interest in land, therefore there is no requirement for the Shire to prepare or advertise a business plan under section 3.59 of the Act. The major land transaction process was satisfied at the time the Lease was executed, and the current works do not trigger any new disposal or development obligations for the Shire.

Consultation

Public Submissions

The application was referred to the landowners of adjoining and nearby properties, including the Department of Communities, Donnybrook District Hospital, and Donnybrook Medical Centre Pty Ltd. In response to the advertising a total of three (3) submissions were received, two (2) submission supporting the proposal and one (1) submission objecting to the proposal. The Public Submissions are contained in [Attachment 9.1.3\(4\)](#).

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

Summary of submissions	Officer response
Loss of native habitat: <ul style="list-style-type: none"> The bushland provides essential habitat for native wildlife, particularly ringtail possums, which depend on intact vegetation for food, nesting, and safe movement. Development would lead to habitat loss and fragmentation, threatening local biodiversity. 	The proposal was referred to Department of Biodiversity, Conservation and Attractions (DBCA) for comment and the Department of Water and Environmental Regulation (DWER). None of the departments objected to the vegetation removal and instead provided advice regarding the process to apply for clearing permits and compliance with legislation prior to the works commencing.

Summary of submissions	Officer response
<p>Removal of mature trees:</p> <ul style="list-style-type: none"> • Concern over removal of large trees that provide visual amenity and act as a windbreak, protecting nearby properties from strong westerly winds. • Tree removal may disrupt the underlying fauna and flora systems, including rare orchids and wildflowers observed on site. <p>Environmental degradation:</p> <ul style="list-style-type: none"> • The area forms part of a local ecosystem of ecological significance, and clearing would negatively impact soil stability, vegetation health, and wildlife corridors. <p>Amenity and lifestyle impacts:</p> <ul style="list-style-type: none"> • The submitter purchased their property based on the understanding that the adjoining land would remain bushland. • Development would diminish peace, natural character, and scenic views enjoyed by local residents. 	<p>Officers consider that although 19 habitat trees are proposed to be removed, the majority of vegetation on the eastern portion of the lot (approximately 33 metres from the eastern boundary inside the lot) will be retained.</p> <p>Given the scale and purpose of the development, it is necessary to balance the loss of vegetation against the community benefit of expanding the aged care facility — a service that is increasingly important given Donnybrook's aging population.</p> <p>The applicant has indicated that a detailed landscaping plan will be submitted as part of the subsequent development application for the facility expansion. This will provide an opportunity for vegetation replacement and broader environmental enhancement.</p> <p>It is noted that not all vegetation on the site will be removed, with a substantial number of mature trees retained within the reserve and adjoining road verge. Together with the proposed building form, this retained vegetation is expected to contribute to continued visual screening and a degree of protection from prevailing westerly winds.</p> <p>While it is acknowledged that the removal of some trees may alter local conditions, the matter of wind exposure is not typically a relevant planning consideration, as all development is subject to variable weather conditions.</p> <p>While the submitter's concerns regarding amenity and lifestyle impacts are acknowledged, there is no guarantee that vacant land within a townsite will remain undeveloped. Infill development is a key aspect of sustainable planning, as it optimises the use of existing infrastructure and services and makes efficient use of available land. The proposal has been assessed with regard to its potential impacts on the surrounding area, and measures such as site setbacks, landscaping, and design treatments help to manage any effects on local amenity.</p>

Summary of submissions	Officer response
<p>Community wellbeing and recreation:</p> <ul style="list-style-type: none"> The bushland provides a valued natural space for recreation, reflection, and community connection, which contributes to residents' wellbeing. Its loss would reduce accessible green space in the local area. 	<p>Lot 502 is reserved under the local planning scheme for Public Purposes, with the management order specifying its use for Aged Persons Accommodation. While the site may appear to be accessible bushland, it is not designated for public recreation. The intended purpose of the land is to provide aged care services, and the proposed development is consistent with this use.</p>

Consultation with Government/Service Agencies

The application was referred to the Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation and Water Corporation. The Agency Submissions are contained in [Attachment 9.1.3\(5\)](#).

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

Water Corporation

Summary of submission	Officer response
<p>The site is located within a P3 Source Protection Area, where urban development is permissible. The Water Corporation has no objection to the current proposal as the works are minor and do not impact existing assets or services. However, further information will be required as future stages and service demands are defined. The developer will be responsible for providing any necessary water and sewerage infrastructure, contributing to headworks, and potentially funding or providing land for new or upgraded Water Corporation works. The advice is subject to review and should be reconfirmed if the proposal does not proceed within six months.</p>	<p>Comments from the Water Corporation are noted. The developer will be advised that the Water Corporation requires them to be responsible for providing all necessary reticulation infrastructure, payment of headworks contributions, and any required upgrades or land provision associated with Water Corporation infrastructure and works. An advice note is recommended.</p>

Department of Water and Environmental Regulation (DWER)

Summary of submission	Officer response
<p>Issue 1: The clearing of native vegetation is subject to the <i>Environmental Protection Act 1986</i> (EP Act)</p> <p>Advice 1: The following is advised:</p>	<p>Comments from DWER are noted, and an advice note is recommended.</p>

Summary of submission	Officer response
<p>a) The applicant is to obtain Developmental Approval prior to clearing to ensure the clearing is exempt under Regulation 5, Item 1 of the EP Act, and clearing to be in accordance with the Shire's Firebreak and Fuel Hazard Reduction notice</p> <p>b) Please note that in the absence of Development Approval, this exemption does not apply</p> <p>c) If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).</p>	
<p>Issue 2: Public Drinking Water Source area and wellhead protection zone</p> <p>Advice 2: This development expansion is to connect to reticulated sewerage, to achieve compliance with the Department's Water Quality Protection Note 25 - <i>Land use compatibility tables for public drinking water source areas</i>.</p>	<p>Comments from DWER are noted and connection to reticulated sewer is to be retained. An advice note is recommended.</p>
<p>Issue 3: Stormwater and erosion/sediment transport management</p> <p>Advice 3: The following is advised:</p> <p>a) Care should be taken during construction works to ensure that material is not mobilised into the neighbouring properties, being the Yelverton street road reserve at eastern boundary, Allnut street to the south and Lot 500 to the north</p> <p>b) The Shire is advised to liaise with its environmental engineers to ensure the proposed stormwater management is in accordance with the <i>Decision process for stormwater management in WA</i> (DWER 2017) and the <i>Stormwater Management Manual for Western Australia</i> (DoW 2004–2007)</p>	<p>Comments from DWER are noted, and, if the proposal is approved, a condition will be imposed requiring the applicant's Stormwater Management Plan to be prepared in accordance with DWER's advice.</p>

Department of Biodiversity, Conservation and Attractions (DBCA)

Summary of submission	Officer response
<p>Biodiversity and Vegetation Clearing</p> <p>The Western Environmental Pty Ltd (WEPL) Technical Note (15 August 2025) identified the presence of western ringtail possum (WRP) and black cockatoo habitat within Lot 502. Both species are listed as <i>threatened</i> under the <i>Biodiversity Conservation Act 2016 (BC Act)</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>, with the WRP classified as <i>critically endangered</i> under both Acts.</p> <p>According to the applicant's documentation, the extent of vegetation clearing has been minimised to accommodate the proposed works, with nineteen fauna habitat trees proposed to be removed as part of the future aged care facility expansion.</p> <p>The Department of Biodiversity, Conservation and Attractions (DBCA) supports the retention of threatened fauna habitat where possible and advises that any disturbance to threatened species requires Ministerial authorisation under section 40 of the BC Act. DBCA further recommends that the applicant seek advice from its Species and Communities Branch prior to any clearing works.</p> <p>The Technical Note also confirms that a WEPL biodiversity assessment report is being prepared to support a referral to the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) for consideration under the EPBC Act.</p>	<p>Comments from the Department of Biodiversity, Conservation and Attractions (DBCA) are noted, and appropriate advice will be provided to the applicant should the proposal be approved. In addition, the Department of Water and Environmental Regulation (DWER) has advised that the applicant must obtain Development Approval prior to any clearing for the activity to qualify for exemption under Regulation 5, Item 1 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>. In the absence of a valid approval, this exemption does not apply. If approval is granted for the development of the forward works, the applicant will be advised to liaise with the Native Vegetation Regulation section of DWER prior to undertaking any clearing works that may impact threatened or critically endangered fauna.</p> <p>It is considered appropriate to require the submission of a detailed landscaping plan as part of any future development application for the facility expansion. The applicant has indicated that such a plan will be provided with the subsequent application, offering the opportunity for vegetation replacement and environmental enhancement consistent with the local landscape character.</p>

Consultation with Council

Representatives from Hall & Prior Health and Aged Care Group have provided an overview of their operations and future plans for the site informally to Council on 14 May and 5 November 2025.

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 9.1.3\(6\)\)](#).

Key considerations identified are:

Environmental and Vegetation Impacts

While 19 habitat trees are proposed for removal to facilitate the expansion, the denser vegetation within the eastern portion of the lot, approximately 33 metres from the eastern boundary, will be retained, helping to maintain habitat connectivity and mitigate the visual impact of the development. A landscaping plan will form part of the next stage of works.

Site Suitability and Environmental Risks

The lot is not located within a designated bushfire or flood prone area and lies within the Public Drinking Water Source Protection Area. No other environmental hazards have been identified. The proposed development represents an extension to an existing aged care facility and does not introduce new land uses that pose risks to human health or safety. Compliance with DWER and Water Corporation requirements for reticulation infrastructure and stormwater management will be required. The Water Corporation has also indicated that headworks contributions and any required upgrades will be for the cost of the applicant, which is a Water Corporation standard response on any building project within their network.

Construction Management

The application does not currently include detailed access arrangements. The applicant has advised that a Construction Management Plan (CMP) will be submitted for Shire approval prior to the commencement of works. The CMP will address key construction-related matters, including:

- Dust management
- Noise management
- Site vehicle access
- Parking and loading arrangements
- Traffic management
- On-site storage
- Site safety and hoarding
- Protection of existing infrastructure/repair of any damage as a result of construction works

Officers recommend a condition requiring submission and approval of a CMP to ensure safe, orderly, and well-managed construction operations.

Built Form, Retaining Walls, and Visual Impact

The proposed forward works include site earthworks and retaining walls to facilitate the expansion of Tuia Lodge. The retaining walls will reach a maximum height of approximately 3.2 metres along the northern boundary to ensure level consistency with the existing facility. A 3.2 m retaining wall combined with a 1.8 m solid fence would result in a total height of around 5 m, which could appear visually bulky within a public-purpose precinct. In an area accommodating community facilities such as hospitals, medical centres, and emergency services, maintaining openness and visual permeability is desirable to retain passive surveillance; and avoid a fortress-like appearance that may detract from the amenity of the precinct.

An open-style (e.g. pool-style design) or partially solid fence with open sections is recommended to soften the interface with adjoining public-purpose land. Existing vegetation and separation from the hospital building will assist in reducing the perceived scale of the wall.

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.*

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

Lease considerations

The proposed forward works are considered to have been contemplated as part of the preparation of the Lease, termed “New Works” and “Additional Works”. The Lease further stipulates the Lessee’s obligations which have been incorporated in the Executive Recommendation.

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 (LPS7). Key considerations, including environmental and vegetation impacts, site suitability, landscaping, construction management, traffic and infrastructure, community benefits, and land use and amenity, have been addressed.

Matters raised during the advertising period have been appropriately considered and can be managed through the imposition of conditions. Officers note that while 19 habitat trees are proposed for removal, the majority of vegetation on the eastern portion of the lot will be retained, and opportunities for vegetation replacement and environmental enhancement will be provided through a detailed landscaping plan. The proposal represents an extension to an established aged care facility, which will enhance the availability and quality of services to the community, in line with broader planning objectives.

Having regard to the above, staff consider that the application complies with the requirements of orderly and proper planning and recommend that the application be conditionally approved. Consent under the existing lease requirements is also recommended.

COUNCIL RESOLUTION: 225/11-25		
MOVED BY:	Cr Alexis Davy	SECONDED BY: Cr Alex Purich

- 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 P25052 Forward Works associated with the redevelopment of Tuia Lodge (Aged Persons Accommodation) at Lot 502 (30) Allnutt Street, 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 approved plans, including any notations and or conditions, and must not be altered or modified without the further written consent of the Shire.

Approved Plans:

- i. Existing site plan – DMG Drawing DA.01 A
 - ii. Affected Tree Plan – DMG Drawing DA.02 A
 - iii. Site Works Plan – DMG Drawing DA.03 A received 16-10-2025
 - iv. Elevations DA.08 A received 16-10-2025
 - v. Elevations DA.09 received 16-10-2025
 - vi. Forward Works Site Layout Plan – Terpkos Drawing C1.01 Rev 2
 - vii. Forward Works Typical Sections & Details – Terpkos Drawing C1.02 Rev 2
2. The applicant is responsible for the ongoing maintenance of the retaining walls, including the prompt repair or removal of any graffiti or vandalism, to the satisfaction of the Shire.
 3. Fencing on top of the retaining wall shall consist of an open-style design (e.g. pool-style fencing) and/or a partially solid fence incorporating open sections, unless otherwise approved by the Shire. Once installed the approved fencing shall be maintained in good condition thereafter, to the satisfaction of the Shire.
 4. Prior to the works commencing, a Stormwater Management Plan prepared by a suitably qualified practising engineer shall be submitted to and approved by the Shire. The Stormwater Management Plan must include runoff calculations demonstrating how stormwater from all development relevant to the forward works will be contained and disposed of on-site, unless otherwise approved, to the satisfaction of the Shire.
 5. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire.
 6. Prior to works commencing, a Construction management Plan must be submitted to and approved by the Shire and thereafter implemented in full, addressing the following matters:

- i. Dust management.
- ii. Noise management.
- iii. Site vehicle access.
- iv. Parking and loading arrangements.
- v. Traffic management.
- vi. On-site storage.
- vii. Site safety and hoarding.
- viii. Protection of Shire roads, footpaths, verges and other infrastructure, including commitments regarding prompt rectification of any damage caused to Shire infrastructure during construction.

ADVICE NOTES

- f. Compliance with the Building Code of Australia is required. A Certified Building Application must be submitted to and approved by the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- g. Construction activities must be managed in accordance with the *Environmental Protection (Noise) Regulations 1997*. Under these Regulations, construction work is restricted to the hours of 7:00am to 7:00pm, Monday to Saturday, and is not permitted on Sundays or Public Holidays without separate approval.
- h. Regardless of whether approval is required from the Shire for the clearing of vegetation on a lot, any 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*. For further information regarding clearing permits, contact DWER on (08) 6364 7000.

Prior to the removal of any native vegetation, a copy of the approved clearing permit issued by the Department of Water and Environmental Regulation in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, or confirmation from the department that a clearing permit is not required is to be provided to the Shire for Shire records.

- i. The Shire's Engineering Services advises that with regards to the condition relating to stormwater, written approval must first be obtained from the Shire when an applicant proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.
- j. The Department of Water and Environmental Regulation advise:
 - i. The applicant is to obtain Developmental Approval prior to clearing to ensure the clearing is exempt under Regulation 5, Item 1 of the EP Act, and clearing to be in accordance with the Shire's Firebreak and Fuel Hazard Reduction notice. In the absence of Development Approval, this exemption does not apply. If further

clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).

- ii. The next stage of the development is to connect to reticulated sewerage, to achieve compliance with the Department's Water Quality Protection Note 25 - *Land use compatibility tables for public drinking water source areas*.
 - iii. Care should be taken during construction works to ensure that material is not mobilised into the neighbouring properties, being the Yelverton Street at eastern boundary, Allnut Street to the south and Lot 500 to the north
- f. The Water Corporation advise that in relation to the next stage of the development the applicant will be responsible for providing all necessary reticulation infrastructure, payment of headworks contributions, and any required upgrades or land provision associated with Water Corporation infrastructure and works.
- g. The Department of Biodiversity Conservation and Attraction (DBCA) advise that any disturbance to threatened species requires Ministerial authorisation under section 40 of the *Biodiversity Conservation Act 2016*. DBCA further recommends that the applicant seek advice from its Species and Communities Branch prior to any clearing works.
- h. 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.
- i. 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.
- j. 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. That Council, pursuant to clause 17.4 of the lease that commenced 28 June 2021, consents to the Major Work proposed at Tuia Lodge Residential Aged Care Facility, Lot 502 (30) Allnutt Street, Donnybrook subject to the following conditions in accordance with Lease clauses 21.6 *Conduct of Major Work* and 21.7 *Lessor to be informed* i.e.:
- 6. The Major Work is to be carried out at the Cost of the Lessee;
 - 7. The Major Work must be undertaken in a proper and workmanlike manner and otherwise in accordance with all approvals from a relevant Government Agency having jurisdiction in respect of the Major Work;
 - 8. The Major Work must be executed by qualified and competent contractors;

9. The Major Work must be executed under the supervision of an architect or other suitably qualified and competent person; and;
10. The Lessee must keep the Shire regularly informed (at least on a monthly basis) in relation to the following matters:
- a. progress of the Major Work since the last report;
 - b. status of all applications to any Government Agency in respect of their approval for the Major Work;
 - c. the construction status of the Major Work including:
 - i. progress of construction as against any construction program;
 - ii. timeframes for completion of the Major Work, including the expected date of practical completion; and
 - iii. potential and actual delays to practical completion.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

9.1.4 Proposed Road Name Change – Kirkpatrick Street, Beelerup

Report Details:

Prepared by:	Manager Development Services		
Manager:	Ross Marshall, Director Operations		
Location:	Kirkpatrick Street, Beelerup		
File Reference:	RD 0253; RD0349	Voting Requirement:	Simple Majority
Attachment(s):			
9.1.4(1)	Landgate map showing proposed extension of Cherrydale Way, Beelerup		

Executive Recommendation

That Council, pursuant to the provisions of the *Land Administration Act 1997*, instruct the Chief Executive Officer to submit a request to Landgate for the following actions:

- 1. Extend Cherrydale Way, Beelerup to Sandhills Road, effectively removing the Kirkpatrick Street, Beelerup address; and;**
- 2. Endorse the continued use of the road name Kirkpatrick Road, Upper Capel**

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:	6.4 - Provide attractive, well maintained streetscapes, verges and trees.
Outcome:	9 - A thriving economy.
Objective:	9.3 - Enable appropriate infrastructure to support and enhance business.
Outcome:	12 - A well respected, professionally run organisation.
Objective:	12.1 - Deliver effective and efficient operations and service provision.

Executive Summary

The Shire has been informed of the existence of two Kirkpatrick Street names within the Shire, one in Beelerup and one in Upper Capel. Most recently this has created some issues for residents attempting to renew gun licences. Council is being requested to consider the renaming of one (Beelerup) and the retention of another (Upper Capel) to remove this duplication and improve wayfinding within the Shire for external service providers as well as local emergency response.

Background

Cherrydale Way in Beelerup has been mapped with Landgate since 1967. No properties in this Industrial area receive a mail service, with all registered landowners having post office addresses. There is one property that, within the Shire's rates system, has a Kirkpatrick Street, Beelerup address (refer Attachment 9.1.4(1)) This property is shown in Figure 1 with the blue roof structure.



Figure 1 – Locality Map Cherrydale Way, Beelerup

Kirkpatrick Road, Upper Capel is located off Ryall Road as illustrated in Figure 2. Shire records suggest that properties have been allocated Kirkpatrick Road addresses within the Shire's rating system since 2006, despite Kirkpatrick Road not being an "official" road. There are two properties that currently rely on the Kirkpatrick Road, Upper Capel address as their nominated residential address, noting that there is no mail service to this part of the district either.

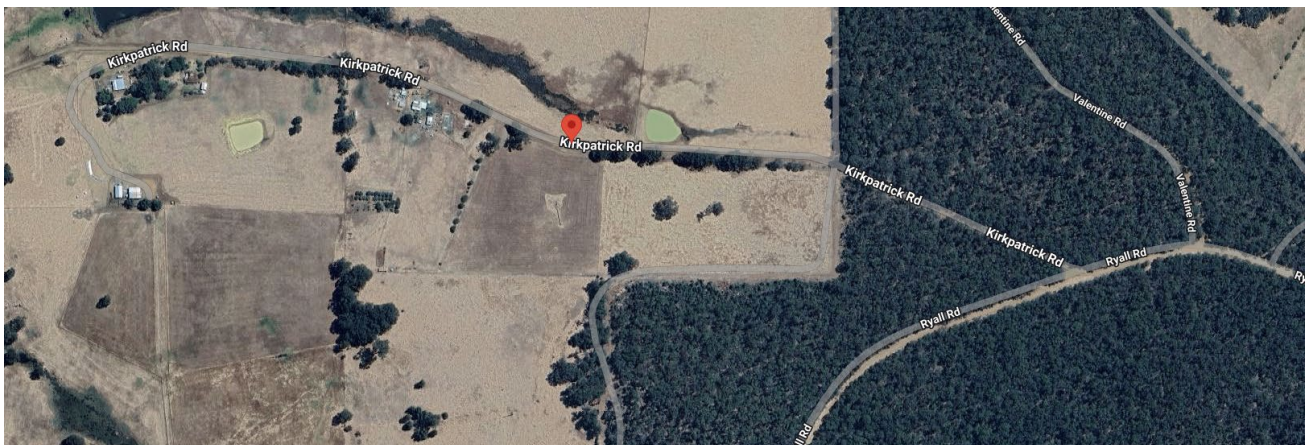


Figure 2 – Locality Map - Kirkpatrick Road, Upper Capel

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Prolonged inconvenience to impacted residents unable to confirm their residential address.		

Mitigation:	The proposed change works towards the wider acceptance of Kirkpatrick Road, Upper Capel		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Major	High (12)
Risk Description:	Duplication of road names can create confusion in the event of an emergency response.		
Mitigation:	The proposed change removes the duplication within the Shire of Donnybrook Balingup.		

Financial Implications

There has been officer time involved in consultation with impacted residents which is nonrecoverable. There will be some costs associated with the purchase and installation of a new street sign, however this is within the current operational budget for maintenance.

Policy Compliance

Nil.

Statutory Compliance

The naming of roads is governed by the *Land Administration Act 1997* via Landgate. While the Shire is not responsible for administering this legislation it is required to ensure any new or proposed street names meet the requirements of Landgate's Policies and Standards for the Geographical Naming of Western Australia. This requirement has been met through a pre-lodgement request to Landgate seeking feedback on the proposal as presented. Landgate have also confirmed that the wording of the Council recommendation, if passed, is suitable to effect this change.

Consultation

All impacted residents and businesses have been given the opportunity to provide comment. One business was concerned about costs to change their Certificate of Title. Landgate were consulted and confirmed that there would be no change to the Certificate of Title, as there is currently no street address registered on their title.

One resident's feedback was very supportive as they have experienced 22 years of issues with agencies and service providers having difficulty locating their physical address.

Preliminary Landgate comments have been sought and they are generally supportive of the changes as proposed.

Officer Comment

Kirkpatrick Street is fully sealed and connects Cherrydale Way to Sandhills Road. The proposal to extend the name Cherrydale Road to meet Sandhills Road will remove the need for Kirkpatrick Street, Beelerup. There is no change in grade or form of the road between Cherrydale Way and Kirkpatrick Street so from a driver perspective, would be seamless in their interactions.

Kirkpatrick Road is a 1.14 km gravel road within a road reserve. The acceptance of this street name puts into practice the long held local use of this road name. Having the name endorsed by Landgate

ensures that all maps relied upon by both utility providers and emergency services will be consistent with local use.

The recommendation is the most efficient use of officer time in resolving this road name duplication and will avoid further complications for property owners in the Upper Capel location. If endorsed by Council, the proposal will be formally submitted to Landgate for further assessment.

COUNCIL RESOLUTION: 226/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council, pursuant to the provisions of the *Land Administration Act 1997*, instruct the Chief Executive Officer to submit a request to Landgate for the following actions:

- 1. Extend Cherrydale Way, Beelerup to Sandhills Road, effectively removing the Kirkpatrick Street, Beelerup address; and;**
- 2. Endorse the continued use of the road name Kirkpatrick Road, Upper Capel**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.2. Director Finance and Corporate

9.2.1 Schedule of Accounts Paid as at 31 October 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 October 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 October 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 \$1,951,441.35.

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 OCTOBER TO 31 OCTOBER 2025

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
CREDIT CARD				
	01/09/2025	SENDGRID	MONTHLY AUTOMATED EMAIL SERVICE, LINKED TO ENVIBE	142.95
	07/09/2025	MICROSOFT	AZURE USAGE CHARGES	287.79
	11/09/2025	MOOBA	COUNCILLOR/STAFF - SNACK/DRINK	21.10
	12/09/2025	DEPT HOUSING & WORKS	SHERP GRANT UNDERSPEND	250.80
	21/09/2025	BALTI	STAFF MEAL	41.31
	22/09/2025	DOMÉ	STAFF MEAL	24.45
	23/09/2025	DEPARTMENT OF TRANSPORT	VEHICLE LICENCE	358.90
	23/09/2025	DOMÉ	STAFF MEAL	11.25
	24/09/2025	DOMÉ	STAFF MEAL	11.25
	24/09/2025	MAILCHIMP	MONTHLY MARKETING SUBSCRIPTION	40.48
	24/09/2025	DUXTON	ACCOMMODATION PARKING - WALGA CONVENTION	237.19
	25/09/2025	WILSON CAR PARKING	STAFF PARKING	38.52
	29/09/2025	BENDIGO BANK	CARD FEEDS	16.00
DD28716.1	14/10/2025	BENDIGO BANK	TOTAL: CREDIT CARD PAYMENTS	1,481.99
EFT PAYMENTS				
EFT31750B	02/10/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 01.10.25	158,781.42
EFT31750C	02/10/2025	AUSTRALIAN TAX OFFICE	PAYG PE: 01.10.25	44,730.00
EFT31751	09/10/2025	ALFS MACHINERY PTY LTD	EQUIPMENT PARTS	60.50
EFT31752	09/10/2025	AUSTRALIA POST - ACCOUNTS	SHIRE POSTAGE	1,073.96
EFT31753	09/10/2025	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	EMPLOYEE UNION DEDUCTIONS	79.50
EFT31754	09/10/2025	ALL TECH PLUMBING	ANNUAL HOT WATER SERVICE	1,993.20
EFT31755	09/10/2025	WINC AUSTRALIA PTY LTD - ACCOUNTS	STATIONERY SUPPLIES	170.53
EFT31756	09/10/2025	ALLENS TRAFFIC MANAGEMENT	TRAFFIC MANAGEMENT - DRAINAGE WORKS	27,632.00
EFT31757	09/10/2025	ALL LIFT LIFTING SERVICES	INSPECTION/SERVICE OF CAR HOIST, SELF LOCKING HOOK	884.98
EFT31758	09/10/2025	ARM SECURITY	BEELERUP BFB - SECURITY MONITORING	142.78
EFT31759	09/10/2025	A1 SIGN SHOP	ACM FUNDING ACKNOWLEDGEMENT SIGN	38.50
EFT31760	09/10/2025	ADAM DAVEY CONSULTING	APPLICATIONS OF WATER RETENTION AGENT	1,232.00
EFT31761	09/10/2025	BENARA NURSERIES	VARIOUS PLANTS FOR GARDEN BEDS	5,608.52
EFT31762	09/10/2025	BUNNINGS GROUP LIMITED	DOOR SEAL	50.42
EFT31763	09/10/2025	BDA TREE LOPPING	TREE PRUNING	20,636.00
EFT31764	09/10/2025	BALINGUP LIQUOR & GENERAL STORE	BFB'S - DIESEL	279.36
EFT31765	09/10/2025	SOUTHWEST FIRE MITIGATION SERVICES	DRY HIRE OF MACHINERY	5,800.80
EFT31766	09/10/2025	BETTER TELCO SOLUTIONS PTY LTD - PHONE ACCOUNT	MONTHLY SERVICE CHARGES - MONTHLY ACCESS FEE & SIP	930.40
EFT31767	09/10/2025	BOLINDA PUBLISHING PTY LTD	LARGE PRINT BOOK	53.46

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

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31768	09/10/2025	COCA COLA AMATIL (AUST) P/L	KIOSK STOCK	457.87
EFT31769	09/10/2025	DUG CROSS ELECTRICS	LIGHT REPAIRS, SUPPLY & INSTALL NEW HWU THERMOSTAT, SUPPLY NEW LED, TEST & INVESTIGATE INTERMITTENT EARTH LEAKAGE FAULT	1,710.00
EFT31770	09/10/2025	SHIRE OF CAPEL	IGNITE 2 TRAINING	1,480.00
EFT31771	09/10/2025	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	372.87
EFT31772	09/10/2025	BIDFOOD BUNBURY	KIOSK STOCK	281.25
EFT31773	09/10/2025	CRS ELECTRICAL	SUPPLY AND REPLACE THE IN-GROUND LIGHTS AT THE DONNYBROOK WAR MEMORIAL	3,000.00
EFT31774	09/10/2025	CHG-MERIDIAN AUSTRALIA PTY LIMITED	W&S PRINTER LEASE AGREEMENT QRT PAYMENT	341.70
EFT31775	09/10/2025	DONNYBROOK MEDICAL SERVICES	PRE-EMPLOYMENT MEDICALS	835.00
EFT31776	09/10/2025	DE LAGE LANDEN PTY LTD	CISCO CATALYST SWITCHES - RESIDUAL VALUE PURCHASE PAYMENT	110.82
EFT31777	09/10/2025	DBCEC (WA) PTY LTD	WET HIRE RUBBER TYRE ROLLER FOR WINTER GRADING PROGRAM	19,640.50
EFT31778	09/10/2025	DONNYBROOK BALINGUP CHAMBER OF COMMERCE INC.	SHOP LOCAL VOUCHERS	200.00
EFT31779	09/10/2025	DUXTON HOTEL PERTH	ACCOMMODATION - WALGA CONVENTION	500.00
EFT31780	09/10/2025	FAIRTEL PTY LTD	DONNYBROOK SES - PHONE AND NBN SERVICE	159.97
EFT31781	09/10/2025	D GREEN	SWIMMING LESSON REFUND	16.22
EFT31782	09/10/2025	HASTIE WASTE PTY LTD	MONTHLY MANAGEMENT - DBK WMF & BLN TRANSFER STATION, HIRE OF SKIP BIN, SERVICING OF FRONTLIFT WASTE BINS	40,874.00
EFT31783	09/10/2025	HART SPORT	NETBALL BIBS & NETBALLS	404.00
EFT31784	09/10/2025	SKIPPERS PLUMBING SERVICES	FIX LEAKING TOILET	121.00
EFT31785	09/10/2025	ALAN RONALD HAINES	SOLENOID COIL	42.77
EFT31786	09/10/2025	INDUSTRIAL AUTOMATION GROUP PTY LTD	PLC UPGRADE TO STANDPIPE CONTROLLERS - DBK & BLN	5,824.50
EFT31787	09/10/2025	INFIELD SERVICES PTY LTD	BFB'S - VEHICLE SERVICES	10,490.64
EFT31788	09/10/2025	SOUTH WEST ISUZU	SERVICE GEAR BOX	598.79
EFT31789	09/10/2025	JONNO'S HANDYMAN AND CARPENTRY SERVICES	COMMUNITY HOUSING - GENERAL MAINT & GARDENING, DBK POUND - CUTTER CLEAN & GROUND CLEAN UP	1,292.50
EFT31790	09/10/2025	JACKSON MCDONALD	REVIEW TRIPARTITE AGREEMENT	3,950.10
EFT31791	09/10/2025	MALATESTA ROAD PAVING & HOTMIX	SUPPLY OF EMULSION	720.00
EFT31792	09/10/2025	MULLALYUP FOREST FARM NURSERY	INSTALLATION & FLUSHING OF BORE, CONNECTION TO TANK AT EGAN PARK, REPLACE WATER METER, INSTALL MAINLINE, PUMP PIPE WORK & FLOAT SWITCH	7,664.25

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

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31793	09/10/2025	OFFICEWORKS	STATIONERY SUPPLIES	661.60
EFT31794	09/10/2025	PRESTON VALLEY MAINTENANCE	DBK HALL - RESEAT EXTERIOR DOOR HINGES, DBK TRANSIT PARK - SUPPLY & INSTALL MISSING LOG RAIL	407.00
EFT31795	09/10/2025	PFD FOOD SERVICE PTY LTD	KIOSK STOCK	582.45
EFT31796	09/10/2025	QUANTIFIED TREE RISK ASSESSMENT	QTRA USER REGISTRATION RENEWAL	365.75
EFT31797	09/10/2025	RECRUITWEST PTY LTD	CASUAL LABOUR HIRE	12,747.36
EFT31798	09/10/2025	SPENCER SIGNS	VC MITCHELL PARK - WAYFINDING SIGNAGE	1,298.00
EFT31799	09/10/2025	STEWART & HEATON CLOTHING CO. P/L	BFB'S PPE	757.57
EFT31800	09/10/2025	SOUTHERN LOCK & SECURITY	ADMIN SUB CENTRE - QUARTERLY ALARM MONITORING	598.00
EFT31801	09/10/2025	SHRED-X PTY LTD & AUSTRALIAN PAPER RECYCLING	SHREDDING BIN PICK UP	161.58
EFT31802	09/10/2025	SUPAGAS	GAS FACILITY FEE	50.60
EFT31803	09/10/2025	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES	1,867.00
EFT31804	09/10/2025	TRUCKLINE	HOSE	70.53
EFT31805	09/10/2025	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	56.82
EFT31806	09/10/2025	TOTALLY WORKWEAR BUNBURY	PPE	247.12
EFT31807	09/10/2025	TELAIR PTY LTD	NBN SERVICE CHARGES	678.90
EFT31808	09/10/2025	TANGO INFORMATION TECHNOLOGY PTY LTD	ICT STRATEGY DEVELOPMENT MOBILISATION	5,500.00
EFT31809	09/10/2025	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	706.11
EFT31810	09/10/2025	SYNERGY	ELECTRICITY CHARGES	11,320.99
EFT31811	09/10/2025	VEOLIA ENVIRONMENTAL SERVICES	STREET CLEANING	11,981.85
EFT31812	09/10/2025	WORK CLOBBER	PPE	612.90
EFT31812A	16/10/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 15.10.25	201,627.93
EFT31812B	16/10/2025	AUSTRALIAN TAX OFFICE	PAYG PE: 15.10.25	63,140.00
EFT31813	23/10/2025	HARMONIC IT	ANNUAL MANAGED SERVICES AGREEMENT CHARGED MONTHLY, MICROSOFT BUSINESS STANDARD LICENCE RENEWAL	15,797.98
EFT31814	23/10/2025	AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH	EMPLOYEE UNION DEDUCTIONS	79.50
EFT31815	23/10/2025	AMITY SIGNS	STREET/ROAD SIGNS	525.80
EFT31816	23/10/2025	ALL TECH PLUMBING	ANNUAL BACKFLOW DEVICE TESTING	3,388.00
EFT31817	23/10/2025	WINC AUSTRALIA PTY LTD - ACCOUNTS	STATIONERY SUPPLIES	115.76
EFT31818	23/10/2025	ADAMS WINDOW CLEANING	PRESTON RETIREMENT VILLAGE - ANNUAL WINDOW CLEAN	3,300.00
EFT31819	23/10/2025	AGTRAC MACHINERY	EQUIPMENT PARTS	205.67
EFT31820	23/10/2025	A.L.L BUILDING DESIGN & DRAFTING	DBK REC CTR - CHANGING ROOM REFURBISHMENT - DRAWINGS FOR SCOPE OF WORK	2,932.50
EFT31821	23/10/2025	L ARNOLD	REFUND OVERPAYMENT OF RATES	405.81

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

REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31822	23/10/2025	T, L & K ABBOTT	COUNCIL CONTRIBUTION FOR COMPLIANT CROSSOVER	300.00
EFT31823	23/10/2025	BUNNINGS GROUP LIMITED	AIR COMPRESSOR, ACROW PROPS, STAR PICKETS & SUNDRY ITEMS	968.86
EFT31824	23/10/2025	BALINGUP BUSH FIRE BRIGADE	PERSONNEL & EQUIPMENT - MITIGATION BURNS	1,740.00
EFT31825	23/10/2025	BUILDING AND CONSTRUCTION INDUSTRY TRAINING BOARD	BCTIF LEVY COLLECTIONS	1,601.34
EFT31826	23/10/2025	BEELERUP BUSH FIRE BRIGADE - SECRETARY	PERSONNEL & EQUIPMENT - MITIGATION BURNS	2,265.00
EFT31827	23/10/2025	AGRI SPARK AUTO ELECTRICS	REPAIR ELECTRICAL FAULT, DIAGNOSE RADIO FAULT, BRUSH SET	325.00
EFT31828	23/10/2025	BLUE FORCE PTY LTD	PRESTON VILLAGE - MONTHLY EMERGENCY HELP MONITORING	532.95
EFT31829	23/10/2025	BRIGHTMARK GROUP PTY LTD	CLEANING - SEP 25	17,764.61
EFT31830	23/10/2025	BEILBY DOWNING TEAL PTY LTD	RECRUITMENT - DIRECTOR FINANCE & COMMUNITY	4,235.00
EFT31831	23/10/2025	CITY & REGIONAL FUELS	PURCHASES ON FUEL CARDS & BULK FUEL - SEP 25	20,024.31
EFT31832	23/10/2025	AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT	PAYROLL DEDUCTIONS	372.87
EFT31833	23/10/2025	CLEANAWAY OPERATIONS PTY LTD.	BLN TRANSFER STATION - RECYCLING - SEP 25	1,010.12
EFT31834	23/10/2025	WESTERN AUSTRALIA POLICE	ESL - VOLUNTEER POLICE CHECKS - SEP 25	17.60
EFT31835	23/10/2025	DONNYBROOK BALINGUP CHAMBER OF COMMERCE INC	VENUE HIRE & FOOD - MEET THE CANDIDATES EVENT	1,100.00
EFT31836	23/10/2025	CLEANAWAY	REFUSE COLLECTION & DISPOSAL - SEP 25	46,987.58
EFT31837	23/10/2025	CORSIGN WA	STEEL FLEX GUIDEPOSTS, ROAD SIGNAGE	9,611.80
EFT31838	23/10/2025	CAFE 48	COUNCIL WORKSHOP REFRESHMENTS	48.00
EFT31839	23/10/2025	CONNECT CALL CENTRE SERVICES	AFTERHOURS CALL CENTRE	137.17
EFT31840	23/10/2025	CAPE TRAINING & ASSESSING	CHAINSAW TRAINING	370.00
EFT31841	23/10/2025	CLEANAWAY PTY LTD	DBK WMF - RECYCLING WASTE PROCESSING - SEP 25	2,984.59
EFT31842	23/10/2025	CLEANAWAY OPERATIONS PTY LTD	BLN GENERAL WASTE COLLECTION - SEP 25	3,882.28
EFT31843	23/10/2025	TJ DEPIAZZI & SONS	VC MITCHELL - MULCH FOR GARDEN BEDS & FREIGHT	2,382.16
EFT31844	23/10/2025	DONNYBROOK HARDWARE & GARDEN	HARDWARE SUPPLIES - GUMBOOTS, FERTILISER, BATTERIES, CLAMPS, SAW BLADE, DAISY WEEDER, ADHESIVE, SCREWS, KWIKSET, SEED RAISING MIX - SEP 25	303.53
EFT31845	23/10/2025	DONNYBROOK BRIDGESTONE TYRE SERVICE	TYRE REPAIRS	242.00

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31846	23/10/2025	DONNYBROOK FARM SERVICE	POOL CHEMICALS, RETIC COMPONENTS, HERBICIDE, SOLVENT, SUBSOIL DRAIN - SEP 25	3,351.56
EFT31847	23/10/2025	DONNYBROOK FRESH SUPA IGA	GROCERY SUPPLIES - COUNCIL MEETINGS, ADMIN, W&S, DBK REC CTR, BFB'S - SEP 25	866.13
EFT31848	23/10/2025	DONNYBROOK FOOTBALL & SPORTING CLUB (INC)	VC MITCHELL PARK - PAVILLION 1 HIRE - BOOKINGS COLLECTED ON BEHALF OF CLUB - AS PER MANAGEMENT AGREEMENT	792.00
EFT31849	23/10/2025	DONNYBROOK VOLUNTEER FIRE & RESCUE	PERSONNEL & EQUIPMENT - MITIGATION BURNS	2,340.00
EFT31850	23/10/2025	DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY - BUILDING COMMISSION	BSL COLLECTIONS - SEP 25	3,053.92
EFT31851	23/10/2025	DBCEC (WA) PTY LTD	HIRE OF WATER CART FOR ROAD WORK PROJECT	1,320.00
EFT31852	23/10/2025	DUXTON HOTEL PERTH	ACCOMMODATION - WALGA CONVENTION	750.00
EFT31853	23/10/2025	EMERG SOLUTIONS PTY LTD	BART SUBSCRIPTION SERVICE	495.00
EFT31854	23/10/2025	R FIELD	REFUND POLICE CLEARANCE CHECK	63.80
EFT31855	23/10/2025	JETLINE KERBING CONTRACTORS	KERB & FOOTPATH REPAIRS	9,564.50
EFT31856	23/10/2025	L GRUBISA	REFUND OVERPAYMENT OF RATES	818.54
EFT31857	23/10/2025	HERSEY'S SAFETY PTY LTD	VARIOUS WORKSHOP CONSUMABLES - GLOVES, SAFETY GLASSES	2,530.22
EFT31858	23/10/2025	HASTIE WASTE PTY LTD	DBK WMF - PROCESSING OF MATTRESSES FOR RECYCLING	480.00
EFT31859	23/10/2025	HARVEY NORMAN AV/IT BUNBURY (ELECTRICAL)	VCMP - FRIDGE, BFB - REPLACEMENT FRIDGE	3,957.00
EFT31860	23/10/2025	HARVEY FARM SERVICE	PURCHASE OF MOWER	55,989.50
EFT31861	23/10/2025	P HEANEY	STANDPIPE BOND & WATER CREDIT REFUND	67.12
EFT31862	23/10/2025	HYDRAULINK SOUTH WEST	REPAIR HOSE FOR LOADER GRABS	311.38
EFT31863	23/10/2025	INSTITUTE OF PUBLIC WORKS AND ENGINEERING AUSTRALIA (WA)	IPWEA - 2025 ANNUAL COUNTRY MEETING	100.00
EFT31864	23/10/2025	JOMAR (WA) PTY LTD	BRIDGE STREET BRIDGE URGENT REPAIRS - PROGRESS CLAIM	67,567.50
EFT31865	23/10/2025	JONNO'S HANDYMAN AND CARPENTRY SERVICES	COMMUNITY HOUSING - GENERAL MAINT & GARDENING	2,156.80
EFT31866	23/10/2025	LANDGATE CUSTOMER ACCOUNT	COPY OF TRANSFER OF LAND ACT DOCUMENT	32.60
EFT31867	23/10/2025	LOWDEN BUSH FIRE BRIGADE - SECRETARY	EQUIPMENT - MITIGATION BURNS	1,365.00
EFT31868	23/10/2025	LGISWA	INSURANCE - 2025/26 - 2ND INSTALMENT	474,016.19
EFT31869	23/10/2025	LINDSAY TRANSPORT	FOLDING STAGE - FREIGHT	99.00
EFT31870	23/10/2025	D LAW	REFUND OVERPAYMENT OF RATES	1,703.75
EFT31871	23/10/2025	MALATESTA ROAD PAVING & HOTMIX	EMULSION FOR ROAD REPAIRS	720.00

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31872	23/10/2025	MULLALYUP BUSH FIRE BRIGADE	PERSONNEL & EQUIPMENT - MITIGATION BURNS	1,125.00
EFT31873	23/10/2025	MUMBALLUP BUSH FIRE BRIGADE - SECRETARY	PERSONNEL & EQUIPMENT - MITIGATION BURNS	2,415.00
EFT31874	23/10/2025	MCLEODS BARRISTERS & SOLICITORS	LEGAL ADVICE - PLANNING APPROVAL, LEASE ASSIGNMENT & EASEMENT ISSUE REVIEW	3,804.24
EFT31875	23/10/2025	MEB INDUSTRIES PTY LTD	SINGLE PIPE HEADWALLS	1,658.93
EFT31876	23/10/2025	MARIETTA MEHANNI	GYMSTICK REPLACEMENT BANDS	370.00
EFT31877	23/10/2025	MICROSOFT REGIONAL SALES CORPORATION	MICROSOFT 365 BUSINESS PREMIUM & EXCHANGE ONLINE PLANS	2,466.62
EFT31878	23/10/2025	NATURALISTE TURF	ANNUAL RENOVATION WORKS - EGAN PARK	8,364.40
EFT31879	23/10/2025	NOLAN DRAFTING	ROAD UPGRADE - DESIGN WORKS	2,594.86
EFT31880	23/10/2025	OFFICEWORKS	STATIONERY SUPPLIES	189.00
EFT31881	23/10/2025	OMNICOM MEDIA GROUP AUSTRALIA PTY LTD	ADVERTISING - WASTE AMENDMENT LOCAL LAW, ANIMALS AMENDMENT LOCAL LAW	469.30
EFT31882	23/10/2025	N O'CONNOR	REIMBURSE PROFESSIONAL DEVELOPMENT, STAFF FUEL	4,262.24
EFT31883	23/10/2025	B O'HARE	REFUND OVERPAYMENT OF RATES	405.80
EFT31884	23/10/2025	PRESTON PRESS	SHIRE CONNECT - OCT 25, MIXED NETBALL ADVERT	645.00
EFT31885	23/10/2025	PRESTON VALLEY MAINTENANCE	REPAIRS TO MAIN STREET FOOTPATHS, DBK LIONS CLUB - GUTTER CLEAN, BLN REC CTR - INVESTIGATE ROOF LEAK	2,462.00
EFT31886	23/10/2025	PRESTON POWER EQUIPMENT	PPC & TOOLING FOR MITIGATION TRAILER	421.00
EFT31887	23/10/2025	WA DISTRIBUTORS PTY LTD	DBK REC CTR - CLEANING MATERIALS	1,170.75
EFT31888	23/10/2025	PROLUDIC PTY LTD	PLAYGROUND EQUIPMENT PARTS	2,350.81
EFT31889	23/10/2025	T PAVITT	REFUND SWIMMING LESSONS	145.98
EFT31890	23/10/2025	HOLCIM (AUSTRALIA) PTY LTD	CRUSHED ROCK AGGREGATE	2,590.43
EFT31891	23/10/2025	REPCO - DONNYBROOK	FLOOR SCRUBBER, BATTERIES, OIL & BREAK CLEANER, LUBRICANT - SEP 25	1,079.10
EFT31892	23/10/2025	RANTAM PTY LTD	CONSTRUCTION OF SHED - BLN TRANSFER STATION	7,884.72
EFT31893	23/10/2025	RECRUITWEST PTY LTD	CASUAL LABOUR HIRE	11,426.84
EFT31894	23/10/2025	SOUTHERN LOCK & SECURITY	KEY CUT	40.00
EFT31895	23/10/2025	SOS OFFICE EQUIPMENT	MONTHLY PRINTER MFD METER READS	747.73
EFT31896	23/10/2025	SEEK LIMITED	ADVERTISEMENT - HR COORDINATION	335.50
EFT31897	23/10/2025	SOUTHERN STAR BUILDING COMPANY & MAINTENANCE	BROOKHAMPTON HALL - REFURBISHMENT PROJECT - ADDITIONAL REPAIR WORK	1,584.00
EFT31898	23/10/2025	TELSTRA - MELBOURNE ACCOUNTS	TELEPHONE, MOBILE & INTERNET CHARGES	1,231.24
EFT31899	23/10/2025	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	430.56
EFT31900	23/10/2025	TOTAL TOOLS BUNBURY	LAMPHEAD	330.00
EFT31901	23/10/2025	TPG NETWORK PTY LTD	IP LINE STANDARD & FAST FIBRE	1,304.60
EFT31902	23/10/2025	TOTALLY WORKWEAR BUNBURY	STAFF UNIFORM	64.26

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
EFT31903	23/10/2025	DEPARTMENT OF TREASURY AND FINANCE	REFUND ESL REBATE	54.00
EFT31904	23/10/2025	WATER CORPORATION - ACCOUNTS	WATER & SEWERAGE CHARGES	9,387.15
EFT31905	23/10/2025	SYNERGY	ELECTRICITY CHARGES	24,875.68
EFT31906	23/10/2025	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	TRAINING - RATES IN LOCAL GOVERNMENT DEBT COLLECTION, WALGA DELEGATION & AUTHORISATION ESSENTIALS	2,046.00
EFT31907	23/10/2025	VEOLIA ENVIRONMENTAL SERVICES	STREET CLEANING	1,681.89
EFT31908	23/10/2025	WESTRAC EQUIPMENT PTY LTD	ENGINE OIL	83.59
EFT31909	23/10/2025	MACHINERY WEST	HIRE OF MINI DIGGER, WASHERS/NUTS	324.48
EFT31910	23/10/2025	WESTSIDE WINDSCREENS	REPLACE WINDSCREEN	825.00
EFT31910A	30/10/2025	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR THE PERIOD ENDING 29.10.25	177,448.65
EFT31910B	30/10/2025	AUSTRALIAN TAX OFFICE	PAYG PE: 29.10.25	49,030.00
			TOTAL: EFT PAYMENTS	1,797,302.79
CHEQUE PAYMENTS				
53843	07/10/2025	DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY	TENANCY BOND	723.00
53844	15/10/2025	DEPARTMENT OF TRANSPORT	CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE	225.00
			TOTAL: CHEQUE PAYMENTS	948.00
BANK FEES				
	31/10/2025	BENDIGO	BANK FEES	1,766.07
		COMMONWEALTH	BANK FEES	3,165.80
		TYRO	BANK FEES	5,765.87
		PAYPAL	TRANSACTION FEES	2.59
		WA TREASURY	BANK FEES	2.00
		EZIDEBIT	TRANSACTION FEES	14.40
		SPACETOCO	TRANSACTION FEES	1,867.40
			TOTAL: BANK FEES	12,584.13
DIRECT DEBITS				
DD28689.1	01/10/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	35.71
DD28689.2	01/10/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	642.72
DD28689.3	01/10/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	664.08
DD28689.4	01/10/2025	TATE SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	326.64
DD28689.5	01/10/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	332.31
DD28689.6	01/10/2025	EQUIP SUPER	EMPLOYEE SUPER DEDUCTIONS	470.77
DD28689.7	01/10/2025	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	256.95
DD28689.8	01/10/2025	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	255.78
DD28689.9	01/10/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	22,167.52
DD28689.10	01/10/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	1,223.37
DD28689.11	01/10/2025	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	977.70
DD28689.12	01/10/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	4,606.14
DD28689.13	01/10/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,534.90

SHIRE OF DONNYBROOK BALINGUP
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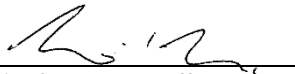
REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
DD28689.14	01/10/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	681.23
DD28689.15	01/10/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	471.02
DD28689.16	01/10/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	742.92
DD28723.1	15/10/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	61.18
DD28723.2	15/10/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	735.40
DD28723.3	15/10/2025	TATE SUPERANNUATION FUND	EMPLOYEE SUPER DEDUCTIONS	254.00
DD28723.4	15/10/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	439.63
DD28723.5	15/10/2025	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	766.50
DD28723.6	15/10/2025	EQUIP SUPER	EMPLOYEE SUPER DEDUCTIONS	2,259.70
DD28723.7	15/10/2025	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	290.45
DD28723.8	15/10/2025	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	326.64
DD28723.9	15/10/2025	HOSTPLUS	EMPLOYEE SUPER DEDUCTIONS	330.66
DD28723.10	15/10/2025	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	EMPLOYEE SUPER DEDUCTIONS	138.48
DD28723.11	15/10/2025	TELSTRA SUPERANNUATION SCHEME	EMPLOYEE SUPER DEDUCTIONS	110.45
DD28723.12	15/10/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	26,528.22
DD28723.13	15/10/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	1,490.92
DD28723.14	15/10/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	6,481.28
DD28723.15	15/10/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	2,007.65
DD28723.16	15/10/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	1,010.82
DD28723.17	15/10/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	497.22
DD28723.18	15/10/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	897.20
DD28723.19	15/10/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	848.86
DD28724.1	15/10/2025	SG FLEET AUSTRALIA PTY LIMITED	CESM - VEHICLE LEASE PAYMENT	1,018.60
DD28741.1	24/10/2025	WA TREASURY CORPORATION	LOANS NO 90 & 93 - INTEREST PAYMENTS	21,206.55
DD28748.1	29/10/2025	SPECTRUM SUPER	EMPLOYEE SUPER DEDUCTIONS	97.92
DD28748.2	29/10/2025	UNISUPER	EMPLOYEE SUPER DEDUCTIONS	668.43
DD28748.3	29/10/2025	CBUS SUPER	EMPLOYEE SUPER DEDUCTIONS	735.50
DD28748.4	29/10/2025	BRIGHTER SUPER	EMPLOYEE SUPER DEDUCTIONS	345.60
DD28748.5	29/10/2025	GESB SUPER SCHEME	EMPLOYEE SUPER DEDUCTIONS	173.25
DD28748.6	29/10/2025	EQUIP SUPER	EMPLOYEE SUPER DEDUCTIONS	329.54
DD28748.7	29/10/2025	ONEPATH MASTERFUND	EMPLOYEE SUPER DEDUCTIONS	265.70
DD28748.8	29/10/2025	COMMONWEALTH BANK GROUP SUPER	EMPLOYEE SUPER DEDUCTIONS	326.64
DD28748.9	29/10/2025	HOSTPLUS	EMPLOYEE SUPER DEDUCTIONS	326.64
DD28748.10	29/10/2025	AUSTRALIAN RETIREMENT TRUST	EMPLOYEE SUPER DEDUCTIONS	262.94
DD28748.11	29/10/2025	RAIZ SUPER	EMPLOYEE SUPER DEDUCTIONS	105.60
DD28748.12	29/10/2025	AWARE SUPER	EMPLOYEE SUPER DEDUCTIONS	21,870.14
DD28748.13	29/10/2025	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	EMPLOYEE SUPER DEDUCTIONS	1,275.00
DD28748.14	29/10/2025	AUSTRALIAN SUPER	EMPLOYEE SUPER DEDUCTIONS	5,315.86
DD28748.15	29/10/2025	REST SUPERANNUATION	EMPLOYEE SUPER DEDUCTIONS	1,710.09
DD28748.16	29/10/2025	ANZ SMART CHOICE SUPER	EMPLOYEE SUPER DEDUCTIONS	168.59

SHIRE OF DONNYBROOK BALINGUP
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REFERENCE	DATE	PAYEE	DESCRIPTION	AMOUNT
DD28748.17	29/10/2025	AMP LIFE LIMITED	EMPLOYEE SUPER DEDUCTIONS	629.17
DD28748.18	29/10/2025	MERCER SUPER TRUST	EMPLOYEE SUPER DEDUCTIONS	517.39
DD28748.19	29/10/2025	MLC PLUM SUPER	EMPLOYEE SUPER DEDUCTIONS	910.27
			TOTAL: DIRECT DEBITS	139,124.44
			TOTAL: PAYMENTS FROM MUNICIPAL ACCOUNT	1,951,441.35

CERTIFICATION BY CHIEF EXECUTIVE OFFICER

This Schedule of Accounts Paid is submitted to the Council Meeting on 26 November 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

COUNCIL RESOLUTION:	227/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Tyler Hall

That Council receive the schedule of accounts paid as detailed in the report for the period ending 31 October 2025.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.2.2 Statement of Financial Activity Report for the Period Ending 30 of September 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 for period ending 31st of August 2025

Executive Recommendation

That Council receive the Statement of Financial Activity report for the period ending 30th of September 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 30th of September 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 6th of August 2025 it was recommended Council adopt the following material variance reporting thresholds for the 2025/26 financial year:

- a) *Variances equal to or greater than 10% of the year-to-date budget amounts detailed in the Statement of Financial Activity, however variances due to timing differences are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*
- b) *Reporting of variances only applies for amounts greater than \$25,000.*

Risk Management

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

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

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

Policy Compliance

Nil.

Statutory Compliance

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

Consultation

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

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

Officer Comment

Due to end-of-financial-year processing requirements, the presentation of the September 2025 Financial Statements to Council was postponed to the ordinary meeting in November 2025. These statements compare year-to-date expenditure and revenue against the 2025/26 Adopted Budget. The opening surplus for the financial year reflects figures from the draft Annual Financial Statements, which remains subject to audit.

Unspent budgeted expenditure for projects from 2024/25 which were incomplete have been carried over into the budgeted estimates for 2025/26 and are included within the financial report. Below is a summary of values brought into the 2025/26 financial year.

Description	Classification	Increase in available cash	Decrease in available cash	Amended Budget Running Balance
		\$	\$	\$
Buildings	Capital Expenditure		(1,381,108)	(1,381,108)
Plant and Equipment	Capital Expenditure		(418,695)	(1,799,803)
Furniture and Equipment	Capital Expenditure		(30,453)	(1,830,256)
Infrastructure - Other	Capital Expenditure		(295,564)	(2,125,820)
Infrastructure - Bridges	Capital Expenditure		(29,141)	(2,154,961)
Infrastructure - Roads	Capital Expenditure		(287,576)	(2,442,537)
Consultants - Waste Management	Operating Expenditure		(35,860)	(2,478,397)
Education and Welfare	Operating Expenditure		(29,084)	(2,507,481)
Other Recreation and Sport	Operating Expenditure		(4,000)	(2,511,481)
Grants	Capital Revenue	1,363,924		(1,147,557)
Contribution to works	Capital Revenue	54,364		(1,093,193)
Proceeds from sale of assets	Capital Revenue	26,575		(1,066,618)
Carry forward projects reserve	Reserves	1,301,117	(234,499)	0
		2,745,980	(2,745,980)	

Projects which were identified to be funded from the Shire's own source were transferred into a carry forward project reserve as part of the EOFY processing. This ensures that funds are quarantined for future use and subsequently drawn from reserve when actual expenditure is incurred in 2025/26. Project expenditure and their relevant funding is carried over into 2025/26 and therefore a nil effect on the estimated surplus at the end of year.

The issuing of rates for 2025/26 was completed in August 2025. Payment options are as follow:

- First instalment and due date for single full payment is 26th of September 2025
- Second rates instalment due date is 25th of November 2025
- Third rates instalment due date is 30th January 2026
- Fourth and final instalment due date is 31st of March 2025

At the time of preparing this report, the final audit for the 2024/25 financial year has not yet been completed. Due to this updating capital purchases within the asset module for the 2025/26 financial year have not been recorded. Additionally, depreciation calculations for the new financial year are still pending and not yet processed.

After the audit for 2024/25 is finalised, the assets module will be updated to include all capital purchases for 2025/26. Depreciation will be calculated and reflected in the financial statements

accordingly, ensuring accurate representation of asset values and expenses for the period. The audit is expected to be finalised by the 5th of December 2025.

Explanation of current material variances is included in Note 3 of the attached financial report.

COUNCIL RESOLUTION: 228/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council receive the Statement of Financial Activity report for the period ending 30th of September 2025 as per Attachment 9.2.2(1).

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.2.3 Monthly Financial Report – October 2025

This report is to be presented at the Ordinary Council Meeting held 17 December 2025.

9.2.4 Code of Conduct for Council Members, Committee Members and Candidates

Report Details:

Prepared by: Emma Thomas, Acting Manager Corporate Services

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: CNL 31

Voting Requirement: Simple Majority

Attachment(s):

9.2.4(1) Code of Conduct for Council Members, Committee Members and Candidates

Executive Recommendation

That Council:

- 1. Notes the Shire of Donnybrook Balingup Code of Conduct for Council Members, Committee Members and Candidates at Attachment 9.2.4(1) as part of their induction.**

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

The outcome of the Local Government Ordinary Election held recently on 18 October 2025 resulted in three (3) new Councillors being elected, and the re-election of an existing Councillor, to represent the Shire of Donnybrook Balingup (Shire) community. A key aspect of the induction process for new Councillors is the provision of appropriate information to support Council in understanding its legislative responsibilities and role in ensuring good governance for the Shire. The purpose of this report is to seek Council resolution to note the Shire's Code of Conduct for Council Members, Committee Members and Candidates (Code) at [Attachment 9.2.4\(1\)](#).

Background

The *Local Government (Model Code of Conduct) Regulations 2021* came into effect on 3 February 2021. These regulations were introduced under the *Local Government Act 1995* which mandated that local governments must adopt a Code of Conduct for council members, committee members, and candidates which incorporates the Model Code.

The Shire adopted its current Code at the Ordinary Council Meeting held on 27 August 2025. The Code encompasses the following elements:

- Introduction and Shire values statement;
- General principles to guide behaviour, including at Council and Committee meetings;

- Requirements relating to behaviour, including personal integrity, relationship with others and accountability;
- Rules of conduct, including misuse of local government resources, disclosure of information and interests, and prohibition against involvement in administration; and
- Legal compliance and enforcement encompassing a legal basis for managing breaches, including mechanisms for complaints, investigations, and sanctions.

The Code of Conduct establishes standards that reflect core governance principles. It promotes transparency by requiring council members, committee members and candidates to act with integrity and accountability in their decision-making and interactions.

A comprehensive review of the Code was undertaken and minor amendments made as part of Council's adoption of the current Code at the Ordinary Council Meeting held in August this year. No further changes requiring amendment of the Code are proposed at this time.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Moderate	Moderate (9)
Risk Description:	Non-compliance with statutory requirements, inappropriate behaviour, or breaches of governance standards.		
Mitigation:	Ensuring all new Councillors are formally inducted and required to review and acknowledge the Code of Conduct as part of their onboarding process.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Part 5, Division 9 of the *Local Government Act 1995* regulates the conduct for council members, committee members and candidates.

Section 5.104 of the *Local Government Act 1995* requires adoption of a Code of Conduct by local governments which incorporates the Model Code of Conduct.

The *Local Government (Model Code of Conduct) Regulations 2021* prescribes the content of the Model Code of Conduct.

Consultation

A mandatory review frequency of the Code is not prescribed. The Model Code of Conduct Guidelines issued by the Department of Local Government encourages local governments to periodically review their Code to ensure alignment with the Model Code and governance expectations.

The Code is published on the Shire's website in compliance with legislative requirements.

Officer Comment

As part of supporting Council in its role to ensure legislative compliance and good governance for the Shire, it is advised that Council resolve the Executive Recommendation to this report and note the Code of Conduct for Council Members, Committee Members and Candidates at [Attachment 9.2.4\(1\)](#).

COUNCIL RESOLUTION:	229/11-25		
MOVED BY:	Cr Vivienne MacCarthy	SECONDED BY:	Cr Tyler Hall

That Council:

- 1. Notes the Shire of Donnybrook Balingup Code of Conduct for Council Members, Committee Members and Candidates at Attachment 9.2.4(1) as part of their induction.**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

9.2.5 Offer of Purchase and Proposed Disposition of Property Lot 58 (70) South Western Highway Donnybrook

Report Details:

Prepared by: Acting Manager Corporate Services
Manager: Loren Clifford, Acting Director Finance and Corporate
Applicant: Donnybrook Capel Districts Community Financial Services Ltd
Location: Lot 58 (70) South Western Highway Donnybrook WA
File Reference: L017; A77 **Voting Requirement:** Simple Majority

Attachment(s):

9.2.5(1) Offer of Purchase & Valuation Report - Confidential
9.2.5(2) Valuation Report - Confidential

Executive Recommendation

That Council:

In accordance with Section 3.58(3) of the *Local Government Act 1995*, resolve that before agreeing to dispose of Lot 58 (70) South Western Highway Donnybrook, to Donnybrook Capel Districts Community Financial Services Ltd, Council will:

1. Give local public notice of the proposed sale, including property details, transaction particulars, and invite public submissions;
2. Note that a Business Plan under Section 3.59 is not required; and
3. Request the Chief Executive Officer to present any submissions received for Council's consideration before making a final decision on the offer.

Strategic Alignment

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

Outcome: 9 - A thriving economy.
Objective: 9.3 - Enable appropriate infrastructure to support and enhance business.
Item: Nil.
Outcome: 11 - Strong, visionary leadership.
Objective: 11.1 - Provide strategically focused, open and accountable governance.
Item: Nil.

Executive Summary

The purpose of this report is to present an offer from the current lessee, Donnybrook Capel Districts Community Financial Services Ltd, to purchase Lot 58 (70) South Western Highway, Donnybrook (the property), and seek Council's determination on whether to proceed to the next stage of the sale process in accordance with legislative requirements.

Background

The property was purchased by the Shire in January 2002 from Westpac Banking Corporation and has been leased to DCDCFS, which operates the local community Bendigo Bank branch. The lease began on 30 May 2003 for five years, followed by two five-year renewals and a five-year extension, ending on 30 June 2023. During the lease term, DCDCFS expressed interest in purchasing the property, with discussions starting in 2018. Since 2023, the lease has continued under agreed 'holding over' provisions, with all original terms and conditions remaining in effect.

Council has considered the potential sale of the property on several occasions. Formally in August 2019 and, in 2021, offers from DCDCFS were declined due to prevailing economic conditions and financial analysis indicating benefits in retaining the premises. Council noted, however, that circumstances could be revisited at the end of the lease.

In January 2025, Council undertook a strategic review of Shire assets, followed by resolutions at the May 2025 Ordinary Council Meeting identifying properties for further investigation. Prior to this meeting, on 8 May 2025, the Shire received a formal offer ([Attachment 9.2.5\(1\)](#)) from DCDCFS to purchase the property, reflecting their commitment to maintaining essential financial services for the community.

At its meeting on 28 May 2025, Council resolved to commence the necessary administrative processes for disposal of the property. Subsequently, the Shire obtained an independent market valuation to assist Council in determining whether to proceed with the sale process.

The Shire's freehold ownership provides full authority to dispose of the property.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Major	High (12)
Risk Description:	Unexpected major repairs and ongoing maintenance costs, which can significantly impact future budgets.		
Mitigation:	Make an informed decision relating to the disposition of property to ensure sustainable financial management of Shire assets and associated services for the community.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Moderate	Moderate (9)
Risk Description:	Non-compliance with legislative requirements pertaining to disposal of property by local governments.		
Mitigation:	Ensure relevant legislation is carefully considered and applied to ensure compliance with requirements.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Moderate	High (12)

Risk Description:	Negative impact on community trust due to lack of community consultation regarding proposed disposition of the property.		
Mitigation:	Proceed with local public notice inviting submissions from the community and considering any submissions made as per the Executive Recommendation to the report.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Moderate	Moderate (8)
Risk Description:	Refusal to proceed with the sale may result in DCDCFS seeking an alternative property, which could significantly reduce future opportunities to lease or dispose of the premises, thereby increasing the risk of the asset becoming underutilised.		
Mitigation:	Proceed with the sale.		

Financial Implications

The Shire paid \$2,500 (excluding GST) for an independent certified valuation to determine the property's market value. ([Attachment 9.2.5\(2\)](#)).

Should Council resolve to proceed with the sale process for the property, direct and indirect costs associated with giving local public notice, to meet legislative requirements.

Ongoing financial income/expenditure considerations

The Shire currently receives rental income for the lease of the property and reimbursements for utilities as calculated in accordance with the lease terms. The current annual rental income for the 2025/2026 financial year, excluding utility reimbursements, is \$48,563.81 GST inclusive. No income is received by the Shire from the sub-lease with the Chamber. In addition, the lessee, DCDCFS, pays \$5,116 per annum in rates, which would continue even if the property were sold.

The Shire incurs ongoing administrative and operational costs relating to the management of the property through the existing lease arrangement. The Shire is also responsible for structural repairs and replacement costs, this includes planned and reactive works, noting the recent replacement of the air conditioner and rear side boundary fence in the 2024/2025 financial year.

The Shire's Asset Management Plan (Buildings) identifies Capital Renewal Expenditure totalling an estimated \$84,819 for works scheduled between 2026/2027 to 2034/35. This includes recladding of the roof, replacement of hard-wired smoke alarms, exterior building repainting and carpark re-sealing. These items are indicated as being funded by the building reserve. The building is approximately 48 years old and due to this, there is an increased potential for unexpected significant repairs.

Lessee Costs

DCDCFS, as the lessee, is responsible for general repairs and maintenance at the property as specified by the terms of the lease. DCDCFS have contributed to improvements to the building during the tenure of their lease, including upgrades to internal lighting.

Policy Compliance

Council Policy ASS/CP-2 Asset Management: details a systematic asset management methodology for appropriate asset management practices. This includes ensuring that assets are planned, created,

operated, maintained, renewed and disposed of in accordance with the Shire's priorities for service delivery.

Council Policy EXE/CP-1 Commercial Lease: provides for a consistent, equitable and simple approach to dealing with commercial lease negotiations.

Council Policy EXE/CP-11 Property Management: applies to the leasing, licencing and management of Shire properties with community groups, organisations, sporting clubs, commercial entities and government agencies. If a new lease was to be entered into by both parties it would be in accordance with this policy and the Property Management Framework (PMF).

Statutory Compliance

Section 3.58 of the *Local Government Act 1995* specifies how local governments may dispose of property, including the whole or any part of the interest of a local government in property. Noting that dispose means to sell, lease, or otherwise dispose of, whether absolutely or not.

Local governments can dispose of property through the following methods in accordance with the legislative requirements:

1. The highest bidder at public auction;
2. The person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
3. Before agreeing to dispose of property:
 - a. Gives local public notice of the proposed disposition describing the property concerned, details of the proposed disposition and inviting submissions to be made to the local government (prescribed details and timeframe applicable); and
 - b. Considers any submissions made, and if its decision is made by the Council or a Committee, the decision and the reasons for it are to be recorded in the minutes of the meeting at which the decision was made.

The public tender method was chosen in line with Council Resolution 139/21 (August 2021), which directed the CEO to explore the potential sale of the property, including obtaining a valuation, considering key terms, and ensuring compliance with legislative requirements before reporting back to Council.

The requirement for a business plan when disposing of property under the *Local Government Act 1995* (3.59) is supported by Regulation 8A of the *Local Government (Functions and General) Regulations 1996*. And further defined under Regulation 9. (1)(b) this states that a major land transaction occurs when the total value of the consideration under the transaction is the lesser of either \$2 million, or 10% of the lowest operating expenditure described in sub regulation (2). There is no requirement for a business plan in this instance.

Consultation

Officers have engaged with the DCDCFS representatives to outline the Shire's legislative requirements for property disposal and to provide updates on the status of Council's consideration of their offer.

The recent caretaker period delayed the presentation of the offer to Council; however, officers have regularly consulted with the DCDCFS representative, who confirmed that the offer remains valid and acknowledged the reason for the delay.

The DCDCFS representative reiterated that ownership of the property, rather than continuing under a tenancy agreement, would provide long-term certainty to support their business operations.

Council should note that a sub-lease exists between the Shire, DCDCFS and the Donnybrook-Balingup Chamber of Commerce & Industry Inc. (Chamber) for use of a portion of the building at the premises, encompassing the same expiry term and holding over provision of the head lease. DCDFS have advised the Shire that they would continue an arrangement with Chamber to lease the premises.

Officer Comment

Overview of Offer and Valuations

Council has received a formal offer from Donnybrook Capel Districts Community Financial Services Ltd to purchase the property at 70 South Western Highway, Donnybrook. Council's decision will be guided by two independent market valuations obtained from separate, reputable firms. Both valuations were prepared for pre-sale purposes and assessed the property on a vacant possession basis, considering current market conditions, comparable sales, and the property's characteristics.

The offer received is consistent with the range established by the independent valuations, falling within the bounds of professional market advice. This alignment provides confidence that the offer reflects fair market value for the property at this time.

Rent Versus Sale Income Analysis

Currently, the Shire receives annual rental income from the property, in addition to reimbursement for utilities and payment of rates by the lessee. While this provides a steady revenue stream, ownership also entails ongoing responsibilities, including property management, maintenance, and capital renewal costs. The Shire's Asset Management Plan identifies significant capital expenditure requirements over the coming years, reflecting the age and condition of the building.

A sale would provide a one-off capital receipt, which could be allocated to other strategic priorities or invested to generate alternative returns. However, this would also mean the loss of future rental income and the transfer of all future maintenance obligations to the purchaser.

A comparative analysis indicates that, while rental income offers ongoing cash flow, the cumulative costs of ownership—particularly anticipated capital works—may offset these benefits over time. The sale proceeds, if prudently managed, could potentially yield comparable or greater financial benefit to the Shire, especially when considering the risk of unexpected major repairs and the potential for the asset to become underutilised if the current tenant were to vacate.

Differences Between Valuations

The two independent valuations, while both professionally prepared and based on accepted methodologies, arrived at different assessments of market value. This variance is not unusual and can be attributed to several factors:

- **Valuation Date:** The reports were prepared at different times, and market conditions can shift even within a few months.

- Methodology and Assumptions: Each valuer may place different emphasis on comparable sales, rental evidence, capitalisation rates, or the condition and fitout of the property.
- Market Evidence: The availability and selection of comparable sales and rental data can influence the outcome, particularly in a market with limited directly comparable transactions.
- Lettable Area Measurement: Minor differences in how the lettable area is measured or interpreted can affect the calculated value.

Both valuations, however, are within a reasonable range and provide a sound basis for Council's decision-making.

Recommendation

Officers have considered the offer, the independent valuations, and the financial analysis of rent versus sale, and recommended that Council proceed with the sale of the property. The offer aligns with independent market advice, and the sale would relieve the Shire of ongoing maintenance and capital renewal liabilities, while providing a capital sum that can be strategically redeployed. This approach supports prudent asset management and aligns with Council's objectives to optimise its property portfolio and support community outcomes.

Should Council wish to retain the property, it should be satisfied that the long-term benefits of ownership—including ongoing rental income and control over the asset—outweigh the risks and costs identified. However, on balance, the evidence supports accepting the offer and proceeding with the sale process in accordance with legislative requirements.

Process and Next Steps

If Council resolves to proceed with the sale, public consultation will be undertaken through local public notice, detailing the proposed purchase price, the market value of the property, and the name of the intended purchaser. This process ensures transparency, accountability, and compliance with legislative requirements.

It is critical to note that proceeding with the next step for the proposed sale does not constitute agreement by Council at this stage of the process to dispose of the property.

Should Council determine not to proceed with the sale, negotiations will need to commence the process for a new commercial lease arrangement in accordance with the adopted PMF.

The DCDCFS have not advised of their intentions should Council resolve not to proceed with the sale.

COUNCIL RESOLUTION: 230/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council:

In accordance with Section 3.58(3) of the *Local Government Act 1995*, resolve that before agreeing to dispose of Lot 58 (70) South Western Highway Donnybrook, to Donnybrook Capel Districts Community Financial Services Ltd, Council will:

1. Give local public notice of the proposed sale, including property details, transaction particulars, and invite public submissions;
2. Note that a Business Plan under Section 3.59 is not required; and
3. Request the Chief Executive Officer to present any submissions received for Council's consideration before making a final decision on the offer.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.2.6 Application For Rates Exemption – Donnybrook Arts And Crafts Group

Report Details:

Prepared by: Rates Officer

Manager: Loren Clifford, Acting Director Finance and Corporate

Location: Shire of Donnybrook Balingup

File Reference: A1137

Voting Requirement: Simple Majority

Attachment(s):

9.2.6(1) Rates Exemption application - Donnybrook Arts and Crafts Group (DACG)

Executive Recommendation

That Council:

1. Grant a rate exemption under section 6.26(2)(g) of the *Local Government Act 1995* to Donnybrook Arts and Crafts Group for 108 (lot 25) South Western Hwy Donnybrook (A1137) effective 2 October 2025, noting the reason being; that the land is being used exclusively for charitable purposes.

Strategic Alignment

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

Outcome: 13 - Increased community capacity.

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

Item: Nil.

Executive Summary

The purpose of this report is for Council to consider an application from the Donnybrook Arts and Crafts Group (DACG) for exemption on rates for 108 (lot 25) South Western Hwy, Donnybrook (A1137). The application has been submitted on the basis that the land is used exclusively for charitable purposes and DACG's status as a registered charity under the Australian Charities and Not-for-Profits Commission.

Background

Under s.6.26(2)(g) of the *Local Government Act 1995*, Council may grant a rates exemption to a non-for-profit organisation that demonstrated a public purpose and holds charitable status as recognised by the Australian Charities and Not-for-Profits Commission (ACNC).

When assessing an application for exemption under section 6.26(2)(g), the following key considerations apply:

1. Primary focus on land use – The assessment is based on how the land is used, rather than the applicant's purpose.
2. Exclusive charitable use – The land must be used solely for charitable purposes.

3. Public benefit requirement – The land use must provide a benefit to the public, either broadly or to a defined section of the community.

Donnybrook Arts and Crafts Group (DACG) purchased 108 (lot 25) South Western Hwy, Donnybrook in April 2025.

Following the departure of Summit Realty from 108 (Lot 25) South Western Highway in September 2025, DACG now occupies the property exclusively. This change in circumstances, combined with DACG's charitable status obtained in July 2024, has prompted the organisation to apply to Council for a rates exemption ([Attachment 9.2.6\(1\)](#)) under section 6.26(2)(g) of the *Local Government Act 1995*. The application details and officers assessment against the exemption criteria are outlined in this report.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Minor	Low (4)
Risk Description:	If the decision is not clearly justified or communicated, Council may be viewed as lacking transparency or favouring certain groups, which could erode public trust and confidence in Council's governance.		
Mitigation:	Ensure all rate exemption applications are assessed using transparent and consistent guidelines, so all groups are treated equitably.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Insignificant	Low (3)
Risk Description:	Other community groups or ratepayers may perceive the exemption as unfair or inconsistent, leading to dissatisfaction, increased requests for similar exemptions, or a sense of inequity within the community.		
Mitigation:	<ul style="list-style-type: none"> Clearly document the decision-making process and rationale, and make this information accessible to the public. Be open about the legislative framework and the reasons for granting or refusing exemptions. Address community concerns promptly and respectfully, demonstrating Council's commitment to fairness and good governance. 		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Minor	Moderate (6)
Risk Description:	Loss of ongoing rate revenue from the exempted property reduces the Shire's income.		
Mitigation:	Conduct annual reviews of exempt properties to ensure compliance with the exemption criteria.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Minor	Moderate (6)

Risk Description:	Applicants may appeal to SAT, which could overturn Council's decision, resulting in additional costs, administrative burden, and reputational impact.
Mitigation:	Approve the exemption based on the Officer's assessment as outlined in the report.

Financial Implications

If Council grants the concession, there would be a reduction in revenue of \$4,412.37 for the 2025/2026 year. This is calculated on a pro-rata basis from the 2nd October 2025 (date of application)
The financial cost for the full year 2025/2026 would have been \$5,942.86.

	Based on 2025/26 Budget		Reduction in Revenue (Proposed Exemption)		
Assessment	Valuation	Rates Levied	Rates Concession %	Number of Days - 2nd October 2025	Rates Concession \$
A1137	\$59,800	\$5,942.86	100%	271 / 365	\$4,412.37

It should be noted that where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service fees or charges, if applicable, such as rubbish collection charges.

Policy Compliance

Nil.

Statutory Compliance

Local Government Act 1995

Section 6.28 requires a Local Government to rate in accordance with the valuation provided by the Valuer General these valuations are required to be applied to a property by the local government, without amendment.

Council has the authority to resolve to grant exemptions under this section.

Section 6.26(2)(g) exempts land from rates when it is used exclusively for charitable purposes. This provision ensures that properties delivering a public benefit through charitable activities are not subject to local government rates.

If Council does not grant the exemption, the applicant may lodge an objection under section 6.76 within 42 days of receiving the rate notice, on the grounds that the land is not rateable.

Consultation

Nil.

Officer Comment

The applicant details for this application are outlined below:

Assessment	A1137
Certificate of Title	1680/998
Title Type	Certificate of title under the Transfer Act
Parcel Identifier	Lot 25 on Diagram 66477
Address Details	108 South Western Highway, Donnybrook WA 6239
Proprietor(s)	Donnybrook Arts and Crafts Group



Officers have completed an assessment against the key exemption considerations listed above:

1. Primary focus on land use

The property is now used entirely by DACG for community-based arts and crafts activities. No commercial tenants remain, ensuring the land is dedicated to programs that align with DACG's charitable objectives rather than private enterprise.

2. Exclusive charitable use

DACG holds charitable status with the Australian Charities and Not-for-Profits Commission (ACNC) and operates on a not-for-profit basis. Income is generated through membership fees, visitor attendance, commissions on member sales, sales of donated items, and voluntary donations—all reinvested into community programs.

3. Public benefit requirement

The Australian Charities and Not-for-Profits Commission (ACNC) defines public benefit as a benefit that is identifiable, for the public or a sufficient section of the public and outweighs any detriment. Access may be limited for practical reasons, provided the class of beneficiaries is not closed and the restriction supports the charitable purpose. The DACG generate an income from these activities and commissions from sale of members items however have advised that all income is reinvested into community programs.

DACG meets this definition by:

- Providing identifiable benefits through arts and crafts programs that enhance social connection and cultural engagement.
- Serving a sufficient section of the public by offering activities open to the general community, including sewing, knitting, mosaics, art, pottery, and children’s workshops.
- Advancing charitable purposes under ACNC categories:
 - *Advancing social or public welfare* – fostering inclusion and wellbeing through community interaction.
 - *Advancing culture* – promoting artistic and cultural expression within the region.

Council has previously approved rates exemptions under section 6.26(2)(g) for two other properties in the Shire. The Shire conducts an annual review of all exemptions to ensure continued compliance with the legislative criteria.

Based on the officer’s assessment against these criteria, it is recommended that Council grant the rates exemption for this property.

COUNCIL RESOLUTION:	231/11-25		
MOVED BY:	Cr Tyler Hall	SECONDED BY:	Cr Alexis Davy

That Council:

1. **Grant a rate exemption under section 6.26(2)(g) of the Local Government Act 1995 to Donnybrook Arts and Crafts Group for 108 (lot 25) South Western Hwy Donnybrook (A1137) effective 2 October 2025, noting the reason being; that the land is being used exclusively for charitable purposes; and**
2. **In recognition of the rates exemption, request that the Chief Executive Officer invite the Donnybrook Arts and Craft Group to present to Council, highlighting the activities and benefits they provide to the community, and explore opportunities to promote broader community benefit.**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

9.2.7 Donnybrook Clock Tower Proposal - Community Consultation Results

Report Details:

Prepared by: Media & Communications Officer

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: CNL 33

Voting Requirement: Simple Majority

Attachment(s):

9.2.7(1) Donnybrook Clock Tower Proposal Feedback.

Executive Recommendation

That Council:

1. Notes the results of the community consultation as attached and detailed in this report; and
2. Confirms its support or otherwise of the proposed Clock Tower project.

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 Donnybrook Clock Tower Proposal was initiated by a committee of four residents, aiming to recognise the region's early pioneers and showcase Donnybrook Stone by building a clock tower in Ayres Garden located in the Donnybrook town centre. The project was presented to Shire staff and Councillors and subsequently put out for public consultation. The feedback received during the public consultation has been detailed in this report. Council is requested to confirm its support or otherwise for the proposal. [Attachment 9.2.7\(1\)](#) provides an overview of the proposal.

Background

At its Ordinary Council Meeting held 27 August 2025 Council resolved the following:

"COUNCIL RESOLUTION 155/08-25 (en-bloc resolution 148/08-25)

That Council:

1. Receives the attached "Donnybrook Clock Tower Proposal / Business Plan".
2. Acknowledges in principle support for the Donnybrook Clock Tower initiative.
3. Requests the Chief Executive Officer to;
 - 3.1. Issue the "Donnybrook Clock Tower Proposal / Business Plan" for Public Comment, and
 - 3.2. Provide a report back to Council with a record of comments and further recommendations for Council's consideration."

The item was open for public comment from Wednesday 10 September to Friday 3 October 2025, and included social media posts, website alerts, and public notices.

Risk Management

If Council were to support the proposal, the following risks should be considered.

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Minor	Moderate (6)
Risk Description:	<ul style="list-style-type: none"> Potential for future financial liability if the asset (clock tower) becomes a Shire responsibility, including ongoing maintenance, insurance, and renewal costs. Risk that initial assurances of “no cost to the Shire” are not fully substantiated, leading to unforeseen expenses. 		
Mitigation:	Ensure a formal agreement and a dedicated external maintenance fund to ensure all future costs remain the responsibility of the proponents, not the Shire.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Insignificant	Low (2)
Risk Description:	If the project encounters issues (e.g., cost overruns, maintenance problems, or community opposition), Council may face criticism for endorsing it.		
Mitigation:	Provide clear documentation of decision-making, communicate the rationale for Council’s position, and ensure ongoing community engagement to address concerns and minimise reputational risk.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Need to ensure compliance with asset management, procurement, planning, and heritage policies. Failure to do so could result in non-compliance with statutory or policy requirements.		
Mitigation:	Ensure all aspects of the proposal are assessed and approved in accordance with relevant asset management, procurement, planning, and heritage policies before any decision is made.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Rare	Minor	Low (2)
Risk Description:	Misinterpretation or underestimation of community sentiment - Risk of proceeding with a project that lacks broad community support.		
Mitigation:	Ensure transparently reporting feedback before making a decision.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Almost Certain	Minor	High (10)
Risk Description:	Potential impact from removal or relocation of existing trees or changes to public managed land.		
Mitigation:	Implement measures to relocate the tree as part of the project conditions.		

If Council does not support the proposal, the following risk should be considered.

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Rare	Minor	Low (2)
Risk Description:	Misinterpretation or underestimation of community sentiment - May be perceived as disregarding community or heritage interests of the community.		
Mitigation:	Clearly communicate the consultation process and decision rationale and acknowledge community and heritage interests to demonstrate that all perspectives have been considered.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Rare	Minor	Low (2)
Risk Description:	Risk of alienating proponents or a segment of the community who support the initiative.		
Mitigation:	Maintain open communication with the proponents, acknowledge their contributions, and provide clear, transparent reasoning for Council's decision to help preserve positive relationships.		

Financial Implications

Given that the recommendation does not clearly state whether the proposal should be supported, it is not possible to accurately assess the financial implications for Council at this time.

Policy Compliance

ASS/CP-2- Asset Management

If the Clock Tower is constructed on Shire-managed land, it will become a Council asset. The Asset Management Policy requires that any new asset is planned, created, operated, maintained, renewed, and disposed of in accordance with the Shire's priorities for service delivery. It also requires consideration of whole-of-life costs, technical standards, and available resources.

COMD/CP-3–Community Engagement Framework

This policy outlines the requirement for early, inclusive, and appropriate engagement with affected stakeholders before Council makes a decision. The framework ensures that public consultation is conducted transparently and that feedback is considered in decision-making.

EXE/CP-6 – Organisational Risk Management Policy

Council must demonstrate a commitment to sound risk management, including financial risk. The policy requires that risks associated with new projects (including ongoing maintenance and renewal liabilities) are identified, assessed, and managed appropriately.

Local Planning Scheme No. 7 (LPS7) and Associated Policies

Any development on Shire land must comply with the Local Planning Scheme and relevant planning policies, including those relating to heritage, public art, and land use.

Statutory Compliance

Nil.

Consultation

External Consultation

The public consultation process ran from Wednesday 10 September to Friday 3 October 2025 with the proposal details and comment submission methods shared through the following channels:

- Proposal Consultation Page – Live from 10 September 2025, serving as the primary source of information for stakeholders and the main channel for comment submissions.
- Pop-up Alert on Website – Live from 10 September to 3 October 2025, linking directly to the Consultations page on the Shire website (lists all items open for comment).
- “Open for Comment” Notices – Published on the Shire’s website, Facebook and Instagram, shared to community pages, and printed notices displayed at Shire facilities.

Consultation Feedback Analysis

Total Responses: 13 (all responses were received via the website Consultation page)

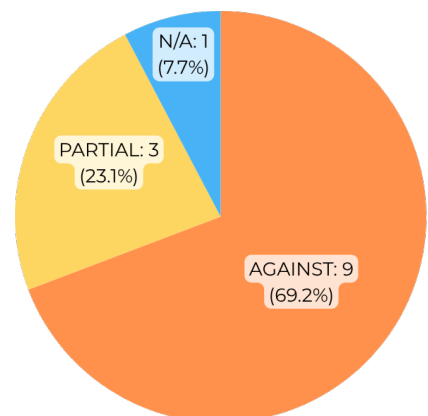
Note: A total of 14 submissions were made for this item, however:

- *1 response was received via email but was the same as a submission already made via the website, identified by the respondent email address matching the one used to submit the emailed response. This has been counted as 1 response in the final export.*
- *2 responses received via the website have the same details for the respondent, however contained separate comments. These have been left separate in the final export.*
- *1 submission had 2 names listed as the respondent, but as no other responses were received this has only been counted as 1 response in the final export.*

Response Summary

Most responses expressed general support for the commemorative intent and use of Donnybrook Stone but opposed the proposal in its current form, disagreeing with the Clock Tower structure or its implementation. Comments were divided into the following general response types to assist in identifying the overall themes and nature of all submissions received:

- For: 0 *Responses indicated full support for the proposal*
- Against: 9 *Responses indicated no support for the proposal*
- Partial: 3 *Responses indicated some support for the proposal*
- N/A: 1 *No main response implied*



Key themes and points raised included:

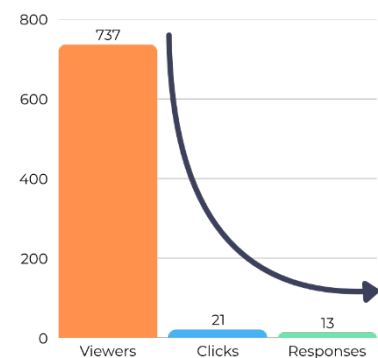
- **Location Concerns:** Almost all respondents opposed the proposed site of Ayres Garden in Donnybrook, citing strong concern over the removal of the “Quercus Palustris” tree which holds community and commemorative value. Alternative locations were widely suggested.
- **Support for Donnybrook Stone:** Respondents valued the cultural significance of Donnybrook Stone and supported its use in heritage projects, though many preferred simpler or alternative formats such as plaques, pillars and interactive displays embedded alongside the streetscape.
- **Cost & Maintenance:** Many respondents raised concerns about future financial burden and asset management requirements, expressing a desire to avoid adding long-term responsibilities to Council or ratepayers.
- **Implementation & Alternatives:** While supportive of the proposal’s overall themes, respondents suggested other ways to achieve its goals beyond a Clock Tower or similar structure. Ideas included digital displays, market spaces, or enhancements to existing heritage sites.
- **Community Representation:** Some questioned whether the proposal reflects broader community priorities, noting it appears driven by a small group.
- **Cultural Sensitivity:** One submission highlighted the need to acknowledge Noongar custodianship and avoid terminology that excludes Indigenous history.

Community Engagement Performance

- Social Media (Facebook)
 - Total Views: 1,368 (737 viewers)
 - Total Link Clicks: 21 (to the Consultations page on the Shire website listing current items)
 - Total Interactions: 10 – all from the Shire’s original post (7 reactions, 3 shares)

Note: Original post published 10 September 2025; statistics recorded 7 October 2025.

This chart displays the contrast between the total viewers to responses received, highlighting that while 737 individual viewers were reached through social media, only 21 users clicked the link to view the proposal page, and of these users only 13 responses were received. This level of engagement could indicate limited active participation from the community or passive endorsement.



Officer Comment

If Council were to support the proposal, the following next steps are recommended:

Enter into a formal, legally binding agreement with the proponents, clearly assigning responsibility for all ongoing maintenance, insurance, renewal costs, and any associated legal or administrative fees, ensuring these obligations do not transfer to the Shire under any circumstances.

Require the proponents to establish a dedicated maintenance trust fund or escrow account, managed independently and funded by them, to cover future asset expenses prior to project approval.

Undertake a thorough financial assessment of the proposal, including independent verification of funding sources and cost estimates, before granting approval.

Implement regular reporting requirements for proponents to demonstrate ongoing financial capacity and compliance with maintenance obligations.

Include clear exit or transfer clauses in any agreement, specifying the process and financial arrangements should the proponents be unable to fulfil their obligations in the future.

Address all potential short- and long-term considerations associated with the proposed location on Shire-managed land, including licensing requirements, formal agreements, development applications and approvals, and broader technical reserve management responsibilities, ensuring all costs are borne by the proponents.

Recognise that, although initial implementation and short-term maintenance costs are to be borne by the applicant, long-term responsibility for the final asset would ultimately rest with the Shire, including ongoing financial commitments and potential operational impacts. Given the specialty nature and cultural value of Donnybrook Stone, future maintenance will require careful planning to ensure sufficient risk prevention. Additionally, the technical expertise required to service the clock's internal mechanism presents a risk, as contractor availability for such a niche asset may diminish over time, potentially affecting the Shire's ability to ensure the long-term preservation and integrity of the structure.

If Council does not support the proposal, the following next steps are recommended:

- Formally notify the proponents of Council's decision, providing a clear summary of the consultation process and the rationale for non-support.
- Thank the proponents for their efforts and encourage continued engagement with the Shire for future initiatives.
- Document the decision and feedback received for transparency and future reference.
- Communicate the outcome to the broader community, acknowledging all feedback and the importance of community input in Council decision-making.
- Ensure all records related to the proposal, consultation, and decision are appropriately archived in accordance with Shire policy.

COUNCIL RESOLUTION: 232/11-25		
MOVED BY:	Cr John Bailey	SECONDED BY: Cr Anita Lindemann

That Council:

- 1. Notes the results of the community consultation as attached and detailed in this report; and**
- 2. Confirms its support to the proposed Clock Tower project.**

For: Cr Bailey, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Cr Davy, Cr Hall,
Carried: 5/2

9.2.8 Authorisation for CEO to Execute Right of Entry Deed – Tuia Lodge, Donnybrook

Report Details:

Prepared by: Loren Clifford, Acting Director Finance and Corporate

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: L107

Voting Requirement: Simple Majority

Attachment(s):

9.2.8(1) Draft Right of Deed of Entry

Executive Recommendation

That Council:

1. Approves the Chief Executive Officer to execute the Draft Right of Entry Deed for Tuia Lodge, 30 Allnut Street, Donnybrook, on behalf of the Shire of Donnybrook Balingup (Attachment 9.2.8(1)); and
2. Authorises the Chief Executive Officer to approve minor amendments to the deed's language, where such amendments are recommended by the Shire's solicitors and do not materially alter the intent or obligations of the Shire under the deed.

Strategic Alignment

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

Outcome: 2 - A safe and healthy community.

Objective: 2.1 - Improve access to facilities and services to support community health and wellbeing.

Item: 2.1.4 - Advocate for health and allied health services to ensure the provision of vital health services and facilities within our Shire.

Executive Summary

This report seeks Council's endorsement for the Chief Executive Officer to execute the Right of Entry Deed relating to Tuia Lodge, 30 Allnut Street, Donnybrook, and to approve any further minor amendments to the deed's language as recommended by the Shire's solicitors. The deed formalises access arrangements between the Shire and Hall & Prior (the Lessee) under the existing lease and supports the continuation of development and operational activities at the site.

Background

Tuia Lodge, located at 30 Allnut Street, Donnybrook, is leased to Hall & Prior under a formal lease agreement approved by Council. The lease was originally held by Great Southern Care Company Pty Ltd (GSCC), a subsidiary of Hall & Prior, and was later assigned to Fresh Fields Aged Care Pty Ltd (FFAC), another entity within the Hall & Prior Group.

Hall & Prior have recently entered into new financing arrangements to support a major capital works program at Tuia Lodge. This includes the development of a new wing comprising a dedicated dementia wing and palliative care suite, as well as additional aged care placements. The total investment is

expected to exceed \$16 million, with all costs to be borne by Hall & Prior as Lessee under the current lease.

To facilitate these works, Hall & Prior are mortgaging their leasehold interest in favour of CBA Corporate Services (NSW) Pty Ltd, acting as Security Trustee for the benefit of the lenders. As part of this process, the Lessee has requested that the Shire, as Lessor, enters into a Right of Entry Deed and a Consent Document with the Lessee and the Security Trustee.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Withholding consent without valid reason may breach the lease and expose the Shire to legal or reputational consequences.		
Mitigation:	Approving the deed and allowing the CEO to act on legal advice ensures the Shire meets its lease obligations and avoids non-compliance.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Likely	Moderate	High (12)
Risk Description:	If the Shire unreasonably withholds consent, it may breach the lease and risk legal action or disruption to rent payments.		
Mitigation:	Approving the deed and allowing the CEO to finalise minor legal amendments ensures compliance with the lease and protects the Shire from financial exposure.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Refusing consent without valid reason may damage the Shire's relationship with Hall & Prior and undermine its support for aged care services.		
Mitigation:	Approving the deed and acting on legal advice demonstrates the Shire's commitment to fair dealings and community-focused partnerships.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Community	Possible	Moderate	Moderate (9)
Risk Description:	Delaying or denying consent may impact residents and staff at Tuia Lodge, where many local families have strong ties and there is urgent need for expansion.		
Mitigation:	Approving the deed supports timely development of essential aged care services and demonstrates Council's responsiveness to community needs.		

Financial Implications

There are no direct financial costs to the Shire associated with executing the Right of Entry Deed. All legal drafting and review costs have been borne by Hall & Prior as the Lessee. The deed does not impose any new financial obligations on the Shire.

Policy Compliance

Council Policy EXE/CP-2- Document Execution and Application of Common Seal

In accordance with table 1 on the Right of Entry Deed is considered a “Land Transaction document” under the terms of the policy and can therefore be signed by the CEO without using the common seal.

Statutory Compliance

Local Government Act 1995

Under Section 9.49A, the CEO may execute documents on behalf of the local government if authorised by Council. The deed does not trigger the requirements of a Major Land Transaction under Section 3.59, as the Shire is not funding or undertaking any development works.

Lease Compliance

The requirement for the Shire to provide consent is embedded in the lease agreement. Clause 17.1 of the lease outlines that the Lessee must not assign, sublet, or otherwise deal with its interest in the lease without the prior written consent of the Lessor.

Consultation

Internal consultation has occurred between the CEO, Acting Director Finance and Corporate, and legal advisors. External consultation included Hall & Prior and their legal representatives.

In reviewing the latest draft of the Right of Entry Deed, the Shire’s solicitors have advised that the proposed amendments made by Hall & Priors legal representatives are minor in nature and do not materially alter the intent or obligations of the Shire.

The Shire’s solicitors have advised that further refinements to the language could be pursued prior to signing, although have indicated that the current version presents little to no risk to the Shire. Authorising the Chief Executive Officer to approve any additional minor amendments, where recommended by the Shire’s solicitors, ensures the deed can be finalised efficiently while maintaining legal integrity and protecting the Shire’s interests.

This approach provides Council with assurance that any changes will be legally vetted and limited to non-substantive adjustments.

Officer Comment

The Right of Entry Deed and Consent Document have been reviewed by the Shire’s legal advisors and are consistent with the obligations and protections outlined in the lease. The documents do not alter the substantive terms of the lease but rather provide clarity and legal formality around the rights of the Security Trustee to enter the premises under specific circumstances, such as enforcement of security interests.

The Shire’s consent is limited to acknowledging the mortgage of the lease and does not extend to any operational or financial obligations beyond those already defined in the lease. The documents have been tailored to ensure that the Shire retains its rights as Lessor and that any entry by the Security Trustee is subject to reasonable notice and compliance with applicable laws.

This action supports the continued operation and financial stability of Tuia Lodge, which remains a critical aged care facility for the Donnybrook community. The recommendation aligns with the Shire’s strategic objectives and ensures that the lease remains compliant and functional under evolving financial conditions.

COUNCIL RESOLUTION: 233/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council:

- 1. Approves the Chief Executive Officer to execute the Draft Right of Entry Deed for Tuia Lodge, 30 Allnut Street, Donnybrook, on behalf of the Shire of Donnybrook Balingup (Attachment 9.2.8(1)); and**
- 2. Authorises the Chief Executive Officer to approve minor amendments to the deed's language, where such amendments are recommended by the Shire's solicitors and do not materially alter the intent or obligations of the Shire under the deed.**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.2.9. Agenda Briefing and Council Meeting Dates 2026

Report Details:

Prepared by: Administration Officer, Corporate Services

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: Monarch-2055293383-1196 **Voting Requirement:** Simple Majority

Attachment(s):

9.2.9(1) 2026 Council Meeting Reports and Agenda Cycle

Executive Recommendation

That Council:

1. Adopt the 2025 and 2026 Agenda Briefing Session and Ordinary Council Meeting dates as follows:

Agenda Briefing Session	Ordinary Council Meeting	Venue
10 December 2025 (3pm)	17 December 2025 (3pm)	Council Chamber Donnybrook
18 February (3pm)	25 February (3pm)	Council Chamber Donnybrook
18 March (3pm)	25 March (3pm)	Council Chamber Donnybrook
15 April (3pm)	22 April (3pm)	Council Chamber Donnybrook
20 May (3pm)	27 May (3pm)	Council Chamber Donnybrook
17 June (3pm)	24 June (3pm)	Council Chamber Donnybrook
15 July (3pm)	22 July (3pm)	Council Chamber Donnybrook
19 August (3pm)	26 August (3pm)	Council Chamber Donnybrook
16 September (3pm)	23 September (3pm)	Council Chamber Donnybrook
21 October (3pm)	28 October (3pm)	Council Chamber Donnybrook
18 November (3pm)	25 November (3pm)	Council Chamber Donnybrook
9 December (3pm)	16 December (3pm)	Council Chamber Donnybrook

2. Note the change to the December 2025 Agenda Briefing Session and Ordinary Council Meeting.
3. Requests the Chief Executive Officer to undertake all statutory advertising in this regard.

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.

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

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

Executive Summary

Council is requested to adopt the 2025 and 2026 calendar for Agenda Briefing and Ordinary Council Meetings as presented below:

Agenda Briefing Session	Ordinary Council Meeting	Venue
10 December 2025 (3pm)	17 December 2025 (3pm)	Council Chamber Donnybrook
18 February (3pm)	25 February (3pm)	Council Chamber Donnybrook
18 March (3pm)	25 March (3pm)	Council Chamber Donnybrook
15 April (3pm)	22 April (3pm)	Council Chamber Donnybrook
20 May (3pm)	27 May (3pm)	Council Chamber Donnybrook
17 June (3pm)	24 June (3pm)	Council Chamber Donnybrook
15 July (3pm)	22 July (3pm)	Council Chamber Donnybrook
19 August (3pm)	26 August (3pm)	Council Chamber Donnybrook
16 September (3pm)	23 September (3pm)	Council Chamber Donnybrook
21 October (3pm)	28 October (3pm)	Council Chamber Donnybrook
18 November (3pm)	25 November (3pm)	Council Chamber Donnybrook
9 December (3pm)	16 December (3pm)	Council Chamber Donnybrook

Background

Council currently conducts one Agenda Briefing Session on the third Wednesday of each month, and an Ordinary Council Meeting on the fourth Wednesday, both commencing at 5:00pm. These meetings are held in the Donnybrook Council Chamber, with the exception of January and December, where scheduling may vary to accommodate the annual leave period.

Council conducts Workshops to keep Councillors informed of current issues and to facilitate informal discussions on matters of interest; these sessions are generally scheduled for the first two Wednesdays of each month.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with the <i>Local Government (Administration) Regulations 1996</i> to publish the 2026 meeting dates on the Shire's official website before the start of the calendar year.		
Mitigation:	Adopt the proposed 2026 meeting schedule and instruct the Chief Executive Officer to publish on the Shire's website before 1 January 2026.		

Financial Implications

Nil.

Policy Compliance

EM/CP-2-Live Streaming and Recording of Council Meetings

In accordance with Council Policy EM/CP-2, all 2026 Council meetings are proposed to be held exclusively within the Donnybrook Council Chamber. This venue is the only facility equipped with the necessary livestreaming and video recording infrastructure, ensuring full compliance with the policy and enhancing public access to Council deliberations.

Statutory Compliance

Local Government (Administration) Regulations 1996

Regulation 12 requires the CEO to publish the dates, times, and places of Ordinary Council Meetings and certain committee meetings on the local government's official website before the beginning of the year in which the meetings are to be held.

Consultation

Consultation regarding the scheduling of Council's 2026 meeting dates was undertaken during the workshop held on 29 October 2025, with active involvement from both executive staff and Councillors.

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

Officer Comment

To allow Councillors to take leave throughout January, it is proposed that no Ordinary Council Meeting is to be held in January 2026. The last meeting of 2025 is Wednesday, 17 December and the first meeting for 2026 will be the Agenda Briefing on 18 February 2026.

No public holidays occur on the recommended dates.

Council is requested to consider the proposed meeting dates as outlined in the report to ensure compliance with the publishing requirements set out in Regulation 12 of the *Local Government (Administration) Regulations 1996*.

COUNCIL RESOLUTION:	234/11-25	
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council:

- 1. Adopt the 2025 and 2026 Agenda Briefing Session and Ordinary Council Meeting dates as follows:**

Agenda Briefing Session	Ordinary Council Meeting	Venue
10 December 2025 (3pm)	17 December 2025 (3pm)	Council Chamber Donnybrook
18 February (3pm)	25 February (3pm)	Council Chamber Donnybrook
18 March (3pm)	25 March (3pm)	Council Chamber Donnybrook
15 April (3pm)	22 April (3pm)	Council Chamber Donnybrook

20 May (3pm)	27 May (3pm)	Council Chamber Donnybrook
17 June (3pm)	24 June (3pm)	Council Chamber Donnybrook
15 July (3pm)	22 July (3pm)	Council Chamber Donnybrook
19 August (3pm)	26 August (3pm)	Council Chamber Donnybrook
16 September (3pm)	23 September (3pm)	Council Chamber Donnybrook
21 October (3pm)	28 October (3pm)	Council Chamber Donnybrook
18 November (3pm)	25 November (3pm)	Council Chamber Donnybrook
9 December (3pm)	16 December (3pm)	Council Chamber Donnybrook

2. **Note the change to the December 2025 Agenda Briefing Session and Ordinary Council Meeting.**
3. **Requests the Chief Executive Officer to undertake all statutory advertising in this regard.**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
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Against: Nil.

Carried: 7/0 by en-bloc resolution 215/11-25

9.2.10. Audit and Risk Management Committee Meeting Dates 2026

Report Details:

Prepared by: Administration Officer, Corporate Services
Manager: Loren Clifford, Acting Director Finance and Corporate
File Reference: Monarch-2055293383-1329 **Voting Requirement:** Simple Majority
Attachment(s):
 Nil.

Executive Recommendation

That Council:

1. Adopt the 2026 Audit and Risk Management Committee Meeting Dates as follows:

Audit and Risk Management Committee Meeting	Venue
5 March 2026 (3pm)	Council Chamber Donnybrook
4 June 2026 (3pm)	Council Chamber Donnybrook
3 September 2026 (3pm)	Council Chamber Donnybrook
3 December 2026 (3pm)	Council Chamber Donnybrook

- Notes that the dates are subject to change to align with audit schedules and upcoming regulation changes; and
- Requests the Chief Executive Officer to undertake all statutory advertising in this regard.

Strategic Alignment

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

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

Executive Summary

This report recommends the adoption of the 2026 meeting schedule for the Audit and Risk Management Committee (ARMC). The proposed dates align with key reporting periods.

Background

Historically the ARMC have held meetings scheduled around key audit and reporting requirements. Regular quarterly meetings are proposed for 2026 to ensure regular and effective oversight. The Audit and Risk Management Committee Meetings are not livestreamed but are open to the public to come and observe in person.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with statutory obligations if meetings are not advertised in accordance with regulations.		
Mitigation:	Adopt and advertise the meeting schedule and provide adequate notice of meeting date changes if required.		

Financial Implications

There are no direct financial implications associated with adopting the meeting dates.

Policy Compliance

Nil.

Statutory Compliance

Local Government (Administration) Regulations 1996

Regulation 12 requires the CEO to publish the dates, times, and places of Ordinary Council Meetings and certain committee meetings on the local government's official website before the beginning of the year in which the meetings are to be held.

Consultation

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

Officer Comment

In accordance with recent reforms to the *Local Government Act 1995*, the Audit and Risk Management Committee (ARMC) will transition to an Audit, Risk and Improvement Committee (ARIC). This includes the requirement to appoint an independent Presiding Member and Deputy Presiding Member, who must not be a council member or employee of the local government. These changes aim to strengthen governance and impartial oversight. The revised Terms of Reference will also align with the Office of the Auditor General's Better Practice Guide, ensuring consistency and transparency in committee operations. The updated Terms of Reference is expected to be presented to Council following the regulations coming into effect. Any changes to meeting frequency will be reflected during this review process.

The proposed dates outlined in the Executive Recommendation are similar to prior years and allow for alignment with key reporting periods, including the Compliance Audit Return and internal audit timelines, flexibility is to be noted to adjust dates if required by the Shire's Auditor or other operational needs.

COUNCIL RESOLUTION: 235/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Tyler Hall

That Council:**1. Adopt the 2026 Audit and Risk Management Committee Meeting Dates as follows:**

Audit and Risk Management Committee Meeting	Venue
5 March 2026 (3pm)	Council Chamber Donnybrook
4 June 2026 (3pm)	Council Chamber Donnybrook
3 September 2026 (3pm)	Council Chamber Donnybrook
3 December 2026 (3pm)	Council Chamber Donnybrook

2. Notes that the dates are subject to change to align with audit schedules and upcoming regulation changes; and**3. Requests the Chief Executive Officer to undertake all statutory advertising in this regard.**

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0 by en-bloc resolution 215/11-25

9.3. Chief Executive Officer

Nil.

10 Elected Member Motions

Nil.

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

Nil.

12. Meeting Closed to the Public

12.1. Matters for which the Meeting may be closed

12.1.1 Proposal to Initiate Prosecution – Unauthorised Buildings and Works, Beelerup

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

(b) the personal affairs of any person; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

That the meeting be closed to the public.

COUNCIL RESOLUTION: 236/11-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Grant Patrick

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

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

The meeting was closed to the public at 6:49pm.

Cr Davy left the Chamber at 6:49pm.

Cr Davy re-entered the Chamber at 7:13pm.

That the meeting be re-opened to the public

COUNCIL RESOLUTION: 240/11-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Tyler Hall

That Council re-open the meeting to the public.

For: Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Purich
Against: Nil.
Carried: 7/0

The meeting re-opened to the public at 7:13 pm, and the Presiding Member read the confidential resolutions aloud.

2.2. Public reading of Resolutions that may be made public

COUNCIL RESOLUTION: 239/11-25		
MOVED BY:	Cr John Bailey	SECONDED BY: Cr Grant Patrick

That Council authorise formal enforcement action by prosecution of the occupier of Lot 350 Gairdner Road Beelerup for the following offences:

- 1. The carrying out of works in contravention of the Shire of Donnybrook-Balingup Local Planning Scheme No. 7; and;**
- 2. Noncompliance with a Notice issued under the Shire of Donnybrook-Balingup Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Laws; and;**
- 3. Noncompliance with an Order issued under the *Building Act 2011*; and;**
- 4. Any other offences considered appropriate by Shire Solicitors following their review of the outstanding matters.**

For: Cr Bailey, Cr Hall, Cr MacCarthy, Cr Patrick,
Against: Cr Lindemann, Cr Purich
Carried: 4/2

13. Closure

The Presiding Member to advise that the next Agenda Briefing Session will be held on 10 December 2025 at 3:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 7:16pm.

These Minutes were confirmed as a true and accurate record at the Ordinary Council Meeting held 17 December 2025.

A handwritten signature in black ink, appearing to read 'V MacCarthy', with a long horizontal flourish extending to the right.

Vivienne MacCarthy

President – Shire of Donnybrook Balingup