



— Shire of —
Donnybrook Balingup

MINUTES OF THE ORDINARY COUNCIL MEETING

Held on

Wednesday 27 March 2024

Commenced at 5:00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

A handwritten signature in black ink, appearing to read 'Garry Hunt', is positioned above the printed name.

Garry Hunt
Chief Executive Officer (Temporary)

5 April 2024

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The President 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 Shire President declared the meeting open at 5:02pm and welcomed the public gallery.

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President 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

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Vivienne MacCarthy (President)	Garry Hunt – Chief Executive Officer (Temporary)
Cr Lisa Glover (Deputy President)	Kim Dolzadelli – Director Finance and Corporate
Cr John Bailey	Ross Marshall – Director Operations
Cr Alexis Davy	Loren Clifford – Manager Corporate Services
Cr Peter Gubler	Samantha Farquhar – Administration Officer Corporate Services
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Grant Patrick	
Cr Deanna Shand	

PUBLIC GALLERY

2 members of the public were in attendance.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Cr Grant Patrick requested a leave of absence for the Ordinary Council Meeting held on 24 July 2024.

Cr Lisa Glover requested a leave of absence for the Ordinary Council Meeting held on 22 May 2024.

COUNCIL DECISION 29/24

MOVED: Cr Lindemann

SECONDED: Cr Davy

That Council:

- 1. Approve Cr Grant Patrick's request for a leave of absence for the Ordinary Council Meeting held on 24 July 2024.**
- 2. Approve Cr Lisa Glover's request for a leave of absence for the Ordinary Council Meeting held on 22 May 2024.**

CARRIED 9/0

For: Cr Bailey, Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

I would like to draw your attention to a call for comment by community members.

The Shire has prepared a draft Local Planning Strategy to guide how our community will grow and develop over the next 15 years. The draft Strategy aims to reflect the community's vision for the future, as expressed in the Shire's Strategic Community Plan. It captures the outcomes of the preliminary survey conducted in March 2022.

The Western Australian Planning Commission have certified the draft strategy for public advertising and our community is now invited to comment.

The draft strategy, and details of how to lodge your submission are available on the Shire's Website. Printed copies and submission forms are available to view at the Shire Administration Office in Donnybrook and libraries in Donnybrook and Balingup.

There is a 21 day public advertising period in place, with Council to consider extending the advertising period later in tonight's meeting,

Your feedback will be considered and proposed modifications presented back to the Council and the WA Planning Commission for final endorsement.

Another very important document to be released by the Shire is our Disability Access Inclusion Plan. This is a five year plan which forms the basis for how we will move forward to achieve greater access and inclusion.

I would like to thank the community members who worked with Shire staff to provide qualitative information and who shared their experiences of living within our Shire. The plan reflects the work that has been done in the past, it continues the work currently being done, while building on this in the future. The plan not only embraces diversity, it actively encourages the diversity that exists in our community.

Finally, I would like to express, on behalf of our Shire Councillors and community members, our sincere gratitude to the Director of Finance and Corporate Services.

Mr Kim Dolzadelli joined the Shire three years ago, as the 5th person in the role within 6 years and I can only imagine what you walked into. Kim's deep finance knowledge and experience in local government has introduced many improvements. He unleashed, greater functionality in our Synergy financial software, enabling improved reporting. He also drove positive change in many process and controls, to the benefit of the Shire.

Kim arrived in the role in August 2021, one month into the 2021-2022 financial year. By the end of the financial year, he had brought the Shire of Donnybrook Balingup to the attention of the Office of the Auditor General's top 10 ranking for Financial Reporting & Control and Audit performance. To put this into context, there are 137 local governments in Western Australia.

More recently, Kim stepped up into the role of Acting CEO during the election period. Following the election, Kim has supported nine new Councillors in coming up to speed

with our financial knowledge, presenting to us his portfolio of management and the many services which we had not previously understood were being delivered.

Feedback from your team members is that you're an ok boss. Thank you for your leadership and development of your teams. I know that you also enjoyed working with them.

You're a pleasure to work with, Kim, and I'm sure I speak for everyone here, when I say that you will be missed. I hope that you can now enjoy a well earned rest.

Go well, with our best wishes for success in whatever you choose to take on in the future.

4 DECLARATIONS OF INTEREST

Cr Lisa Glover declared a financial, proximity, indirect financial and impartiality interest regarding confidential item 12.1.1, as she is a co-owner of a property on the boundary of VCMP, her property is tenanted, is a member of various sporting clubs, and her partner is also a co-owner of the same property.

Cr Anne Mitchell declared an impartiality interest regarding item 9.2.4 as Mr Fry is a relation.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Kay Butler

Why do we not have an organic bin service. It had been in place previously and I would like it to be re installed.

Response: Director Operations

The current location does not include coverage by our contractor for a 3-bin service. An organic bin was mistakenly provided previously and then removed after discovering the error. Kay Butler has been contacted directly and made aware of the afore mentioned error.

5.2 PUBLIC QUESTION TIME

Question: Tyler Hall

My question is regarding the Kelly Road Structure Plan for a large housing development. Last week, Lot 9500 was listed for sale and another of the lots was listed in February. Does this mean the approved plan is abandoned/cancelled?

As a follow-up to previous, if the plan is not proceeding, is the zoning of smaller R-10 and R-40 lots within Lot 9500 remain valid? (i.e. whomever purchased Lot 9500 will have to subdivide based on that drawing)

Response: Manager Development Services

The Kelly Road Structure Plan (WAPC Ref SPN 0855M-2) doesn't expire until October 2025. Any proposed development of the land requires development approval and needs to have due regard to the approved structure plan regarding the intended lot layout and the structure plan provisions, including the R Codes indicated.

Under the provisions of the Shire's Local Planning Scheme No. 7, this land is identified as a Structure Plan Area. Once the current plan expires, a new plan will be required to be approved prior to subdivision or development being able to be considered.

It is also to be noted that while Structure Plans are lodged with the Shire for processing and Council make a recommendation to the Department of Planning Lands and Heritage; the power to approve a Structure Plan sits with the Department of Planning Lands and Heritage.

Question: Harry Ortheil

This question is regarding the Debrief Report. How can Council vote for a motion to approve the Debriefing Report when the public had so little time to digest it and react to it.

Will the Council provide time for the motion in the sense that the Shire is directed not to approve mass events due to restricted fire seasons outside the immediate township area.

Would it be appropriate that the Council notifies and asks rate payers instead of the organisers of the event.

Response: Chief Executive Officer (Temporary)

Item 3 of the recommendation to Council is that a further report be provided no later than June 2024 to outline procedures and protocols incorporating in community engagement strategies that would govern the approval process for future events. The events may be proposed by either community or commercial entities and are intended to take place within the Shire. That intends to raise some of the issues that you have raised.

In relation to your other comments, I believe the staff and the event promotor have endeavoured to address the issues that were raised and drawn to the attention rising from the event, and input from elected members. We acknowledge things could have been

done better and we need to address the number of the issues and in particular the issue of engagement with the community to ensure it is better handled than it was on this occasion. I can assure you the staff have taken on board the issues that have been raised.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATIONS OF MINUTES

7.1 ANNUAL GENERAL MEETING OF ELECTORS – 22 FEBRUARY 2024

Minutes of the Annual General Meeting of Electors held 22 February 2024 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Annual General Meeting of Electors held 22 February 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 30/24

MOVED: Cr Lindemann

SECONDED: Cr Mitchell

That the Minutes from the Annual General Meeting of Electors held 22 February 2024 be confirmed as a true and accurate record.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.2 SOUTH WEST COUNTRY ZONE – 23 FEBRUARY 2024

Minutes of the South West Country Zone Meeting held 23 February 2024 are attached (Attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the South West Country Zone Meeting held 23 February 2024 be received.

COUNCIL RESOLUTION 31/24

MOVED: Cr Lindemann

SECONDED: Cr Gubler

That the Minutes from the South West Country Zone Meeting held 23 February 2024 be received.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.3 ORDINARY MEETING OF COUNCIL – 28 FEBRUARY 2024

Minutes of the Ordinary Meeting of Council held 28 February 2024 are attached (Attachment 7.3(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 28 February 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 32/24

MOVED: Cr Patrick

SECONDED: Cr Glover

That the Minutes from the Ordinary Meeting of Council held 28 February 2024 be confirmed as a true and accurate record.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.4 SPECIAL MEETING OF COUNCIL – 28 FEBRUARY 2024

Minutes of the Special Meeting of Council held 28 February 2024 are attached (Attachment 7.4(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 28 February 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 33/24

MOVED: Glover

SECONDED: Gubler

That the Minutes from the Special Meeting of Council held 28 February 2024 be confirmed as a true and accurate record.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.5 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING – 13 MARCH 2024

Minutes of the Audit and Risk Management Committee Meeting held 13 March 2024 are attached (Attachment 7.5(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Audit and Risk Management Committee Meeting held 13 March 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

That the Minutes from the Audit and Risk Management Committee Meeting held 13 March 2024 be confirmed as a true and accurate record.

The original motion was moved by Cr Glover and seconded by Cr Bailey. Following discussion and clarification, the motion was withdrawn.

COUNCIL RESOLUTION 34/24

MOVED: Cr Patrick

SECONDED: Cr Lindemann

That the Minutes from the Audit and Risk Management Committee Meeting held 13 March 2024 be noted and that the recommendations contained therein be adopted.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 MELIORA NEW YEARS ARTS AND MUSIC FESTIVAL

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF 24E
Author	Michelle Dennis, Manager Development Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.1(1) The Meliora New Years Arts and Music Festival Debrief Summary 2024 9.1.1(2) FAQs 9.1.1(3) Map of Noise Complaints 9.1.1(4) Minutes from Debrief 9.1.1(5) Community Feedback (personal information redacted)
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

1. **Receives the detailed Meliora New Years Arts and Music Festival Debrief Summary Report as per Attachment 9.1.1(1).**
2. **Endorses the publication of the Frequently Asked Questions (FAQs) on the Shire website as per Attachment 9.1.1(2).**
3. **Notes the Chief Executive Officer will present a report to Council for review no later than June 2024, this report will outline procedures and protocols, incorporating community engagement strategies, that will govern the approval process for future events. These events may be proposed by either community or commercial entities and are intended to take place within the Shire.**

STRATEGIC ALIGNMENT

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

Outcome	2	A safe and healthy community.
Objective	2.2	Facilitate, encourage, and support a diverse range of festivals, community events, arts and cultural activities.
Outcome	10	A popular destination for visitors and tourists.

Objective	10.1	Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.
Priority project	10.1.3	Support the local backpacker industry (possibly through the Donnybrook Balingup Chamber of Commerce and Industry) to host events and community BBQs to attract, engage with, and retain backpackers.

EXECUTIVE SUMMARY

In response to a number of community enquiries received regarding the Meliora New Years Arts and Music Festival event held in Newlands from 29 December 2023 until 1 January 2024, a detailed debrief report, along with informing attachments, has been prepared for Council consideration.

The Debrief Summary Report and Frequently Asked Questions offer valuable insights that can inform the governance of future event applications. To maximize benefits and mitigate potential adverse effects of events, a more comprehensive approach to evaluating event applications is necessary, especially for significant commercial endeavors. A report incorporating these insights will be required to be presented to the Council no later than June 2024.

BACKGROUND

The Shire supports, delivers and facilitates a wide range of events including fairs, cake stalls, car rallies, concerts, dances, and festivals. It is important for our community to have access to a range of events that cater for different tastes and demographics. There is a balance between attracting visitors to the Shire while considering the potential impact of an event on a locality. Events help the Shire by attracting people to spend money in the community as well as providing enjoyable experiences for residents.

FINANCIAL IMPLICATIONS

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

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Events in Western Australia are assessed under the following legislation:

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

The event was considered to be temporary works and use and therefore did not require formal approval under the Shire's Local Planning Scheme No. 7.

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

Due to the proximity of the event to a declared road, Traffic Management was referred to Main Roads for their approval under the provisions of the *Main Roads Act 1930*.

CONSULTATION

Main Roads endorsed the Traffic Management Plan prepared for the event.

The Shire liaised with Department of Fire and Emergency Services (DFES) and Department of Biodiversity, Conservation and Attractions (DBCA) in their capacities as fire control agencies.

The Shire's Bush Fire Control Officer was notified of the event and provided with opportunities to comment on proposed mitigation measures and inspect the site.

The Shire's Insurer, Local Government Insurance Services (LGIS), reviewed and provided feedback with respect to the risk management plan provided by the organisers for the event.

OFFICER COMMENT

While the Meliora New Years Arts and Music Festival was the first Shire approved music festival to be held in Newlands, the event organisers are a private company who host numerous events across the country. Their application was considered to adequately demonstrate how they intended to meet their statutory obligations with respect to events.

A debrief meeting was held after the event on 5 February (refer to Attachment 9.1.1(4)). The debrief identified areas of improvement for similar events at the specific event location as well as improvements that can be made to Shire processes.

Identified improvements to Shire processes include:

- Timeliness of issuing formal event approvals. It is considered that events could be conditionally approved with deadlines for additional information to be supplied. This would provide event organisers early notification of any additional documents or approvals that will be required to be obtained prior to the event occurring; and
- Improved neighbour notification. Due to the rural nature of our district, not all residents have road mail boxes. The Shire could undertake the notification, at the applicant's cost, to reduce the number of residents not informed about an upcoming event; and
- Consideration of a Shire after hours call out service for events; and
- Clearer direction to event operators regarding Shire expectations in relation to complaint management/responsiveness to complaints; and
- Additional scrutiny around length of noise exemptions requested with reference to the event duration. Scaled noise levels may also be relevant.

COUNCIL RESOLUTION

MOVED: Cr Lindemann

SECONDED: Cr Glover

That Council:

- 1. Receives the detailed Meliora New Years Arts and Music Festival Debrief Summary Report as per Attachment 9.1.1(1).**
- 2. Endorses the publication of the Frequently Asked Questions (FAQs) on the Shire website as per Attachment 9.1.1(2).**
- 3. Notes the Chief Executive Officer will present a report to Council for review no later than June 2024, this report will outline procedures and protocols, incorporating community engagement strategies, that will govern the approval process for future events. These events may be proposed by either community or commercial entities and are intended to take place within the Shire.**

Cr Glover moved and amendment to the substantive motion.

COUNCIL RESOLUTION

MOVED: Cr Glover

SECONDED: Cr Bailey

That Council:

- 1. Not receive the detailed Meliora New Years Arts and Music Festival Debrief Summary Report as per Attachment 9.1.1(1).**
- 2. Endorses the publication of the Frequently Asked Questions (FAQs) on the Shire website as per Attachment 9.1.1(2).**
- 3. Request the Chief Executive Officer to present a report to Council for review no later than June 2024, this report will outline procedures and protocols, incorporating community engagement strategies, that will govern the approval process for future events. These events may be proposed by commercial entities and are intended to take place within the Shire. The report will also outline basis for council approval for non-compliant events.**

LOST 4/5

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Shand

Against: Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick

Director Finance and Corporate left the room at 6:02pm and re entered at 6:07pm.

Cr Shand moved a further amendment to the substantive motion.

COUNCIL RESOLUTION

MOVED: Cr Shand

SECONDED: Cr Bailey

That Council:

- 1. Receives the detailed Meliora New Years Arts and Music Festival Debrief Summary commentary as per Attachment 9.1.1(1).**
- 2. Endorses the publication of the Frequently Asked Questions (FAQs) on the Shire website as per Attachment 9.1.1(2).**
- 3. Request the Chief Executive Officer to present a report to Council for review no later than June 2024, this report will outline procedures and protocols, incorporating community engagement strategies, that will govern the approval process for future events. These events may be proposed by commercial entities and are intended to take place within the Shire. The report will also outline basis for council approval for non-compliant events.**

LOST 4/5

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Shand

Against: Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick

Substantive motion.

COUNCIL RESOLUTION 35/24

MOVED: Cr Lindemann

SECONDED: Cr Glover

That Council:

- 1. Receives the detailed Meliora New Years Arts and Music Festival Debrief Summary Report as per Attachment 9.1.1(1).**
- 2. Endorses the publication of the Frequently Asked Questions (FAQs) on the Shire website as per Attachment 9.1.1(2).**
- 3. Notes the Chief Executive Officer will present a report to Council for review no later than June 2024, this report will outline procedures and protocols, incorporating community engagement strategies, that will govern the approval process for future events. These events may be proposed by either community or commercial entities and are intended to take place within the Shire.**

CARRIED 5/4

For: Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick

Against: Cr Bailey, Cr Glover, Cr Gubler, Cr Shand

9.1.2 DEVELOPMENT APPLICATION P23061 - VETERINARY CENTRE – LOT 2 (24) BRIDGETOWN ROAD, BALINGUP

Location	Lot 2 (No. 24) Bridgetown Road, Balingup
Applicant	K Betts T/A Balingup Veterinary Services
File Reference	A4479 (P23061)
Author	Cecilia Muller, Principal Planner Phil Shephard, Planning Officer
Responsible Manager	Michelle Dennis, Manager Development Services.
Attachments	9.1.2(1) Development Application and Plans 9.1.2(2) Submissions 9.1.2(3) Applicant’s response to submissions 9.1.2(4) Assessment under Clause 67
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P23061 for a Veterinary Centre on Lot 2 (No. 24) Bridgetown Road, Balingup subject to the following conditions and advice.

Conditions:

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

Approved plans (Attachment 9.1.2(1)):

- 1.1 Site Plan,
 - 1.2 Floor Plan – uses for each room identified,
 - 1.3 Floor Plan – walls to be removed and
 - 1.4 Elevation Plan.
2. The total number of veterinary practitioners on the lot at any point in time shall not exceed 1 and any increase in the number of practitioners would require a further development approval from the Shire; and
 3. Prior to the commencement of the use, a minimum of 4 car parking bays, and manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a gravel standard, drained, and clearly designated to the satisfaction of the Shire and thereafter maintained; and
 4. Vehicular parking is to be wholly within the lot, with no customers parking on the verge or in the road adjoining the lot; and

5. **Vehicular access and egress to the site is restricted to the existing crossover onto Forrest Street; and**
6. **All stormwater from the proposed development including buildings, driveway, parking area and hardstand area(s) shall be managed by the landowner in perpetuity, in accordance with the Shire’s stormwater management standards and the Animals, Environment and Nuisance Local Law 2017 to the satisfaction of the Shire; and**
7. **Prior to the commencement of use, a Waste Management Plan is to be submitted to and approved by the Shire. The Waste Management Plan is to provide details regarding the provision for on-site storage and collection of waste including medical waste and wastewater. Once approved the Waste Management Plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire; and**
8. **Prior to the commencement of use, a Noise Management Plan is to be submitted to and approved by the Shire. The Noise Management Plan is to provide details regarding the control measures to be undertaken (including monitoring procedures), and a complaint response procedure. Once approved the Noise Management Plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire.**

Advice:

- a. **Advertising signage does not form part of this approval. Any advertising signage is subject to a separate assessment and may require development approval from the Shire. It is recommended that you contact the Shire prior to the placement of any advertising signage onsite.**
- b. **The Shire Environmental Health Services advises that:**
 - (i) **An approved on-site effluent disposal system adequate for the proposed use of the premises will be required to fully comply with the ‘Government Sewerage Policy 2019’; and**
 - (ii) **Details of existing onsite waste water treatment and disposal system to be provided by a licenced plumber. This is to include condition and suitability of location - photographs, sketch drawing with dimensions and type of septic tanks, and leach drains; and**
 - (iii) **The applicant is required to identify the expected wastewater loading on the septic system. If frequent bathing of animals or any other practice involving large amounts of wastewater are proposed, the system may require an upgrade to handle the expected wastewater loading; and**
 - (iv) **The activity must be undertaken to ensure noise emissions from the premises comply with the *Environmental Protection Act 1986* and the**

Environmental Protection (Noise) Regulations 1997; and

- c. The proponent is advised to investigate whether approval is required pursuant to the *Aboriginal Heritage Act 1972*. The proponent should conduct a search of the Register of Aboriginal Sites to determine if any Aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning, Lands and Heritage (Indigenous Affairs) with a request for advice; and**
- d. Compliance with the Building Code of Australia is required. A Certified Building Permit Application for the change of use must be submitted to, and approved by, the Shire prior to the commencement of any development. The Building Permit plans must reflect the relevant conditions and approved plans of this Development Approval; and**
- 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; and**
- 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; and**
- 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.**

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.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application for development approval for a veterinary centre on Lot 2 (No. 24) Bridgetown Road, Balingup to operate in conjunction with their existing mobile veterinary service.

Officers do not have delegation to determine applications for development approval where objections are received. Officers note the comments in the submissions received and consider that the proposal is consistent with the planning framework and should be

granted approval subject to conditions. The conditions and advice address the matters raised in the submissions.

BACKGROUND

On 23 November 2023, the Shire received a development application for a veterinary Centre on Lot 2 (No. 24) Bridgetown Road, Balingup.

The property was previously approved by the Shire for café/art gallery use in 2006.

The development application and plans are contained in Attachment 9.1.2(1).

Lot 2 is 1029m² in size and located within the Commercial zoned area along the west side of Bridgetown Road in Balingup and shown in the image below.



(Lot 2 (No. 24) Bridgetown Road, Balingup)

The surrounding land is occupied with a mixture of residential and commercial uses.

Location Plan

The location of Lot 2 (No. 24) Bridgetown Road, Balingup and surrounding lots is shown in the image below:



Proposal

As part of the application, the applicant provided the 'Letter to Planning' contained in Attachment 9.1.2(1) that advised:

The veterinary centre will operate in conjunction with their existing mobile veterinary service and be restricted to treatment of small animals only including consultations, diagnostics, surgery, and illness management. The veterinary centre will be staffed by one (1) veterinarian (the applicant) and one (1) support worker, and open during typical work hours (Monday – Friday 9am-5pm and occasionally Saturday 8am-12pm). The mobile business will continue to operate off-site treating large animals.

The applicant estimates that consultations will be a maximum of ten (10) per day with only one (1) customer being on-site at any time.

The existing building will be modified to include reception/waiting area, consult room, Floor Plans and Elevations, lab/pharmacy, treatment room, prep/surgery, x-ray room and staff amenities as shown in Attachment 9.1.2(1). Medical waste will be disposed of off-site through a registered local waste disposal business.

On-site parking for four (4) vehicles is proposed using the existing access/egress point onto Forrest Street.

FINANCIAL IMPLICATIONS

All relevant application fees have been paid by the applicant.

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

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

The application has been assessed against the relevant and applicable statutory provisions as follows.

Shire of Donnybrook Balingup Local Planning Scheme No.7

Part 3 – Zones and the Use of Land

Lot 2 is zoned 'Commercial' under the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7) and the purpose and objectives of the zone are:

3.7.1 Purpose

The purpose of the Commercial zone is to provide for retail shopping, office, and commercial development together with social, recreational, community, tourist, entertainment and residential activities to service the populations of surrounding areas along with visitors to the area.

3.7.2 Objectives

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

- (i) provide for the development or redevelopment of land within the zone for a broad range of uses which the local government considers is appropriate to town centre development;*
- (ii) encourage new development within the zone to achieve a high standard in relation to the historic character of Donnybrook and Balingup to assist in promoting the town centres in terms of their own distinctive identity and attraction;*
- (iii) promote commercial structures and open areas which are of high quality, achieve a unified theme (where this has been agreed) and which promote the retention of features which enhance the appearance of the town centre and/or provide a sense of identity;*
- (iv) protect, maintain, and enhance where possible the visual and heritage elements of the town centre;*

- (v) *promote townscape improvement in accordance with any adopted Townscape Plan;*
- (vi) *provide for consolidated, accessible, safe and vibrant town centres with a mix of compatible uses;*
- (vii) *encourage the establishment of a diverse range of activities and the associated infrastructure/services required to fulfil the community, commercial and administrative functions of a commercial area;*
- (viii) *maintain opportunities for residential, grouped dwellings, tourist accommodation, offices and where appropriate service commercial and service industry suitable in a country town and compatible with the commercial and community functions of the town;*
- (ix) *encourage residential accommodation within the commercial area compatible with commercial uses;*
- (x) *provide for a flexible response to new and innovative ideas;*
- (xi) *encourage the ease of pedestrian movement and sharing of infrastructure while achieving safety and efficiency in traffic circulation; and*
- (xii) *ensure that development conforms to any Local Planning Policy or Townscape Plan adopted by the local government.*

The proposed development of the veterinary centre complies with the purpose of the zone and the objectives to provide for the development of land for a broad range of uses and encourage the establishment of a diverse range of commercial activities.

The proposed development is considered consistent with the land use definition of 'Veterinary Centre' within LPS7 which '*means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.*

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

The proposal was referred to the adjoining landowners and two submissions were received. The submissions are considered under the 'Consultation' section of this report.

Part 4 – General Development Requirements

The relevant general development requirements of LPS7 have been assessed as summarised below:

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

The local government shall have regard to the following when assessing applications for development approval:-

- (i) *the external appearance of the building and any associated structures and landscaping;*
- (ii) *the dimensions and proportions of the building or structure;*
- (iv) *the effect of the building or works on nearby properties, and on the occupants of those buildings;*
- (v) *the effect on the landscape and environment generally;*

The proposal will not alter the external appearance of the existing building with only minor interior modifications required to convert the use to a veterinary centre.

The applicant has committed to ensuring the change of use does not adversely impact on adjoining/nearby properties and the proposal is likely to have a reduced impact to the previous approved café/art gallery.

Clause 4.27 Car Parking and Vehicle Access Requirements

The proposal includes four (4) on-site car parking bays as shown in Attachment 9.1.2(1) Site Plan. This achieves the parking requirement under LPS7 for veterinary consulting (four (4) bays per practitioner). Overflow could also be accommodated on-site without impacting adjoining landowners.

A condition is recommended for the parking area to be constructed to a gravel standard.

Clause 4.32 Vehicle crossovers/entrances

The proposal will utilise the existing single access/egress point onto Forrest Street for the parking area for the veterinary centre.

A condition is recommended restricting access/egress to the existing crossover point onto Forrest Street.

Clause 4.37 Services to all development

The proposal will dispose of domestic effluent (staff/customers) through the existing on-site effluent disposal system.

Health staff have recommended advice regarding the on-site effluent disposal system and possible upgrading requirements.

Clause 4.38 Waste disposal

The applicant advises that all medical waste will be disposed of off-site through a registered local waste disposal business.

A condition is recommended requiring a waste management plan that will provide further detail regarding the disposal of waste including the off-site disposal of all medical waste.

Clause 4.40 Development without reticulated sewerage

Reticulated sewerage is not available in Balingup, with this development serviced by an on-site effluent disposal system. As noted in Clause 4.38 above, the proposal will dispose of domestic effluent (staff/customers) through the existing on-site effluent disposal system and Health staff have recommended advice regarding the on-site effluent disposal system and possible upgrading requirements to comply with Department of Health 'Government Sewerage Policy 2019' requirements.

Clause 4.56 Commercial Zone

The proposal involves a change of use and only internal modifications will be undertaken to the building with a designated parking area. As such many of the Scheme Provisions do not apply in this instance.

The relevant development requirements for the Commercial zone under LPS7 have been assessed and summarised below:

4.56.2 Subdivision and development standards

The proposal needs to achieve the following requirements:

- Any new signs will need to comply with Town Planning Policy 9.6 Signage/Advertisement; and
- The proposal shall comply with Town Planning Policy 9.21 Balingup Village Centre – Special Character Area for the Village Green Precinct.

4.56.7 Change of use to existing premises

The proposal does not require any variation of the development standards. The proposal involves an existing building where no additions to floorspace are proposed, and the development impact of the new development is considered no greater than previous approved café/art gallery land use.

Officers consider that subject to the recommended conditions the proposal will not impact negatively on any adjoining/nearby activities.

Local Planning Strategy

Lot 2 is identified as Commercial under the Shire's of Local Planning Strategy. The proposal is consistent with the future intention of the area.

CONSULTATION

Public Consultation

The application, whilst not required to be advertised under LPS7, was referred to adjoining landowners for comment for an advertising period of 17 days (concluding on 18 December 2023) and involved a written notice to adjoining landowners.

In response to the advertising, a total of two (2) submissions were received. The submissions are contained in Attachment 9.1.2(2)

The key issues raised in the submissions are summarised below along with Officer comments in response, and further details are also provided in the 'Officer Comment' section of this report:

Issue Raised	Officer Comment
<p><i>Object as may impact future residence/café planned.</i></p>	<p>The proposal is confined to the existing building and is not expected to adversely affect any future proposals on land within this commercially zoned area in Balingup.</p>
<p><i>Will create smell/odour and noise problems from dogs, cats, and horses.</i></p>	<p>Staff requested additional information from the applicant and the following response was provided to address potential noise and odour concerns raised, refer Attachment 9.1.2(3).</p> <p><i>Noise</i> <i>Keeping animals overnight on the premises would be extremely infrequent, and usually only for instances where animals are critically ill and unable to be sent home or safely transported. These animals are either on a ventilator and anaesthetised, heavily sedated, or are so unwell that they are barely conscious so do not produce noise. Any animal that is well enough to produce noise will be discharged and sent home.</i></p> <ul style="list-style-type: none"> <i>• Animal boarding does not form part of this proposal.</i> <i>• In the infrequent instance where an animal is kept overnight, 24/7 video monitoring will be set up and allow for the operator to be notified immediately of any noises being made by the animal and could therefore be addressed if issues arise.</i> <i>• A decibel monitoring system will be installed that remotely triggers an alert if the noise reaches a certain decibel. This will be set to a limit that is below the allowance under the Environmental Protection (Noise) Regulations 1997 so that control/management can be enacted before it becomes an issue.</i> <p><i>Odour</i></p> <ul style="list-style-type: none"> <i>• There is no evidence to suggest that the proposed use will produce odour impacts.</i> <i>• The practice is required to follow strict hygiene and infection control regulations, similar to a medical facility for people.</i> <p>Officers consider the applicant’s response adequately addresses the concerns raised in the submission. Some of the responses are</p>

Issue Raised	Officer Comment
	recommended to form part of the conditions of approval, if granted.
<i>Lots of traffic will disturb residences.</i>	<p>The proposal is small-scale and will operate with one (1) veterinarian only. The expected patronage will not substantially increase the amount of traffic using the site/area and the local road system can cater for the change.</p> <p>The proposal represents a significant reduction on potential traffic from the previously approved café/art gallery on the site.</p>

Consultation with Government/Service Agencies

Nil required.

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(4). Key considerations identified are zoning, land use class permissibility, consultation which identified minor potential amenity concerns and traffic impact issues.

- Zoning and Land Use Class Permissibility

Under LPS7, veterinary centre is a ‘D’ use in the Commercial zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval for the proposal.

- Amenity

Noise

The veterinary centre potentially creating noise impacts was a concern raised by an adjoining landowner during the advertising period.

The activity must be conducted to ensure that noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*. The applicant acknowledges this requirement and has proposed measures that are expected to ensure the activity can be undertaken without generating complaints in the future. Some of the responses are recommended to form part of the conditions of approval, if granted.

A condition is recommended requiring a noise management plan that will provide further detail regarding some of the responses by the applicant including a complaints response procedure.

Odour

The veterinary centre potentially creating odour impacts was a concern raised by an adjoining landowner during the advertising period.

Given that the activity is confined to the existing building and no boarding of any animals on-site is proposed, officers do not believe the concerns raised will eventuate and there are adequate measures proposed by the applicant and conditions recommended to be imposed, such as the proposed Waste Management Plan, to ensure that no adverse impacts from odours will occur.

- **Traffic Impacts**

The proposal and expected patronage will not substantially increase the amount of traffic using the site/area and the local road system can cater for the change.

The proposal represents a significant reduction on potential traffic from the previously approved café/art gallery on the site.

Conclusion

The proposed veterinary centre is compatible with the commercial zoning and surrounding development context and character of the area. Matters raised during the advertising period regarding amenity and traffic have been appropriately addressed and can be managed by conditions and advice.

Officers consider that the application complies with the requirement of orderly and proper planning and are therefore recommending conditional approval of the application.

COUNCIL RESOLUTION 36/24

MOVED: Cr Bailey

SECONDED: Cr Patrick

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 P23061 for a Veterinary Centre on Lot 2 (No. 24) Bridgetown Road, Balingup subject to the following conditions and advice.

Conditions:

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

Approved plans (Attachment 9.1.2(1)):

- 1.1 Site Plan,**
- 1.2 Floor Plan – uses for each room identified,**

- 1.3 Floor Plan – walls to be removed and**
- 1.4 Elevation Plan.**

- 2. The total number of veterinary practitioners on the lot at any point in time shall not exceed 1 and any increase in the number of practitioners would require a further development approval from the Shire; and**
- 3. Prior to the commencement of the use, a minimum of 4 car parking bays, and manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a gravel standard, drained, and clearly designated to the satisfaction of the Shire and thereafter maintained; and**
- 4. Vehicular parking is to be wholly within the lot, with no customers parking on the verge or in the road adjoining the lot; and**
- 5. Vehicular access and egress to the site is restricted to the existing crossover onto Forrest Street; and**
- 6. All stormwater from the proposed development including buildings, driveway, parking area and hardstand area(s) shall be managed by the landowner in perpetuity, in accordance with the Shire’s stormwater management standards and the Animals, Environment and Nuisance Local Law 2017 to the satisfaction of the Shire; and**
- 7. Prior to the commencement of use, a Waste Management Plan is to be submitted to and approved by the Shire. The Waste Management Plan is to provide details regarding the provision for on-site storage and collection of waste including medical waste and wastewater. Once approved the Waste Management Plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire; and**
- 8. Prior to the commencement of use, a Noise Management Plan is to be submitted to and approved by the Shire. The Noise Management Plan is to provide details regarding the control measures to be undertaken (including monitoring procedures), and a complaint response procedure. Once approved the Noise Management Plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire.**

Advice:

- h. Advertising signage does not form part of this approval. Any advertising signage is subject to a separate assessment and may require development approval from the Shire. It is recommended that you contact the Shire prior to the placement of any advertising signage onsite.**
- i. The Shire Environmental Health Services advises that:**
 - (v) An approved on-site effluent disposal system adequate for the proposed use of the premises will be required to fully comply with the ‘Government Sewerage Policy 2019’; and**

- (vi) Details of existing onsite waste water treatment and disposal system to be provided by a licenced plumber. This is to include condition and suitability of location - photographs, sketch drawing with dimensions and type of septic tanks, and leach drains; and
- (vii) The applicant is required to identify the expected wastewater loading on the septic system. If frequent bathing of animals or any other practice involving large amounts of wastewater are proposed, the system may require an upgrade to handle the expected wastewater loading; and
- (viii) The activity must be undertaken to ensure noise emissions from the premises comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*; and
- j. The proponent is advised to investigate whether approval is required pursuant to the *Aboriginal Heritage Act 1972*. The proponent should conduct a search of the Register of Aboriginal Sites to determine if any Aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning, Lands and Heritage (Indigenous Affairs) with a request for advice; and
- k. Compliance with the Building Code of Australia is required. A Certified Building Permit Application for the change of use must be submitted to, and approved by, the Shire prior to the commencement of any development. The Building Permit plans must reflect the relevant conditions and approved plans of this Development Approval; and
- l. 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; and
- m. 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; and
- n. 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.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.3 SPEED ZONING PETITION FOR PRESENTATION TO MAIN ROADS WA, SOUTH WESTERN HIGHWAY KIRUP

Location	South Western Highway, Kirup
Applicant	Kirup Progress Association
File Reference	WRK 06/1
Author	Damien Morgan, Manager Works & Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.3(1) Petition & KPA Letter (Proposal to present to SWRRG) 9.1.3(2) MRWA Speed zoning policy and application guidelines 9.1.3(3) Agenda Item 10.2.2 Minutes – 23 May 2018
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the Kirup Progress Association (KPA) petition to Main Roads WA and supports that Cr Mitchell, as the Shire’s South West Regional Road Group (SWRRG) representative, submit/table the petition at the next meeting of the SWRRG; and 2. Advises Main Roads WA it supports the request from the KPA that a review of speed zones within the Kirup townsite be conducted; and 3. Requests Main Roads WA advise the Shire of their intentions regarding the review including: <ol style="list-style-type: none"> 3.1 The timeframe for the review to be completed; and 3.2 The timeframe for the Shire and community being informed of the outcomes from the review.

STRATEGIC ALIGNMENT

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

- Outcome: 8.0 Safe and convenient movement of people in and around the district.
- Objectives: 8.1 Improve road safety, connectivity, and traffic flow for all users.

EXECUTIVE SUMMARY

The Kirup Progress Association (KPA) recently initiated a petition in relation to the current speed zoning within the Kirup townsite. The petition was submitted by the KPA to the

Shire's South West Regional Road Group (SWRRG), representative Cr Mitchell, requesting that the petition be presented to the next meeting of the SWRRG.

The petition raises community concerns regarding speed limits within the Shire. It's requested that Council, note the petition's importance and request Cr Mitchell to submit the petition at the next SWRRG Meeting.

Noting this petition is not being submitted to Council to be voted on by Council under 6.10 of the *Meeting Procedures Local Law 2017*.

BACKGROUND

Cr Mitchell received a letter and a petition with over 60 signatures (refer Attachment 9.1.3(1)) from the KPA on the 5 March 2024.

The letter requests that the petition be submitted to the SWRRG, by the Shire's representative to the next SWRRG Meeting.

The petition is in favour of the motion below:

1. SPEED ZONING

- a. *Request Main Roads WA to conduct a speed zoning review on Southwest Highway in the Kirup townsite.*
- b. *Request Main Roads WA to consider changing the current regulatory speed zone of 60km/h on the Southwest Highway, in the town of Kirup by:*
 - i. *Splitting the length of current regulatory speed zone of 60km/h in half (1.4km), to implement –*
 - *A 50km/h speed zone for 700m on the north side of town from the current 60km/h speed zone (located near Parks & Wildlife); and*
 - *Implement a 60km/h speed zone for the remainder of the 1.4km (commencing on the southern side of the railway crossing).*
- c. *All other speed zones to remain unchanged unless advised otherwise.*

2. SOUTHWEST HIGHWAY/STATION STREET INTERSECTION.

Request Main Roads WA to review the safety of south bound road users turning right off Southwest Highway into Station Street. Noting the insufficient road width for trailing traffic to pass safely on the left.

The letter and petition were referenced to the MWRA document, "Speed Zoning - Policy and Application Guidelines (Attachment 9.1.3(2))", which is the applicable document under which MRWA would consider any request of this nature.

Their request also references the speed zone modifications that occurred in Donnybrook and Balingup approximately 5 years ago. These changes were enacted by MRWA after Council had passed the following resolution at its 23 May 2018, Ordinary Council Meeting:

That Council:

- 1. Instruct the Chief Executive Officer to request Main Roads WA to implement 40km/hr speed zoning on the South West Highway as a Priority, in the Donnybrook and Balingup townsites.*
- 2. Instruct the Chief Executive Officer to request Main Roads WA to implement 40km/hr speed zoning on the sections of Reserve and Collins Street, Donnybrook, that abut the Apple Fun Park as a priority.*
- 3. Instruct the Chief Executive Officer to request advocacy and support for the implementation of resolutions 1 and 2, above, from the Member for Collie Preston Hon. Mr Mick Murray MLA.*
- 4. Instruct the Chief Executive Officer to liaise with the Shire of Capel and the Shire of Bridgetown Greenbushes with the objective of developing a collaborative advocacy position on implementation of 40km/hr speed limits through the townsites of Bridgetown, Balingup, Donnybrook and Boyanup.*

A copy of the minutes of this agenda item are provided in Attachment 9.1.3(3).

FINANCIAL IMPLICATIONS

Nil, if any speed zoning reduction is approved by MRWA, the cost of implementing any changes would be the responsibility of MRWA.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

The Shire has consulted with the KPA regarding the petition and can further consult with them once MRWA comments are received.

OFFICER COMMENT

To date, the KPA has advised that consultation was undertaken with:

- Various community members,
- Local Kirup businesses,
- Kirup school parents and staff; and
- Kirup Progress Association members.

Following the above phase of consultation, the KPA initiated a five (5) day petition process conducted from 29 February 2024 to the 4 March 2024.

Whilst the establishment of speed zones and the enforcement is not a responsibility of the Shire, the Shire does have a role in the process of having speed zones reviewed by MRWA, as outlined in their document “Speed Zoning - Policy and Application Guidelines”.

The process to have a speed zone reviewed is complex and has a lengthy timeframe, with many factors considered by MRWA. As part of this process, MRWA will also consider if the current speed zoning arrangements need to be brought in line with current practices.

A recent example of modified speed zoning for a small townsite with a State Highway through it, is Cowaramup, in the Shire of Augusta Margaret River. The new speed zonings that were implemented, have the approaches at either end of the highway dropping straight from a 110km/hr zone to a 60km/hr zone, with only 60km/hr ahead warning signs installed prior to the change. They also now have a 40km/hr speed zone within the townsite.

As the KPA request has been based on MRWA policy document, officers support the Executive recommendation provided.

COUNCIL RESOLUTION 37/24

MOVED: Cr Mitchell

SECONDED: Cr Patrick

That Council:

- 1. Notes the Kirup Progress Association (KPA) petition to Main Roads WA and supports that Cr Mitchell, as the Shire’s South West Regional Road Group (SWRRG) representative, submit/table the petition at the next meeting of the SWRRG; and**
- 2. Advises Main Roads WA it supports the request from the KPA that a review of speed zones within the Kirup townsite be conducted; and**
- 3. Requests Main Roads WA advise the Shire of their intentions regarding the review including:**
 - 3.1 The timeframe for the review to be completed; and**
 - 3.2 The timeframe for the Shire and community being informed of the outcomes from the review.**

CARRIED 6/3

For: Cr Bailey, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick

Against: Cr Glover, Cr Gubler, Cr Shand

9.1.4 EXTENSION OF THE ADVERTISING PERIOD OF THE DRAFT LOCAL PLANNING STRATEGY

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	TP 19A
Author	Michelle Dennis, Manager Development Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.4(1) Preston Press Notice
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the extension of the statutory advertising period for the draft Local Planning Strategy, allowing for the closure of public submissions 42 days after publication in the Preston Press, as opposed to the standard 21 days prescribed by the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and 2. Note that the Chief Executive Officer (CEO) will formally request approval from the Western Australian Planning Commission (WAPC) for the extended advertising period. 	

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.
Priority Projects	6.1.1	Review the Local Planning Strategy
Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

The draft Local Planning Strategy has been certified as being suitable for advertising by the Western Australian Planning Commission (WAPC). Council are requested to consider an extended timeframe for the public consultation period.

BACKGROUND

To ensure compliance with the WAPC's directive, the Shire has commenced a review of the Local Planning Framework. The first step, being the review of the Local Planning Strategy.

The Local Planning Strategy guides how our community will grow and develop over the next 15 years. The draft Strategy aims to reflect the community's vision for the future, as expressed in the Shire's Strategic Community Plan 2032.

The draft Strategy encompasses the outcomes of the preliminary stakeholder engagement conducted in March 2022.

The draft strategy is then required to be certified by the (WAPC) prior to the Shire commencing public advertising where the community is invited to have their say.

FINANCIAL IMPLICATIONS

The associated costs for this advertising are inclusive of the \$17,775 (COA 7642) in Council's adopted 2023/2024 budget.

POLICY COMPLIANCE

Council Policy COMD/CP-3 Community Engagement Framework

The project plan for the formal review of the Local Town Planning framework was presented to Council in November 2021 and included a preliminary engagement survey for community participation. The key purposes of the engagement survey were:

- To translate broad themes from the Strategic Community Plan into actionable objectives within the context of the planning framework; and
- To find out how the community would like to be engaged with during the consultation stage of the project; and
- To establish a mailing list of all community members that are directly interested in the review project.

As outlined in Part 2 of the Draft Local Planning Strategy – Background Information and Analysis document (available online with hard copies previously provided to Council), 76 respondents of the preliminary engagement survey requested to be included on the mailing list and provided their email address. The ability to request inclusion on the mailing list has remained on the Shire's Planning Projects Public Consultation website throughout this project, resulting in the email list currently containing 91 contacts.

The Shire's advertising offers one on one sessions with our Planners by appointment, which is considered to cover the open-door workshops requested through the preliminary survey. Advertising within the Preston Press is scheduled to occur which was identified as being useful to reach community members who don't access social media.

STATUTORY COMPLIANCE

Planning and Development (Local Planning Schemes) Regulations 2015

Regulations 13 and 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015* set out the provisions of how to advertise a local planning strategy.

Regulation 13(2) prescribes that the timeframe for making submissions in relation to a local planning strategy is 21 days or “...any longer period approved by the Commission”.

The public notice (Attachment 9.1.4(1)) has been developed in accordance with regulation 76A(1)(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Department of Planning, Lands and Heritage (DPLH), who provide professional, technical expertise and administrative support to the WAPC have been consulted by the Shire regarding a longer submission period. Given the importance of the strategy, DPLH indicate that they support a longer submission period.

OFFICER COMMENT

The public notice (Attachment 9.1.4(1)) providing notice to the community will be placed in the April edition of the Preston Press. The notice will provide direction on how interested parties can access both electronic and hard copies, via the Shires website, Administration office and libraries. Additionally, all subscribers to our review project mailing list will receive electronic mail notifications directing them to the Shire’s website.

COUNCIL RESOLUTION 38/24

MOVED: Cr Davy

SECONDED: Cr Bailey

That Council:

- 1. Endorse the extension of the statutory advertising period for the draft Local Planning Strategy, allowing for the closure of public submissions 42 days after publication in the Preston Press, as opposed to the standard 21 days prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
- 2. Note that the Chief Executive Officer (CEO) will formally request approval from the Western Australian Planning Commission (WAPC) for the extended advertising period.**

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2 DIRECTOR FINANCE AND CORPORATE

9.2.1 ACCOUNTS FOR PAYMENT - FEBRUARY 2024

The Schedule of Accounts Paid under Delegation (No. 1.2.23) is presented for public information (Attachment 9.2.1(1)).

EXECUTIVE RECOMMENDATION

That the Accounts for Payment Report for the period ended February 2024 be received.

COUNCIL RESOLUTION 39/24

MOVED: Cr Patrick

SECONDED: Cr Mitchell

That the Accounts for Payment Report for the period ended February 2024 be received.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.2 MONTHLY FINANCIAL REPORT - FEBRUARY 2024

The Monthly Financial Report for February 2024 is attached (Attachment 9.2.2(1)).

EXECUTIVE RECOMMENDATION

That the Monthly Financial Report for the period ended February 2024 be received.

COUNCIL RESOLUTION 40/24

MOVED: Cr Mitchell

SECONDED: Cr Lindemann

That the Monthly Financial Report for the period ended February 2024 be received.

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.3 STATUTORY BUDGET REVIEW – 2023/2024 ANNUAL BUDGET

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 10/4
Author	Kim Dolzadelli, Director Finance and Corporate
Responsible Manager	Kim Dolzadelli, Director Finance and Corporate
Attachments	9.2.3(1) Statutory Budget Review 2023/2024
Voting Requirements	Absolute Majority

EXECUTIVE RECOMMENDATION

That Council adopts the Budget Review 2023/2024 as provided in Attachment 9.2.3(1), resulting in a projected surplus position of \$124,295 as of 30 June 2024.

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

The budget review has been prepared to include information as per the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*.

It’s requested that Council adopts the attached Statutory Budget Review document (Attachment 9.2.3(1)) detailing all proposed amendments culminating in a projected surplus position of \$124,295 as of 30 June 2024.

The officer considers it as prudent to retain this surplus at this stage of the financial year.

BACKGROUND

Council adopted its 2023/2024 Annual Budget at its Council Meeting held 31 August 2023. As required under legislation, the Budget Review is presented to Council for consideration.

FINANCIAL IMPLICATIONS

The 2023/2024 Budget Review projects a surplus position of \$124,295 at year-end.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

- *Local Government Act 1995 - Section 6.2 Municipal Budget*
- *Local Government (Financial Management) Regulations 1996 - Regulation 33A*

Regulation 33A. Review of budget

(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget; and

(d) include the following —

(i) the annual budget adopted by the local government;

(ii) an update of each of the estimates included in the annual budget;

(iii) the actual amounts of expenditure, revenue and income as at the date of the review;

(iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

(2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

CONSULTATION

Direct consultation has occurred with the Chief Executive Officer and other relevant staff.

OFFICER COMMENT

Key changes of note are as follows:

Statement of Comprehensive Income

Excluding adjustments to non-cash on disposal of Assets and Non-Operating Grants for Capital works there is an increase of \$289,708 in Operating Income and an increase of \$247,971 in Operating Expense. The following is a high-level summary of the changes, full details are contained within Attachment 9.2.3(1).

Description	Type	Change in Budget	Proposed New Budget	Comment
P/L SALE OF ASSET	Exp	536,640	536,640	Actual Non-Cash - correction to Balingup Community Assets removed from Shire Asset register
P/L SALE OF ASSETS (WEL)	Exp	225,000	225,000	Actual - Non-Cash - LOT 142, 8 BRIDGE STREET - Alliance Housing
COMPUTER SOFTWARE COSTS	Exp	111,600	160,600	New Items \$90k EDRMS (Records) and \$14k Power BI software systems.
SALARIES	Exp	63,500	334,421	Combination of payout of entitlements Offset with other Salaries savings
COMMISSIONER ALLOWANCES	Exp	34,317	73,651	Actual
WASTE MANAGEMENT FACILITIES	Exp	33,643	579,155	Clear portion of a historical pile of mattresses
FIRE CONTROL EXPENSES	Exp	18,626	37,123	Projected Actual
STAFF ACCOMMODATION	Exp	18,000	18,000	as per contract
EMPLOYEE INSURANCE - WORKERS COMPENSATION	Exp	16,163	16,163	Actual
STAFF RECRUITMENT COSTS - ADMIN	Exp	15,000	25,000	CEO and Director Recruitment
COMPUTER MTCE AND AGREEMENTS	Exp	13,100	174,100	Projected Actual
SALARIES (AC)	Exp	12,500	139,297	Projected Actual
SALARIES - DBK REC CENTRE	Exp	12,000	390,000	Increased patronage - offset with additional income
RESOURCE SHAR/ECON DEV	Exp	10,500	66,064	Bunbury Geographe Tourism Partnership commitment
DBK CEMETERY MNTCE	Exp	10,066	64,923	Projected Actual
FURNITURE & EQUIPMENT UNDER THRESHOLD	Exp	10,000	23,912	Wireless AP & CCTV
TOWN PLANNING SALARIES	Exp	10,000	261,604	Payout of entitlements

Description	Type	Change in Budget	Proposed New Budget	Comment
COUNCIL FUNCTIONS	Exp	(8,000)	4,500	Included Xmas function
SALARIES - DBK LIBRARY	Exp	(10,000)	121,680	Projected Actual
PARKS & RESERVES GENERAL	Exp	(11,022)	872,754	Projected Actual
SALARIES - DIRECT ALLOCATION	Exp	(12,000)	34,942	Savings
SALARIES - OTHER COMM AMENITIES	Exp	(12,258)	0	Allocated within separate Budget
EMPLOYEE INSURANCE - WORKERS COMPENSATION	Exp	(12,434)	44,782	Actual
SALARIES - RATING	Exp	(16,000)	74,667	Vacancy
PROMOTION OF COMMUNITY EVENTS	Exp	(17,000)	23,000	Family Concert & Movie Nights
DONATIONS	Exp	(18,672)	42,239	Unallocated Service Level Agreement Funds
SALARIES COMMUNITY DEVELOPMENT OFFICER	Exp	(21,000)	146,411	Vacant position for a period of time
GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	Inc	2,871,035	(120,265)	Capital Bridge Funding - projects deferred
RATES - INTERIM & BACK RATES	Inc	20,000	(9,812)	lower activity
INSURANCE REBATES	Inc	14,000	0	Advised
FEES & CHARGES - REFUSE SITE DBK	Inc	10,000	(20,000)	Projected Actual
CONTRIB TO LSL - ADMIN	Inc	(15,918)	(15,918)	Actual
FEES & CHARGES - SALE OF STANDPIPE WATER	Inc	(46,000)	(79,000)	Higher than expected Usage
INTEREST - MUNICIPAL FUND	Inc	(83,000)	(176,015)	Higher than expected Cash holdings and Interest Rates
INTEREST - RESERVE FUND	Inc	(93,000)	(218,500)	Higher than expected Cash holdings and Interest Rates

Capital Expenditure

There is an overall reduction in capital expenditure of \$2.83m, the following is a high-level summary of the changes, full details are contained within Attachment 9.2.3(1).

Asset Classes	Proposed Change to Budget	Proposed Amended Budget	Comment
Infrastructure - Roads	-14,450	3,264,688	
Infrastructure - Bridges	-2,871,035	120,265	Bridge Renewal Scheduling controlled by MRWA - matching Grant Funding also adjusted
Infrastructure - Footpaths	-6,590	130,000	
Infrastructure - Other	-40,792	181,633	

Asset Classes	Proposed Change to Budget	Proposed Amended Budget	Comment
Plant And Equipment	85,724	1,236,830	
Furniture And Equipment	1,571	161,471	
Buildings	8,326	14,792,106	

Reserve Transfers

There is an overall increase of Transfers from Reserves of \$112,288, the following is a high-level summary of the changes, full details are contained within Attachment 9.2.3(1).

Cash Backed Reserves	2023/2024 Change in Budget	2023/2024 Proposed New Budget	Comment
Transfer from Waste Management Reserve	-\$20,000	-\$60,000	Required to complete Bore monitoring at Waste site, DWER requirement
Transfer from Vehicle Reserve	-\$82,772	-\$932,878	Higher pricing
Transfer from Buildings Reserve	\$63,001	-\$244,023	Net Reduction Offset with Capital Expenditure Reductions
Transfer from Parks & Reserves Reserve	\$37,067	-\$113,764	Net Reduction Offset with Capital Expenditure Reductions
Transfer from Langley Villas 1-6 Surplus Reserve	-\$50,000	-\$84,902	Transfer to complement SHERP Funding for Langley Villas - Department of Communities approved
Transfer from Langley Villas 7-9 Surplus Reserve	-\$50,000	-\$72,307	Transfer to complement SHERP Funding for Langley Villas - Department of Communities approved

It is recommended that the Council adopts the Budget Review 2023/24 as per Attachment 9.2.3(1), resulting in a Budget surplus position of \$124,295.

COUNCIL RESOLUTION 41/24

MOVED: Cr Mitchell

SECONDED: Cr Lindemann

That Council adopts the Budget Review 2023/2024 as provided in Attachment 9.2.3(1), resulting in a projected surplus position of \$124,295 as of 30 June 2024.

CARRIED BY ABSOLUTE MAJORITY 8/1

For: Cr Bailey, Cr, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell,
Cr Patrick, Cr Shand

Against: Cr Glover

9.2.4 REQUEST TO GROUP VALUE RATEABLE RURAL LAND – JS FRY

Location	Multiple Lots, Upper Capel RD, Upper Capel
Applicant	John Stephen Fry
File Reference	A5439, A5440, A2031, A5425, A5441, A5442, A2780, A5426
Author	Brian Roderick, Rates Officer
Responsible Manager	Belinda Richards, Manager Financial Services
Attachments	9.2.4(1) Letter from Ratepayer – Mr JS Fry 9.2.4(2) Landgate Policy
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Do not endorse the group rating request from Mr JS Fry; and 2. Requests the Chief Executive Office to develop a Group Rating Policy to be presented to Council for consideration. 	

STRATEGIC ALIGNMENT

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

Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

Council has received a request from property owner, Mr John Stephen Fry, to consider endorsing a group valuation, for rating purposes, of multiple rural lots.

It's recommended that Council does not support this request as Councils rates records should reflect ownership as recorded on the Certificate of Title, this helps to ensure that any dealings with regard to an individual assessment are undertaken with the Legal property owner. Approving the request would also disadvantage property owners with smaller holdings therefore creating inequity.

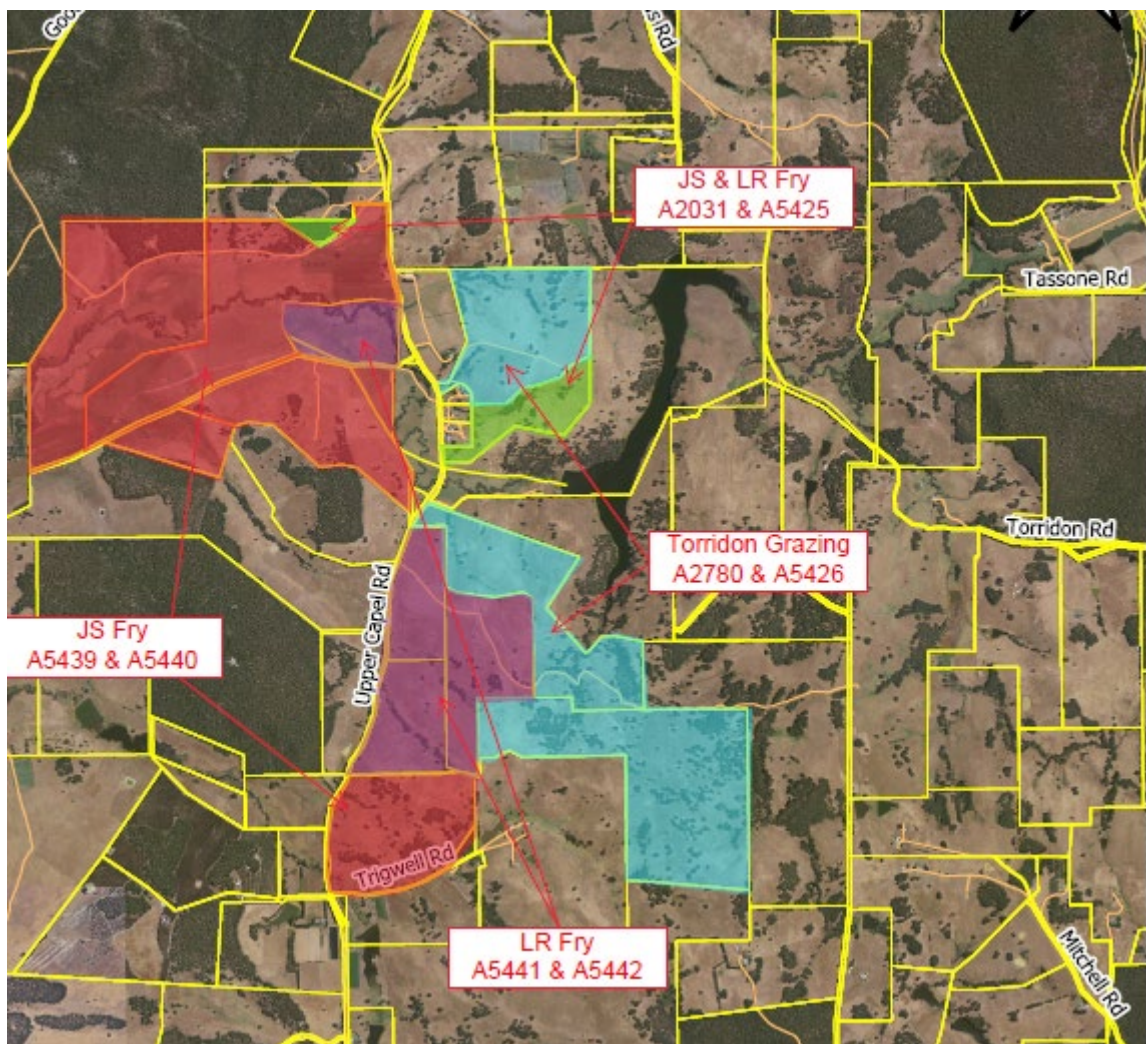
BACKGROUND

Mr Fry has made a request to have multiple rural lots endorsed as “same ownership” (in accordance with Landgate Policy 4.310) and have Landgate apply a group valuation. Refer Attachment 9.2.4(1) – Letter From JS Fry.

Details of the lots to be considered:

Assessment No.	Lot Detail	Ownership
A5439	Lots 77, 4597, 4596, 2922	JS Fry
A5440	Lot 6	JS Fry
A2031	Lot 200	JS and LR Fry
A5425	Lot 85	JS and LR Fry
A5441	Lots 72, 73, 1183	LR Fry
A5442	Lot 81	LR Fry
A2780	Lots 9, 71	Torridon Grazing Pty Ltd
A5426	Lot 82	Torridon Grazing Pty Ltd

Map of lots:



Where the land is held in common ownership, and lots are adjoined or contiguous, Landgate (Valuer General) have already determined where eligible lots have met the requirements of Landgate Policy 4.310 Group Valuations – Rural Unimproved Values and have provided the Shire with a group valuation. Refer Attachment 9.2.4(2)– Landgate Policy.

Following Mr Fry's request for the aforementioned lots to be considered for group valuation, the Shire responded to Mr Fry indicating that the lots did not satisfy the "same ownership" criterion outlined in Landgate Policy 4.310. Consequently, they would not be eligible for group valuation.

Mr Fry further requested that his the group valuation request to be considered by Council to reduce the cost of Shire Rates, Emergency Services Levy (ESL) and other State Government imposed levies/taxes.

FINANCIAL IMPLICATIONS

Assess	Lot Detail	2023/2024 Unimproved Valuation (UV)	2023/2024 Rates Levied
A5439	Lots 77, 4597, 4596, 2922	\$1,317,000	\$6,470.94
A5440	Lot 6	\$393,000	\$2,113.95
A2031	Lot 200	\$123,000	\$1,515.00
A5425	Lot 85	\$249,000	\$1,515.00
A5441	Lots 72, 73, 1183	\$684,000	\$3,679.24
A5442	Lot 81	\$295,000	\$1,586.81
A2780	Lots 9, 71	\$857,000	\$4,609.80
A5426	Lot 82	\$378,000	\$2,033.26

If Council endorses a group valuation for these lots, it is likely that the total Unimproved Valuation (UV) will decrease, resulting in a reduction of rates revenue.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

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

6.28. *Basis of rates*

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

Landgate Policy

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

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

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

Council may endorse a group valuation where it does not comply with the “common ownership” requirement of Landgate Policy 4.310.

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

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

CONSULTATION

The Shire liaised with Landgate Officers and obtained a copy of the relevant Landgate Policy.

OFFICER COMMENT

The Shire rates record currently reflects the owner information held on the Certificate of Title for each lot, and the valuation provided by Landgate (Valuer General).

Mr Frys request has been considered by officers for group valuation and concluded that:

- The lots described did not meet the criteria of “same ownership” per Landgate Policy 4.310; and
- That Lot 85 (A5425) and Lot 82 (A5426) are not adjoining or contiguous with the remaining lots in the application.

The Shire does not have a policy in place to support applications that do not satisfy the criteria of the Landgate Policy.

A group valuation request that does not meet the “same ownership” criteria requires the local government authority to endorse specific family names as being the “owner” of the

lots. Without a policy, there is no criteria or evidence requirements for officers to be able to assess an application fairly and consistently.

If Council resolves to support this request for group valuation, Lot 85 (A5425) and Lot 82 (A5426) cannot be considered as they are not adjoining or contiguous with the remaining lots in the application.

Officers do not support this request as Council records should reflect ownership as recorded on the Certificate of Title, this helps to ensure that any dealings with regard to an individual assessment are undertaken with the Legal property owner. Approving the request would also disadvantage property owners with smaller holdings therefore creating inequity.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Do not endorse the group rating request from Mr JS Fry; and**
- 2. Requests the Chief Executive Office to develop a Group Rating Policy to be presented to Council for consideration.**

Cr Davy moved an Alternate Motion to the recommendation.

COUNCIL RESOLUTION 42/24

MOVED: Cr Davy

SECONDED: Cr Bailey

That Council:

- 1. Defers making a decision on the request from Mr J S Fry in relation to his request for a group valuation for rating purposes of multiple rural lots; and**
- 2. Request the Chief Executive Officer develop a Group Rating Policy to be presented to the Council at the June Ordinary Council Meeting for consideration.**

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.5 COMPLIANCE AUDIT RETURN 2023

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 31
Author	Emma Thomas, Governance Coordinator
Responsible Officer	Loren Clifford, Manager Corporate Services
Attachments	9.2.5(1) 2023 Compliance Audit Return
Voting Requirements	Simple Majority

COMMITTEE RECOMMENDATION
<p>That the Audit and Risk Management Committee recommends to Council that:</p> <ol style="list-style-type: none"> The 2023 Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2023 to 31 December 2023 be adopted.

EXECUTIVE RECOMMENDATION
<p>That Council:</p> <ol style="list-style-type: none"> Endorse the certification by the Shire President and Chief Executive Officer's prior to submission the Department of Local Government, Sport, and Cultural Industries.

STRATEGIC ALIGNMENT

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

Outcome	12	A well respected, professionally organisation.
Objectives	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

The Audit and Risk Management Committee (ARMC) considered the Compliance Audit Return (CAR) for the period 1 January to 31 December 2023, and recommends Council adopt the return as presented in Attachment 9.2.5(1). The administration further requests that Council endorse the certification by the Shire President and Chief Executive Officer prior to the submission to the Department of Local Government, Sport, and Cultural Industries (DLGSCI).

BACKGROUND

Local governments are required to conduct an annual assessment of their compliance with key components of the *Local Government Act 1995* and associated Regulations. The DLGSCI manages this process and provides a set of legislative compliance questions to report on.

An internal review of the compliance requirements contained in the return were reviewed by 7 key responsible officers and responses combined as shown in Attachment 9.2.5(1).

The 2023 CAR was then presented to the ARMC for consideration at its meeting on 13 March 2024, resulting in the following committee resolution:

COMMITTEE RESOLUTION

That the Audit and Risk Management Committee recommends to Council that:

- 1. The 2023 Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2023 to 31 December 2023 be adopted.**

CARRIED: 5/0

Following presentation to Council a certified copy of the 2023 CAR, along with an extract of the minutes of the meeting at which the CAR was adopted by Council, will be submitted to the DLGSC as required by 31 March 2024.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

A Local Government Compliance Audit Return (CAR) is required to be undertaken in accordance with Regulation 14(1) of the *Local Government (Audit) Regulations 1996*.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the CAR to be reviewed by Council's Audit and Risk Management Committee, with the findings of the review to be presented to Council for adoption.

CONSULTATION

An internal review of the compliance requirements contained in the 2023 CAR were reviewed by 7 key responsible officers, the combined responses are detailed in Attachment 9.2.5(1). The 2023 CAR was then presented to the ARMC for consideration at its meeting on 13 March 2024, resulting in the committee resolution endorsing Council's adoption.

OFFICER COMMENT

The 2023 CAR contained 94 questions grouped in relation to various legislative compliance areas.

The result of the 2023 CAR was a positive compliance response (or not applicable response) for the Shire, resulting in 89 out of 94 compliance items (94.7%), with a non-compliance response for five items (5.3%). These non-compliance questions and officer's responses are detailed below and contained in Attachment 9.2.5(1).

Topic	Item Number	Question	Non-Compliance Response Comment
Finance	7	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	The End of Financial Year audit was held onsite from 17 th to 20 th October 2023. The final management letter was received by the Shire from the auditors on 30 th November 2023.
Finance - Optional Questions	1	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> Regulations 5(2)(c) within the three years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	The Shire engaged AMD Accountants in 2023 to prepare an Internal Audit Proposal, towards the future development and implementation of a Strategic Internal Audit Plan. However, AMD opted to suspend the Internal Audit initiative due to potential conflict of interest concerns, stemming from their potential engagement by the Office of the Auditor General (OAG) to conduct the Annual Audit.
Finance - Optional Questions	2	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control	The Shire engaged AMD Accountants in 2023 to prepare an Internal Audit Proposal, towards the future development and implementation of a Strategic

Topic	Item Number	Question	Non-Compliance Response Comment
		and legislative compliance in accordance with <i>Local Government (Audit) Regulations 1996</i> Regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council’s resolution to accept the report.	Internal Audit Plan. However, AMD opted to suspend the Internal Audit initiative due to potential conflict of interest concerns, stemming from their potential engagement by the Office of the Auditor General (OAG) to conduct the Annual Audit.
Disclosure of Interest	5	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	<p>An Annual Return was not received by the due date of 31 August 2023, by the following ‘relevant persons’:</p> <ul style="list-style-type: none"> • Cr C. Newman • Cr F. Mills • Cr P. Jones <p>The CEO took action for this non-compliance as specified in the relevant legislation.</p> <p>The Shire provides mandatory training to Council Members which includes an overview of the statutory environment relating to declarations of interest and clarification of the personal responsibilities of Council Members to comply with their obligations.</p>
Tender for Providing Goods and Services	7	Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government’s official website?	<p>A review of these requirements has resulted in changes being implemented on the tender information available on the Shire’s website to ensure compliance.</p> <p>Shire management continue to establish and review internal processes and procedures towards ensuring compliance with legislation and to identify areas for improvement.</p>

COUNCIL RESOLUTION 43/24

MOVED: Cr MacCarthy

SECONDED: Cr Mitchell

That Council:

- 1. Notes that Council dealt with this matter at item 7.5 in this agenda.**
- 2. Endorse the certification by the Shire President and Chief Executive Officer's prior to submission the Department of Local Government, Sport, and Cultural Industries.**

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

Chief Executive Officer (Temporary) left the room at 6:57pm and re entered at 6:59pm.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 ELECTORS MOTIONS RECEIVED AT THE 2024 ANNUAL GENERAL MEETING (AGM) OF ELECTORS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 10
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Dr Garry Hunt PSM, Chief Executive Officer (Temporary)
Attachments	Nil.
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

- 1. Notes the four (4) Electors Motions received at the Annual General Meeting of Electors held on 22 February 2024; and**
- 2. Requests the Chief Executive Officer to present a detailed report for each motion to Council at the April 2024 Ordinary Council Meeting.**

STRATEGIC ALIGNMENT

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

Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

At the Annual General Meeting (AGM) of Electors held on 22 February 2024, four (4) motions were put forward by members of the public for Councils consideration, the motions highlight areas of concern and/or improvement for the community.

It is recommended that detailed reports addressing each motion be presented to Council for consideration at the April 2024, Ordinary Council Meeting (OCM), as the limited timeframe between the AGM and the March 2024 OCM does not allow sufficient time for thorough research and compilation of reports on each motion.

BACKGROUND

The Annual General Meeting (AGM) of Electors was held on 22 February 2024, members of the public put forward four (4) motions for Council’s consideration, these motions highlight areas of concern and potential avenues for community enhancement.

The four (4) motions received are outlined below:

ELECTOR MOTION 1

Request Council to consider introducing a harvest ban notification policy possibly using an SMS service to both assist staff and inform the community.

MOVED: Shane Sercombe

SECONDED: Neville Fry

CARRIED

ELECTOR MOTION 2

Request Council to review the Donnybrook townsite drinking water protection plan.

MOVED: Shane Sercombe

SECONDED: Neville Fry

CARRIED

ELECTOR MOTION 3

Request Council to consider delivering recreational water testing at the Donnybrook Amphitheatre, Wrights Bridge as per the Western Australian Health Department recommendations.

MOVED: Shane Sercombe

SECONDED: Neville Fry

CARRIED

ELECTOR MOTION 4

That the Audit and Risk meeting be live streamed.

MOVED: Neville Fry

SECONDED: Shane Sercombe

CARRIED

Section 5.33(1) of the *Local Government Act 1995* stipulates these motions be addressed at the subsequent Ordinary Council Meeting (OCM) following the Annual General Meeting (AGM). However, the narrow time frame between the 2024 AGM and the subsequent OCM, 28 March 2024, does not afford adequate time for comprehensive research and compilation of reports for presentation to Council at the March OCM.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

Section 5.33 of the *Local Government Act 1995* outlines the requirements regarding decisions made during electors' meetings.

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

CONSULTATION

Nil.

OFFICER COMMENT

Given that the four (4) motions were proposed by members of the public, spotlighting areas warranting community attention and enhancement, it is advisable to present detailed reports addressing each motion to the Council at the April 2024 Ordinary Council Meeting. This timeline allows sufficient opportunity for research and compilation of reports, facilitating an informed decision-making process by the Council regarding each motion.

The substantive motion was amended.

COUNCIL RESOLUTION 44/24

MOVED: Cr Patrick

SECONDED: Cr Lindemann

That Council:

- 1. Notes the four (4) Electors Motions received at the Annual General Meeting of Electors held on 22 February 2024; and**
- 2. Requests the Chief Executive Officer to present a detailed report for each motion to Council at the April 2024 Ordinary Council Meeting.**

CARRIED 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 VC MITCHELL PARK PAVILION 2 (TENNIS CLUB) COMPLETION WORKS

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

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

Cr Glover left the room at 7:01pm.

COUNCIL RESOLUTION 45/24

MOVED: Cr Lindemann

SECONDED: Cr Shand

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

12.1.1 VC Mitchell Park Pavilion 2 (Tennis Club) Completion Works

CARRIED 8/0

For: Cr Bailey, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

The meeting was closed to the public at 7:01pm.

COUNCIL RESOLUTION 47/24

MOVED: Cr Patrick

SECONDED: Cr Mitchell

That the meeting be re-opened to the public.

CARRIED 8/0

For: Cr Bailey, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

Meeting was re opened to the public at 7:04pm

Cr Glover re entered the room at 7:04pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

That Council:

- 1. Receive the Talison Community Investment Program items list as per Attachment 12.1.1(1).**
- 2. Authorise the Chief Executive Officer to:**
 - 2.1 Engage a professional construction industry quantity surveyor to independently value the Contract Variation to demonstrate the best value for money is attained by the Shire; and**
 - 2.2 Approve the Contractor to proceed with Contract Variation CV011 Rev 1, as per Attachment 12.1.1(2), for Pavilion two (2) Completion Works; and**
 - 2.3 Establish a new Chart of Account (COA) for the Talison Community Investment Program funding with job codes in accordance with Item 1 “above” and transfer current expenditure items to the new COA.**

CARRIED 8/0

For: Cr Bailey, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

13 CLOSURES

The Shire President advised that the next Agenda Briefing Session will be held on 17 April 2024 commencing at 5:00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7:06pm.