



NOTICE OF ORDINARY COUNCIL MEETING 26 AUGUST 2020

To be held on

Wednesday 26 August 2020

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

Ben Rose
Chief Executive Officer

21 August 2020

Disclaimer

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

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ATTENDANCE	4
2.1	APOLOGIES.....	5
2.2	APPROVED LEAVE OF ABSENCE.....	5
2.3	APPLICATION FOR A LEAVE OF ABSENCE.....	5
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	5
4	DECLARATION OF INTEREST	6
5	PUBLIC QUESTION TIME	7
5.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	7
5.2	PUBLIC QUESTION TIME.....	7
6	PRESENTATIONS	7
6.1	PETITIONS.....	7
6.2	PRESENTATIONS.....	7
6.3	DEPUTATIONS.....	7
7	CONFIRMATION OF MINUTES.....	8
7.1	ORDINARY MEETING OF COUNCIL – 22 JULY 2020	8
8	REPORTS OF COMMITTEES	8
9	REPORTS OF OFFICERS	9
9.1	EXECUTIVE MANAGER OPERATIONS	9
9.1.1	AMENDMENT 13 TO LOCAL PLANNING SCHEME NO.7 – LOT 176 SOUTH WESTERN HIGHWAY, DONNYBROOK.....	9
9.1.2	DEDICATION OF ROAD UNDER LAND ADMINISTRATION ACT 1997 (COLLIE- PRESTON ROAD IMPROVEMENTS)	26
9.2	EXECUTIVE MANAGER CORPORATE AND COMMUNITY.....	28
9.2.1	ACCOUNTS FOR PAYMENT	28
9.2.2	MONTHLY FINANCIAL REPORT – JUNE 2020	28
9.2.3	ADOPTION OF THE STATUTORY BUDGET 2020/2021	29
9.2.4	ANNUAL CONCESSIONS ON SPLIT LOCAL GOVERNMENT BOUNDARIES.....	35

9.2.5	2020/2021 COMMUNITY GRANTS FUNDING SCHEME – REQUEST FOR VARIATION TO REQUESTED FUNDING FOR DONNYBROOK FOOD AND WINE FESTIVAL	43
9.3	<i>CHIEF EXECUTIVE OFFICER</i>	47
9.3.1	BUNBURY GEOGRAPHE TOURISM PARTNERSHIP MEMORANDUM OF UNDERSTANDING	47
9.3.2	WASTE MANAGEMENT LEVY CHARGES	52
9.3.3	LOCAL GOVERNMENT ACT REVIEW PANEL FINAL REPORT	54
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .	56
10.1	<i>COUNCILLOR</i>	56
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	56
12	MEETINGS CLOSED TO THE PUBLIC	56
12.1	<i>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</i>	56
12.2	<i>PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC</i>	56
13	CLOSURE	56

SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Wednesday 26 August at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President to acknowledge the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past and present and emerging.

The Shire President to declare the meeting open and welcome the public gallery

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Executive Manager Operations
Cr Shane Atherton	Paul Breman – Executive Manager Corporate and Community
Cr Anita Lindemann	Jaimee Earl – Minute Taker
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Shane Sercombe	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

2.1 APOLOGIES

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

- Cr Smith declares an impartiality interest in item 9.1.1 as he is a contractor at times, for the applicant.
- Cr Sercombe declares an impartiality interest in item 9.1.2 as he has previously delivered contracted work on the subject property and is friends with the owner.
- The Chief Executive Officer declares a proximity interest in relation to item 9.2.3 as the Works Program supporting the Draft Budget proposes asset maintenance works to a residential road adjoining his home address.
- Cr Wringe declares a proximity interest in item 9.2.3 as the road adjoining her property is proposed for asset renewal works this financial year.
- The Chief Executive Officer declares an impartiality interest in item 9.2.5 having personally purchased several tickets to the event.
- The Shire President declares an impartiality interest in item 9.2.5 having personally purchased several tickets to the event.
- Cr Smith declares an impartiality interest in item 9.2.5 as his wife has purchased a ticket to the event.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 22 JULY 2020

Minutes of the Ordinary Meeting of Council held 22 July 2020 are attached (*attachment 7.1(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 22 July 2020 be confirmed as a true and accurate record.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 EXECUTIVE MANAGER OPERATIONS

9.1.1 AMENDMENT 13 TO LOCAL PLANNING SCHEME NO.7 – LOT 176 SOUTH WESTERN HIGHWAY, DONNYBROOK

Location	Lot 176 South Western Highway, Donnybrook
Applicant	Harley Dykstra
File Reference	TPS17 AMD 13
Author	Steve Potter, Executive Manager Operations
Responsible Officer	Kira Strange, Principal Planner
Attachments	9.1.1(1) – Location Plan 9.1.1(2) – Scheme Amendment Document 9.1.1(3) - Schedule of Submissions 9.1.1(4) – Full copies of submissions received 9.1.1(5) – Subdivision Plan
Voting Requirements	Simple Majority

Recommendation											
<p>That Council:</p> <ol style="list-style-type: none"> Pursuant to Part 5, Division 3, 50(3)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, recommends to the Western Australian Planning Commission that it supports Amendment 13 to Local Planning Scheme 7 (LPS7) for the property located at Lot 176 South Western Highway, Donnybrook to: <ol style="list-style-type: none"> 1.1 Insert “Additional Use 6 ‘Industry – light’” into Schedule 6 <i>Additional Uses</i> with conditions; and 1.2 Amend the Scheme Map accordingly; <p>subject to the following modifications:</p> <table> <tr> <th>No</th><th>Recommended Modification</th><th>Reason</th></tr> <tr> <td>1.</td><td>Removing Point 1 of the ‘Conditions of Use’ under Schedule 6 which states: <i>“Landscaping along the highway interface to the satisfaction of the local government”</i></td><td>Landscaping is addressed in Point 2 below.</td></tr> <tr> <td>2.</td><td>Amending Point 2 of the ‘Conditions of Use’ under Schedule 6 as follows: Replacing the words:</td><td>To ensure improved clarity on requirements for future development and</td></tr> </table> 			No	Recommended Modification	Reason	1.	Removing Point 1 of the ‘Conditions of Use’ under Schedule 6 which states: <i>“Landscaping along the highway interface to the satisfaction of the local government”</i>	Landscaping is addressed in Point 2 below.	2.	Amending Point 2 of the ‘Conditions of Use’ under Schedule 6 as follows: Replacing the words:	To ensure improved clarity on requirements for future development and
No	Recommended Modification	Reason									
1.	Removing Point 1 of the ‘Conditions of Use’ under Schedule 6 which states: <i>“Landscaping along the highway interface to the satisfaction of the local government”</i>	Landscaping is addressed in Point 2 below.									
2.	Amending Point 2 of the ‘Conditions of Use’ under Schedule 6 as follows: Replacing the words:	To ensure improved clarity on requirements for future development and									

	<p><i>“Local Area Plan to be prepared to the create a unified theme and consistency with setbacks, building orientation and façade treatment visible from the South West Highway, and internal landscaping treatments, signage control and access points”</i></p> <p>with:</p> <p><i>“Local Development Plan to be prepared to the satisfaction of the Local Government prior to subdivision / development to address and achieve the following design outcomes:</i></p> <ul style="list-style-type: none"> <i>• Landscaping treatments of a minimum width of 3m along South Western Highway ;</i> <i>• Landscaping treatments of a minimum width of 3m along the eastern property boundary adjoining Lot 564 (Noneycup Creek);</i> <i>• Defining setbacks to provide suitable areas for landscaping, car-parking, buildings and service areas;</i> <i>• Building orientation to ensure a high level of streetscape amenity and avoid the rear of buildings fronting South West Highway;</i> <i>• Building facades visible to the highway are to incorporate areas of glazing, limited use of metal cladding and include architectural features that add interest;</i> <i>• Defining material selection to avoid the dominance of metal shed type structures;</i> <i>• Establishing principles for maximum building height, bulk and scale and roof forms on land visible from South Western Highway;</i> <i>• Location of servicing and storage areas to be located so as not to be visible from South Western Highway;</i> <i>• Identification of a single signage location and structure for advertising the precinct external to building facades;</i> <i>• Access point control and co-ordinated / shared parking areas wherever possible.</i> 	<p>built form outcomes</p>
3.	<p>Removing Point 3 of the ‘Conditions of Use’ under Schedule 6 which states:</p> <p><i>“Notice on title to advise of potential impacts on local amenity resulting from business activity.”</i></p>	<p>Point 3 does not achieve any purpose – amenity impacts will be addressed through Scheme provisions and the planning approvals process.</p>

4.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“At the time of subdivision/development the land is to be connected to a reticulated sewerage system.</i></p> <p><i>An exemption to this requirement may only be considered in the following circumstances:</i></p> <ul style="list-style-type: none"> <i>Proposed development for a single land use over Lot 176 as a complete land parcel only. Any subdivision of Lot 176 shall include as a condition of approval the requirement to connect to reticulated sewer; and</i> <i>Development application for any proposed single land use over Lot 176 is to be accompanied by a Land Use Capability Assessment report prepared by a suitably qualified professional. The Land Use Capability Assessment report shall demonstrate that on-site waste water disposal (including stormwater and effluent) from the proposed development can be achieved to the satisfaction of the Local Authority, Department of Water and Environmental Regulation, Department of Health and other State Government agencies. In preparation of the Land Use Capability Assessment Report, particular regard will be given to the Well Head Protection Areas and compliance with the State Government Sewerage Policy.”</i> 	Provides adequate protections to Noneycup Creek / Preston River from adverse environmental impacts.
5.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“All proposed development shall require the submission of a stormwater management plan demonstrating that stormwater treatment and disposal is designed and constructed to the satisfaction of Department of Water and Environmental Regulation.”</i></p>	Provides adequate protections to Noneycup Creek / Preston River from adverse environmental impacts.
6.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“Only one access point will be permitted to South Western Highway. At time of subdivision and/or development, such access shall be located, designed and constructed to the satisfaction of Main Roads Western Australia.”</i></p>	Recommended by MRWA - addresses road safety given the location of the site.
7.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p>	Responding to the high visibility of the site at the entry to the Donnybrook

	<i>“Notwithstanding any Local Planning Policies that may be in effect, transportable structures will not be permitted in this locality.”</i>	townsite and amenity concerns.
8.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“Unless otherwise compliant with a Local Development Plan approved by Council, any development for a ‘Industry – light’ land use shall be required to comply with the development standards for the ‘Light Industry’ zone as specified in Section 4.57 of this Scheme, inclusive of a minimum lot area of 2,000m².</i></p>	To identify development standards for ‘Industry – light’ land uses.
9.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>Proposals for ‘Industry – light’ land uses are required to comply with the definition for ‘Industry – light’ contained in Schedule 1 of this Scheme. As per Cl. 3.18.1 of this Scheme where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general definition of ‘Industry – light’.</i></p>	Clarify land use definition of ‘Industry – light’ and application of definitions.
10.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“All Applications for Development Approval for ‘Industry – light’ will be considered an ‘A’ use in accordance with Section 3.17.2 of this Scheme and advertised in accordance with Cl. 64 of the deemed provisions contained in the Planning and Development (Local Planning Schemes) Regulations 2015.”</i></p>	Clarify permissibility level for ‘Industry – light’ uses.
11.	<p>Include a new provision under ‘Conditions of Use’ in Schedule 6 as follows:</p> <p><i>“Notwithstanding the permissibility levels in the Zoning Table for the ‘Commercial’ zone, the following land uses will not be permitted in this locality:</i></p> <ul style="list-style-type: none"> • <i>Child care premises;</i> • <i>Aged or dependent person’s dwelling;</i> • <i>Dwelling;</i> • <i>Grouped dwelling;</i> • <i>Multiple dwelling</i> • <i>Residential building;</i> • <i>Family day care;</i> • <i>Backpacker’s accommodation;</i> • <i>Bed and Breakfast;</i> • <i>Cabin;</i> • <i>Camping area;</i> • <i>Caravan Park;</i> • <i>Chalet;</i> 	Avoidance of land use conflict between incompatible land uses.

	<ul style="list-style-type: none"> • <i>Eco-tourist facility;</i> • <i>Guesthouse;</i> • <i>Holiday House;</i> • <i>Hotel;</i> • <i>Motel;</i> • <i>Resort;</i> • <i>Serviced apartment;</i> • <i>Home business;</i> • <i>Home occupation;</i> • <i>Home office;</i> • <i>Home store;</i> • <i>Hospital;</i> • <i>Park home park.</i> 	
<p>2. Acknowledges the submissions received as contained in the Schedule of Submissions contained in Attachment 9.1.1(3).</p> <p>3. Pursuant to Part 5, Division 1, 35(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, determines that the amendment is a “Standard Amendment” for the following reasons:</p> <p>3.1 The proposed changes to the Scheme Map are consistent with a Local Planning Strategy endorsed by the Commission;</p> <p>3.2 The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and</p> <p>3.3 The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.</p> <p>4. Authorises the Chief Executive Officer to forward Council’s recommendation to the Western Australian Planning Commission for further consideration.</p>		

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

<i>Outcome</i>	1.1	<i>A diverse, prosperous economy, supporting local business and population growth.</i>
<i>Strategy:</i>	1.1.1	<i>Promote, maintain and diversify investment in the district.</i>
<i>Action:</i>	1.1.1.3	<i>Review the Shire’s town planning framework to enable a diversity of investment in the district.</i>

EXECUTIVE SUMMARY

At its August 2019 Ordinary Council Meeting Council resolved to initiate and advertise Amendment 13 to Local Planning Scheme 7 (LPS7) which proposes an 'Additional Use' of "Industry - light" to apply to the underlying "Commercial" zoning over Lot 176 South Western Highway, Donnybrook.

The proposed amendment was subsequently advertised for comment and attracted a total of nine submissions, including two letters of objection from nearby landowners/businesses.

Council is required to make a final recommendation on proposed Amendment 13 to the Western Australian Planning Commission (WAPC).

It is recommended that Council recommends to the WAPC that final approval be granted subject to modifications.

BACKGROUND

At its August 2019 Ordinary Council Meeting, Council resolved [126/19] the following with regard to the proposed amendment (Amendment 13):

"That Council:

- 1. Resolves to initiate and advertise Amendment 13 to Local Planning Scheme 7 to insert "Additional Use 6: "Industry – Light" into Schedule 6 Additional Uses and amend the Scheme Map accordingly for Lot 176 South Western Highway, Donnybrook;*
- 2. Advises the applicant that Council's support to initiate the amendment is subject to payment of the application fee of \$2,750 prior to commencement of advertising; and*
- 3. Determines that the amendment is a "Standard Amendment" pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - 3.1 The proposed changes to the Scheme Map are consistent with a Local Planning Strategy endorsed by the Western Australian Planning Commission;*
 - 3.2 The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
 - 3.3 The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area."*

The subject land is zoned "Commercial" and is approximately 1.9ha in area. The land is cleared of vegetation except for a pocket of Tasmanian Blue Gums along both the western and eastern boundaries and a row of fruit trees in the central portion of the site. The site abuts a vacant "Commercial" zoned property along the eastern boundary which includes a section of the Noneycup Creek, a "Railway" reserve along the southern boundary, the South Western Highway along the northern boundary and land zoned "Light Industry" on the western

boundary. The nearest dwelling is approximately 100m from the property's north-eastern boundary. A location plan is provided in Attachment 9.1.1(1).

The southern portion of the site is identified as "Bushfire Prone" under Department of Fire and Emergency Services mapping. Regardless of the outcome of this process, future development of the site will require Bushfire Attack Level (BAL) assessments to determine appropriate design and construction standards at the appropriate time.

Local Planning Strategy

The Shire's long term vision for the site is articulated in the Shire's Local Planning Strategy which identifies the land as "Commercial". The aim of the Strategy for "Commercial" land is to ensure that the Donnybrook town centre remains the principal commercial/retail centre for the Shire.

Local Planning Scheme – Relevant Existing Provisions

The stated purpose and objectives for the "Commercial" zone as outlined in LPS7 are as follows:

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."

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 proposal intends to retain the underlying “Commercial” zoning over the property, however seeks in to permit as an ‘additional use’ the land use category of ‘Industry – Light’ which is defined in LPS7 as follows:

“industry - light” means an industry -

- (a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
- (b) *the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.”*

It is important to note that under LPS7 there is both a ‘Light Industry’ zone and a separate ‘Industry – light’ land use and that this proposal is seeking to add the ‘Industry light’ land use to the existing ‘Commercial’ zone, rather than seeking to rezone the property to ‘Light Industry’.

Proposal Details

The proposal as presented by the applicant includes proposed land use controls to be inserted into Schedule 6 – *Additional Uses* of LPS7 to guide future development as follows:

- landscaping along the highway interface to the satisfaction of the local government;
- a Local Area Plan to ensure a unified theme and consistency of setbacks, building orientation and façade treatments visible from the South Western Highway as well as internal landscaping treatments, signage control and access points; and
- a notice to be placed on title(s) to advise of potential impacts on local amenity resulting from business activity.

Full details of the proposal are provided in Attachment 9.1.1(2) (Scheme Amendment document). Officers consider that the proposed measures by the applicant as outlined above do not go far enough to guide appropriate future development of the site and this is addressed further in the Officer Comment section of this report.

Advertising

As per Council's August resolution the proposal was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), which resulted in a total of nine submissions, including two objections. Each of these is addressed in the Schedule of Submissions contained in Attachment 9.1.1(3). Full copies of all submissions received are provided in Attachment 9.1.1(4). Officers have addressed the main considerations raised in the submissions in the Officer Comment section of this report.

Scheme Amendment Process

Under the Regulations, the proposed amendment is considered to fall under the category of a "Standard Amendment". The process for processing standard amendments includes the following steps:

1. Council resolves to initiate the amendment (complete);
2. Council resolves to advertise the amendment (complete);
3. Council refers amendment to EPA for environmental assessment (complete);
4. Proposed amendment is advertised to the public and relevant government agencies (complete);
5. Council to consider submissions and make its recommendation to the WAPC;
6. The Western Australian Planning Commission (WAPC) makes a recommendation to Minister for Planning;
7. Minister for Planning grants final approval (if supported); and
8. Amendment gazetted and becomes legally binding.

This proposal is currently at Step 5 which requires Council to make a formal recommendation to the WAPC which can take one of the following three forms:

- a) to support the amendment without modification; or
- b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- c) not to support the amendment.

Approved Subdivision

It is noted for Council's information that there is an approved subdivision over the property to sub-divide it into five lots; four lots of approximately 2,000-2,500m² and one lot of approximately 9,000m². The subdivision approval contains a number of conditions which the owner is required to fulfill prior to new titles being issued and therefore the existing single lot arrangement remains in place until such time as these conditions have been met. A copy of the approved subdivision layout is provided in Attachment 9.1.1(5).

FINANCIAL IMPLICATIONS

An assessment fee has been paid by the applicant to cover staff and advertising expenses.

POLICY COMPLIANCE

The Shire has two Local Planning Policies that relate to the "Commercial" zone. These are:

9.16 *Transportable Structures*; and

9.17 *Industrial and Commercial Development Control*.

These policies provide guidance on development standards that apply to all "Commercial" zoned land within the Shire and will be addressed individually.

9.16 Transportable Structures

This policy provides guidance on the siting of transportable structures and is defined in the policy as follows:

"A structure that is brought to a property, held in place primarily by its own mass or affixed to the ground and includes, but is not limited to, sea containers, decommissioned railway carriages, transport conveyances and prefabricated transportable buildings."

The policy includes provisions relevant to the "Commercial" zone by indicating that applications for transportable structures will not be permitted in the "Commercial" zone under the following circumstances:

- Where the transportable structure is to be located on the subject lot for more than 12 months if visible from the public realm; and/or
- Is the only building proposed for the site.

Due to the high visibility of the subject site on the entry to the Donnybrook townsite, if the amendment is supported by Council, it is recommended a provision be inserted into Schedule 6 prohibiting transportable structures of any kind, at any time, notwithstanding the provisions of Policy 9.16.

9.17 Industrial and Commercial Development Control

This policy includes the following ‘Purpose’, ‘Aims’ and ‘Objectives’.

Purpose

To provide developers and the general public with a guide to Council’s objectives for the development of industrial and commercial areas and buildings in the Shire of Donnybrook-Balingup:

Aims

- To improve the quality of industrial and commercial development within the Shire of Donnybrook-Balingup; and
- Encourage aesthetically attractive built form and streetscapes.

Objectives

To establish guidelines which will:

- a) Result in the construction of industrial and commercial development which is attractive in appearance and provides a safe, pleasant and efficient working environment.
- b) Conserve and enhance the amenity of the locality and neighbouring developments.
- c) Ensure the orderly development of industrial and commercial sites to minimise their environmental impact.

The policy seeks to achieve its objectives through the implementation of ‘design guidelines’ which address building appearance, landscaping and energy efficiency as follows:

6.1 Building Appearance

- *The facades of buildings visible from public roads are to maintain a high standard of visual amenity. Facades addressing public areas shall include at least 2 of the following features:*
 - *A variety of materials, colours and treatments;*
 - *Incorporation of architectural features including gables, porticos, verandahs, windows, doors;*
 - *A roof form that includes points of interest; and*
 - *Stepping of vertical and horizontal elevations.*

- *For development within the Commercial zone, the following requirements shall apply:*
 - *A minimum enclosed floor area of 40m² for the primary building on the site.*
 - *Transportable or “donger” style structures will only be supported where they are ancillary to an established main building and where they are not visible or have very limited visibility from a public road or public place.*
 - *Metal sheeting or other cladding that can reasonably be associated with shed style development being limited to a maximum surface area of 20% on any elevation fronting a street or public realm.*
 - *Sheds and other ancillary structures only being supported where they are not visible or have limited visibility from the street or public realm.*

6.2 Landscaping

Landscaped areas are to be provided to enhance the appearance of the development from adjoining land uses and public areas. A landscape plan or working drawing will be required to be submitted with the Planning Application and should show the following detail:

- (a) General site layout;*
- (b) Species or plant type;*
- (c) Earthworks and contours;*
- (d) Paved and grassed areas;*
- (e) Non-plant landscape elements; and*
- (f) Areas to be landscaped, including verges.*

The landscape plan will be assessed as an element of the Planning Application.

6.3 Energy Efficiency

The development of ecologically sustainable commercial and industrial environments which maximise energy efficiency and conservation of resources through building design and construction is encouraged by Council in the following ways:

- (a) Passive solar design measures are encouraged to be incorporated into a building's design where practicable.*
- (b) Ceiling insulation should be provided.*
- (c) Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.*
- (d) The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.*
- (e) The provision of rainwater tanks for non-potable use.*

(f) *The use of grey-water recycling systems to conserve water.*

It is noted that much of the detailed planning of elements subject to this policy will occur as part of future Applications for Development (Planning) Approval. However, due consideration has been given to the policy at this stage to determine whether there is opportunity to include relevant provisions in Schedule 6 as part of this amendment process.

STATUTORY COMPLIANCE

- Part 5 of the *Planning and Development Act 2005* outlines the processes and requirements for amending local planning schemes. This includes Section 81 that details the need for referral and approval of the Environmental Protection Agency (EPA) prior to formal public advertising commencing.
- Part 5 of the Regulations details the processes for standard amendments to local planning schemes, including advertising requirements.
- Schedule 2, Part 6 of the Regulations defines the requirements of Local Development Plans. This includes when a plan may be prepared, preparation processes, advertising requirements, consideration of submissions and decision making.

CONSULTATION

The Regulations outline the statutory public advertising process. Advertising included a notice in the local newspaper and the Shire's website; and letter correspondence being forwarded to nearby landowners and relevant government departments.

The advertising period attracted a total of nine submissions, consisting of two objections from the public and seven submissions from government agencies providing technical advice. The Schedule of Submissions and full copies of the correspondence received are provided in Attachments 9.1.1(3) and 9.1.1(4).

OFFICER COMMENT

There were a number of main points raised in the submissions received which will be addressed further.

Potential impacts on Streetscape

Concerns were raised regarding impacts on local streetscape appeal at the northern entry to the Donnybrook townsite. Built form design outcomes are proposed to be addressed through a Local Development Plan (LDP) prior to subdivision or development which will ensure a coordinated and higher standard of built form outcome than is presently enforceable under existing policy and scheme provisions applicable to the Commercial zone.

It is noted that the approval of a LDP is also governed by the Regulations and includes further advertising and Council approval and therefore there will be an additional opportunity for Council to assess this aspect.

Officers are also recommending Council recommend further modifications to the Amendment to provide clarity of required design outcomes in response to submissions received and establishing Council's expectations for what is a highly visible site.

Potential Impacts on Local Environment

Concerns were raised regarding the health and sustainability of the local water environment, particularly Noneycup Creek, which runs adjacent to the site and feeds into the Preston River. The Department of Water and Environmental Regulation (DWER) has recommended that any future development be required to connect to reticulated sewer and officers are recommending that Council recommend a modification to the Amendment to make this a Scheme requirement.

Further discussions in this regard have occurred with the applicant who has requested consideration be given to providing an exemption to the requirement to connect to reticulated sewer in the event there is a single proposed land use over the entire property (Lot 176). Officers consider that this may be able to be achieved in certain circumstances, however, the onus should be on the proponent, to demonstrate through the provision of a Land Use Capability Assessment (LUCA) Report, the appropriateness of this occurring. Additional provisions have also been included requiring any proposal that does not involve connecting to reticulated sewer being to the satisfaction of relevant State Government Agencies including the Department of Water and Environmental Regulation (DWER) and Department of Health (DoH).

Road Safety

Concerns were raised regarding safe access to the site. Access to the property is via the South Western Highway, which is controlled by Main Roads Western Australia (MRWA). MRWA raises no objections to the proposal subject to satisfying site specific design requirements which may include the provision of turning lanes in the future. It is recommended that Council recommend to modify the amendment document to include MRWA requirements.

Potential impacts on Local Amenity

Based on the submissions received officers consider potential amenity impacts can be placed into one of three categories as follows:

- Potential impacts on neighbouring sensitive land uses (e.g. residential dwellings) from activities taking place on the subject site (e.g. noise, dust);
- Potential visual impacts of development for residents and visitors, due to its elevated position on the main road on the entry to the Donnybrook townsite;
- Heritage considerations due to its proximity to the Anchor and Hope Inn.

It is considered that the requirement for a LDP, in combination with additional provisions as outlined in the officer recommendation and application of existing policies at the development application stage, will ensure amenity issues can be suitably addressed.

There were concerns raised regarding potential impacts on nearby sensitive land uses (residential) resulting from "light industry" types uses including light, emissions and noise. The definition of "Industry - light" requires that uses "*do not cause injury to or adversely affect the*

amenity of the locality” and therefore any future proposed use will need to demonstrate to the satisfaction of the Shire, that it is able to comply with the definition as outlined above, prior to approval.

The nearest sensitive land use is 100m from the closest portion of the lot boundary and this property is separated by the South Western Highway. On this basis, when combined with the definition restrictions mentioned above, it is reasonable to conclude that introducing potential for “Industry - light” uses will not materially impact local amenity and ability for nearby landowners to peacefully enjoy the use of their land.

It was raised in the submissions that the future development of the site has the potential to impact on the heritage values of the Anchor and Hope Inn which is understood to be one of the oldest buildings in Donnybrook. Whilst the heritage property is contained within the Shire’s Municipal Heritage Inventory (MHI), it is not presently on the State Register of Heritage Places and therefore the proposal does not necessitate a referral to the State Heritage Office. Furthermore, the distance between the proposal and the Anchor and Hope and the fact that it does not propose any material changes to the heritage property would unlikely result in any restrictions in any case.

Built Form Outcomes

The amendment will insert additional development controls into the Scheme beyond that which presently apply to the land. The requirement to prepare a Local Development Plan provides strengthened opportunities to guide, coordinate and define built form outcomes. Additional provisions in the Scheme are recommended to inform the intent and outcomes desired to be achieved in the Local Development Plan and address associated concerns.

Town Planning Considerations

In addition to the above, there are further considerations from a Town Planning perspective in terms of development control that need to be addressed. The following matters and proposed responses will ensure that future development is appropriate for the location and will not result in future land-use conflicts between properties.

‘Commercial’ versus ‘Light Industry’ Development Standards

There are two separate sets of development standards applicable to the ‘Commercial’ and ‘Light Industry’ zones under the Scheme, with one example being the minimum lot sizes applicable to each with ‘Commercial’ having a minimum lot size of 500m² and ‘Light Industry’ having a minimum lot size of 2,000m². It is considered important that any future ‘Industry – light’ land uses are not placed on lot sizes that are inappropriately small for the proposed use, by attempting to apply the ‘Commercial’ development standards.

In light of the above, it is considered one way of achieving the desired outcome is to include a Scheme provision in Schedule 6 that applies the development standards of ‘Light Industry’ to any future ‘Industry – light’ development proposal which would provide specific guidance with regard to development standards consistent with the proposed use (rather than attempting to apply ‘Commercial’ development standards to a light industrial use).

'Industry – light' versus 'Light Industry' Meanings

As indicated previously in this report, one of the challenging components of this proposal is understanding the difference between the Planning terminology with regard to "Industry – light" and "Light Industry".

For clarity the following explanations are provided:

- 'Industry – light' is a land use. Presently under the Scheme, an 'Industry – light' land use can only be considered for approval in the following zones:
 - Light Industry (P); and
 - General Industry (P).
- 'Light Industry' is a zone. There are a number of different land uses that can be considered for approval in the LI zone as identified in the Zoning Table contained in the Scheme.

In considering the potential implications of creating additional land-use permissibility on the subject land, it is important to take note of Cl. 3.18.1 of LPS7 which states:

"Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use."

This is relevant to the future application of the amendment as it means that where a land use is specifically identified in the Zoning Table, then the more general definition of 'industry – light' cannot be applied and the permissibility would be based on the levels contained in the Scheme specific to that land use. The proposed modifications as per the officer recommendation make clear the relevance of Cl. 3.18.1 when determining any proposed 'Industry – light' land uses.

It is also recommended that a provision be included requiring all development applications for 'Industry – light' uses to be considered 'A' uses, thereby requiring advertising prior to determination.

Incompatible land-uses

The proposal as presented has the capacity to result in land-use conflict between neighbouring properties and therefore due consideration needs to be given to the permissible land uses under the 'Commercial' zone and whether any of these may be incompatible with an 'Industry-light' use on a neighbouring lot.

In reviewing the land uses normally considered permissible under the 'Commercial' zone, it is considered there are a number that would potentially be incompatible with light industry and therefore officers are recommending that a number of uses be considered impermissible in this locality, particularly those that involve residential type accommodation and/or tourist accommodation.

Other considerations

Land Supply

At present, there is a limited supply of vacant land in the Donnybrook townsite that is suitable for light industrial land uses and the proposed rezoning may therefore assist in providing opportunity for appropriate light industrial type land uses.

Conclusion

In considering the amendment, officers propose that the recommended additional Scheme provisions adequately address any potential issues and provide the necessary planning mechanisms to ensure appropriate development of the site in the future. It is therefore recommended that Council recommend to the Western Australian Planning Commission that final approval be granted to Amendment 13 subject to the modifications as listed.

9.1.2 DEDICATION OF ROAD UNDER LAND ADMINISTRATION ACT 1997 (COLLIE- PRESTON ROAD IMPROVEMENTS)

Location	Shire of Donnybrook-Balingup
Applicant	Shire of Donnybrook-Balingup
File Reference	RD 400
Author	Damien Morgan, Manager Works and Services
Responsible Officer	Damien Morgan, Manager Works and Services
Attachments	9.1.2(1) – MRWA Correspondence 9.1.2(2) - MRWA Land Dealings Plans 201802/0138-1
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> Dedicates the land the subject of Main Roads WA Land Dealings Plans 201802-0138-1, as a road pursuant to Section 56 of the <i>Land Administration Act 1997</i>; and Authorises the Chief Executive Officer to formally advise Main Roads WA of Council's resolution.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome:	2.1	An attractive and maintained built environment.
Strategy:	2.1.1	Maintain, renew and improve infrastructure within allocated resources
Action:	2.1.1.2	Seek funding for the development and renewal of infrastructure.

EXECUTIVE SUMMARY

Council has received correspondence from Main Roads WA (MRWA) advising planning is underway for road improvements at the southern end of Collie-Preston Road, including widening and sealing of the shoulders to improve safety. A full copy of the correspondence received from MRWA is provided in Attachment 9.1.2(1).

The proposal will involve MRWA acquiring land from private landowners with plans indicating an estimated 13,275m² of land is required, involving five separate landowners. MRWA has advised that all landowners and other affected parties have been approached and arrangements are being finalised for the necessary acquisition of freehold land.

To enable the newly acquired land to be dedicated as road reserve, it is a requirement under the *Land Administration Act 1997* that the local government pass a resolution dedicating the road and MRWA have requested that Council undertake this process.

It is recommended that Council resolve to dedicate the land as road reserve and advise MRWA accordingly.

BACKGROUND

MRWA proposes to widen the road reserve on Collie-Preston Road by acquiring land from adjoining properties for the purpose of widening and sealing of shoulders. MRWA plans demonstrating the location of the road works and extent of the land acquisitions is provided in Attachment 9.1.2(2).

The proposed works are entirely an MRWA project and the created road reserves will remain MRWA's responsibility in the future. MRWA is fully responsible for the process to acquire the land, including all negotiations with impacted landowners.

Council's only involvement is the passing of a resolution to enable the acquired land to be dedicated as road, as is it is a specific requirement under the *Land Administration Act 1997*.

FINANCIAL IMPLICATIONS

Nil, MRWA is responsible for all costs and claims.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Section 56 of the *Land Administration Act 1997*

CONSULTATION

MRWA has approached all landowners and other affected parties and is processing all arrangements for the acquisitions.

OFFICER COMMENT/CONCLUSION

The Collie-Preston Road is a significant regional road to service the transport needs of the region. Many of the Shire's residents will benefit from the upgrading of the road, and it is recommended that Council support MRWA'S request.

9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid (*Attachment 9.2.1(1)*) under Delegation (No 3.1) is presented to Council for information.

9.2.2 MONTHLY FINANCIAL REPORT – JUNE 2020

The June 2020 Monthly Financial Statement should be considered as interim as they have yet to be the subject of an audit. It is not uncommon for audit adjustment to occur for technical accounting reasons which may require changes to account balances prior to the completion of the annual audit.

Note: July Monthly Financial Report

The Local Government (Financial Management) Regulations requires a complying monthly financial report to contain a year to date budget to actual comparison. By extension, this means presentation of a complying monthly financial report can only occur after the adoption of the annual budget. For this reason, the July 2020 monthly financial report will be prepared to be presented to the ordinary Council meeting in September 2020.

The interim Monthly Financial Report for June 2020 is attached (*9.2.2(1)*)

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended June 2020 be received.

9.2.3 ADOPTION OF THE STATUTORY BUDGET 2020/2021

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 04/1
Author	Paul Breman, Executive Manager Corporate and Community
Responsible Manager	Paul Breman, Executive Manager Corporate and Community
Attachments	9.2.3(1) - 2020/21 Annual Draft Budget (Management) 9.2.3(2) - 2020/21 Draft Fees and Charges 9.2.3(3) – 2020/21 Annual Draft Budget (Statutory)
Voting Requirements	Absolute Majority
Staff Conflict of Interest Notifications	<ul style="list-style-type: none"> The Chief Executive Officer declares a proximity interest in relation to item 9.2.3 as the Works Program supporting the Draft Budget proposes asset maintenance works to a residential road adjoining his home address.

Recommendation	
1.	<p>Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the 2020/2021 Annual Budget, as attached, subject to:</p> <p>1.1 Amending the purpose of the Land Development Reserve from “To fund the purchase of land for future community purposes” to “To fund the purchase and/or development of land, buildings and infrastructure for future community purposes”.</p>
2.	<p>Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Schedule of Fees and Charges for 2020/21, as attached.</p>
3.	<p>Pursuant to Section 6.32 of the Local Government Act 1995, Council adopts the following rates in the dollar and minimum payments for the 2020/21 financial year on all ratable land:</p> <p>General rate multiplied by each valuation dollar:</p> <p>UV = 0.005377</p> <p>GRV = 0.081733</p> <p>Minimum payment level:</p> <p>UV = \$1,104</p> <p>GRV = \$1,104</p>

4. Pursuant to Section 6.45 of the Local Government Act 1995, Council sets due dates for the payment of rates and charges as follows:

Payment in Full

Full Payment	15 October 2020
---------------------	------------------------

Two Instalments

1st Instalment	15 October 2020
2nd Instalment	12 February 2021

Four Instalments

1st Instalment	15 October 2020
2nd Instalment	14 December 2020
3rd Instalment	12 February 2021
4th Instalment	13 April 2021

5. Pursuant to Section 6.51 of the Local Government Act 1995, Council adopts an 8% rate of penalty interest on overdue rates and charges that remain unpaid past the due date.
6. Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.
7. Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an instalment administration charge where the owner has elected to pay rates and charges through an instalment option being \$11.00 payable on the 2nd (and each subsequent) instalments:
- \$11.00 total fee for two (2) instalment option.**
\$33.00 total fee for four (4) instalment option.
8. Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopts a material variance for reporting of \$10,000 for 2020/21.

9. Pursuant to section 66 of the Waste Avoidance and Resource Recovery Act 2007, Council set the 2020/21 rate in the dollar for a Waste Management Levy for the purposes of:

- a) Provision of suitable places, buildings and appliances for the disposal of refuse.
- b) Construction and installation of plant for the disposal of refuse.

GRV	\$0.010862
UV	\$0.000557

10. Pursuant to section 6.47 of the Local Government Act 1995 grant a concession to the 2020/21 Waste Management Levy raised under section 66 of the Waste Avoidance and Resource Recovery Act 2007

Description of concession	50% of the difference between the calculated 2020/21 Waste Management Levy and \$250
Circumstances in which it will be granted	Assessments with a base 2020/21 Waste Management Levy greater than \$250
Class of persons to whom it is available	Assessments with a base 2020/21 Waste Management Levy greater than \$250
Reasons for the concession	To phase in the transition of the Waste Management Levy being absorbed into General Rates from 2021/22

11. Pursuant to section 6.47 of the Local Government Act 1995, waive the 2020/21 Waste Management Levy on assessments granted exemptions in accordance with Council Policy 6.5 – Waste Management Levy Exemption

Description of Waiver	100% of the Waste Management Levy
Circumstances in which it will be granted	In accordance with Council Policy 6.5 – Waste Management Levy Exemption
Class of persons to whom it is available	In accordance with Council Policy 6.5 – Waste Management Levy Exemption
Reasons for the Waiver	In accordance with Council Policy 6.5 – Waste Management Levy Exemption

12. Pursuant to section 67 of the Waste Avoidance and Resource Recovery Act 2007, Council sets the 2019/20 Waste Receptacle Charges.

Bin Service - 3 Bin Service	\$265.00
Bin Service - 2 Bin Service	\$221.00
Optional Bin - Rubbish (Fortnightly)	\$81.00
Optional Bin - Rubbish (Weekly)	\$158.00
Optional Bin - Recycling	\$63.00
Optional Bin - Organics	\$122.00
Aged Care Bin Service - 3 Bin Service	\$89.00
Aged Care Bin Service – Optional Organics	\$39.00

13. Pursuant to regulation 53 of the Building Regulations 2012, Council adopts the annual Swimming Pool Barrier Inspection fee of \$14.61 per swimming pool.

ABSOLUTE MAJORITY VOTE REQUIRED

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provisions
Action	4.2.1.4	Demonstrate sound financial planning and management, including revenue / expenditure review diversification strategies and long term financial planning

EXECUTIVE SUMMARY

The Executive recommendations are required to adopt the 2020/21 Annual Budget and associated fees and charges.

BACKGROUND

Council adopted items and content relating to the 2020/21 Draft Annual Budget at its meeting held 22 July 2020:

COUNCIL RESOLUTION 111/20

That Council:

1. Receive the 2020-21:

- 1.1 Draft Budget Overview;*
- 1.2 Draft Budget Works and Projects Summary; and*
- 1.3 The 2020-21 Draft Workforce Plan.*

2. Instructs the Chief Executive Officer to prepare the 2020-21 Draft Budget in accordance with the information contained therein (items 1.1 – 1.3, above) for presentation to the Council.

CARRIED

The Draft Budget has been produced in accordance with provisions of the Local Government Act 1995 (with additional supplementary budget papers) and will be provided under separate cover.

Please note, 2020-21 line item detail draft budget and fees and charges are attached to this item however the 2020-21 draft statutory format budget will be distributed prior to the August ordinary Council meeting.

FINANCIAL IMPLICATIONS

This report will adopt the 2020/21 Annual Budget as required by the *Local Government Act 1995*.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Section 6.2 of the Local Government Act requires that:

“Not later than 31st August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.”

Note: The form and manner prescribed is detailed in Part 3 of the Local Government (Financial Management) Regulations 1996.

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

The Executive recommendations set out the item comprise the resolution to adopt the 2020-21 Budget in statutory format.

9.2.4 ANNUAL CONCESSIONS ON SPLIT LOCAL GOVERNMENT BOUNDARIES

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	A2491, A4390, A2671, A1394
Author	Paul Breman, Executive Manager Corporate and Community
Responsible Officer	Paul Breman, Executive Manager Corporate and Community
Attachments	9.2.4(1) – Concession Properties with Shire Boundary dissect 2020-2021
Voting Requirements	Absolute Majority

Recommendation	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Grant concession of 41% on Rates on A2491, Lot 4522, 3853 Donnybrook-Boyup Brook Road, Noggerup due to: <ol style="list-style-type: none"> 1.1 The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary. 1.2 41% of the land parcel is located in the Shire of Boyup Brook. 2. Grant concession of 53% on Rates on A4390, Lot 11859, Walker Road, Wilga West due to: <ol style="list-style-type: none"> 2.1 The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary. 2.2 53% of the land parcel is located in the Shire of Boyup Brook. 3. Grant an annual concession of 79% on Rates on A2671, Lot 3804, 3905 Donnybrook-Boyup Brook Road, McAlinden due to: <ol style="list-style-type: none"> 3.1 The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary. 3.2 79% of the land parcel is located in the Shire of Boyup Brook. 4. Grant an annual concession of 58% on Rates on A1394, Lot 8314 Greenbushes Grimwade Road, North Greenbushes due to: <ol style="list-style-type: none"> 4.1 The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Bridgetown Greenbushes boundary. 4.2 58% of the land parcel is located in the Shire of Boyup Brook. 5. Apply Waste Management Levy Exemptions for properties approved within resolutions 1 – 4, above. 6. Apply an effective commencement date of 1 July 2020 for all concessions approved within resolutions 1 – 5, above. <p>ABSOLUTE MAJORITY VOTE REQUIRED</p>	

STRATEGIC ALIGNMENT

The outcome will meet the following objectives of the Shire of Donnybrook Balingup Strategic Community Plan.

Outcome 4.2.1 Effective and efficient operations and service provision.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider concession on rates and charges for properties dissected by the boundary of Shire of Donnybrook Balingup and Shire of Boyup Brook or Shire of Bridgetown Greenbushes.

BACKGROUND

Council has previously considered application for concession on Rates and Waste Management Levy for Assessments that are dissected by the boundary of the Shire of Donnybrook Balingup and the Shire of Boyup Brook.

At the Ordinary Meeting on 24 April 2013, Council considered an approach from the Shire of Boyup Brook to initiate a Shire boundary adjustment to resolve the issue. Council considered the application and resolved the following;

*Council Decision
(Officer's Recommended Resolution)*

Moved: Cr Dawson

Seconded: Cr Logiudice

That the CEO write to the Shire of Boyup Brook advising that it would not be in favour of a Shire boundary adjustment but would be prepared to offer a 50% rating concession and a 50% concession on any waste management charges currently levied on the affected properties, specifically crown grants 11859 (A4390), 12087 (A4389) and 4522 (A2491). The provision of these concessions is subject to the Shire of Boyup Brook providing a 50% concession to the affected landowners for land situated within the Boyup Brook Shire.

A 50% concession on Rates was applied to Assessments A4389, A2491 and A4390 for the 2013/14 – 2017/18 financial years.

At the April 2018 Ordinary Meeting, Council reviewed and adopted a new Rating Strategy, and the concession was discontinued effective 1 July 2018.

During 2019/2020, representation was made to Council on behalf of affected landowners for reintroducing concessional treatment for those properties previously receiving a concession. At the Ordinary Meeting on 25 September 2019, Council resolved:

COUNCIL DECISION 137/19 (Executive Recommendation)

Moved: Cr Tan Seconded: Cr Lindemann

That Council:

- 1. Grant an annual concession of 41% on Rates on A2491, Lot 4522, 3853 Donnybrook-Boyup Brook Road, Noggerup due to:*
 - a. The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary.*
 - b. 41% of the land parcel is located in the Shire of Boyup Brook.*

**Absolute Majority Vote Required*

- 2. Grant an annual concession of 53% on Rates on A4390, Lot 11859 Walker Road, Wilga West due to:*
 - a. The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary.*
 - b. 53% of the land parcel is located in the Shire of Boyup Brook.*

**Absolute Majority Vote Required*

- 3. Not grant a rates concession on A4389, Lot 12087, 199 Walker Road, Wilga where the land parcel is dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary, as a significant percentage of land mass and built structures reside in the Shire of Donnybrook Balingup.*
- 4. Not grant a rates concession on A1393, 118 Walker Road, Wilga West, where the land parcel is dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary due to:*
 - a. The assessment comprises three contiguous lots.*
 - b. One lot (Lot 8578) is situated entirely in the Shire of Donnybrook Balingup.*
 - c. The assessment is group valued and Lot 8578 would ordinarily be subject to the minimum rate in its own right.*
 - d. No rating concession was previously granted.*
- 5. Apply applications for Waste Management Levy concessions on properties where the Shire Boundary dissects a land parcel in accordance with Policy 6.5 Waste Management Levy Exemption.*
- 6. All concessions approved within resolutions 1 – 5, above, have an effective commencement date of 1 July 2019.*
- 7. Instruct the Chief Executive Officer to undertake preliminary consultation with the Shire of Boyup Brook (by no later than December 2019) regarding boundary adjustment on properties where the Shire Boundary dissects a land parcel, in preparation for a future report to Council for its consideration.*

Carried by Absolute Majority 9/0

DETAILS

Assessments to be considered in this application for concession on Rates and Waste Management Levy for 2020/21 financial year are:

A2491	LOT 4522 (3853) BOYUP BROOK RD	NOGGERUP WA 6225
A4390	LOT 11859 WALKER RD	WILGA WEST WA 6243
A2671	LOT 3804 (3905) BOYUP BROOK RD	NOGGERUP WA 6225
A1394	LOT 8314 GREENBUSHES GRIMWADE RD	BALINGUP WA 6253

See Attachment (9.2.4(1)) for further property details.

The Valuer General has recognised the problem of the shire boundary dissecting a land parcel by apportioning the total property valuation pro rata, based on the portion of land area in each respective Shire.

Assessment	Lot	Area (ha)			Valuation 2019/20		
		Donnybrook Balingup	Other Shire	Total Area (ha)	Donnybrook Balingup	Other Shire	Total Valuation
A2491	4522	8.1	5.6	13.7	62,500	46,500	109,000
A4390	11859	30.8	34.4	65.2	58,500	76,000	134,500
A2671	3804	12.1	44.8	56.9	45,000	146,000	191,000
A1394	8314	48.5	67.9	116.4	139,000	219,000	358,000

Therefore, each Shire raises rates and charges only on the portion of land (and portion of the valuation) that is applicable in each respective Shire. The property is essentially treated as two separate smaller lots of land for rating purposes rather than a single large lot.

Council rates the properties in accordance with s6.28(4) of the Local Government Act 1995 (the Act) where it is required to apply the valuations supplied by the Valuer General.

6.28. Basis of rates

- (1) The Minister is to —
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (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.
- (5) Where during a financial year —
 - (a) an interim valuation is made under the *Valuation of Land Act 1978*; or

(b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or

(c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

[Section 6.28 amended: No. 1 of 1998 s. 20.]

The Act also provides the authority for Council to grant discounts or concessions to rates and other amounts owing.

6.47. Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

FINANCIAL IMPLICATIONS

As the 2020/21 budget has not been adopted, calculations have been based on 2019/20 figures. With the Officer Recommendation applied, there would be a reduction in revenue of \$2,702.24.

	Based on 2019/20 Figures			Proposed Concession		Reduction in Revenue		
	Valuation	Rates Levied	WML Levied	Rates Concession %	WML Concession %	Rates Concession \$	WML Concession \$	Total Concession \$
A2491	\$62,500	\$1,104.00	\$0.00	41%	100%	\$452.64	\$0.00	\$452.64
A4390	\$58,500	\$1,104.00	\$0.00	53%	100%	\$585.12	\$0.00	\$585.12
A2671	\$45,000	\$1,104.00	\$152.00	79%	100%	\$872.16	\$152.00	\$1,024.16
A1394	\$139,000	\$1,104.00	\$0.00	58%	100%	\$640.32	\$0.00	\$640.32
						\$2,550.24	\$152.00	\$2,702.24

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

S6.28 of the Local Government Act 1995 (the act) requires a Local Government to rate in accordance with the valuation provided by the Valuer General.

6.28. Basis of rates

- (1) The Minister is to —
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (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.
- (5) Where during a financial year —
 - (a) an interim valuation is made under the *Valuation of Land Act 1978*; or
 - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

Valuations as supplied by Landgate (the Valuer General) are required to be applied to a property without amendment.

Council has the authority to resolve to grant discounts and concessions per s6.47 and s6.12 of the Act.

6.47. Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

It is not recommended that an arbitrary 50% concession be granted due to the varying proportion of the subject land parcels that reside with side of the boundary.

Assessment	Lot	Area (ha)		
		Donnybrook Balingup	Other Shire	Total Area (ha)
A2491	4522	59%	41%	100%
A4390	11859	47%	53%	100%
A2671	3804	21%	79%	100%
A1394	8314	42%	58%	100%

Assessment	A2491
Address	3853 Donnybrook-Boyup Brook Road, Noggerup
Lot	Lot 4522

According to Landgate (the Valuer General) the land area of the assessment is divided per the following;

	Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
Land Area (ha)	8.1ha	5.6ha	13.7ha
Land Area (%)	59%	41%	100%

As 41% of the land parcel (as calculated by the Valuer General) is located in the Shire of Boyup Brook, it is recommended that a 41% rates concession be granted until such time a boundary adjustment is enacted.

Assessment	A4390
Address	Lot 11859 Walker Road, Wilga West
Lot	Lot 11859

According to Landgate (the Valuer General) the land area of the assessment is divided per the following;

	Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
Land Area (ha)	30.8ha	34.4ha	65.2ha
Land Area (%)	47%	53%	100%

As 53% of the land parcel (as calculated by the Valuer General) is located in the Shire of Boyup Brook, it is recommended that a 53% rates concession be granted until such time a boundary adjustment is enacted.

Assessment	A2671
Address	3905 Donnybrook-Boyup Brook Road, Noggerup
Lot	3804

According to Landgate (the Valuer General) the land area of the assessment is divided per the following;

	Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
Land Area (ha)	12.1 ha	44.8 ha	56.9 ha
Land Area (%)	21%	79%	100%

As 79% of the land parcel (as calculated by the Valuer General) is located in the Shire of Boyup Brook, it is recommended that a 79% rates concession be granted until such time a boundary adjustment is enacted.

Assessment	A1394
Address	Lot 8314 Greenbushes Grimwade Road, Balingup
Lot	8314

According to Landgate (the Valuer General) the land area of the assessment is divided per the following;

	Shire of Donnybrook Balingup	Shire of Bridgetown Greenbushes	Total
Land Area (ha)	48.5 ha	67.9 ha	116.4 ha
Land Area (%)	42%	58%	100%

As 58% of the land parcel (as calculated by the Valuer General) is located in the Shire of Bridgetown Greenbushes, it is recommended that a 58% rates concession be granted until such time a boundary adjustment is enacted.

9.2.5 2020/2021 COMMUNITY GRANTS FUNDING SCHEME – REQUEST FOR VARIATION TO REQUESTED FUNDING FOR DONNYBROOK FOOD AND WINE FESTIVAL

Location	Shire of Donnybrook Balingup
Applicant	Donnybrook Wineries and Producers Inc.
File Reference	FNC 08/6
Author	James Jarvis – Manager, Community Development
Responsible Manager	Paul Breman – Executive Manager, Corporate and Community
Attachments	9.2.5(1) - Community Grant Funding Guidelines 9.2.5(2) - Original Application for the Donnybrook Food and Wine Festival 9.2.5(3) - Donnybrook Wineries and Producers Grant Variation Request
Voting Requirements	Simple Majority
Staff Conflict of Interest Notifications	<ul style="list-style-type: none"> • Manager Community Development declares an impartiality interest in relation to item 9.2.5 as he is a voting member of the Donnybrook Food and Wine Festival

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the variation of purpose for the current Donnybrook Wineries and Producers Inc (DWP) Community Grant application to a new purpose being the underwriting of any loss incurred (to the satisfaction of the Chief Executive Officer) in the delivery of the new Long Table Luncheon pilot, scheduled for 26 September 2020, up to the value of \$2,000. 2. In the circumstance that the Shire does provide financial assistance to the DWP, as per resolution 1 above, requires a condition enabling the Shire to access and utilise the DWP materials (cutlery, crockery, glasses, tablecloths etc) for Shire events, so long as the Shire event does not conflict (scheduling) with a DWP event.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	3.1	An engaged, supportive, and inclusive community
Strategy	3.1.1	Facilitate, encourage, and support a diverse range of festivals, community events, arts and cultural activities.
Action	3.1.1.2	Continue to encourage and support community-led events

EXECUTIVE SUMMARY

Prior to the COVID-19 pandemic State of Emergency in Western Australia (WA) being enacted in early 2020, the Donnybrook Food and Wine Festival applied for a Major Community Grant for \$2000 to support the delivery of the 2020 Donnybrook Food and Wine Festival. Given the long-term uncertainty linked to the state of the pandemic in WA and the phased restrictions introduced by the State Government, the DWP made the difficult decision to change the delivery format from a large festival to a smaller long table lunch. The decision was aimed at maintaining the momentum created for visitors, to our Shire, on the excellent food and wine producers, pilot a new tourism event, and allow the DWP to position for the 2021 Donnybrook Food and Wine Festival.

There is an opportunity for the Shire to creatively support DWP through the Community Grants Funding Scheme. The pilot long table luncheon is considered by DWP to be the test for a future luncheon series, which would be a new tourism event and product showcasing the produce grown in our Shire. DWP's intention is to use any revenue raised through the future luncheon series to be used to offset losses incurred in the delivery of the annual, traditional Food and Wine Festival.

In lieu of DWP's request to sponsor the long table luncheon to the value of \$2000, as per their variation request, the Shire's recommendation is to underwrite the new pilot event up to the value of \$2000 should the pilot rustic long table lunch incur a loss.

BACKGROUND

The Shire's Community Grants Funding Scheme (Scheme) was adopted by Council on 1 March 2016. The purpose of the Scheme is to provide funding to individuals, community groups, not-for-profit and commercial organisations that are seeking financial support to allow them to deliver projects and activities that address identified community needs.

Full details of the Scheme are outlined in the community Grants Funding Scheme Guidelines (Attachment 9.2.5(1)). This document includes details of eligibility, ineligibility, how to apply and the assessment criteria.

Applications closed on 30 April 2020 and most of the organisation's that applied for funding had contacted the Community Development team for advice on their applications prior to the COVID-19 Recovery Plan being announced.

The DWP applied for Community Event Sponsorship for the planned 2020 Donnybrook Food and Wine Festival to be held on 28th November 2020 at the Donnybrook Amphitheatre.

After DWP's application was submitted, COVID-19 restrictions were beginning to be rolled out, the State of Emergency had been declared, and the first of the State Government phased restrictions had been put into place. DWP applied for the event to proceed in a traditional format believing that restrictions would be eased by November 2020 and the event could proceed as normal.

COVID-19 restrictions have eased but with the 2m² still in place a large-scale festival like the Donnybrook Food and Wine Festival is not feasible.

Instead, DWP has planned for a pilot rustic long table lunch on 26th September 2020 to continue to promote the local wineries and producers of the Shire and retain a momentum for 2021. This change in style of event allows for social distancing and all COVID-19 hygiene requirements. The long table lunch is not intended to replace an annual Food and Wine Festival event. The purpose of the event is to pilot a new tourism product and event in Donnybrook to eventually realise a new revenue stream to offset potential losses from the traditional Food and Wine Festival event and to create a sustainable festival.

The new event is limited to 100 guests and is ticketed at \$160 per person. This income is commensurate with the income that would have been received from stallholder fees of the festival.

The event is seen by DWP as a future regular event which will act as not only a showcase of local wineries and producers but also as a fundraiser for the larger Donnybrook Food and Wine Festival and new and emerging way to promote the quality produce available as the ingredients for the Rustic Long Table Dinner are primarily sourced from Shire based producers. DWP are seeking the Shire's support to underwrite any loss incurred in piloting the Long Table Luncheon up the value of \$2000.

FINANCIAL IMPLICATIONS

No change to current Shire CGFS amounts requested in the 2020/2021 budget.

The event organisers advise that they are expecting to run at a loss for this pilot event, as they will have substantial first-year establishment costs with the purchase of cutlery, crockery, glasses, tablecloths etc, which will be used in future years/events.

POLICY COMPLIANCE

Administration Policy 2.47 – Community Grant Funding Scheme

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

No external consultation is required for the Community Grants Funding Scheme.

OFFICER COMMENT/CONCLUSION

Due to the ongoing State of Emergency caused by the COVID-19 pandemic, the Community Event Sponsorships provide a critical opportunity to stimulate community and economic development.

The repurposing of this sponsorship request serves two main outcomes:

1. To support a new tourism product and luncheon series on the Shire's event calendar, using locally grown produce and producers; and
2. To underwrite any loss incurred by DWP, up to the value of \$2000, in piloting the new tourism product.

The ability for the event to be scaled up to a Long Table Luncheon series showcasing various parts of the Shire and the quality produce grown in the Shire presents an excellent investment by underwriting this pilot project.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 BUNBURY GEOGRAPHE TOURISM PARTNERSHIP MEMORANDUM OF UNDERSTANDING

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	TRS 09
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.1(1) – Revised Draft BGTP Memorandum of Understanding
Voting Requirements	Simple Majority

Recommendation
<p>That Council reaffirms the Shire of Donnybrook Balingup's commitment to regional tourism by:</p> <ol style="list-style-type: none"> 1. Authorising the Chief Executive Officer to execute the Bunbury Geographe Tourism Partnership (BGTP) Memorandum of Understanding for the period 1 July 2020 to 30 June 2024. 2. Requesting the Chief Executive Officer include appropriate funding in Draft Budgets for the four year term of the Memorandum of Understanding.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	1.1	A diverse, prosperous economy, supporting local business and population growth
Strategy	1.1.1	Promote, maintain and diversify investment in the district
Action	1.1.1.4	Actively partner in regional growth planning partnerships and projects

EXECUTIVE SUMMARY

This report to Council is a standardised report between the seven participating local governments, to ensure consistency of decision consideration by the member Councils.

In 2016, a Memorandum of Understanding (MOU) was entered into between the Shires of Donnybrook Balingup, Dardanup, Collie, Harvey, Capel, Boyup Brook, the City of Bunbury and the South West Development Commission to deliver outcomes listed within the Regional Tourism Development Strategy (individually approved by each of the member local government Councils).

On 3 August 2020 a meeting of the Bunbury Geographe Tourism Steering Committee was held to allow for consultation on a draft MOU and structure moving forward. As a result of this meeting, members reviewed and progressed the development of a draft MOU for the period 1 July 2020 to 30 June 2024. A copy of the revised MOU is attached – Attachment 9.3.1(1).

BACKGROUND

At its meeting held 18 December 2019 Council resolved as follows:

COUNCIL RESOLUTION 215/19

That Council:

- 1. Endorses an extension of the Bunbury Geographe Tourism Partnership (BGTP) Memorandum of Understanding from 12 December 2019 to 30 June 2020.*
- 2. Subject to item 1, Council notes:*
 - 2.1 The extension is to allow the completion of a review of the MOU and consideration by all member local governments of their continuing involvement and investment into BGTP by March 2020.*
 - 2.2 The outcomes of the March 2020 MOU review will be presented to each Council for consideration and confirmation on their position on the BGTP involvement post 30 June 2020.*
 - 2.3 The financial provision of 30% of the Shire's annual contribution by invoice from the City of Bunbury, to enable the ongoing engagement of the Tourism Marketing and Development Manager for the extended period of the MOU.*
- 3. Approve the expenditure of \$1500.00 to be taken from account 110820 Resource Sharing.*

CARRIED

It is considered that the renewed commitment to the Bunbury Geographe Tourism Strategy will continue to strengthen the region's tourism profile and the outcomes of partnerships. It is considered that the continuation of the MOU will provide a coordinated approach to the development of tourism and marketing of the region that will see reduced competition between towns and a pooling of resources that will increase reach and effectiveness of tourism marketing campaigns.

The recommitment by each of the collaborating Councils toward its implementation will demonstrate the continued regional approach to tourism, which will continue to offer increased opportunities for tourism development initiatives particularly through State initiatives and funding programs.

On 3 August 2020 a meeting of the Bunbury Geographe Tourism Steering Committee was held for to allow for consultation on the MOU and structure moving forward. As a result of this meeting, Members reviewed and developed a new MOU for the period 1 July 2020 to 30 June 2023. Members of the Bunbury-Geographe Tourism Advisory Working Group (TAWG), representing the tourism industry across the region were also in attendance and provided valuable input and sought the expedient introduction of a new MOU.

With the events surrounding COVID-19 and the state border closures, the Regional Tourism Strategy stakeholder group considered now more than ever, the benefit of a further four (4) year MOU. This will establish a further operational and governance model, allow continued regional buy in and the development and implementation of a continued stronger regional brand. For this reason, the group considers the continued employment of the Tourism Marketing and Development Manager or the delivery of the action plan by a third party, to be beneficial in order to continue the delivery of high priority areas of destination marketing.

It is felt that the renewed commitment to the Bunbury Geographe Tourism Strategy will continue to strengthen the regions tourism profile and partnerships. It is considered that the continuation of the MOU will provide a coordinated approach to the development of tourism and marketing of the region that will see reduced competition between towns and a pooling of resources that will increase reach and effectiveness of tourism marketing campaigns.

The previous MOU was successfully implemented, and as a result of the previous Council Decision 10 December 2019, a comprehensive review the MOU and structure is being undertaken. The governance model that has been proposed under the proposed four (4) year MOU will ensure an ongoing commitment to prioritisation, implementation and review of Bunbury-Geographe Regional Tourism and Marketing. This was developed in cooperation with the member Councils of the Steering Committee along with members of the TAWG, ASW and the SWDC, to create a unified approach to the management of tourism development, marketing and infrastructure.

FINANCIAL IMPLICATIONS

The new MOU contains provision for an operation / marketing budget each year over the four years. The budget will incorporate capacity to fund the engagement and implementation of the Destination Tourism Marketing Campaign.

It is proposed that each local government will provide the following cash contribution (via the City of Bunbury) annually for the term of the MOU.

LGA	20/21	21/22	22/23	23/24
Bunbury	\$165,000	\$135,000	\$110,000	\$100,000
Dardanup	\$20,000	\$20,000	\$20,000	\$20,000
Collie	\$6,000	\$10,000	\$15,000	\$20,000
Donnybrook	\$10,000	\$10,000	\$15,000	\$20,000
Harvey	\$10,000	\$20,000	\$25,000	\$30,000
Boyup Brook	\$2,000	\$2,000	\$3,500	\$5,000
Capel	\$10,000	\$10,000	\$15,000	\$20,000

The allocation of \$10,000 is included in the draft Budget.

It is considered that the continuation of the MOU for a further four years will allow a unified and coordinated approach to the development of tourism and marketing of the region to increase reach and the effectiveness of tourism marketing campaigns.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

With the recent events of 2020 surrounding COVID-19 and the state border closures, the Bunbury-Geographe Tourism Partnership Steering Committee (Steering Committee) consider now more than ever, the benefits of a further four year MOU.

A meeting was held 3 August 2020 where members of the Steering Committee and TAWG agreed to approach each member Council for support in entering into a new MOU for a further four year period. This will establish a further operational and governance model, continued regional buy-in and develop and implement a continued and stronger regional brand. For this reason, the group considers the continued employment of the Tourism Marketing and Development Manager or the delivery of the action plan by a third party, to be beneficial in order to continue the delivery of high priority areas of destination marketing.

It is intended that the Steering Committee, which is comprised of the CEO's of the member LGA's, will determine how the implementation of the Tourism Action Plan is delivered into the future. That is, the decision to have the implementation delivered by an employee (as it is currently) or by a third party, which is the preferred model at this point in time. Further details on this option will be circulated under separate cover.

The Councils in the Bunbury Geographe Region have the continued opportunity to take a regional approach to Tourism and Marketing and lift the profile of the region on both a State, National and once the COVID-19 restrictions ease, International stage. The purpose of the MOU is to create a unified approach to the management of tourism development, marketing and infrastructure and continue the relationship with the members and identify and promote key areas of focus including:

- Identifying tourism opportunities, priorities and gaps
- Developing a unified tourism brand for the region
- Marketing, governance and product development
- Identifying infrastructure and product development priorities.

To achieve this there needs to be a regional approach to tourism and marketing, and this has proven effective when lobbying for funding. Whilst this often crosses local government boundaries, there should not be conflicting positions when there is a true regional outcome.

This is particularly evident with projects such as the Bunbury Outer Ring Road which crosses many local government boundaries.

9.3.2 WASTE MANAGEMENT LEVY CHARGES

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	HLT 08/1
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council instruct the Chief Executive Officer to table an item for the next practicable meeting of the South West Zone of WALGA seeking the State Council of WALGA to support an advocacy approach with the Department of Local Government, Sport and Cultural Industries to resolve discrepancies in interpretation of the provision of the Waste Avoidance and Resource Recovery Act 2007 relating to the application of flat waste management levies.</p>

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	See a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

Conflicting advice between the Department of Local Government, Sport and Cultural Industries (the Department) and the Western Australian Local Government Association (WALGA) in relation to the application of a 'flat' or 'fixed' levy under the Waste Avoidance and Resource Recovery Act 2007 (the Act) is a local government sector-wide issue that requires resolution. This report recommends that, via the South West Zone, WALGA adopt an advocacy position with the Department to provide clarity and consistency in interpretation and application of the Act to the sector.

BACKGROUND

Similar to numerous other local governments, the Shire of Donnybrook Balingup raises an annual Waste Management Levy (via the annual Rates Notice) under provision of the Waste Avoidance and Resource Recovery Act 2007 (the Act). The Shire has raised this specific levy under the Act for the past 14 years, rather than including the payment/revenue via the GRV/UV Rating system.

Recent advice from the Department highlights that raising a 'flat' or 'fixed' waste management levy is not considered by the Act. However, legal advice attained from WALGA identifies that raising a 'flat' or 'fixed' levy does accord with the provisions of the Act.

Regardless of the conflicting interpretations of this provision of the Act, the Shire has reviewed the methodology of the application of the Waste Management Levy in its draft 2020-21 Budget, in line with the Department's advice.

FINANCIAL IMPLICATIONS

As the Department's advice relates to the methodology for calculating/applying the Waste Management Levy, rather than the raising of the levy per se, there are no financial implications.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Until a definitive position on the methodology of applying a Waste Management Levy is attained, the Shire has adopted the position of following the Department's advice/interpretation (as the Department is the sector regulator).

CONSULTATION

Shire staff have been in consultation with the Department, WALGA and neighbouring local governments on this matter since mid 2019.

OFFICER COMMENT

Without complex and time consuming financial modelling to determine and allocate thousands of individual levy concessions across all Shire rate assessments, the existing regime of waste management levy application instructed by the Department (under the Act) will result in a radically disproportionate distribution of waste management costs. The preceding approach of the Shire (for the past 14 years), whereby a 'flat' levy is applied 'across the board' is a much simpler, more robust and rational approach; none-the-less, this approach is not supported by the Department under interpretation of the existing provisions of the Act.

To enable a clear, rational and consistent approach to this matter, it is recommended that WALGA, as the sector representative, advocates with the Department to achieve a workable solution.

9.3.3 LOCAL GOVERNMENT ACT REVIEW PANEL FINAL REPORT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	DEP 22/4D
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.3(1) - Local Government Review Panel Final Report 9.3.3(2) - State Council Item 5.5 – Local Government Review Panel Final Report
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive the ‘Local Government Review Panel Final Report (05-034-01-0001 TB)’ as per Attachment 9.3.3(1) 2. Authorise the Shire President and Chief Executive Officer to present and advocate for Shire of Donnybrook Balingup and local government sector good governance outcomes at the South West Zone of WALGA meeting on 28 August 2020 (and any subsequent meetings relating there-to).

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.1	A Strategically focused, open and accountable local government
Strategy	4.1.1	Provide accountable and strategic leadership
Action	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

EXECUTIVE SUMMARY

The South West Zone of the Western Australian Local Government Association (WALGA) are seeking support from local governments to advocate good governance outcomes following the release of the recommendations in the Local Government Review Panel’s final report.

BACKGROUND

In 2017 the State Government announced a review of the *Local Government Act 1995*.

Given the breadth of matters covered by the Local Government Act, a staged approach to the review was adopted:

- Stage one: priority reforms
- Stage two: wide ranging reforms leading to a new Local Government Act

The report relates to the Stage 2 reforms. The Department of Local Government carried out a consultation process in 2018/19 where over 3,000 submissions were received.

WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by the WALGA State Council in March 2019. The SW Zone wish to consider the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.

The Minister for Local Government appointed an Independent Panel to consider submissions received by the Department of Local Government Sport and Cultural Industries on the review of the Local Government Act in November 2019.

The Panel's report has made 65 recommendations.

The Panel's report does not represent Government policy; the Minister for Local Government has stated the report will be considered as part of the Act Review process.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Local Government Act 1995

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

WALGA are seeking a sector position on the recommendations. The recommendations to support, oppose or seek further consultation or information will be proposed at the SW Zone meeting on 28 August 2020.

The SW Zone recommendations will be collated into a consolidated recommendation that will be provided for State Council consideration at its meeting on 2 September 2020.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

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

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 23 September commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.