



Ordinary Council Meeting

14 June 2023

MINUTES

Meeting Notice

Dear Councillor,

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, 66 Allnut Terrace, Augusta on 14 June 2023, commencing at 5:30 pm.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephanie Addison-Brown', is written over a white background.

STEPHANIE ADDISON-BROWN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Augusta Margaret River acknowledges we are on Wadandi and Pibelmen Boodja, whose ancestors and their descendants are the traditional owners of this country.

We acknowledge the Wadandi and Pibelmen have been custodians since the land was soft (creation times) and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

The Shire is committed to Aboriginal Australians sharing fairly and equitably in the region's cultural, social, environmental and economic future.

SHIRE'S VALUES / MISSION

Our Mission

"To protect the natural environment, strengthen our communities, foster local economic prosperity and responsibly manage the community's infrastructure and assets".

Our Values

- Honesty
- Commitment
- Respect
- Courage

Our Strategic Goals

- Valuing the natural environment
- Welcoming and inclusive communities
- Managing growth sustainably
- Vibrant and diverse economy
- Effective leadership and governance

ATTENTION/DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the Shire of Augusta Margaret River. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The Shire of Augusta Margaret River expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm.

The Shire President gave an Acknowledgement of Country:

‘Kaya Quabba Kidji Jinnung Noonda Gulyarra Yerunga Wadandi Boodja.

Hello good to see you altogether on Wadandi Boodja

Ngarlack Kaatij Wadandi Yunganjarli Wadandi Boodja.

I would like to acknowledge the Wadandi People, the Traditional Owners of Wadandi.

2. ATTENDANCE

Shire President	:	Cr Paula Cristoffanini
Councillors	:	Cr David Binks Cr Brian Daniel Cr Ian Earl Cr Kylie Kennaugh Cr Tracey Muir
Chief Executive Officer	:	Ms Stephanie Addison-Brown
Director Corporate and Community Services	:	Mr James Shepherd
Director Sustainable Development and Infrastructure	:	Mr Nick Logan
Manager Planning and Regulatory Services	:	Mr Matt Cuthbert
Manager Legal and Governance	:	Ms Mel Aylett
Governance Officer	:	Ms Emma Rogers
Manager Corporate Performance	:	Ms Melanie Aylet

MEMBERS OF THE PUBLIC : 18

MEMBERS OF THE PRESS : Warren Hately, AMR Times

2.1 Apologies

Nil

2.2 Approved Leave of Absence

Cr Julia Meldrum

3. DISCLOSURES OF INTEREST

3.1 Item 11.2.7 Wooditjup Bilya Precinct Community Plan – Impartiality Interest – Cr Kennaugh

Cr Kennaugh disclosed an impartiality interest as she is a member of the Rotary Club.

3.2 Item 11.2.3 RFT 08-23 Licensed Electrical Services – Financial Interest – Cr Earl

Cr Earl disclosed a financial interest as his electrical business was one of the applicants for the tender.

3.3 Item 11.2.10 Bush Fire Advisory Committee Meeting - 17 May 2023 – Impartiality Interest – Cr Earl

Cr Earl disclosed an impartiality interest as he is a member of the Cowaramup Bush Fire Brigade.

4. PUBLIC QUESTIONS

4.1. Response To Previous Public Questions Taken On Notice

Nil

4.2. Public Question Time

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1. Ordinary Council Meeting Held 24 May 2023

MOTION / COUNCIL DECISION

CR BINKS, CR MUIR OM2023/78

That Council confirms the minutes of the Ordinary Council Meeting held on 24 May 2023 to be a true and correct record of the meeting.

CARRIED 6/0

7. DEPUTATIONS

7.1 Item 11.2.7 Wooditjup Bilya Precinct Community Plan – Linton Hodsdon

Linton Hodsdon addressed the meeting in relation to Item 11.2.7 Wooditjup Bilya Precinct Community Plan.

7.2 Item 11.2.8 Proposed Local Development Plan – Rapids Landing Village Centre – Dean Gaunt

Dean Gaunt of Urbis, addressed the meeting in relation to Item 11.2.8 Proposed Local Development Plan – Rapids Landing Village Centre.

8. PETITIONS

Nil

9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

10. QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. REPORTS OF COMMITTEES AND OFFICER REPORTS

PROCEDURAL MOTION / COUNCIL DECISION

CR EARL, CR MUIR OM2023/79

That Council moves to Item 11.2.11 Leeuwin Path and Taalinup Boya Health Country Plan Implementation, for consideration.

CARRIED 6/0

Item 11.2.11 was then brought forward for consideration:

**11.2.11. LEEUWIN PATH AND TAALINUP BOYA HEALTHY COUNTRY PLAN
IMPLEMENTATION**

Location/Address	Reserve 25141 - Leeuwin Road, Augusta
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	RES/25141
Report Author	Nick Logan – Director Sustainable Development and Infrastructure, David Nicholson, Manager Asset Services, Hayley Bain, Acting Coordinator Environment & Landcare Services
Authorising Officer	Stephanie Addison-Brown, CEO
Authority/Discretion	Executive/Strategic

This item was published as a late report on 9 June 2023

IN BRIEF

- Since 2011 planning, design and construction of a shared use trail linking Flinders Bay to the Cape Leeuwin Lighthouse has been implemented, in accordance with a series of Council resolutions.
- The area is significant to Traditional Owners and cultural and environmental values were explored in detail through the Taalinup Boya Healthy Country Plan (TBHCP). Together with previous flora/vegetation and fauna/habitat surveys the TBHCP has guided development of trail options.
- Further consultation has been undertaken with traditional owners and other stakeholders.
- The trail is currently constructed from Flinders Bay to Dead Finish.
- The latest stage of this project has been the identification of a preferred alignment for completion of the trail from Dead Finish to the Cape Leeuwin Lighthouse.
- A trails consultant was appointed to undertake field assessments, prepare a multi-criteria analysis of alignment options and recommend a preferred trail alignment.
- The preferred alignment is supported by stakeholders and is now presented to Council for consideration so that the project can proceed to detailed design and the necessary environmental and cultural heritage approval approvals can be sought.

ATTACHMENTS

Tabled Item - Leeuwin Trail Options Analysis Report (Common Ground Trails 2023)

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

1. Endorses the proposed alignment of the Leeuwin Trail, as identified in the Leeuwin Trail Options Analysis Report.
 2. Requests the CEO to proceed with detailed design and seek environmental and aboriginal heritage approvals in 2023-24 to enable construction to commence in 2024-25.
 3. Notes the current expected budget shortfall and intent to seek additional grant funding and explore alternative funding options to implement the project.
-

LOCATION PLAN



Figure 1 – Location of Reserves 25141 and 29219

Reserve 25141 is 39.1ha under a management order to the Shire for the purposes of Recreation. Reserve 29219 in the area of this coastline known as Sarge Bay, is 3,820m² under management order to the Shire for the purposes of Public Recreation and Landing Place. The land is bounded by Leeuwin Road to the north and further, Reserve 8428 that is a component of the Leeuwin Naturaliste National Park. The exception being the privately owned Lot 3 Leeuwin Road that is zoned for Tourism Development. The land is bounded to the south by the Southern Ocean. The area in focus commences at the end of the current trail at Dead Finish and extends to the parking area at the entrance to the Cape Leeuwin Lighthouse. The land is largely vegetated and has several environmental and cultural heritage sensitivities discussed in this report. The land is also subject to areas of degradation and impact from historical use, including walk trails, informal vehicle access, informal parking and viewing of the scenic coastline.

BACKGROUND

The Shire has been progressively investigating and constructing a multi-use trail (walk/cycle) from Flinders Bay to the Cape Leeuwin lighthouse since at least 2011. In 2015-16 a concrete shared path was constructed between Flinders Bay and the Augusta Boat Harbour (ABH).

Due to significant community interest and constraints - including financial, environmental, cultural and constructability - Council has considered the proposed extension of the trail to Cape Leeuwin Lighthouse on several occasions.

In 2016 at OM2016/46 Council resolved:

That Council:

- *Supports a dual use path to be constructed from the Augusta Boat Harbour to Dead Finish Rd in the 2016/17 financial year.*
- *Forms an Augusta Path/ Trails group in order to determine the most suitable path alignment from the Augusta Boat Harbour to the Leeuwin Lighthouse, giving consideration to the environmental, financial and safety aspects.*
- *Explore additional funding options, including grants and the sale of Augusta land assets, to support the staged completion of the path.*

CARRIED 6/1

CR HAYNES VOTED AGAINST

Following discussion, in 2018 at OM2018/162 Council decided:

Council asks that the CEO:

1. *Make a recommendation to Council on the appointment of a specialised trail consultant to;*

- a) *finalise construction details, and await a clearing permit for the trail section between Augusta Boat Harbour and Dead Finish, with the aim to complete construction by November 2018.*
- b) *Complete the work required in sections 1,3,4 and 7 of this motion subject to satisfactory costings of each section.*
2. *Once construction details are finalised seeks external and internal quotes to determine the most cost efficient method of constructing this section of the Trail.*
3. *Calls a meeting of the Augusta Path/Trail Group, relevant officers and the appointed consultant to determine the status of the group and its composition and to formally determine a potential alignment for the sections beyond Dead Finish;*
4. *Commissions the trail consultant to conduct a feasibility analysis/concept plan of the trail and corridor for the entire section between Dead Finish and the Lighthouse, and a preliminary cost estimate.*
5. *Commissions flora fauna surveys (Spring 2018) and Aboriginal Heritage surveys if required, for the preferred corridor from Dead Finish to the Lighthouse once the alignment is determined.*
6. *Receives a report on the preferred alignment and preliminary cost and consider the need to amend the allocation for the project in the Long Term Financial Plan.*
7. *Commissions the trail consultant to develop a detailed construction plan and costing for distinct trail sections, ready to allow procurement for continued construction, in a timely manner on a staged basis, utilizing current and future budgeted funds.*
8. *Seeks supporting grant funding for further stages including dedicated interpretive signage to ensure the creation of a world class walking/cycle track, after having determined their alignment and cost.*

CARRIED 7/0

In 2019, Litoria Ecoservices was engaged by the Shire to undertake a Flora and Vegetation Assessment and a Fauna and Habitat Assessment and to guide the development of the proposed trail from ABH to the Cape Leeuwin Lighthouse. The Flora and vegetation assessment found that *“The site contains significant conservation values worthy of protection and where possible enhancement.”* The report recommended avoiding clearing/disturbance of good/better condition native vegetation, utilising existing cleared tracks for the trail, limiting the extent of any clearing and listed several environmentally sensitive areas that the trail should avoid.

The fauna and habitat assessment identified several declared or priority fauna species that inhabit the site, including Western Ringtail Possum, Baudin’s Black Cockatoo, Leeuwin Freshwater Snail, Chudich, Quenda and Hooded Plover. The report recommended realignment of a section of the proposed trail, minimising clearing, undertaking revegetation and implementing construction management measures to minimise impacts.

Following extensive environmental approvals and negotiations with Department of Transport, approximately 800m of compacted granite path was constructed from the ABH to Dead Finish Road (see Figure 2) in 2019-20.



Figure 2 – Aerial View of existing path/Dead Finish Road junction looking east

In May 2020, Council received a presentation from Traditional Owners who requested further engagement in the form of preparation of Healthy Country Plans for key areas in the Shire with an objective of exploring and documenting the heritage and cultural significance of particular places. The land described in this report was a focus given the planning being undertaken for extension of the trail to Cape Leeuwin Lighthouse.

The Council then reconsidered the issue and on 10 June 2020 resolved (OM2020/97):

That Council:

- 1. Notes the outcomes of the preliminary trail analysis, flora and fauna surveys, initial cultural consultation and consultation with the Augusta Interpretation Plan and Trails Community Reference Group;*
- 2. Notes the need for a detailed archaeological and ethnographic survey;*
- 3. Authorises the CEO to engage with Wadandi representatives and source relevant consultants to undertake a Health Country Plan for the area from Dead Finish to the Cape as soon as feasibly possible;*
- 4. Notes that no construction will occur whilst this plan is being developed;*
- 5. Receives the Healthy Country Plan once complete with the recommendations for the area; and*
- 6. Requests the CEO investigate opportunities for state or federal government funding to ensure the highest standards of environmental and cultural integrity in any Cape Leeuwin Track Design.*

CARRIED 7/0

The Taalinup Boya Healthy Country Plan (TBHCP) was then prepared and presented to Council on 8 June 2022, where the Council resolved (OM2022/85):

That Council:

- 1. Notes the outcomes of the Taalinup Healthy Country Plan and the potential management action;*
- 2. Requests the CEO to initiate a process for formal naming of the area including consultation as part of this process; and*

3. *Notes that further evaluation of the Dead Finish to Cape Leeuwin section of the lighthouse path will be guided by the values, recommendations and management actions of the Taalinup Healthy Country Plan.*
CARRIED 7/0

An extension of the current path over approximately 2.7km would provide pedestrians and cyclists the opportunity to travel safely from Dead Finish to Cape Leeuwin Lighthouse. There are very significant environmental and cultural constraints that require careful evaluation against the impacts of path establishment and ongoing use. The TBHCP recommended three alternative alignments for a portion of the trail to avoid impacts on culturally sensitive areas which have been evaluated in accordance with the intent these alignments sought to achieve.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

A range of legislation is relevant to this project, a brief summary is included as follows.

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)* specify the restrictions on clearing of vegetation.

The *Biodiversity Conservation Act 2016* provides for species, subspecies or populations of native animals (fauna) to be listed as Specially Protected, Threatened (Critically Endangered, Endangered or Vulnerable) or Extinct in Western Australia.

The *Environmental protection and Biodiversity Conservation Act 1999 (Cmwlth)* provides a framework for the protection of the environment and its natural and culturally significant places. The Act specifies when certain actions may be restricted to protect these values.

Management of the area is provided by management order under the *Land Administration Act 1997*, enabling the Shire to make decisions on use and management consistent with the reserve purpose.

The *Aboriginal Cultural Heritage Act 2021* replaces the previous legislation on 1 July 2023 and so will be relevant to the implementation of the project. Trail development would constitute a Tier 3 activity under this Act. Given the TBHCP and the mitigation and site avoidance measures agreed through consultation the Shire has been proactive in developing an appropriate response to known cultural features in the area. Further consideration of approval requirements and due diligence of appropriate measures under this new legislation will be required.

STRATEGIC COMMUNITY PLAN 2040

Environment

Outcome EN.1: Ecology and biodiversity protection

Strategy EN.1.1: Provide, regulate, facilitate, fund and advocate to manage ecological values, inform best practice and protect and enhance the biodiversity values of the region

Strategy EN.1.3: Provide, regulate and facilitate to support Wadandi and Pibelman Traditional Owners use and share cultural knowledge to care for Boodja and water in the Shire

People

Outcome PE.1: Diverse cultural values are respected and adopted

Strategy PE.1.1: Facilitate, advocate for and fund initiatives which promote Wadandi and Pibelman cultural values and Aboriginal heritage with residents and visitors

Environment

Outcome EN.2: Healthy waterways, foreshores and natural landscapes

Strategy EN.2.2: Facilitate, fund and advocate for an adaptive response to coastal processes and the protection of key landscapes in the Shire

Strategy EN.2.3: Provide, regulate, facilitate and advocate for habitats, corridors and refugia to be identified and protected utilising land use planning incentives and community partnerships

CONSULTATION AND ADVICE

There has been extensive community consultation undertaken during the development of the proposed trail alignment and standard over the last ten years, including:

- Augusta Interpretation Plan and Trails Community Reference Group – supports the project, selected alignment and trail standard.
- Broad community consultation – there is strong community support for a walk/cycle trail, particularly from within the Augusta community.
- Consultation and an on-site inspection with Traditional Owners - Undalup Association has been engaged through development of the proposed trail alignment.
- Government agencies with whom consultation or approvals are required - Department of Transport, Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation.
- Other stakeholders including Augusta Margaret River Tourism Association, Department of Local Government, Sport and Cultural Industries – supportive of the project.

DISCUSSION / OFFICER COMMENTS

The Taalinup Boya Healthy Country Plan (TBHCP)

The TBHCP development included both archaeological and ethnographic analysis to discover and document a range of heritage values, including specific culturally sensitive areas. The TBHCP included a series of management actions under six key themes:

- 1) *Cultural Rangers & Cultural Monitoring*
- 2) *Heritage & Cultural Natural Resource Management Projects*
- 3) *Dual Naming, Signage & Artworks*
- 4) *Cultural Biodiversity Management*
- 5) *Ongoing Cultural Mapping & Research*
- 6) *Active Joint Management*

The TBHCP also notionally incorporates three potential trail alignments for further consideration, all based on maintaining cultural value and limiting environmental impact. These alignments have been given detailed consideration through further due diligence undertaken in path alignment investigations. In particular the consideration of alignments has been based on the recommendations of the TBHCP that trail development should be based on the following recommendations:

- 1) Develop a technical trail plan that incorporates cultural and ecological values, topographic constraints, and is well planned out and budgeted for ongoing maintenance, cumulative impacts (e.g. increased rubbish, trampling, and erosion).
- 2) Consider re-alignment of the trail to use existing tracks to avoid sensitive cultural and ecological areas (with three potential alignments provided).
- 3) Factor in the need to carry out heritage protection projects, sand dune stabilisation work, and retaining walls in various places.
- 4) Factor in design elements that incorporate raised boardwalks to avoid impacts to sensitive cultural areas, granite ecosystems, water sources, threatened ecological communities, and unstable terrain.
- 5) Factor in the management recommendations outlined in this Plan as an effective measure to ensure ongoing management, monitoring and maintenance is thoughtfully planned

In addition, the TBHCP contains specific management actions that can be implemented in project development and delivery, including access control, ongoing monitoring and management, signage, construction methods to preserve values, rehabilitation, cultural art, renaming and over the longer term, consideration of joint management of the reserve. It has been confirmed with the Undalup Association that the trail planning undertaken captures the outcomes of the TBHCP.

Environmental Considerations

Flora and Fauna surveys were undertaken in Spring 2019 between Dead Finish and Cape Leeuwin by Litoria Ecoservices. A number of significant biodiversity values were identified in the survey area. The area represents some of the most ecologically significant and intact bushland reserves managed by the Shire, due to the following:

- Areas of the Endangered Threatened Ecological Communities (TEC): 'Rimstone Pools and Cave structures formed by microbial activity on the marine shoreline: Augusta Microbial – (Aquatic rootmat community Number 1 in caves of the Leeuwin-Naturalist Ridge)' (otherwise known as the 'Tufa' community).

- Areas of the P2 listed Priority Ecological Community (PEC) 'Melaleuca lanceolata forests, Leeuwin Naturaliste Ridge'.
- Population of P4 listed species *Banksia sessilis* var. *cordata*.
- Habitat for multiple threatened fauna species, including:
 - Western Ringtail Possum (Critically Endangered)
 - Baudin's Black Cockatoo (Endangered)
 - Leeuwin Freshwater Snail (Vulnerable)
 - Hooded Plover (Vulnerable)
 - Chuditch (Vulnerable)
 - Quenda (Priority 4)

Environmental Approval Requirements

A clearing permit under the WA Environmental Protection (Clearing of Native Vegetation) Regulations 2004 will be required for any clearing of native vegetation for construction of the trail. Under these Regulations, clearing of native vegetation is not permitted without a clearing permit, unless an exemption applies. For the proposed trail, a majority of the site constitutes an Environmentally Significant Area, and therefore it is not an exempt activity under the Regulations.

It is unlikely that the activity will be considered a 'controlled action' under the Australian Government's EPBC Act, given that clearing will be less than 1 hectare. The recent Australian Referral Guideline for 3 WA threatened black cockatoo species (2022) indicates that clearing of over 1 ha of high-quality foraging habitat for black cockatoo species would require referral to the Australian Government Department of Agriculture, Water and the Environment for assessment. No specific habitat trees that may otherwise trigger referral considerations have been identified through previous assessment and could be avoided through implementation.

The clearing permit application will need to include and consider the following:

- Flora and fauna survey reports and digital mapping are required to be submitted to DWER to accompany clearing permit applications. Survey reports are generally accepted by DWER for five years following the survey date. The 2019 flora and fauna surveys will therefore have validity until December 2024. Given the high number and complexity of environmental sensitivities that could potentially be affected by the project, it is recommended that additional Spring surveys that target significant species and communities be commissioned for Spring 2023. The additional surveys will supplement the 2019 surveys with the most up to date biodiversity data in line with current best practice standards.
- Application of the mitigation hierarchy to demonstrate how impacts of the clearing will be reduced and managed e.g. – Avoid, Minimise, Rehabilitate/Mitigate, Offset. This will need to include identification of avoidance measures (eg design of trail to avoid habitat trees etc), mitigation strategies (e.g. boardwalk section to minimise impacts to Tufa community), and rehabilitation of degraded areas.
- An offset proposal to counterbalance the overall residual impact of the clearing. DWER has developed an Environmental Offsets Metric to quantify and calculate the offset required, which takes into consideration the conservation significance of the impact area, implementation of mitigation and rehabilitation measures, and subsequent calculation of the significant residual impact. Offsets can be achieved through land acquisition and/or on-ground management (including by financial contribution).

A minimum of 12-18 months should be set aside to undertake flora and fauna surveys and to obtain a clearing permit. This time will allow for implementation of Spring flora and fauna surveys, environmental constraint mapping and detailed design of the trail to avoid and minimise impacts, development of a mitigation and rehabilitation program for the site, and calculation and identification of an offset proposal. A further targeted flora or fauna survey may be required during this timeframe for an identified offset site. Once an application is received by DWER, assessment of this information can take between 3-6 months, but can be considerably longer depending on the complexity of the issues and level of detail provided with the application. The public appeals process for clearing permits can also add several months to the process if an appeal is received. The way to minimise the risk of a drawn-out assessment process is to include as much detail as possible with the application, and a well-developed strategy to demonstrate how impacts will be avoided, minimised, mitigated, offset etc.

Design Options Considered

Following Council adoption of the TBHCP, Common Ground Trails was engaged to evaluate trail alignment options and recommend a preferred alignment. Eight options were assessed and included the two original alignments proposed by the Shire, three alignments proposed in the TBHCP, a walk only option and two additional options suggested by the consultant. The eight options were:

- Option 1 – Coastal Low
- Option 2 – Coastal High
- Option 3 – Road Lower
- Option 4 – Power Line Easement
- Option 5 – Private Property Link
- Option 6 – Coastal Walk Only
- Option 7 – Least Clearing
- Option 8 – Power Lines Diversion

Each option is comprised of discrete sections and, in some cases, alternative alignments. Some of the individual sections form part of several of the options. Each discrete section was assessed against evaluation criteria, which included impact on flora, impact on fauna, hygiene, impact on cultural features, land tenure, vegetation clearing required, cut/fill required, gradient, user experience, user risk and constructability. The options, their component sections and the outcome of the multi-criteria assessment are shown in Figure 3. The higher rated sections are shown in shades of green, moderately ranked sections in beige and the lowest rated sections in orange/red.

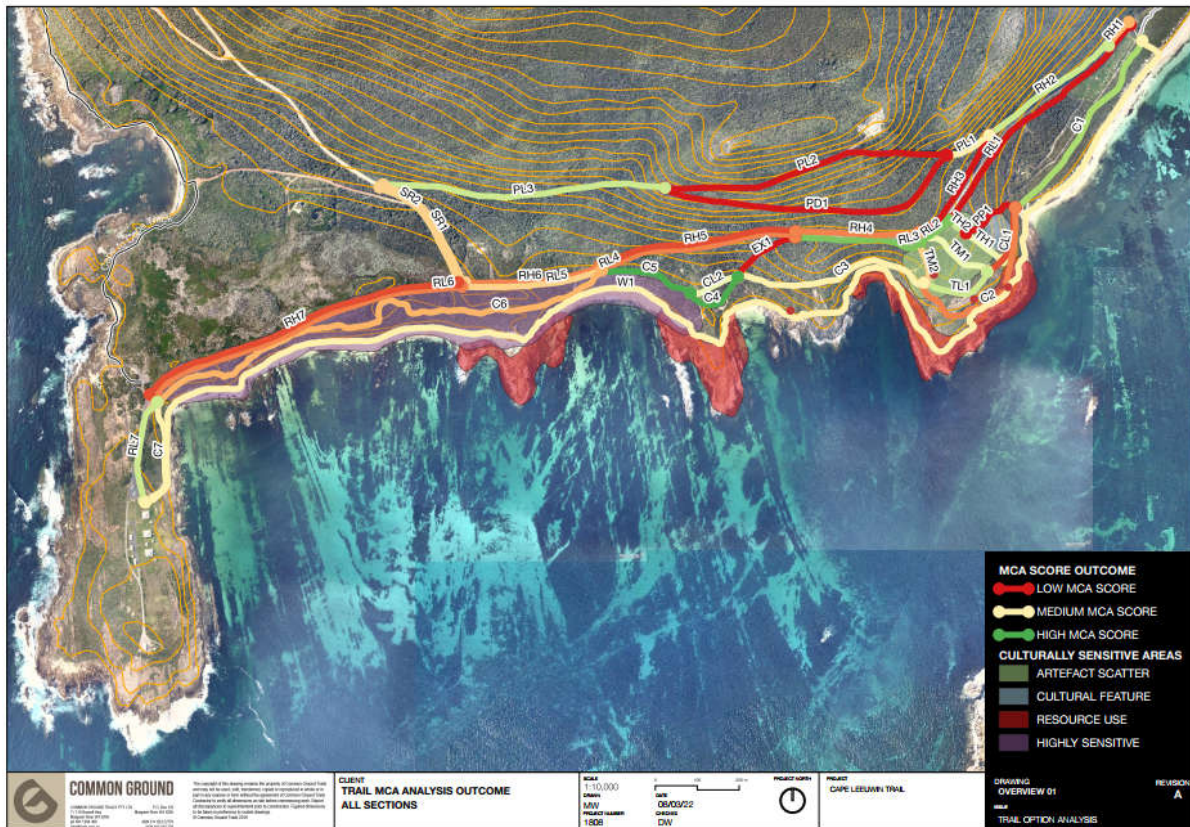


Figure 3: Outcome of Options assessment

It is not possible to select a continuous route from Dead Finish to Cape Leeuwin that is comprised entirely of sections that are highly rated and completely avoid impacts on areas of high cultural and/or environmental value. Further field analysis and consultation was therefore undertaken, including a site visit with traditional owners and other stakeholders. A preferred alignment was identified through this process, comprising of mostly of sections of the original options with some minor alignment variations and is shown in Figure 4:



Figure 4: Preferred trail alignment

Wherever possible, the preferred alignment utilises existing informal vehicle/walk tracks or degraded areas. The preferred alignment passes through an area identified in the TBHCP as culturally sensitive, and also through an artefact scatter, although mostly on an existing informal track. Therefore, further due diligence and consultation with traditional owners will be required, and preparation of an aboriginal heritage management plan is likely to be required. Monitors are also likely to be required during construction.

It is proposed to construct a separate trail along the south side of Dead Finish Road (approximately 600m) to separate walkers/cyclists from vehicular traffic. Currently walkers and cyclists share the track with vehicles, but this is not considered a satisfactory long-term arrangement as development of the adjacent private lot for tourism purposes will increase traffic and necessitate separation of vehicles from non-motorised users.

The western portion of the preferred trail alignment passes through coastal dunes that are identified in the TBHCP as “highly sensitive”. This alignment minimises the amount of vegetation clearing required, visual impact, construction footprint and cost compared to constructing the trail along the verge of nearby Leeuwin Road, where there are steep sand dunes and a large batter or extensive retaining would be required.

The proposed trail alignment has been chosen to avoid clearing of large trees and to minimise clearing of native vegetation, however, a clearing permit will be required. Flora and fauna assessments have previously been conducted, but more detailed assessments will be required to support the clearing permit application. In general, the trail has been planned so as to be able to negotiate a route through vegetation while retaining significant individual instances of vegetation.

The preferred alignment is supported by Undalup Association and the Augusta Interpretation Plan and Trails Community Reference Group.

Trail Standard

The existing trail from Flinders Bay to Dead Finish varies from a 2.5m wide concrete path, to approximately 2 metre wide compacted granite, to shared use of an existing gravel road, and is currently suitable for walkers, cyclists and prams. Due to grades and surfaces, it is not considered feasible to provide for universal access. To meet user needs and for consistency, it is proposed to continue with

the same standard of trail to the lighthouse as has been constructed between ABH and Dead Finish Road - 2.5 metre wide compacted granite. This will require a clearing footprint of approximately 3 metres. There might be locations where the width of the trail is reduced due to terrain and/or to avoid environmentally and culturally sensitive areas. This will be resolved during the detailed design stage, prior to construction.

Boardwalks will be required in two sections – a 25 metre section where the trail passes over a granite outcrop and a 15 metre section is required to preserve the hydrological flow regime to protect the habitat for tufa and the Cape Leeuwin snail. A switchback might be required on the eastern approach to Ringbolt Bay due to steep gradients and this will be resolved in the detailed design stage.

Additional Works

In addition to the trail itself, complementary works are recommended at several locations. An existing track from the lookout/Matthew Flinders memorial will be converted to a timber staircase to provide a link from the car park to the trail. Other nearby vehicle tracks at this location will be closed and rehabilitated. The existing vehicle track to Ringbolt Bay is proposed to be formalised and a turnaround provided. An adjoining area used as an informal coastal lookout will be rehabilitated. As with the completed section of trail from ABH to Dead Finish Road, where the trail passes close to Leeuwin Road and there are informal verge parking areas, these will be separated from the trail with large rocks.

Opinion of Probable Costs

Common Ground Trails has provided an Opinion of Probable Costs (OPC) for the preferred trail alignment based on the costs of constructing similar trails in other locations. This includes a contingency of 10% and a cost escalation factor of 5%, as material and contractor costs will continue to rise before the trail is constructed. The estimated cost (excluding GST) is approximately \$653,000. This does not include allowance for the additional works described above (rehabilitation of degraded areas, access stairs, Ringbolt Bay track upgrade and turnaround and verge parking areas), trails and interpretive signage, which are likely to cost around \$100,000. Other costs that are not included in the OPC are implementation of complementary measures recommended in the TBHCP, detailed design and costs associated with obtaining environmental and aboriginal heritage approvals.

Progressing the TBHCP and Leeuwin Path

Implementation of the trail will require:

- Detailed design – procurement of a suitably qualified specialist consultant, detailed survey might be required to inform design
- Environmental approvals – DWER clearing permit, supporting flora and fauna assessments
- Aboriginal heritage due diligence – further consultation with traditional owners and with the Karri Karrak Aboriginal Corporation, preparation of a management plan is likely to be required
- Preparation of a construction specification
- Procurement of a construction contractor - competitive tender process
- Keeping stakeholders informed during this process

It is proposed that detailed design and approval are progressed in 2023-24 with contractor procurement and construction programmed for 2024-25.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

There has been a notional budget allocation for planning, design and construction of the trail for many years and it is included in the current (and previous) Long Term Financial Plan.

The Shire's LTFP currently has an allocation in 2024-25 for Stage 4 of the Flinders Bay to Cape Leeuwin path at a cost of \$497,436. This is outlined to be funded by the following:

- Augusta Revitalisation Reserve \$151,983
- DoT grant \$248,718
- Municipal funds \$96,735

In 2019 the Shire made the decision (OM2019/222) to sell Lot 15 (29) Allnutt Terrace, Augusta and transfer the proceeds of sale to an 'Augusta Revitalisation Reserve'. The decision included a specific

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provision that the proceeds of sale would be used to fund the Leeuwin Path. While funds have been budgeted to be drawn from the revitalisation reserve they have never actually been drawn down and the balance of the reserve, including interest earned, currently sits at \$232,605.

In 2023 the Shire obtained a Department of Transport Western Australian Bicycle Network grant of \$315,000 towards the path, with \$15,000 earmarked for design development through 23/24 and \$300,000 towards implementation in 24/25. These grants are typically focused on a 50/50 matching basis and \$30,000 has been sought in the 23/24 budget for design and approvals, incorporating the \$15,000 design component of the grant allocation.

As noted above the OPC for construction is approximately \$653,000. Additional costs associated with construction noted above have an additional estimate of \$100,000. The implementation of the Healthy Country Plan actions are largely captured in these costs, with the exception of actions around joint naming and ongoing monitoring and the potential for joint management. These actions can continue to be progressed and budget allocation evaluated at the time that greater certainty is known around the potential approach to items such as joint management of the reserve. Monitoring during project implementation will be required and approximately \$30,000 should be allowed for confirming heritage site protection measures and monitoring through construction.

Budget assumptions and potential funding is described as follows:

Total Project Costs

Cost 23/24	
Environmental survey and application	\$17,400
Design Development	\$12,000
Total 23/24	\$29,400
Cost 24/25	
Construction	\$653,000
Rehabilitation, signage, cultural art, parking, existing access improvement and stairs	\$100,000
Site monitoring and cultural advice	\$30,000
Offset implementation	\$50,000
Total 24/25	\$833,000
Cost 25 onwards	
Offset monitoring	\$5,000 per annum
Maintenance	\$10,000 per annum

Funding Assumptions

Funding required	Current Allocation	Shortfall
23/24 - \$29,400	\$30,000	Funded, but potential for additional costs through further approval requirements
24/25 - \$833,000	\$497,436 in LTFP	\$335,564 shortfall from LTFP assumption
25 onwards	\$0	\$15,000

Funding Strategy

Funding Year/Requirement	Potential Method
23/24 - \$30,000	Funded through DoT grant and municipal funds
24/25 - \$833,000	The current DoT grant of \$300,000 in addition to the \$232,605 remaining in the Augusta Revitalisation Reserve, plus the \$96,375 of municipal funds earmarked in the LTFP totals \$628,980, leaving approximately \$204,000 to be found for construction and associated implementation costs. Through 23/24 additional funding will be sought through grants, exploration of further contributions from municipal funds and consideration of other potential funding sources, all of which would require future budget approval from Council.

25 onwards \$15,000 per annum	Increase operational budget for maintenance
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Whole of life costs are difficult to quantify for a trail of this nature. Typically, the trail base would not be subject to depreciation but would incur ongoing maintenance costs.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Whole of life costs	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to ‘Net Zero’ Targets

The trail has been planned and signed to minimise environmental and cultural impacts whilst providing a high-quality experience that encourages walking and cycling by local residents and visitors. A construction environmental management plan will be required to ensure that construction itself avoids environmental impacts, such as damage to vegetation and potential for the spread of dieback. The trail surface will be constructed from crushed granite, which to date has been sourced as a by-product of construction of the Margaret River Perimeter Road. The trail provides a healthy and alternative method of access to the Leeuwin Lighthouse and Cape to Cape walk track, enabling options for recreation and alternative transport modes.

ADVOCACY

A \$300,000 grant for design and construction of the trail has already been sought and obtained from the Department of Transport. Additional grant funding will be sought for construction and environmental activities through organisations and programs such as Lotterywest and the Coastwest program. These grant funding agreements typically require the Sire to contribute a portion of the required funding.

RISK ASSESSMENT

Whilst the proposed trail is strongly supported by the Augusta community, supported by Undalup Association, the Shire’s community reference group and other stakeholders, there could be objections to its construction through future processes. These risks will be mitigated by ongoing dialogue with the relevant government agencies and other stakeholders and strict compliance with due diligence requirements. These risks have also been mitigated by consultation, careful evaluation and identification of measures to minimise impact.

Not proceeding with construction of the trail would necessitate an ongoing requirement for management of informal access to and use of the coastal reserve.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR MUIR OM2023/80

That Council:

1. Endorses the proposed alignment of the Leeuwin Trail, as identified in the Leeuwin Trail Options Analysis Report.
2. Requests the CEO to proceed with detailed design and seek environmental and aboriginal heritage approvals in 2023-24 to enable construction to commence in 2024-25.
3. Notes the current expected budget shortfall and intent to seek additional grant funding and explore alternative funding options to implement the project.

CARRIED 6/0

Council then moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION

CR EARL, CR BINKS ON2023/81

That Council moves to Item 11.2.8 Proposed Local Development Plan - Rapids Landing Village Centre, for consideration.

CARRIED 6/0

Item 11.2.8 was then brought forward for consideration.

11.2.8. PROPOSED LOCAL DEVELOPMENT PLAN - RAPIDS LANDING VILLAGE CENTRE

Location/Address	Lot 9014 John Archibald Drive, Margaret River
Applicant/Landowner	Urbis/Balwyn Margaret River Pty Ltd
File Reference	P222750, PTY/12749
Report Author	Matt Slocomb, Coordinator Planning Services
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Legislative

IN BRIEF

- A Local Development Plan (LDP) is proposed to guide development of the future Village Centre and Main Street in Rapids Landing;
- The requirement for a Local Development Plan was imposed by the Department of Planning Lands and Heritage as a condition of approval issued for a related Structure Plan which increased retail floor space in the centre in 2021.
- An application for subdivision approval has also been made which proposes a 'main street' road width of 20 metres. Ideally, the LDP should set parameters for the subdivision to follow and the West Australian Planning Commission (WAPC) has put consideration of the subdivision on hold pending resolution of the LDP.
- The Shire of Augusta Margaret River (Shire) is of the view that 20 metres is insufficient with 21 metres being the absolute minimum that would be acceptable.
- The LDP is recommended for approval subject to modifications, including a requirement for a wider road reserve.

ATTACHMENTS

1. Proposed Local Development Plan for Rapids Landing Village Centre [11.2.8.1 - 3 pages]
2. Schedule of Modifications [11.2.8.2 - 3 pages]
3. Design Review [11.2.8.3 - 7 pages]
4. Schedule of Submissions [11.2.8.4 - 12 pages]
5. Additional Traffic Engineer advice provided by applicant [11.2.8.5 - 13 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

The Local Development Plan be approved subject to modifications, including the widening of the road reserve to 21 metres.

LOCATION PLAN



Figure 1 – Location of Lot 9014 John Archibald Drive. The main street area will connect between the roundabout on John Archibald Drive and Lescenultia Avenue to the south.

BACKGROUND

The subject site has been identified as a future Village Centre for a considerable period of time, dating back as far as the original outline development plans prepared for East Margaret River in 2005.

An LDP was prepared in 2014 which provided more detailed guidance for development of the Village Centre. Approximately 6000sqm of land was designated for commercial development, with a breakdown of the expected land uses provided below.

Of relevance to the current proposal is that the LDP included an indicative cross section for the main street that showed a 20 metre road reserve, as depicted below.

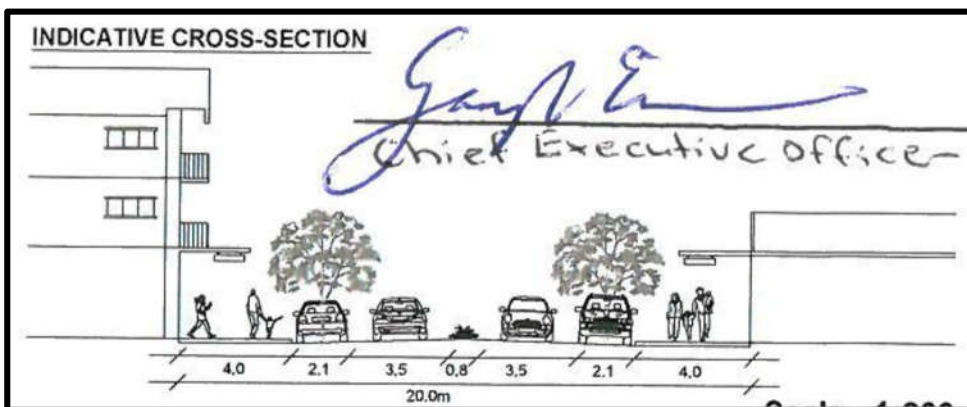


Figure 2 – Excerpt from previously approved LDP

A subdivision approval was issued based on the above LDP on the 18 April 2019. This approval incorporated a 20 metre road reserve width as above but was not actioned. This approval remains active until 18 April 2025 due to extensions to approval timeframes as a COVID response measure.

In 2021 the owners lodged a revised structure plan applicable to the Village Centre. The key change being an increase to the amount of land designated for commercial use. At the time the proponent advised that the main motivation for seeking the change was to make it easier to source a future anchor tenant (namely a full line supermarket), and if a full line supermarket is not viable in the short term, a larger land area will enable the centre to grow over time as required. This was accompanied by a retail need and sustainability strategy.

A comparison of the previous and current structure plan areas is included below.

Land Use	Original sqm	Modified sqm
Supermarket	1,500sqm	3,580sqm
Speciality Shops	1,500sqm	3,020sqm
Office and Commercial	2,515sqm	1,200sqm
Child Care	290sqm	-
Total	6,000sqm	7,800sqm

The Shires assessment of the proposal included a peer review of the retail need and sustainability strategy. On the 13 October 2021, Council recommended refusal to the modified structure plan. A summary of the reasons for refusal is provided below:

- Lack of detail provided by the proponent to demonstrate that the increase in retail floor space could achieve desirable urban design outcomes, including:
 - i. Creating a shaded, low speed main street style of development with active shop frontages (including the supermarket).
 - ii. Sleeving carparking behind the built form such that it is not dominant when viewed from major thoroughfares.
 - iii. Minimising hard stand to allow water infiltration and use of larger shade trees.
 - iv. Avoiding an agglomeration of big box style retail outlets which are not consistent with the scale or character of development in this area.
 - v. Mandating a minimum sustainability benchmark for future commercial developments in line with the objectives of the Shire's Draft Local Planning Strategy.
- Concerns with the proponent's retail needs modelling, particularly relying on a larger catchment area than ordinarily applied for a centre of this type.
- It was not demonstrated that the change will deliver community benefits in accordance with Draft State Planning Policy 4.2.
- Concerns the proposal would significantly impact the viability of the Margaret River town centre which has the potential to diminish its form and function through reducing vibrancy, increasing vacancy rates, a reduced retail offering and removing incentives for redevelopment. This was based on the concern that a Supermarket may relocate to the Village Centre, detracting from the options available in the town centre.

Following assessment of the West Australian Planning Commission, it was recommended that the structure plan be approved subject to a number of modifications. A summary of the key modifications are provided below:

- Reduction of the specialty retail floor area from 3,020sqm to 2,000 sqm.
- Include a requirement for a LDP to be prepared to provide guidance on a broad number of design considerations, listed in the Statutory Environment section below.
- Include a notation on the structure plan map stating that 'the road reserve width and configuration of Leschenaultia Avenue is subject to detailed design as part of the Local Development Plan'.

The subject LDP has been submitted as a means of addressing one of the conditions of the approved Structure Plan.

A subdivision application has been submitted to the Department of Planning Lands and Heritage in advance of the LDP with a proposed street width of 20 metres. The timing of the subdivision is not in keeping with the condition specified by the WAPC on the Structure Plan which requires that the LDP be finalised first in order to guide future subdivision. DPLH have deferred determination of the subdivision pending the outcome of the LDP.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Planning Strategy 2036

The LPS2036 supports the delivery of the Rapids Landing Village Centre, recognising that this will provide for access to day-to-day convenience goods within a short distance to a larger proportion of the urban grown areas in Margaret River. This will assist in reducing car dependence in these areas where people currently need to drive to Margaret River for these types of goods and services.

The strategy also places importance on new development being sympathetic to the established and desired character of the Shire. The following action is included in the Strategy:

- CT4i. Introduce development standards and/or a local planning policy to ensure any large format retail development is consistent with the existing and intended character and built form outcomes sought in the Shire

The LDP provides an opportunity to include design provisions to fulfill this objective.

Liveable Neighbourhoods

Liveable Neighbourhoods provides urban design guidance to inform a number of aspects of residential and commercial development, including the width of streets, location of public open spaces, Road Hierarchies amongst other factors. Details of the relevant aspects of Liveable Neighbourhoods has been included in the planning comment section of the report below.

East Margaret River District Structure Plan (EMRDSP)

The EMRDSP identified the subject site as an Activity Node, outlining that this will take the form of a Neighbourhood Centre. Additionally, Leschenaultia Avenue is designated as a Neighbourhood Connector in the EMRDSP.

Rapids Landing Neighbourhood Centre Local Structure Plan.

Below are the requirements of the Structure Plan which guide the preparation of the subject LDP:

A Local Development Plan is to be prepared and approved prior to any subdivision and development occurring in the Village Centre Zone, as shown on the endorsed Structure Plan. The Local Development Plan is to address the following considerations:

- *Locations of the different typologies of land uses, with the supermarket being designed to have active frontage to the Main Street.*
- *Built form considerations including appropriate scale, function and context of the precinct in consideration of:*
 - *topography and important views*
 - *the local urban morphology (pattern of streets and blocks)*
 - *building proportions, scale and heights*
 - *intended future precinct character*
 - *scale and design of the public realm (including streets)*
 - *building design guidelines.*
- *Indicate active frontages of buildings and how entries and windows of buildings could overlook adjacent streets and public spaces to establish an active and attractive street edge.*
- *Facilitation of an area of public open space/civic square area to provide for passive recreation and a meeting place for the local community.*
- *Vehicular access and parking, including consideration of access and loading for delivery and service vehicles and the landscaping and landscape screening of these parking and service areas.*
- *Consideration of the interface and amenity issues associated with adjacent residential development.*
- *Consideration of traffic and movement impact and detail any required modifications to John Archibald Drive.*
- *Consideration of the road reserve width of Leschenaultia Avenue, to be in accordance with Main Street principles outlined in Liveable Neighbourhoods.*
- *Preparation of street/road cross sections and intersection upgrades/treatments that show how street reserves and intersections will accommodate movement for all modes appropriate to the*

street/road function, together with on-street parking (where relevant), utility services and street trees.

- *Crime prevention through environmental design principles shall be incorporated into the development.*
- *Identification and protection of existing vegetation that is worthy of protection where the vegetation can be integrated into the design.*
- *A design statement, including graphical perspectives of the future intended main street, to address the design principles listed in State Planning Policy 7.0 – Design of the Built Environment*

As outlined above, the structure plan also requires that the LDP is used to determine the width and layout of the future main street.

LPP2 – Design Review

LPP2 determines the types of proposal that require an independent Design Review to inform the assessment of the proposal.

The proposal was eligible for a Design Review under clause 2.1.1d) of the Local Planning Policy, being an LDP which will have a significant influence on the future Village Centre area in Rapids Landing.

The review identified the following key aspects of the design which required further consideration:

- Provide a vision statement to guide the future design of the Village Centre which should inform future built form outcomes.
- Requirement for glazing to be provided along the northern elevation of the supermarket – examples provided of full line supermarkets developed in Inglewood and Mount Pleasant where this has been provided. Combine this with associated controls to ensure that signage or internal fit outs do not interfere with the relationship between the street and the building.
- Recommended widening of the road reserve to 21 metres in order to add additional width to the vehicle lane (0.5m) so as to allow for comfortable passing between a parked vehicle and larger commercial vehicles and buses.
- Concerns regarding the location of the town square, which should have access to morning sun, shaded in the afternoon and protected from the prevailing winds (south westerly in this case) which will not be achieved with current location. Recommends that this is relocated to the western side of the street, with an opportunity to retain an established tree in this area.
- Recommends retaining mature trees where possible, ensuring vegetative screening between car parking areas and residential development.
- Concern on how the fall in topography will be dealt with across the supermarket site, could result in substantial retaining and siteworks to the east which would be an undesirable outcome;
- Locate break in western row of shops further south to encourage people to walk past the frontage of shops rather than just directly to and from the supermarket.

Aspects of the design review have been discussed further in the comment section of the report and the schedule of modifications.

It should be noted that the development of the individual sites within the Village Centre would be subject to a design review process.

The full design review has been included as an attachment to this report (**Attachment 3**)

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.1: Diverse, sustainable and well-designed places

Strategy PL.1.1: Regulate and facilitate clearly defined areas for growth, renewal and protection through the Local Planning Strategy and Scheme with a special focus on sustainability, climate resilience and the unique character and cultural heritage of all places

Strategy PL.1.2: Provide, facilitate and advocate for agreed urban design parameters for public places with the community to improve vibrancy and reflect the values and character of each place

CONSULTATION AND ADVICE

The proposal was advertised publicly for a duration of 21 days. At the completion of the advertising period a total of 31 submissions were received by the Shire. Of the 31 submissions, 16 submissions were in support of the proposal, 13 in objection and two indifferent.

A summary of the key points arising from consultation are listed below:

- Request that the proposal retain existing trees onsite.
- Concerns about Fast Food premises in the Village Centre.
- Concerns that the eventual buildings will not be in keeping with the character of the town and be similar to more typical development in Perth.
- Concern regarding visual impacts of the large areas of car parking.
- Concern that the Town Square area is undersized.
- Limited sustainability requirements for new designs.
- Request completion of the road link between Leschenaultia Avenue and John Archibald Drive.
- Concern regarding the traffic volumes that will use the area.
- Impacts of large signage.
- Support increased green spaces and alfresco dining.
- Concern with repeated issues with Margaret River main street parking bay sizes.
- Transitional use non-descript.
- Noise for adjoining residences.
- Universal access and street crossing points.

A schedule of submissions is enclosed at **Attachment 4**.

DISCUSSION / OFFICER COMMENTS

The key issues with the proposed Local Development Plan are discussed below:

Road Width

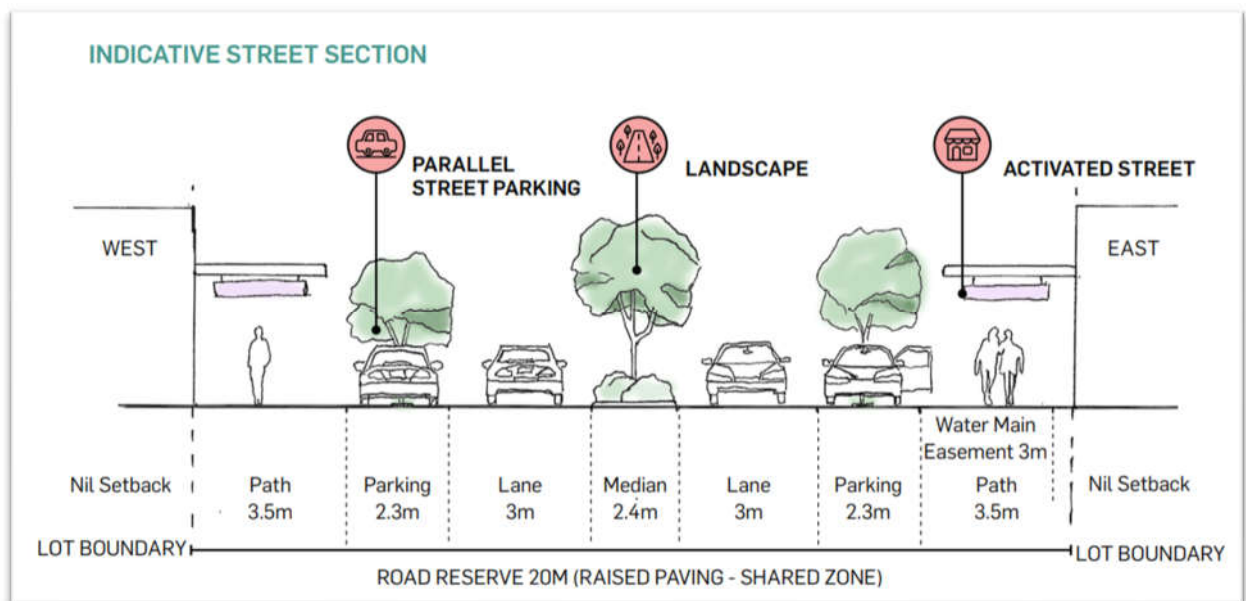


Figure 3 – Proposed road cross section

One of the most problematic aspects of the LDP is the required width for the Main Street road reserve.

In terms of the proposed 20 metre road cross section (see figure 3), the following comments are provided:

- The median width at 2.4 metre has been confirmed as suitable to accommodate planting.
- The vehicle lane at is proposed at 3 metres. Concerns were raised through Design Review process that the combination of the 3 metre lane and minimum width parking bays would not provide space for larger commercial vehicles and busses to comfortably pass parked vehicles and people entering/getting out of vehicles.

- As above, the parking lane at 2.3 metres is a minimum size but compliant with the relevant standards.
- The 'path' areas either side are at 3.5 metres. Minimum standards for footpath width require an unobstructed 2 metre wide accessible path which can accommodate people in wheelchairs moving comfortably in both directions. The Shires LPP15 which determines the location of alfresco dining requires a 0.4 metre setback between the back of the kerb and any alfresco dining area (in order to allow space for car doors opening and people entering/leaving cars). The kerb width is also 300mm and would be located in this area as well. This leaves a 0.8 metre area for alfresco dining, which is not considered conducive to this use. Normally 1 metre is the minimum width for these areas in other local government areas.

As a point of comparison, the Road Reserve width in the Vasse village centre is 23 metres wide, with the path areas either side of the street at 4 metres. The remainder of the Leschenaultia Avenue is 22 metres in width.

The Shire has concerns that the above dimensions will negatively impact the pedestrian experience in the future main street.

In response to these concerns, the applicant has provided additional justification from an engineering consultant who specialises in Transport Planning, Engineering and Placemaking. The justification provided by the applicant (**Attachment 5**) is based on two key assumptions which are of concern to the Shire, being the anticipated number of vehicles using the street and the future speed limit.

The consultant's report is based on traffic data which supports the aforementioned structure plan amendment, based on an expected 2000 – 2500 vehicle trips per day during the week. There is concern that these vehicle trip numbers are underestimated.

Tonkin Avenue and Brookfield Avenue (Brookfield) intersections with Bussell Highway are heavily congested in the morning peak periods, particularly around school pickups and drop offs. The extension of Leschenaultia Ave will be an attractive alternative to avoid right turns onto the highway from existing access points, likewise would make a more immediate route to Rapids Landing, including the commercial centre or people living in Riverslea and the older suburbs to the east of town.

In addition to the above, since the above studies were conducted, a structure plan has been lodged for the land adjacent to the corner of Bussell Highway and John Archibald Drive. Previous plans for this area included an additional connection between Rapids Landing and John Archibald Drive, which would provide an alternative access/egress point. The applicant is currently pursuing the removal of this connection, justifying this on the basis the future Leschenaultia Avenue link will be sufficient to provide this connection. If this eventuates, it would increase the number of vehicle trips using Leschenaultia Avenue into the future.

Even if the anticipated trips proposed are accepted on face value, as a point of comparison, the Vasse main street was designed wider in anticipation of 1300 vehicles per day, less than the consultants 2000 – 2500 projections. The higher number of vehicles will be traversing a narrower road reserve (Vasse is 23m) and the Shire is of the view that the combination of more vehicles and a narrower road reserve will run counter to creating a pedestrian friendly and safe environment.

The other key justification for the narrower road reserve is based on an assumed 30kmh speed limit. The Shire supports the lower speed but is not the decision maker on posted speed limits (this is determined by Main Roads WA). The Shire has sought advice from Main Roads who advised that the application of 30kmh speed limits is dependent on a combination of higher pedestrian numbers and specific design criteria being met. Main Roads don't anticipate that pedestrian volumes would be high enough to warrant this, they have also said that the speed limit is unprecedented in the region in this context and that it would likely default to 50kmh as is the case in Vasse.

There are concerns that if the design is predicated on this speed which is not supported by Main Roads, then it could result in a street that is designed for speeds below the posted limit. Vasse was designed on a 30kmh speed limit, but currently has a 50kmh speed limit.

As outlined above, Leschenaultia Avenue is designated as a Neighbourhood Connector under the EMRDSP, and cross-sections provided for this street classification are 24.4m consisting of a 3.5m vehicle lane and a 4.1m pedestrian pathway either side. Liveable Neighbourhoods also included a typical town centre main street, with the total width of this being 25.2m. The section for this classification is provided below:

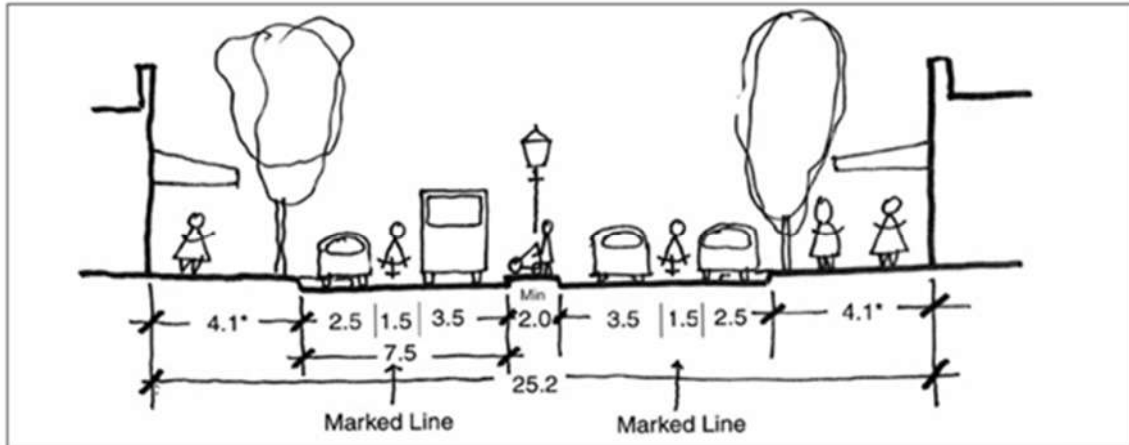


Figure 16: Integrator B – town centre main street – 40-50 km/hr (up to 15 000 vehicles per day).

The draft update to Liveable Neighbourhoods released in 2015 has a 28.2m section for this type of street with 5m pedestrian paths. While this would be more relevant in a Metropolitan context, it highlights the need for sufficient space to accommodate the intended main street function.

It is recommended that at an absolute minimum, the road reserve width is increased to 21 metres, consisting of the following:

- 2.4 metres median, as proposed;
- Vehicle lane at 3m, as proposed.
- Parking lane increased to 2.5m either side to address the concerns raised during the Design Review. The advantage of increasing the parking lane rather than the street lane is that it provides increased opportunities for landscaping and alfresco dining in areas where parking is not provided;
- Paths increased to 3.7m either side, to allow for the 0.3m kerb, 0.4 setback from the back of the kerb, a 2m wide universal path and a 1m wide area for alfresco dining.

This comes to a total of 20.8m, with the additional 0.2m capable of being incorporated into the alfresco dining areas.

A modification to this effect has been included in the schedule of modifications (**Attachment 2**).

Drive Thru

Currently there is a standard in the Margaret River Town Centre zone which prohibits 'drive thru' type development on the Main Street. These uses are normally orientated towards people moving through a Village and Town Centre quickly rather than stopping and contributing to the activity and liveliness of these places and can introduce traffic impacts that impact on the pedestrian focused nature of those environments. Drive thru establishments run counter to the intended objectives of the Village Centre and as a consequence it is recommended that the standard used in the Margaret River main street is incorporated into the design requirements of the LDP. The requirement included will state that a drive thru component of a fast food outlet is not permitted in the Village Centre.

Town Square

As mentioned above, concerns were raised through the Design Review in respect to the location of the Town Square. The key reasons for these concerns are as follows:

- Public spaces should have access to morning sun, be shaded in the afternoon and shaded from the prevailing winds (south westerly in this case). The current location does not meet these objectives.
- A Town Square incorporated into a supermarket foyer which will not encourage people staying and gathering in the space. These are transit based rather than dwell spaces given people will be heading to the shops for the single destination trips (i.e. weekly shop) and most move through the space as opposed to gathering and using the area.
- The relocation of the town square may be able to incorporate a significant tree that exists on the site, which would be a feature of this space and help maintain the character of the centre.

The consultants have addressed this by including an 'alternate town square' on the western side of Leschenaultia Avenue. The Shires recommendation is that the opposite is the case, with the town square located to the western side of the street being the ideal location and the supermarket foyer area provided as an alternate location.

Other Modifications

Additional modifications to those addressed above are as follows:

- Requirement to retain existing mature Marri tree within the LDP area.
- Modify sustainability requirements to be mandatory, including a requirement for EV charging as recommended through consultation.
- Add detail regarding the design intent of the entry statement and remove allowance for substantial entry signage.
- Add detail to identify the objectives of some of the landscaping areas to guide future planning.
- Further clarity provided on land use expectation for the transitional use site, which is located to the southern end of the village centre on the corner of Leschenaultia Avenue and Mecklenberg Drive. This was flagged as a child care or community building site in previous structure plan, however the LDP has less specify. A modification has been requested to provide increased clarification and certainty on the types of land uses which can be contemplated in this location

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The Main Street area and associated public spaces will be handed over to the Shire in future and will require ongoing maintenance.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

The establishment of a village centre provides an opportunity to reduce car dependence in the urban expansion areas of Margaret River. The proposal will also provide for spaces for community interaction and connection.

ADVOCACY

Nil

RISK ASSESSMENT

Decisions made by Council will be reviewable at the State Administrative Tribunal.

RECOMMENDATION

CR EARL, CR DANIEL

That Council:

1. Pursuant to clause 52(1)(b) of the Deemed Provisions of Local Planning Scheme No.1 require the modification of the Local Development Plan in accordance with the Schedule of Modifications included at Attachment 2 and require that the proponent resubmit the modified Local Development Plan to the Local Government for approval.
2. Authorises the approval of the Local Development Plan in accordance with clause 52(1)(a) of the Deemed Provisions of Local Planning Scheme No.1 subject to the plan being updated in accordance with the requirements of part 1 above.

0/0

Cr Earl moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR EARL, CR KENNAUGH OM2023/82

That the Schedule of Modifications in Attachment 2 be amended to substitute the proposed modification No.7 relating to the retention of a Marri Tree with the following text;

7.	Add clause 5.7 under Landscape to read: The retention of the mature Marri Tree in proximity to the western corner of John Archibald Drive and Leschenaultia Avenue is encouraged and should be considered through the development application stage.	Retention of the Marri will maintain the natural value and character of the site and address concerns raised through consultation, however there are some practical considerations, such as the levels across the site which may not make this achievable.
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**CARRIED 4/2
CR MUIR, CRISTOFFANINI VOTED AGAINST**

This then formed part of the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR EARL, CR DANIEL OM2023/83

That Council:

1. **Require the Schedule of Modifications in Attachment 2 be amended to substitute the proposed modification No.7 relating to the retention of a Marri Tree with the following text;**

7.	Add clause 5.7 under Landscape to read: The retention of the mature Marri Tree in proximity to the western corner of John Archibald Drive and Leschenaultia Avenue is encouraged and should be considered through the development application stage.	Retention of the Marri will maintain the natural value and character of the site and address concerns raised through consultation, however there are some practical considerations, such as the levels across the site which may not make this achievable.
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2. **Pursuant to clause 52(1)(b) of the Deemed Provisions of Local Planning Scheme No.1 require the modification of the Local Development Plan in accordance with the Schedule of Modifications included at Attachment 2, and require that the proponent resubmit the modified Local Development Plan to the Local Government for approval.**
3. **Authorises the approval of the Local Development Plan in accordance with clause 52(1)(a) of the Deemed Provisions of Local Planning Scheme No.1 subject to the plan being updated in accordance with the requirements of part 1 above.**

CARRIED 6/0

Council then brought forward Item 11.2.7 Wooditjup Bilya Precinct Community Plan, for consideration.

11.2.7. WOODITJUP BILYA PRECINCT COMMUNITY PLAN

Location/Address	River Precinct - Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	ENG/86
Report Author	Susan Elton, Project Planning Officer
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- The Margaret River Precinct Plan 2021-2030 (Precinct Plan) was endorsed by Council on 23 June 2021. The purpose of this plan is to guide future development and management alongside the Wooditjup Bilya (Margaret River) between Apex Weir and Rendall Close Weir, inclusive of Rotary Park and the Old Settlement Precinct.
- A further detailed master planning process for Rotary Park and the Old Settlement was undertaken through 2022 with specifics of the project brief derived from the Precinct Plan.
- The design process included input from two focus groups, key stakeholders and Traditional Custodians to ensure the resultant Wooditjup Bilya Precinct Community Plan (Community Plan) was reflective of place, people and need.
- Endorsement of the Community Plan is now sought (with proposed minor alterations) to inform renewal of infrastructure, landscape and environmental works within Rotary Park and The Old Settlement in addition to modest upgrades and expansion, if or when funding allows.

ATTACHMENTS

1. Wooditjup Bilya Precinct Community Plan Engagement Summary [11.2.7.1 - 8 pages]
2. Margaret River Precinct Community Plan [11.2.7.2 - 71 pages]
3. Wooditjup Bilya Precinct Community Plan Overview of Renewal Components [11.2.7.3 - 3 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council endorses the Wooditjup Bilya Precinct Community Plan (Attachment 2) with the following key amendments from the originally advertised version:

1. Update Staging Plan (Section 4.7, page 68) to reflect:
 - a) All environmental actions (revegetation, weed control and stormwater management) as essential requirements to occur over the short, medium, and long term.
 - b) Add inclusion of Old Settlement entry sign as an essential short-term inclusion.
 2. Remove all reference to alteration of Old Kate shelter.
 3. Consider sightlines from Historical Society lease area to proposed car park, determine appropriate screening solutions (planting) and reflect this in the Community Plan.
 4. Update road name within Old Settlement to Rodgers Lane.
 5. Strengthen reference for interpretative signage to promote river values, threats, and health in addition to sharing of Wadandi stories, language and culture.
 6. Recognise the importance of the riparian vegetation buffer and the need to prioritise continuity of weed management, revegetation, and restriction of access utilising fencing within this area.
-

LOCATION PLAN



Figure 1 – Wooditjup Bilya Precinct Community Plan serves as a masterplan for Rotary Park and The Old Settlement Precinct, Margaret River.

BACKGROUND

The Precinct Plan, endorsed by Council on 23 June 2021 (OM2021/120), is an action plan that provides the Shire and the community with a clear understanding of where resources, priorities and energies will be directed in relation to the future development and management alongside the Wooditjup Bilya (Margaret River) between Apex Weir and Rendall Close Weir, inclusive of Rotary Park and the Old Settlement Precinct over the next 10 years.

As many initiatives of the Precinct Plan directly relate to the Old Settlement Precinct, Rotary Park and the relationship and connection between these two places, the Shire undertook a design process assisted by specialist consultant, key stakeholders, regular users and Traditional Custodians to create a masterplan. The objective of the plan is to guide renewal of infrastructure, landscape and environmental works within Rotary Park and The Old Settlement in addition to modest upgrades and expansion, if or when funding allows.

Specific requirements of this design process, provided to Realm, included:

<p>Rotary Park</p> <ul style="list-style-type: none"> • Verge landscaping • Park landscaping • Furniture – bike racks and other (if required) • POS improvements (retaining walls etc.) • Natural style, Aboriginal connection universally accessible playground • Linking pathways • Replacement of public toilets 	<p>The Old Settlement Precinct</p> <ul style="list-style-type: none"> • Landscaping • Connecting pathways • Revegetation • Drainage • Carpark reconfiguration • Furniture – bike racks, public seating • Consideration of playable landscape elements • Entry signage 	<p>Pedestrian access bridge</p> <ul style="list-style-type: none"> • Pedestrian access bridge (linking Rotary Park to Old Settlement) on east side of Bussell Hwy
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<ul style="list-style-type: none"> • Increase parking within existing carpark footprint (if possible) • Signage 		
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The outputs of this collaborative design process resulted in Wooditjup Bilya Precinct Community Plan (Community Plan). The Community Plan addresses the specific requirements of the brief in a manner that supports a natural and welcoming place, that knows and speaks to its heritage and culture, and that is connected to the community and town centre.

On 4 November 2022 the Community Plan was commended at the PIA WA Awards for Planning Excellence in the Planning with Country category for the close collaborative approach between the consultant, Shire and Undalup and the Shire in creation of the Community Plan.

On 30 November 2022, the Community Plan received a commendation at the PIA National Urban Design Awards in the category of Leadership, Advocacy and Research – Local and Neighbourhood Scale. The commendation was received for demonstrated leadership through synthesis of references for traditional custodians, community and stakeholders and consideration of the environment and context of the river with inclusion of water sensitive urban design features to improve river health.

The Community Plan was shared with the broader community for comment between 23 March and 28 April 2023, as indicated in Attachment 1 – Wooditjup Bilya Precinct Community Plan Engagement Summary (Engagement Summary). Feedback received has been analysed with proposed alterations to the Community Plan reflected in the Council recommendation.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Disability Discrimination Act 1992 (DDA)* makes it unlawful to discriminate against a person, in many areas of public life, including accessing a public place, because of their disability. Compliance with the *DDA*, specifically Division 2 – Discrimination in other areas, Section 24 Goods, services and facilities, is relevant to this project as an accessible playspace is proposed.

The Wooditjup Bilya (Margaret River) and its foreshore are registered Aboriginal sites. Inclusions of the Community Plan have been created in partnership with Traditional Custodians. Implementation of components of the Plan will require the Shire to comply with the *Aboriginal Cultural Heritage Act 2021* and *Aboriginal Heritage Act 1972*.

STRATEGIC COMMUNITY PLAN 2040

Environment

Outcome EN.1: Ecology and biodiversity protection

Strategy EN.1.1: Provide, regulate, facilitate, fund and advocate to manage ecological values, inform best practice and protect and enhance the biodiversity values of the region

Strategy EN.1.3: Provide, regulate and facilitate to support Wadandi and Pibelmen Traditional Owners use and share cultural knowledge to care for Boodja and water in the Shire

People

Outcome PE.1: Diverse cultural values are respected and adopted

Strategy PE.1.1: Facilitate, advocate for and fund initiatives which promote Wadandi and Pibelmen cultural values and Aboriginal heritage with residents and visitors

Strategy PE.1.2: Facilitate, advocate for and fund initiatives which promote a community that is accessible for all and promotes inclusivity for all races, genders, ages and abilities throughout the community

Environment

Outcome EN.2: Healthy waterways, foreshores and natural landscapes

Strategy EN.2.1: Facilitate, advocate for and fund actions which protect, monitor and improve the waterways, rivers and wetlands flowing through urban and rural catchments

People

Outcome PE.2: Equal opportunities for all

Strategy PE.2.3: Provide and regulate green and public open spaces which cater for a wide range of

users including people living with disability

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.1: Provide, facilitate and advocate for a safe transport network with high quality roads and footpaths across the Shire, including a trails and bicycle network which better connects places

Strategy PL.2.4: Provide, facilitate and advocate for fit for purpose community infrastructure, including public toilets, parking, coastal infrastructure and multi-use community spaces, with a focus on renewal and upgrading rather than building new

Performance

Outcome PF.4: A culture of innovation, quality and continuous improvement

Strategy PF.4.2: Provide and facilitate community engagement which enables all areas of the community to have their say on issues that affect them

CONSULTATION AND ADVICE

As this project has the potential to have significant impacts on the local area, the community, specific stakeholder groups and lease holders, these parties (Focus Groups – see Attachment 1) were involved throughout the duration of the design development process. Traditional Custodians, Parkrun, a local wheelchair user and the Rotary Club of Margaret River were key partners throughout the design development process.

Through this process community members and key stakeholders shared their intrinsic knowledge, concerns and aspirations. This provided a detailed understanding of Rotary Park and the Old Settlement and how proposed actions would work in practice.

The Community Plan was open for public comment for from 23 March to 28 April 2023. During this public review period 358 people viewed the page, 212 downloaded a document and 11 people submitted feedback.

Key feedback themes received via this process include:

- Support and commendation for the play area within Rotary Park
- Support for incorporation of Indigenous culture, connection to Country and knowledge
- Desire to retain Old Kate shelter in its current form
- Environmental works to be nominated as essential works within staging plan to highlight the importance of the environment, as indicated throughout the plan.

In addition, a formal submission on the Community Plan was submitted by Nature Conservation Margaret River.

Key themes of this submission include:

- Prioritisation of the environmental aspects of the plan
- Interpretive signage
- Wooditjup Bilya foreshore buffer.

Specific areas of concern raised through this process have been addressed in the following component of the report.

DISCUSSION / OFFICER COMMENTS

The Community Plan (Attachment 2) is guided by the key principles of Welcome, Connection and Country strengthened and reinforced in practice across masterplan inclusions of:

- | | | | |
|-----------------------------|--------------------------------|------------------------|--------------|
| • Path, cycleways and roads | • Parking | • The river | • Safety |
| • Site amenities | • Drainage | • The bridge | • View lines |
| • Play equipment | • Vegetation & fauna | • Aboriginal framework | • Materials |
| • Historical elements | • Shade, shelter and furniture | • Wayfinding | |

Key inclusions of the Community Plan (by location) consist of:

Across both locations

Environmental Management

Extensive landscaping, revegetation, weed control and stormwater management utilising water sensitive urban design treatment methodologies is proposed for Rotary Park and the Old Settlement Precinct.

The priority environmental management works are revegetation and improved stormwater runoff. This will be achieved through capturing water where it falls by creating and enhancing (through vegetating) existing drainage swales to capture and filter water moving through the site prior to release into the river.

Revegetation of the bushland and riparian zone is proposed focusing on weed management and utilisation of endemic species. Landscaping alongside Bussell Highway verge and within Rotary Park and the Old Settlement Precinct will also utilise endemic planting with planting between buildings etc. to feature flowering species where possible.

In response to community feedback the Staging Plan (Section 4.7, page 68) of the Community Plan is recommended to be updated to clearly prioritise the environmental aspects of the plan.

Pedestrian Log Bridge

Remedial works are proposed to the existing pedestrian bridge to increase usability. Works proposed include improved access leading up to the bridge and structural works to increase the path width, based on the structural capacity of the existing bridge.

The pedestrian log bridge, coupled with pedestrian and bike rider pathway (on the west of vehicle bridge) are anticipated to service connectivity of the Old Settlement Precinct and Rotary Park for the foreseeable future. As such all proposed works seek to improve and enhance usability of these linkages.

New Shared Use Bridge

The proposed shared use pedestrian and bike access bridge (located east of the vehicle bridge) is subject to funding availability in addition to an additional feasibility and detailed design process. An initial concept was developed as part of the Community Plan, however due to anticipated costs a custom designed bridge is deemed unviable. Instead, if deemed achievable through feasibility and design process, an 'off the shelf' style bridge would be utilised to strengthen pedestrian and bike rider access between these two locations.

The Community Plan has been designed as a staged project. As such, if funds became available and if supported through the outcomes of a feasibility study, the installation of this bridge would tie into elements of the Community Plan already realised (such as pathway connections).

Rotary Park

Old Kate Shelter Refinement

At consultation, the Community Plan included removal of some components of the shelter over Old Kate to increase view lines from Bussell Highway.

As shared via the consultation process The Rotary Club of Margaret River (Rotary Club) are concerned that Kate will not be adequately protected if this occurs. In response to this the Community Plan will be updated to remove this inclusion.

Public Amenities

Public amenities within Rotary Park do not meet current accessibility standards and are of an age and condition that does not warrant renovation. As such, there is an opportunity to remove this facility and provide a fit for purpose, universally accessible and gender appropriate public amenities building. Setting this facility to one side of the main park entrance allows views into the park, improving safety and allows for the creation of a larger turf area that is more suitable for events and informal picnics.

Rebuild Stone Walls

A significant renewal requirement is to rebuild all of the existing stone walls as they are near the end of their useful life and have significant and ongoing maintenance issues. This decision was made based on advice from a local stone mason. The decision was also made to remove any non-consistent

materials and rebuild in stone. The existing walls will be replaced in the same location, except for the wall adjacent to the play space. This will be re-worked as a play terrace where slides and other play elements are integrated into a split-level arrangement. This allows for the existing fence to be removed and an elevated edge with good views over the play space and beyond, which facilitates parental surveillance of children. The actual finish of the walls will be subject to value for money considerations at the time of renewal.

Playspace Reconsideration

The play equipment at Rotary Park reaches the end of its useful life in 2025. As such, it is itemised for replacement (with a consistent asset value) and reconsideration as an expression of Country and an opportunity for play to reflect Noongar totem animals through mimicry and creative interpretation. The proposal adopts a nature-based approach, whilst also ensuring the space is universally accessible and is inclusive where possible. The design process involved working closely with the Undalup Association, with whom the overall conceptual approach was developed. The playspace has been designed as an outdoor classroom - an opportunity to celebrate the local environment directly through play.

The play equipment type will utilise a range of materials and elements (including off-the-shelf components). The maintenance requirements of each component will be considered and refined throughout the detailed design stage of this project ensuring the full life cycle costs are taken into account.

As identified in community feedback, provision of this play experience is supported by community members. There will also be opportunities to strengthen Noongar language and Wadandi culture through interpretation elements within the the playspace and throughout the precinct. Officers are currently working on this interpretation in partnership with the Undalup Association.

Compliant Pathways

Replacement, reconfiguration and increased pathways are proposed within and alongside Rotary Park to provide universal access and better connect elements within the park, such as the foot bridge, playspace and public amenities.

The design of the Rotary Park inclusions, with specific reference to the pathway network, is to reduce the ability to ride at speed through this public place. This is provided through a bypass shared path, alongside Bussell Highway which negates the need for bike riders to travel through the park (as is currently the case) to travel safely past Rotary Park and a pathway network within the park that curves and meanders. This design solution will make it challenging to ride bikes at speed which is the desired effect.

The Old Settlement Precinct

As indicated in the feedback from Margaret River and Districts Historical Society (Historical Society) the Community Plan refers to the access roadway as River View Drive. This is a drawing error that will be rectified in the final iteration of the plan to read 'Rodgers Lane'.

Removal of Managers Residence to Facilitate Additional Car Parking

When constructed the manager's residence was a home for the caretaker of The Old Settlement Precinct. As it has been designed and built as a private house, the use of this building in a different form (such as community meeting space, shop etc.) is challenging as it requires a change in building classification which would trigger a multitude of upgrade requirements. As the building is deemed incompatible with the land use and other buildings on the site and is in poor condition, removing it to achieve additional parking without the loss of any vegetation is a favourable outcome.

The provision of an additional 14 car bays in this location, coupled with improved pedestrian and bike rider access to the Old Settlement from the town centre, satisfies car parking needs without dominating the Precinct by parking.

When the managers house will be removed is yet to be determined, however, it's important to note that removal of this building will trigger changes to leasing arrangements, a reduction of lease (rental) income and long-term financial plan implications in relation to demolition and car park works. Accordingly, when the current lease is reconsidered further evaluation of the cost/benefit of the removal

of the house and potential alternative uses will need to be made to determine timing of this component of the Community Plan.

Landscaping is proposed around the car park that can utilise relevant endemic species to allow screening of this facility, as requested by Margaret River and Districts Historical Society (Historical Society).

Vehicle Movement

The existing vehicular access from Bussell Highway will be closed, with this area transformed into a pedestrian plaza, meaning all vehicles must access and exit the Old Settlement Precinct via Town View Terrace. Emergency and service vehicles will be able to access the Precinct from Bussell Highway across the plaza via mountable kerbs. These movements will not be regular but must occur in an easterly direction only due to limited turning movements associated with the eastern entry. Use of bollards is not supported as this would impede access by service vehicles. Feature paving, kerbing, urban furniture and human occupation will be utilised to create a sense that normal vehicles are not to enter this area.

Pedestrian Plaza

The plaza incorporates seating, directional and interpretative signage and retains existing trees. The directional signage will direct bike riders (accessing DBCA trails off Caters Road) towards town to reach these trails using Alfred Bussell Trail and Wadandi Track. The existing heritage plinth/stone will be reset as a feature of this plaza.

Pedestrian Access

Due to a lack of terracing, lack of formal ramps/stairs and loose gravel surfaces, the pathways within the Old Settlement Precinct pose a safety risk to pedestrians. The Community Plan will address this through a new network of concrete walkways and stairs that provide compliant universal access, connect to the proposed car park and integrate into the adjoining path network.

Future Expansion and Infrastructure Consolidation

The plan allows two options for potential expansion of the Hairy Marron, both of which incorporate public toilets that will allow for removal of the existing facilities. The Historical Society also requires a modest sized purpose-built storage facility for climate-controlled record and artifact storage. A nominal location for this has been identified in the plan.

The consolidation of the public toilets within the Hairy Marron building allows Precinct users to access public amenities without the need to cross the car park, which is a safety concern. In addition, removal and relocation of this facility allows space for a dedicated bin enclosure.

Yarning Circles

A number of yarning circles are proposed for small and large ceremonies and informal gatherings. The largest yarning circle includes a fire pit and all-weather awning.

Project staging

Renewal elements are included in Attachment 3. As itemised in this attachment these works include:

Rotary Park	Old Settlement
<ul style="list-style-type: none">• Public toilets• Playspace• Park furniture• Retaining walls• Pedestrian access• Landscaping, stormwater management and revegetation	<ul style="list-style-type: none">• Carpark• Pedestrian access• Landscaping, weed control, stormwater management and revegetation

The Community Plan will be utilised to inform renewal of abovementioned elements within Rotary Park and The Old Settlement in addition to modest upgrades and expansion, if or when funding allows.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Renewal elements referenced in Attachment 3 – Wooditjup Bilya Precinct Community Plan Overview of Renewal Components which are itemised in the Long-Term Financial Plan (LTFP). Additional funding (grants) would determine the extent of modest upgrades and level of expansion achievable.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Through extensive revegetation, weed and stormwater management in addition to creation of safe and accessible transport pathways the Community Plan supports climate change mitigation. In addition, the Community Plan celebrates Rotary Park and the Old Settlement's unique sense of place and enhances vibrancy and enjoyment of these public places through design solutions relevant to each place and the users of these places.

ADVOCACY

Nil

RISK ASSESSMENT

There are no foreseen risks in supporting the Officer's recommendation.

Continuation of an adhoc approach to development / infrastructure renewal within these locations is a risk associated with not supporting the officer recommendation.

Cr Kennaugh disclosed an impartial interest in this Item at 3.1, as she is a member of the Rotary Club.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR KENNAUGH OM2023/84

That Council endorses the Wooditjup Bilya Precinct Community Plan (Attachment 2) with the following key amendments from the originally advertised version:

1. Update Staging Plan (Section 4.7, page 68) to reflect:
 - a) All environmental actions (revegetation, weed control and stormwater management) as essential requirements to occur over the short, medium, and long term.
 - b) Add inclusion of Old Settlement entry sign as an essential short-term inclusion.
2. Remove all reference to alteration of Old Kate shelter.
3. Consider sightlines from Historical Society lease area to proposed car park, determine appropriate screening solutions (planting) and reflect this in the Community Plan.
4. Update road name within Old Settlement to Rodgers Lane.
5. Strengthen reference for interpretative signage to promote river values, threats, and health in addition to sharing of Wadandi stories, language and culture.
6. Recognise the importance of the riparian vegetation buffer and the need to prioritise continuity of weed management, revegetation, and restriction of access utilising fencing within this area.

CARRIED 6/0

Council then resumed the order of business and went on to consider Item 11.1.1 Review of Delegations 2023.

11.1

Chief Executive Officer

11.1.1. REVIEW OF DELEGATIONS 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	VTL/130, GOV/40
Report Author	Emma Rogers, Governance (Legal, Risk and Permit) Officer
Authorising Officer	Ian McLeod, Manager Legal and Governance
Authority/Discretion	Legislative

IN BRIEF

- It is a requirement of section 5.46 of the *Local Government Act 1995* (LG Act) that delegations made by Council to the Chief Executive Officer are reviewed at least once every financial year.
- Minor amendments to the Local Planning Scheme No.1 delegation are proposed, involving re-wording, re-ordering of the functions, and minor consolidation of some of the powers.
- A list of delegations of powers and duties made by Council is recommended for adoption by Council.

ATTACHMENTS

1. Draft Delegation Register 2023 [11.1.1.1 - 99 pages]

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council delegates a range of powers and duties to the Chief Executive Officer in accordance with s 5.42 *Local Government Act 1995* (recommendation in full below).

LOCATION PLAN

Nil

BACKGROUND

Delegations by Council

Section 5.42 of the *Local Government Act 1995* (LG Act) provides the power for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the LG Act, except those listed in section 5.43 (see below). Delegations must be in writing and can be general or have conditions attached.

Limitations to delegating to the CEO under s5.43 of the *Local Government Act 1995*

A local government cannot delegate to a CEO any of the following powers or duties —

- any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- appointing an auditor;*
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100 (fees and allowances for Councillors);*
- borrowing money on behalf of the local government;*
- hearing or determining an objection of a kind referred to in section 9.5;*

- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

Delegations by the Chief Executive Officer

Section 5.44(3) provides the power for the CEO to delegate to an employee the exercise of powers or discharge of duties that have been delegated by Council to the CEO under s5.42 LG Act (known as a sub-delegation). The exercise of powers or duties sub-delegated by the CEO are subject to any conditions imposed by Council on its delegation to the CEO.

The CEO is also provided the power to delegate to employees any of the CEO's inherent powers or the discharge of any of the CEO's duties under the LG Act, other than the power to delegate [s5.44 (1)]. Note, these are not sub-delegations of a Council delegated power but are a delegation of a CEO power provided under the LG Act. Council cannot place any conditions or restrictions on these CEO delegations.

Delegations by the CEO must be in writing and can be general or have conditions attached.

Register of Delegations

A register of delegations made under the LG Act is to be kept by the CEO [s 5.46(1)]. The delegation register is presented as an attachment to this report, and consists of:

Part I:

- Delegations by Council to the CEO under the LG Act (reviewed by Council);
- Sub-delegations by the CEO to employees under the LG Act (cannot be reviewed by Council);
- Delegations by Council to the CEO and employees under other Acts (reviewed by Council);

Part II:

- Delegations by the CEO of express CEO powers to employees under the LG Act and other Acts (cannot be reviewed by Council);
- and

Part III:

- Delegations by Council to Committees under the LG Act (reviewed by Council).

Review of Delegations

There is a requirement under the LG Act that all delegations made must be reviewed annually by the delegator [s 5.46(2)]. Therefore, delegations by Council are reviewed by Council, and the CEO is responsible for reviewing the delegations by the CEO.

Accordingly, a review of delegations by Council under the LG Act is presented to Council for adoption within this report. The opportunity has also been taken to review delegations by Council under various other Acts such as the *Bush Fires Act 1954*, the *Building Act 2011*, and the *Planning and Development Act 2005*.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The principal statutory provisions relating to delegations are ss5.42 and 5.43 LG Act which are set out in the background to this report. There are a number of other Acts that also allow for delegation, these include:

- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1976*
- *Food Act 2008*
- *Public Health Act 2016*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Planning Scheme No.1*
- *Planning and Development Act 2005*

STRATEGIC COMMUNITY PLAN 2040

Performance

Outcome PF.1: Responsible planning and ownership of outcomes

Strategy PF.1.2: Regulate and provide support to ensure Councillors and employees deliver integrity and transparency in their behaviour, decision making and in compliance with codes of conduct

CONSULTATION AND ADVICE

WALGA has available a template delegation register to assist local governments in reviewing their delegation register. The document has been used in this review.

DISCUSSION / OFFICER COMMENTS

A reviewed Delegation Register is provided in attachment 1 to this report. An amendment is proposed to Delegation 1.34: Local Planning Scheme No.1, as set out below.

Title	Amended Delegation	Review Findings
Local Planning Scheme No. 1	<p>Administrative Matters</p> <p>Power to:</p> <ol style="list-style-type: none"> 1. Make determinations on the sufficiency of information provided with applications for development approval pursuant to Clause 63 of the Deemed Provisions of LPS1. 2. Advertise and provide notice of applications for development approval pursuant to clause 64 of the Deemed Provisions of LPS1. 3. Assign land use pursuant to clause 4.4 of LPS1. 4. Determine compliance with the Deemed to Comply Provisions of the Residential Design Codes and requirement for, or exemption from, the need to obtain planning approval under clause 61(c) of the Deemed Provisions. 5. Require the repair of any advertisement pursuant to clause 80 the Deemed Provisions of LPS1. 6. Accept and determine cash-in-lieu payments. <p>Determination of Development Applications</p> <p>Power to:</p> <ol style="list-style-type: none"> 7. Determine applications for development approval pursuant to Part 9 of the Deemed Provisions of LPS1 inclusive of any conditions to be imposed and the period of validity of the approval, including: <ol style="list-style-type: none"> a) Applications for development approval for residential and ancillary development that do not require advertising or where no objections were received during advertising, and compliance is demonstrated with the relevant design principles the Residential Planning Codes. b) Applications for development approval where no variations to Local Planning Policy or Scheme Standards are proposed. 	<p>Delegation has been re-worded, re-ordered and grouped based on the type of function being performed – Administrative, Determining Development Applications, Local Development Plans, Structure Plans, Subdivisions.</p> <p>Minor consolidation of some of the powers, and adjustment to wording to improve clarity in how the delegation applies.</p>

	<p>c) Applications for development approval where variations to Development requirements of LPS1 pursuant to clause 5.5 (variations to site development standards) for clauses 4.21.2 (development in the R2.5 and R5 code), 5.10.2 (variation to building envelopes) and Schedule 9.</p> <p>d) Amendments and extension to the term of development approval pursuant to Clause 77 of the Deemed Provisions.</p> <p>e) Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions of LPS1 to facilitate the conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990.</p> <p>f) Make any determinations and exercise any discretionary powers contained within LPS1 and in any schedules of LPS1 where not inconsistent with Local Planning Policy.</p> <p>g) Make any determinations and exercise any discretionary powers contained within LPS1 and in any schedules of LPS1.</p> <p>Local Development Plans</p> <p>Power to:</p> <p>8. Determine whether sufficient information has been provided and advertise Local Development Plans pursuant to Part 6 of the Deemed Provisions.</p> <p>9. Determine Local Development Plans pursuant to Part 6 of the Deemed Provisions.</p> <p>10. Determine amendments to Local Development Plans pursuant to Clause 59 of the Deemed Provisions.</p> <p>Structure Plans</p> <p>Power to:</p> <p>11. Determine that a structure plan complies with clause 16(1) of the Deemed Provisions of LPS1.</p> <p>Subdivision</p> <p>12. Provide referral responses on subdivision applications to the West Australian Planning Commission.</p> <p>13. Determine built strata applications that have been delegated to the Shire of Augusta Margaret River by the WAPC pursuant to Section 25(1) of the Strata Title Act 1985 and impose any relevant planning conditions.</p>	
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	<p>14. Issue clearances of conditions for subdivision approvals on behalf of the local government. Conditions:</p> <p>Part 7, of the delegation function may not be exercised for the purpose of providing development approval to a development that:</p> <ul style="list-style-type: none"> a) Raises an issue of significant public interest, concern or controversy or is likely to do so. b) Raises an issue of policy or process not covered by existing policy or practice. c) Has given rise to substantial public objection (denoted either by the qualitative strength of submission/s or there being a quantity of 16 or more non-identical submissions in opposition). d) Could set an undesirable precedent in terms of height, bulk, scale etc that could create an undesirable policy direction. e) Is innovative and raises the possibility of a new or unexpected desirable policy direction that Council wants to encourage. f) Provides for a development which is anticipated by, or contrary to, a proposed major amendment to the Scheme. g) Proposes the demolition or significant redevelopment to a building on the Municipal heritage register. 	
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FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Effective delegations lead to effective use of staff time, which ultimately saves money and allows officers' time to be spent on achieving higher strategic targets.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Delegation of powers from Council to employees enables decisions to be made in a shorter timeframe. Legislation ensures that staff will be held accountable for any decisions made. There is a saving of staff time in terms of report writing when delegations are used in preference to Council decision-making. Delegations can improve efficiency in the operations of a Local Government.

ADVOCACY

Nil

RISK ASSESSMENT

The main implication of rejecting or limiting delegations would be that those undelegated functions could only be exercised by a Council resolution. This can add up to six weeks in delay and staff resources in the preparation of reports.

RECOMMENDATION / COUNCIL DECISION

CR MUIR, CR KENNAUGH ON2023/85

That Council:

- 1. Delegates to the CEO under s5.42 *Local Government Act 1995*, the exercise of powers and the discharge of any of its duties under the *Local Government Act 1995*, as listed below;**
- 2. Delegates to the CEO and other Officers, the exercise of powers and the discharge of any of its duties under the other Acts, as listed below;**

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	Title	Delegated by Council to:	Relevant Legislation	Function of Delegation
Local Government Act 1995				
1.1	Administering Local Laws	CEO	All AMR Local Laws	<p>Power to:</p> <ol style="list-style-type: none"> 1 Administer the provisions of any Shire of Augusta Margaret River Local Law made under Division 2 of Part 3 LG Act; 2 Determine applications received in accordance with any Shire of Augusta Margaret River Local Law; and 3 To otherwise exercise the powers, duties and functions of the local government under those local laws.
1.2	Declare vehicle is abandoned vehicle wreck	CEO	s.3.40A(4) LG Act	Power to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
1.3	Confiscated or uncollected goods	CEO	s.3.46, s.3.47, s.3.48, LG Act	<ol style="list-style-type: none"> 1. Power to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]. 2. Power to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Power to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. <p>Condition: Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</p>
1.4	Closure of thoroughfares to vehicles	CEO	s.3.50 s.3.50A s.3.51 LG Act	<ol style="list-style-type: none"> 1. Power to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Power to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give public notice, • give written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Power to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Power to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].

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				<p>Condition: If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</p>
1.5.	Control reserves and certain unvested facilities	CEO	s.3.54(1) LG Act	<p>Power to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <u><i>Parks and Reserves Act 1895</i></u>. [s.3.54(1)].</p> <p>Condition: The power under s5(1)(f) of the <i>Parks and Reserves Act 1895</i> to 'grant licences for the removal of any sand, gravel or other earth or mineral' may only be exercised by Council.</p>
1.6.	Gates across public thoroughfares	CEO	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> : r.9	<ol style="list-style-type: none"> 1. Power to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Power to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Power to impose conditions on granting permission [ULP r.9(4)]. 4. Power to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Power to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. <p>Condition: Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
1.7.	Construction of a crossing	CEO	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> : r.12(1)	<ol style="list-style-type: none"> 1. Power to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Power to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. <p>Conditions: Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
1.8.	Expressions of interest for goods and services	CEO	s.3.57LG Act r.21, r.23 <i>Local Government (Functions and General) Regulations 1996</i>	<ol style="list-style-type: none"> 1. Power to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Power to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
1.9.	Tenders for goods and services	CEO	s.3.57LG Act	<ol style="list-style-type: none"> 1. Power to call tenders for the supply of goods and services in accordance with r.11(1) LG (F&G) Regulations 1996.

			<p><i>r.11 r.13 r.14 r.18 r.20 Local Government (Functions and General) Regulations 1996</i></p>	<ol style="list-style-type: none"> 2. Power to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(2)(f)]. 3. Power to invite tenders although not required to do so [F&G r.13]. 4. Power to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 5. Power to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 6. Power to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 7. Power to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 8. Power to accept or reject tenders up to \$250,000 exclusive of GST in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 9. Power to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$ value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 10. Power to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 11. Power to decline any tender [F&G r.18(5)]. 12. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, Power to choose the next most advantageous tender to accept [F&G r.20(2)]. 13. Power to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)]. <p>Conditions:</p> <p>(a) Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>(b) Minor variations to the goods and services required may only be negotiated and agreed prior to entering into a contract up to a maximum of 10% of the price tendered, or \$50,000, whichever is the lesser amount.</p>
1.10	Variations to contracts	CEO	s.3.57LG Act	Power to:

	formed with successful tenderer		<i>Regulation 21A Local Government (Functions and General) Regulations 1996</i>	<p>1. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract;</p> <p>2. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].</p> <p>Condition: In reference to part (i) of the delegation above: (a) A price variance must not exceed 10 % of the original contract value or \$50,000, whichever is the lesser amount except in the event of an emergency where Council are unable to meet within a two-week period in which case a price variation must not exceed \$150,000; (b) Where any price variation to a contract exceeds \$50,000 an agenda item shall be brought to Council as soon as is practically possible to provide Council with the information as to why the variation was required, why it was urgent and any other details relevant to the price variation.</p>
1.11	Renewal or extension of contract during a State of Emergency	CEO	<i>s3.57 LG Act r.11(2)(ja) Local Government (Functions and General) Regulation 1996</i>	<p>Power to be exercised only when a State of Emergency declaration is in force which applies to all or part of the Shire, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].</p> <p>Conditions This power may only be exercised where the total consideration for the renewal or extension is \$250,000 or less.</p>
1.12	Procurement of goods or services required to address a state of emergency	CEO	<i>s3.57 LG Act r.11(2)(aa) Local Government (Functions and General) Regulation 1996</i>	<p>Power, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the Shire, to:</p> <p>1. Determine that particular goods or services with a purchasing value greater than \$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and</p> <p>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2) (aa)].</p> <p>Conditions</p> <p>a. This power may only be exercised where the goods or services are urgently required in an immediate response to addressing the hazard to which the State of Emergency Declaration relates.</p> <p>b. The CEO has taken steps as per the attached flow chart to attempt to convene a special council meeting, but it has not been possible for Council to meet within an appropriate time frame.</p> <p>c. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</p>

				<p>d. If, under the circumstances a written contract was unable to be exchanged at the time of the purchase, the CEO will arrange for a written contract to be formalised as soon as practically possible.</p> <p>e. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</p> <p>f. The CEO is to provide a report to Council after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency Declaration, at the next Council meeting.</p>
1.13	Panels of Pre-Qualified Suppliers for Goods and Services	CEO	s.3.57LG Act r.24AB r.24AJ Local Government (Functions and General) Regulation s 1996	<p>1. Power to establish a panel of pre-qualified suppliers to supply particular goods or services to the Shire in accordance regulation 24AC – <i>All Local Government (Functions and General) Regulation 1996</i>;</p> <p>2. Power to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].</p> <p>Condition: In accordance with s.5.43, a contract for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for those particular goods or services may only be entered into where the total consideration under the resulting contract is \$250,000 or less (excluding GST). In accordance with s24AJ a contract must not be for a term exceeding 12 months or contain an option to renew or extend its term.</p>
1.14	Disposal of land via lease	CEO	s3.58 Local Government Act 1995 r30 LG (Functions and General) Regulation s 1996	<p>1. Power to dispose of land (including buildings) via lease where the disposition is exempt under F&G r.30.</p> <p>Conditions: Part 1 of the delegation above does not apply the first time a property is leased, unless the lease is: (a) For a residential purpose being exempt under F&G r. 30(2)(d) or r. 30(2)(g); or (b) For a period of less than two years with no right to renewal; or (c) For a site in a Local Government managed caravan park.</p>
1.15	Disposal of property	CEO	s3.58 Local Government Act 1995 r30 Functions and General Regulations 1996	<p>1. To dispose of property where the disposition is exempt from the requirements of s3.58 LG Act by regulation 30 of the LG (Functions and General) Regulations 1996; and</p> <p>2. Where the disposition of property (other than land) is not exempt under regulation 30 of the LG (Functions and General) Regulations 1996, to dispose of property (other than land):</p> <p>(a) to the highest bidder at public auction (s3.58(2)(a)); or (b) to the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender (s3.58(2)(b)); or</p>

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				<p>(c) by private treaty only in accordance with s3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice (s3.58(3)).</p> <p>Conditions:</p> <ol style="list-style-type: none"> 1. This delegation does not apply to disposal of land by lease or license. 2. The disposal of property (other than land), for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$50,000 or less. This value is established in accordance s5.43(d) LG Act.
1.16	Power to make Payments	CEO	r.12(1)(a) LG(Financial Management) Regulations 1996	Power to make payments from the municipal or trust funds [r.12(1)(a)].
1.17	Grant concessions, waive or write off debts	CEO	s6.12 LG Act	<p>Power to:</p> <ol style="list-style-type: none"> 1. Waive an amount of money owed to the Shire [s.6.12(1)(b)]; 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]; 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]; <p>to a value not exceeding \$25,000.</p> <p>Conditions:</p> <p>Parts 1 & 2 of this delegation do not apply to an amount of money owing in respect of rates and service charges [s6.12(2)].</p>
1.18	Power to invest	CEO	s6.14 LG Act Regulation 19 LG(Financial Management) Regulations 1996	<p>Power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</p> <p>Condition:</p> <p>All investment activity must comply with Financial Management Regulation 19C and the Shire Investments Policy.</p>
1.19	Agreement as to payment of rates and service charges	CEO	s6.49 LG Act	Power to make an agreement with a person for the payment of rates or service charges [s.6.49].
1.20	Rateable Land Exemptions	CEO	S6.26 LG Act	Authority to determine rate exemption applications in accordance with s6.26 LG Act.
1.21	Objection to a rate record	CEO	S6.76 LG Act	<ol style="list-style-type: none"> 1. Power to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Power to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)]. <p>Condition:</p> <p>A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a</p>

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				Rates Record Objection, must not be party to any determination under this Delegation.
1.22	Taking action on unpaid rates	CEO	s6.64 s,6.69 s.6.74 s 6.71LG Act	<p>1. Power to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:</p> <ul style="list-style-type: none"> i. lease the land, or ii. sell the land; or <p>where land is offered for sale and a contract of sale has not been entered into after 12 months:</p> <ul style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire [s.6.71]. <p>Condition: In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</p>
1.23	Appointment of authorised persons	CEO	s9.10, s3.24 LG Act	Delegation was revoked by Council decision: 9 June 2021 OM2021/101
LG (Miscellaneous Provisions) Act 1960				
1.24	LG (Miscellaneous Provisions) Act 1960 – Impounding Cattle	CEO	Part 20 LG (Miscellaneous Provisions) Act 1960	1. Power to exercise the powers and discharge the duties of the local government under Part 20 LG (Miscellaneous Provisions) Act 1960.
Building Act 2011				
1.25	Building	CEO	Building Act 2011	<p>1. Power to approve or refuse to grant or modify building and demolition permits , occupancy permits, building approval certificates, issue or revoke Building Orders, and perform associated functions of a permit authority pursuant to the <i>Building Act 2011</i>, including the sections listed below:</p> <ul style="list-style-type: none"> a) Section 18 Further information b) Section 20 Grant of Building Permit c) Section 21 Grant of Demolition Permit d) Section 22 Further grounds for not granting an application e) Section 27 Conditions imposed by permit authority f) Section 55 Further information g) Section 58 Grant of occupancy permit or building approval certificate h) Section 59 Time for granting occupancy permit or building approval certificate i) Section 60 Notice of decision not to grant occupancy permit or grant building approval certificate j) Section 62 Conditions imposed by permit authority k) Section 65 Extension of period of duration of an occupancy permit or building approval certificate granted for a limited period of time.

				<ul style="list-style-type: none"> l) Section 110 Building Orders m) Section 117 Revocation of Building Order n) Section 118 Permit authority may give effect to building order if non-compliance o) Section 139 Presumptions about authority to do certain things. <ol style="list-style-type: none"> 2. Initiate a prosecution pursuant to s133(1) for an offence against the <i>Building Act 2011</i>. 3. Under s96(3) <i>Building Act 2011</i>, designate an employee of the local government as an authorised person for the purposes of: <ul style="list-style-type: none"> a) the <i>Building Act 2011</i> in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government; and b) s93(2)(d), to inspect or test an existing building for the purpose of monitoring whether a provision of the regulations is being complied with. 4. Power to appoint a person or classes of persons as an: <ul style="list-style-type: none"> a) Approved officer for the purposes of s6(a) <i>Criminal Procedure Act 2004</i> in accordance with r 70(1) and 70(1A) <i>Building Regulations 2012</i>. b) Authorised officer for the purposes of the s6(b) <i>Criminal Procedure Act 2004</i>, in accordance with r 70(2) <i>Building Regulations 2012</i>. <p>Conditions</p> <ol style="list-style-type: none"> 1. Decisions under parts 1 & 2 of the delegation above should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>. 2. In relation to part 4(a) of the delegation above, only employees delegated under s5.44(1) LGA with the power under s9.19 or 9.20 LGA to withdraw or extend notices may be appointed as 'approved officers'. 3. In relation to part 4(b) of the above delegation, only employees appointed authorisation under s9.10 LGA for the purpose of giving infringement notices under s9.16 LGA may be appointed as 'authorised officers'.
Bush Fires Act 1954				
1.26	Functions of the Bush Fires Act 1954	CEO	<i>Bush Fires Act 1954</i>	The exercise of powers and discharge of duties of any Local Government functions under the <i>Bushfires Act 1954</i> .
1.27	Prohibited Burning Times – Bush Fires Act 1954	Shire President and Chief Bush Fire Control Officer (jointly)	s.17(7)(8) <i>Bush Fires Act 1954</i>	<p>Power, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, in accordance with section 17(7) and (8).</p> <p>Conditions: Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p>
1.28	Prosecution of Offences – <i>Bush Fires Act 1954</i>	CEO, Coordinator Ranger Services	s.59 s.59A(2) <i>Bush Fires Act 1954</i>	<ol style="list-style-type: none"> 1. Power to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Power to serve an infringement notice for an offence against this Act [s.59A(2)].

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		Rangers , Manager Legal and Governance Services		Conditions: Rangers are limited to part 2 of the delegation.
Cat Act 2011				
1.29	Functions of the <i>Cat Act 2011</i>	CEO	Cat Act 2011	1. Power to exercise the powers, duties and functions of the local government under the <i>Cat Act 2011</i>.
Dog Act 1976				
1.30	Functions of the <i>Dog Act 1976</i>	CEO	Dog Act 1976	1. Power to exercise the powers, duties and functions of the local government under the <i>Dog Act 1976</i>. Conditions: s. 31 (2B) and (3A) <i>Dog Act 1976</i> are powers exercised by absolute majority and cannot be delegated.
Food Act 2008				
1.31	Functions under the <i>Food Act 2008</i>	CEO, Manager Planning & Regulatory Services, Coordinator or Environmental Health and Events, Environmental Health Officers	Food Act 2008	Power to exercise the powers and discharge of duties of any local government functions under the <i>Food Act 2008</i>. Condition: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
1.32	Appoint Authorised Officers and Designated Officers - <i>Food Act 2008</i>	CEO	Food Act 2008	1. Power to appoint a person to be an Authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Power to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Power to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)]. Conditions: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only

				<ul style="list-style-type: none"> • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Planning and Development Act 2005				
1.33	Directions under s214 <i>Planning and Development Act 2005</i>	CEO	<i>S214 Planning and Development Act 2005 and</i>	Power to give directions under the <i>Planning and Development Act 2005</i> section 214(2), (3) and (5).
1.34	Local Planning Scheme No. 1	CEO	<i>Local Planning Scheme No. 1.</i>	<p>Administrative Matters Power to:</p> <ol style="list-style-type: none"> 1. Make determinations on the sufficiency of information provided with applications for development approval pursuant to Clause 63 of the Deemed Provisions of LPS1. 2. Advertise and provide notice of applications for development approval pursuant to clause 64 of the Deemed Provisions of LPS1. 3. Assign land use pursuant to clause 4.4 of LPS1. 4. Determine compliance with the Deemed to Comply Provisions of the Residential Design Codes and requirement for, or exemption from, the need to obtain planning approval under clause 61(c) of the Deemed Provisions. 5. Require the repair of any advertisement pursuant to clause 80 the Deemed Provisions of LPS1. 6. Accept and determine cash-in-lieu payments. <p>Determination of Development Applications Power to:</p> <ol style="list-style-type: none"> 7. Determine applications for development approval pursuant to Part 9 of the Deemed Provisions of LPS1 inclusive of any conditions to be imposed and the period of validity of the approval, including: <ul style="list-style-type: none"> a) Applications for development approval for residential and ancillary development that do not require advertising or where no objections were received during advertising, and compliance is demonstrated with the relevant design principles the Residential Planning Codes. b) Applications for development approval where no variations to Local Planning Policy or Scheme Standards are proposed. c) Applications for development approval where variations to Development requirements of LPS1 pursuant to clause 5.5 (variations to site development standards) for clauses 4.21.2 (development in the R2.5 and R5 code), 5.10.2 (variation to building envelopes) and Schedule 9. d) Amendments and extension to the term of development approval pursuant to Clause 77 of the Deemed Provisions. e) Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions of LPS1 to facilitate the conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990. f) Make any determinations and exercise any discretionary powers contained within LPS1 and in any schedules of LPS1 where not inconsistent with Local Planning Policy.

				<p>g) Make any determinations and exercise any discretionary powers contained within LPS1 and in any schedules of LPS1.</p> <p>Local Development Plans Power to:</p> <p>8. Determine whether sufficient information has been provided and advertise Local Development Plans pursuant to Part 6 of the Deemed Provisions.</p> <p>9. Determine Local Development Plans pursuant to Part 6 of the Deemed Provisions.</p> <p>10. Determine amendments to Local Development Plans pursuant to Clause 59 of the Deemed Provisions.</p> <p>Structure Plans Power to:</p> <p>11. Determine that a structure plan complies with clause 16(1) of the Deemed Provisions of LPS1.</p> <p>Subdivision</p> <p>12. Provide referral responses on subdivision applications to the West Australian Planning Commission.</p> <p>13. Determine built strata applications that have been delegated to the Shire of Augusta Margaret River by the WAPC pursuant to Section 25(1) of the Strata Title Act 1985 and impose any relevant planning conditions.</p> <p>14. Issue clearances of conditions for subdivision approvals on behalf of the local government.</p> <p>Conditions: Part 7, of the delegation function may not be exercised for the purpose of providing development approval to a development that:</p> <p>a) Raises an issue of significant public interest, concern or controversy or is likely to do so.</p> <p>b) Raises an issue of policy or process not covered by existing policy or practice.</p> <p>c) Has given rise to substantial public objection (denoted either by the qualitative strength of submission/s or there being a quantity of 16 or more non-identical submissions in opposition).</p> <p>d) Could set an undesirable precedent in terms of height, bulk, scale etc that could create an undesirable policy direction.</p> <p>e) Is innovative and raises the possibility of a new or unexpected desirable policy direction that Council wants to encourage.</p> <p>f) Provides for a development which is anticipated by, or contrary to, a proposed major amendment to the Scheme.</p> <p>g) Proposes the demolition or significant redevelopment to a building on the Municipal heritage register.</p>
Public Health Act 2016				
1.35	Appoint Authorised Officer or	CEO	r.15D(5) Health (Asbestos)	Power to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].

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	Approved Officer - Health (Asbestos) Regulations 1992) <i>Regulations 1992</i>	Conditions: Each person appointed must be issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
1.36	Designate Authorised Officers – Public Health Act 2016	CEO	s.24(1) and (3) <i>Public Health Act 2016</i>	<p>Power to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> (a) an environmental health officer or environmental health officers as a class; OR (b) a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR (c) a mixture of the two. [s.24(1) and (3)]. <p>Conditions: Each person appointed must be:</p> <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. <p>A Register (list) of authorised officers is to be maintained in accordance with s.27.</p>

3. Delegates to the Behaviour Complaints Committee under 5.16 LG Act, the exercise of powers and the discharge of any of its duties under the *Local Government Act 1995*, as listed below.

	Title	Delegated by Council to:	Relevant Legislation	Function of Authorisation
Local Government Act 1995				
3.1		Behaviour Complaints Committee	s.16 LG Act, <i>Local Government (Model Code of Conduct) Regulations 2021</i> , clause 12, clause 13	<ol style="list-style-type: none"> 1. Power to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [<i>MCC.cl.12(1) and (3)</i>]. In making any finding the Committee must also determine reasons for the finding [<i>MCC.cl.12(7)</i>]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [<i>MCC.cl.12(4)(a)</i>]; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [<i>MCC.cl.12(4)(b), (5) and (6)</i>]. 3. Power to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [<i>MCC.cl.13(1) and (2)</i>]. <p>Conditions</p> <ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in the Shire of Augusta Margaret River

				<p>Code of Conduct Behaviour Complaints Management Policy.</p> <p>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent.</p> <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
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4. Authorises to the CEO and other listed Officers, the exercise of powers and the discharge of any of its duties under the *Health (Miscellaneous Provisions) Act 1911*, as listed below;

	Title	Authorised by Council to:	Relevant Legislation	Function of Authorisation
Local Government Act 1995				
4.1.	Authorisations under the Health (Miscellaneous Provisions) Act 1911	CEO, Director Sustainable Development and Infrastructure Services, Manager Planning and Regulatory Services, Coordinator Environmental Health and Events, Environmental Health Officers	s26 <i>Health (Miscellaneous Provisions) Act 1911</i>	Power to discharge any of its powers and functions under the <i>Health (Miscellaneous Provisions) Act 1911</i> .

CARRIED BY ABSOLUTE MAJORITY 6/0

11.1.2. MINUTES OF AUDIT AND RISK MANAGEMENT COMMITTEE - 24 MAY 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	COR/57
Report Author	Claire Schiller, Governance Officer - Council Support
Authorising Officer	Ian McLeod, Manager Legal and Governance
Authority/Discretion	Legislative

IN BRIEF

The Audit and Risk Management Committee (ARMC) meeting of 24 May 2023 considered:

- Officer of the Auditor General Focus Report – Information Systems Audit
- CEO KPI Update – Service Reviews 2022-23; and
- Reporting of Risk Management 2022-23.

ATTACHMENTS

1. 24 05 23 ARMC MINS [11.1.2.1 - 14 pages]
2. CONFIDENTIAL 24 05 23 ITEMS and ATTACHMENTS [11.1.2.2 - 138 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Management Committee meeting held on 24 May 2023;
 2. Notes the Office of the Auditor General's Report 19: 2022-23 Information Systems Audit – Local Governments 2021-22 (Confidential Attachment 2);
 3. Notes the outcome of the 2022-23 Information and Communication Technologies service review and the progress update for the Asset Services service review (Confidential Attachment 2); and
 4. Adopts the Risk Management Framework (Confidential Attachment 2).
-

LOCATION PLAN

Nil

BACKGROUND

Council's ARMC comprises four members of Council and operates in accordance with the ARMC's Instrument of Appointment and Delegation. The ARMC is required to discharge the legislative obligations outlined in the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Regulation 16 of the *Local Government (Audit) Regulations 1996* states that

"An audit committee has the following functions —

(a) to guide and assist the local government in carrying out —

(i) its functions under Part 6 of the Act;

(ii) its functions relating to other audits and other matters relating to financial management;

- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
- (i) report to the council the results of that review; and*
- (ii) give a copy of the CEO's report to the council.*
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
- (i) regulation 17(1); and*
- (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) to oversee the implementation of any action that the local government —*
- (i) is required to take by section 7.12A(3); and*
- (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
- (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
- (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c)*
- (g) to perform any other functions conferred on the audit committee by these regulations or another written law."*

COMMUNITY STRATEGIC PLAN 2040

Performance

Outcome PF.1: Responsible planning and ownership of outcomes

Strategy PF.1.2: Regulate and provide support to ensure Councillors and employees deliver integrity and transparency in their behaviour, decision making and in compliance with codes of conduct

CONSULTATION AND ADVICE

Nil

DISCUSSION / OFFICER COMMENTS

Officer of the Auditor General Focus Report - Information Systems Audit

OAG Report 19 '2022-23 'Information Systems Audit – Local Governments 2021-22' was published on 29 March 2023, and is the fourth local government annual information systems audit report issued by the OAG. The OAG state that the purpose of their annual information systems audits is to 'determine if entities' computer controls effectively support preparation of financial statements, delivery of key services and the confidentiality, integrity and availability of information systems'.

The ARMC noted the report, the actions taken by the Shire and recommended the report be provided to Council.

CEO KPI Update - Service Reviews 2022-23

The ARMC noted the outcome of the 2022-23 Information and Communication Technologies service review and the progress update for the Asset Services service review.

Reporting of Risk Management to the Audit and Risk Management Committee

The ARMC endorsed the Operational Risk Register Report including the 'treatments and action plans' on the current and significant operational risks to the Shire (as at 11 May 2023).

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Nil

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION

CR CRISTOFFANINI, CR EARL

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Management Committee meeting held on 24 May 2023;
2. Notes the Office of the Auditor General's Report 19: 2022-23 Information Systems Audit – Local Governments 2021-22 (Confidential Attachment 2);
3. Notes the outcome of the 2022-23 Information and Communication Technologies service review and the progress update for the Asset Services service review (Confidential Attachment 2); and
4. Adopts the Risk Management Framework (Confidential Attachment 2).

0/0

Cr Cristoffanini moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR CRISTOFFANINI, CR EARL OM2023/86

That the following wording, as shown in underline, be added to point 4, and wording shown in strikethrough be removed:

1. ~~Adopts the Risk Management Framework~~ Notes the Risk Report on current significant operational risks to the Shire as at 11 May 2023 (Confidential Attachment 2).

CARRIED 6/0

This then formed part of the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR CRISTOFFANINI, CR EARL OM2023/87

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Management Committee meeting held on 24 May 2023;
2. Notes the Office of the Auditor General's Report 19: 2022-23 Information Systems Audit – Local Governments 2021-22 (Confidential Attachment 2);
3. Notes the outcome of the 2022-23 Information and Communication Technologies service review and the progress update for the Asset Services service review (Confidential Attachment 2); and
4. Notes the Risk Report on current significant operational risks to the Shire as at 11 May 2023 (Confidential Attachment 2).

CARRIED 6/0

11.2

Sustainable Development and Infrastructure

11.2.1. CLIMATE PHD PROJECT

Location/Address	The Shire of Augusta Margaret River
Applicant/Landowner	The Shire of Augusta Margaret River
File Reference	LND/161
Report Author	Katie Biggs, Sustainability Planning Officer
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure Stephanie Addison-Brown, CEO
Authority/Discretion	Executive/Strategic

IN BRIEF

- An important part of the Shire's climate response has been a partnership developed with Edith Cowan University and support through contribution to a Doctor of Philosophy (PhD) student.
- The PhD candidate has discontinued their studies and therefore Council support is sought for an alternative approach to delivering upon the Shire's climate adaptation commitments.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes:

1. That the Climate PhD project has now been discontinued;
 2. That climate adaptation measures are nonetheless still required to ensure the organisation and the community are prepared for a changing climate; and
 3. That unspent funds originating from the Shire's \$20,000 commitment to the PhD will be returned to the Shire and coupled with additional funding by way of the draft 2023-24 budget in order to complete an initial phase of adaptation planning.
-

LOCATION PLAN

Nil

BACKGROUND

The Shire's Climate Action Plan sets an ambitious target of Net Zero 2030 and includes a number of actions to reach this target. Under the outcome *Net Zero Shire organisation emissions – We understand and implement the changes required to reach net zero, there are three actions*

1. Part fund and host a PhD student to explore effective climate responses in a local government context using the Shire as a case study
2. Implement the findings of the PhD study to mainstream climate considerations within the organisation
3. Develop a complementary climate change adaptation plan

In order to fulfill these actions, the Shire partnered with Edith Cowan University (ECU) to develop a PhD focussed on mainstreaming climate considerations within the organisation. A student was recruited for the PhD and was also employed directly by the Shire to commence climate adaptation planning. A

Memorandum of Understanding (MOU) was developed between the Shire and Edith Cowan with a commitment to contribute to the costs of the four-year PhD up to a value of \$20,000 per year.

A number of workshops with staff were delivered looking at climate risks and potential adaptation pathways in the first half of 2022. In accordance with the MOU, the Shire provided funding for the PhD project of \$20,000 via the 22/23 budget. In 2023 the appointed student decided to discontinue the PhD.

Edith Cowan University have advised that of the \$20,000 provided towards this project, approximately \$15,000 is able to be returned to the Shire due to the premature cancellation of the PhD project.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN 2040

Environment

Outcome EN.3: Collective climate action

Strategy EN.3.1: Facilitate and fund local climate action and understanding across the community, including the monitoring of regional climate predictions, research on impacts and targeted programs for mitigation and adaptation

Strategy EN.3.2: Regulate Shire corporate carbon emissions and advocate for reduction of community emissions including energy, transport and waste, to meet adopted targets.

Performance

Outcome PF.4: A culture of innovation, quality and continuous improvement

Strategy PF.4.1: Provide and facilitate a workplace culture of innovation and continuous improvement that meets the speed of change in the Shire, including being an Australian leader in climate action and the pursuit of opportunities to mainstream an organisational response to climate change

CONSULTATION AND ADVICE

Consultation has been undertaken with ECU staff.

DISCUSSION / OFFICER COMMENTS

Need for adaptation

The State Government predicts that in the South-West of Western Australia the following changes to the climate will occur between now and 2050:

- Higher temperatures
- Hotter and more frequent hot days and less frost
- Less rainfall in winter and spring with changes in other seasons unclear at this point.
- Increased intensity of heavy rainfall events.
- Drought duration to increase
- Increased evaporation rates reduced soil moisture and runoff
- Harsher fire weather
- Higher sea levels and more frequent sea level extremes
- Warmer and more acidic oceans (WA State Government - WA Climate Predictions, 2021)

Role of Local Government

The State Governments WA Climate Policy 2020 confirms that:

“Local Governments are at the forefront of dealing with climate risk and the State Government is committed to working in partnership with the sector to ensure our communities are safe and our regions are resilient.”

The outcomes sought by the policy relevant to local communities are:

Outcomes

- Increased adaptive capacity across our communities.
- Improved understanding and management of climate risks and natural hazards.
- Enhanced water security and certainty for water users.
- More resilient and better prepared regions.

Implications for Shire of Augusta Margaret River

Climate change is expected to have implications for most actions and activities undertaken by the Shire including:

- Occupational Safety and Health of Shire workers
- The longevity and maintenance cycles of Shire assets
- The design of Shire buildings
- Species selection for landscaping
- Design of road and subdivisional drainage infrastructure

The adaptation process is intended to be an evolving process of:

- Increasing awareness amongst all staff regarding the implications of climate change
- Ingraining consideration of climate adaptation in all decision making
- Making, and continuously updating future plans to respond to new climate realities
- Ensuring that adaptation measures do not inadvertently impact on the most disadvantaged people within our community
- Ensuring changes to business operations are smooth and therefore less costly.

Method of Delivery

The completion of adaptation planning requires dedicated resourcing to achieve the desired outcome. The return of monies to the Shire by ECU provide the opportunity to engage an external contractor to assist with this work. A budget allocation inclusive of the unspent funds will be included in the draft 23/24 budget for council consideration in due course.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

A budget allocation of 26k towards climate adaptation (inclusive of the monies being returned by ECU) is due to be considered by Council together with the 2023-24 Shire budget.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

This proposal accelerates climate adaptation and demonstrates leadership on climate action.

ADVOCACY

Advocacy to the State government is likely to be required in order for Local Governments to deliver upon climate adaptation programs.

RISK ASSESSMENT

Climate adaptation is a process of evaluating emerging climate risks and developing responses.

RECOMMENDATION / COUNCIL DECISION

CR KENNAUGH, CR EARL OM2023/88

That Council notes:

1. That the Climate PhD project has now been discontinued;
2. That climate adaptation measures are nonetheless still required to ensure the organisation and the community are prepared for a changing climate; and
3. That unspent funds originating from the Shire's \$20,000 commitment to the PhD will be returned to the Shire and coupled with additional funding by way of the draft 23/24 budget in order to complete an initial phase of adaptation planning.

CARRIED 6/0

11.2.2. RFT 07-23 HVAC SERVICING AND MAINTENANCE (AIR-CONDITIONING)

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	COR/472
Report Author	Louise Bowling, Customer Service Officer
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- The Shire of Augusta Margaret River (Shire) undertook a public open tender process to appoint a contractor for the provision HVAC (Heating, Ventilation, Air-Conditioning) servicing and maintenance throughout its buildings.
- Through the tender process, three submissions were received and evaluated in accordance with the tender criteria by an evaluation panel.
- The contract is for an initial three-year term with one option to extend the contract by two years.
- Following evaluation, the submission from 'Respondent A' was determined to be the most advantageous to Council of the submissions received. No clarifications were sought.

ATTACHMENTS

1. CONFIDENTIAL Tender Evaluation Report.docx [11.2.2.1 - 23 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Accepts the tender submitted by {_____}, named as "Respondent A' in the Tender Evaluation Report recommendation detailed in Confidential Attachment as the most advantageous tender to form a contract.
2. Delegates the formation of a contract with 'Respondent A' to the CEO.
3. Delegates the decision on whether to extend the contract at the end of the initial three year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.

LOCATION PLAN

Nil

BACKGROUND

The Shire owns a diverse range of facilities which are required to be adequately maintained to Australian Standards and Building Codes, as required by law for public and commercial use.

As part of the compliance, and prolonging the life of buildings, the Shire undertook a public open tender process to appoint a suitably qualified contractor to undertake HVAC (heating, ventilation and air conditioning) servicing, maintenance and minor works on Shire owned and managed buildings and infrastructure as required. These facilities include administration buildings, libraries, recreation centres and pools, halls, waste facilities.

The proposed Contract is to be carried out in accordance with the Goods and Services General Conditions of Contract and is for a term of three years, commencing 1 July 2023. One extension option will be available under the contract, which would allow the contract term to be extended for an additional two years, upon completion of a contract review to the satisfaction of the Shire.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 Regulation 11(1) requires that tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration is, or is expected to be, more, or worth more, than \$250,000.

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.4: Provide, facilitate and advocate for fit for purpose community infrastructure, including public toilets, parking, coastal infrastructure and multi-use community spaces, with a focus on renewal and upgrading rather than building new

CONSULTATION AND ADVICE

Additional non-voting panel members, comprising of the following Shire officers, provided additional guidance throughout the scoping, procurement and evaluation process:

- Building Asset and Maintenance staff;
- Manager Asset Services;
- Director Sustainable Development and Infrastructure;
- Director Corporate & Community Services;
- Project Management and Procurement Officer;
- Building Asset Management Officer.

DISCUSSION / OFFICER COMMENTS

RFT 07-23 HVAC Servicing and Maintenance (Air-Conditioning) was issued as a public open tender on Wednesday 22 February 2023. The deadline for submissions was Wednesday 29 March 2023. The invitation to tender was published on the Shire’s E-Tendering Portal, TenderLink, in the West Australian newspaper as required by legislation, as well as in the local Augusta Margaret River Times newspaper and on the Shire’s website.

Seven organisations requested copies of the tender documents. Of these, three organisations submitted tenders which were received by the deadline of the Request for Tender. Tender submissions were reviewed by an evaluation panel consisting of five Shire officers.

No addenda were issued during the tender open period.

All tenders were received prior to the deadline stated in the tender documents.

Each tender response was assessed against the relevant compliance and qualitative criteria, as outlined below:

Selection Criteria	Weighting
Compliance and Disclosure Criteria (non-weighted)	N/A
Relevant Experience, Skills and Key Personnel	35%
Demonstrated Understanding and Resources	50%
Sustainability Considerations	15%
Total	100%

A scoring and weighting methodology was used to assess tenders against these criteria, with the extent to which a tender demonstrated greater satisfaction of each of the criteria resulting in a greater score.

Following independent assessment of each of the tender submissions, each panel member attended an evaluation consensus meeting where the details of each submission was discussed. Each voting member of the evaluation panel was given the opportunity to raise any specific issues.

The non-weighted cost method was used in the evaluation of tender submissions as it was determined that capacity, experience, and understanding were seen to be crucial to the outcome of the contract. The submitted price schedule was considered at a consensus meeting, after evaluations had been completed, to reflect value for money in relation to the consideration of price and non-price factors.

Due diligence checks – in the form of reference checks and a review of the financial statements – were undertaken on the recommended tenderer.

This recommendation is based on this supplier having demonstrated that they represent best value for money through demonstrated understanding of the requirements with adequate resources experience and skills to carry out of the requirements of the contract. Detailed outcomes from the tender evaluation process are outlined in Confidential Attachment 1 – RFT 07-23 Tender Evaluation Report

So as not to create undue expectation around the award of a contract based on the officer's recommendation, the name of the preferred tenderer is withheld from this report. The name of the preferred tenderer will be published in the Ordinary Council Meeting Minutes.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The provision of Air-Conditioning services is a key function of Council's commitment to maintaining its assets for the use of the community. Tenders are called to ensure the Shire receives value for money and meets its obligation of the s3.57 of the *Local Government Act 1995*.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

The recommended tenderer has provided a list of holistic environmental solutions they offer, which draws attention to their commitment to actively encourage a responsible attitude by minimising and sustaining the environment.

Social

The recommended tenderer contributes to the local communities and charities within the Southwest. Use of local suppliers and locally supplied goods were outlined to reflect the use of Home Hardware, Trade Hire and electrical distributors.

Economic

Tendering of Council services encourages competitive pricing and allows the Shire to obtain value for money for the goods and services it purchases.

ADVOCACY

Nil

RISK ASSESSMENT

There is minimal risk associated with the proposed recommendation.

A pre-procurement risk assessment was undertaken and presented to the evaluation panel as part of the Request for Tender Procurement Plan.

Council could reject tenders and invite quotes from qualified air conditioner contractors on an as-required basis. This option is not supported for the following reasons:

- Financial risk of not locking in rates for the contract period;
- the risk of buildings being non-compliant due to lack of continuity and varied workmanship from contractors;
- Risk of contractors being unavailable when required.

RECOMMENDATION / COUNCIL DECISION

CR BINKS, CR MUIR OM2023/89

That Council:

1. **Accepts the tender submitted by CBRE (GWSLA) Pty Ltd, named as “Respondent A’ in the Tender Evaluation Report recommendation detailed in Confidential Attachment as the most advantageous tender to form a contract.**
2. **Delegates the formation of a contract with ‘Respondent A’ to the CEO.**
3. **Delegates the decision on whether to extend the contract at the end of the initial three year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.**

CARRIED 6/0

11.2.3. RFT 08-23 LICENSED ELECTRICAL SERVICES

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	COR/473
Report Author	Louise Bowling, Customer Service Officer
Authorising Officer	James Shepherd, Director Corporate and Community Services
Authority/Discretion	Executive/Strategic

Cr Earl disclosed a financial interest in this item 11.2.3, as his electrical business was one of the applicants for the tender.

IN BRIEF

- The Shire of Augusta Margaret River (Shire) undertook a public open tender process to appoint a qualified electrical contractor to provide electrical maintenance services and support on Shire buildings and infrastructure.
- The tender was divided into two separate geographical regions, North Region, and South Region to allow for more local suppliers to tender for one or more of the portions.
- To minimise the potential conflicts of interest, Procurement Plus were procured to provide a Probity Advisory Service for the tender/evaluation process.
- Through the tender process, four compliant responses were submitted within the specified timeframe and evaluated in accordance with the tender criteria by an evaluation panel. All submissions tendered for both Regions.
- The contract is for an initial three-year term with one option to extend the contract by two years.
- Following evaluation, the submission from 'Respondent A' was determined to be the most suitable of the submissions received.

ATTACHMENTS

1. CONFIDENTIAL – Probity Report Electrical Services
2. CONFIDENTIAL – Tender Evaluation Report RFT 08-23

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Accepts the tender submitted by {_____}, named as 'Respondent A' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract.
 2. Delegates the formation of a contract with 'Respondent A' to the CEO.
 3. Delegates the decision on whether to extend the contract at the end of the initial three year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.
-

LOCATION PLAN

Nil

BACKGROUND

The Shire owns a diverse range of facilities which are required to be adequately maintained to Australian Standards and Building Codes, as required by law for public and commercial use.

This contract will provide scheduled and reactive electrical services across the Shires assets including lighting in all buildings, carparks, public open spaces, maintenance of outdoor BBQ's, electrical wiring and compliance testing.

This tender was divided in to two separate geographical regions, North Region and South Region, allowing the possibility of two contractors to be awarded the contract. Respondents were given the opportunity to apply for any or all Portions for this Tender. Each Portion was evaluated separately against the qualitative criteria.

The proposed Contract is to be carried out in accordance with the Goods and Services General Conditions of Contract and is for a term of three years, commencing 1 July 2023. One extension option will be available under the contract, which would allow the contract term to be extended for an additional two years, upon completion of a contract review to the satisfaction of the Shire.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 Regulation 11(1) requires that tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration is, or is expected to be, more, or worth more, than \$250,000.

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.4: Provide, facilitate and advocate for fit for purpose community infrastructure, including public toilets, parking, coastal infrastructure and multi-use community spaces, with a focus on renewal and upgrading rather than building new.

CONSULTATION AND ADVICE

Additional non-voting panel members, comprising of the following Shire officers, provided additional guidance throughout the scoping, procurement and evaluation process:

- Building Assets and Maintenance Staff;
- Manager Asset Services;
- Director Sustainable Development and Infrastructure;
- Director Corporate & Community Services;
- Project Management and Procurement Officer;
- Building Asset Management Officer.

Probity advice was sought from Mr John Flippone, Director, Procurement Plus.

DISCUSSION / OFFICER COMMENTS

RFT 08-23 Licensed Electrical Services was issued as a public open tender on Wednesday 22 February 2023. The deadline for submissions was Wednesday 29 March 2023. The invitation to tender was published in the West Australian newspaper as required by legislation, as well as in the local Augusta Margaret River Times newspaper and on the Shire's website.

Ten organisations requested copies of the tender documents. Of these, four organisations submitted tenders which were received by the deadline of the Request for Tender. Tender submissions were reviewed by an evaluation panel consisting of five Shire officers.

One addendum was issued during the tender open period, relating to clarification on required Qualification criteria.

All tenders were received prior to the deadline stated in the tender documents.

Each tender response was assessed against the selection criteria, in accordance with the evaluation process outlined in the tender document, the assessment included, amongst other things:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not point-scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met.
- Assessing compliant tenders against the following qualitative criteria:

Selection Criteria	Weighting
Compliance and Disclosure Criteria (non-weighted)	N/A
Relevant Experience, Skills and Key Personnel	35%
Demonstrated Understanding and Resources	50%
Sustainability Considerations	15%
Total	100%

A scoring and weighting methodology was used to assess tenders against these criteria, with the extent to which a tender demonstrated greater satisfaction of each of the criteria resulting in a greater score. Price was not weighted, given that functional considerations such as quality of service and capacity are crucial to the outcome of the contract. Price was considered as part of the overall consensus after the evaluations were completed.

The tendering process for the Electrical Services Contract was overseen by an independent probity advisor. The probity report is included as Confidential Attachment 1.

Due diligence checks in the form of reference checks and a review of the financial statements were undertaken on the recommended tenderer.

This recommendation is based on the preferred submission being deemed the most advantageous to Council, through their understanding, experienced team and ability to deliver the listed required works. Detailed outcomes from the tender evaluation process are outlined in Confidential Attachment 2 – RFT 08-23 Licensed Electrical Services Tender Evaluation Report.

So as not to create undue expectation around the award of a contract based on the officer's recommendation, the name of the preferred tenderer is withheld from this report. The name of the preferred tenderer will be published in the Ordinary Council Meeting Minutes.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The provision of electrical services is a key function of Council's commitment to maintaining its assets for the use of the community. Tenders are called to ensure the Shire receives value for money and meets its obligation of *s3.57 of the Local Government Act 1995*.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

The recommended tenderer supplied examples to limit impacts from their operations on the environment such as waste reduction, paper-less office and digital systems.

Social

The recommended tenderer provided information on their commitment to the local community by employment opportunities, volunteering, involvement in community groups and educational programs.

Economic

Tendering of Council services encourages competitive pricing and allows the Shire to obtain value for money for the goods and services it purchases.

The recommended tenderer provided information to foster local economic prosperity by local employment, sourcing majority of their equipment from local businesses, using a number of local suppliers and is committed to a supply chain that supports local business development.

ADVOCACY

Nil

RISK ASSESSMENT

Scheduled electrical maintenance ensures statutory regulations and standards are met, while providing a safe and welcoming environment for our community.

A pre-procurement risk assessment was undertaken and presented to the evaluation panel as part of the Request for Tender Procurement Plan.

There is minimal risk associated with the proposed recommendation, however Council could reject tenders and invite quotes from qualified electricians on an as-required basis. This option is not supported for the following reasons:

- Financial risk of not locking in rates for the contract period;
- Risk of buildings being non compliant due to lack of continuity and varied workmanship from contractors;
- Risk of contractors being unavailable when required, particularly on short notice or in an emergency.

Cr Earl left Chambers at 6.27pm as he disclosed a financial interest at Item 3.2.

RECOMMENDATION / COUNCIL DECISION

CR BINKS, CR MUIR OM2023/90

That Council:

1. **Accepts the tender submitted by Driftsouth Pty Ltd trading as Lightning Ridge Electrical, named as 'Respondent A' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract.**
2. **Delegates the formation of a contract with 'Respondent A' to the CEO.**
3. **Delegates the decision on whether to extend the contract at the end of the initial three year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.**

CARRIED 5/0

Cr Earl re-entered Chambers at 6.27 pm.

11.2.4. RFT 09-23 LICENSED PLUMBING, GAS & DRAINAGE SERVICES

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	COR/474
Report Author	Melanie Aylett, Manager Corporate Performance
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- The Shire of Augusta Margaret River (Shire) undertook a public open tender process to appoint qualified plumbing, gas and drainage contractor/s to provide scheduled and reactive plumbing and gas fitting services across Council's assets.
- The tender was divided into two separate geographical regions, North Region, and South Region to allow for more local suppliers to tender for one or more of the portions.
- Through the tender process, two (2) compliant responses were submitted within the specified timeframe and evaluated in accordance with the tender criteria by an evaluation panel. One submission was received for North Region and one submission was received for South Region.
- The contract is for an initial three-year term with one option to extend the contract by two years.
- Following evaluation, the submissions from 'Respondent A – North Region' and 'Respondent B – South Region' as outlined in the tender evaluation report are recommended for award.

ATTACHMENTS

1. CONFIDENTIAL Probity Report Plumbing Services [11.2.4.1 - 15 pages]
2. CONFIDENTIAL Tender Evaluation Report - RFT 09-23.docx [11.2.4.2 - 28 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Accepts the tender submitted by {_____}, named as 'Respondent A' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract for North Region Separable Portion;
 2. Accepts the tender submitted by {_____}, named as 'Respondent B' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract for South Region Separable Portion;
 3. Delegates the formation of a contract with 'Respondents A and B' to the CEO.
 4. Delegates the decision on whether to extend the contracts at the end of the initial three-year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.
-

LOCATION PLAN

Nil

BACKGROUND

The Shire owns a diverse range of facilities which are required to be adequately maintained to Australian Standards and Building Codes, as required by law for public and commercial use.

This contract will provide scheduled and reactive plumbing, gas and drainage services across the Shires assets including all general plumbing repairs and maintenance including sanitary drainage systems, new installations, septic tank and leach drain works, gas fitting and servicing and associated works.

This tender was divided in two separate geographical regions, North Region and South Region, allowing the possibility of two contractors to be awarded the contract. Respondents were given the opportunity to apply for any or all Portions for this Tender. Each Portion was evaluated separately against the qualitative criteria.

The proposed Contract is to be carried out in accordance with the Goods and Services General Conditions of Contract and is for a term of three years, commencing 1 July 2023. One extension option will be available under the contract, which would allow the contract term to be extended for an additional two years, upon completion of a contract review to the satisfaction of the Shire.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 Regulation 11(1) requires that tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration is, or is expected to be, more, or worth more, than \$250,000.

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.4: Provide, facilitate and advocate for fit for purpose community infrastructure, including public toilets, parking, coastal infrastructure and multi-use community spaces, with a focus on renewal and upgrading rather than building new

CONSULTATION AND ADVICE

Additional non-voting panel members, comprising of the following Shire officers, provided additional guidance throughout the scoping, procurement and evaluation process:

- Building Assets and Maintenance Staff;
- Manager Asset Services;
- Director Sustainable Development and Infrastructure;
- Director Corporate & Community Services;
- Project Management and Procurement Officer;
- Building Asset Management Officer.

DISCUSSION / OFFICER COMMENTS

RFT 09-23 Licensed Plumbing, Gas & Drainage Services was issued as a public open tender on Wednesday 22 February 2023. The deadline for submissions was Wednesday 29 March 2023. The invitation to tender was published in the West Australian newspaper as required by legislation, as well as in the local Augusta Margaret River Times newspaper and on the Shire's website.

Nine organisations requested copies of the tender documents. Of these, two organisations submitted tenders which were received by the deadline of the Request for Tender. Tender submissions were reviewed by an evaluation panel consisting of five Shire officers.

No addenda's were issued and all tenders were received prior to the deadline stated in the tender documents.

Each tender response was assessed against the selection criteria, in accordance with the evaluation process outlined in the tender document, the assessment included, amongst other things:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were not point-scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met.

- Assessing compliant tenders against the following qualitative and price criteria:

Selection Criteria	Weighting
Compliance and Disclosure Criteria (non-weighted)	N/A
Relevant Experience, Skills and Key Personnel	35%
Demonstrated Understanding and Resources	50%
Sustainability Considerations	15%
Total	100%

A scoring and weighting methodology was used to assess tenders against these criteria, with the extent to which a tender demonstrated greater satisfaction of each of the criteria resulting in a greater score. Price was not weighted, given that functional considerations such as quality of service and capacity are crucial to the outcome of the contract. Price was considered as part of the overall consensus after the evaluations were completed.

The tendering process for the Plumbing, Gas & Drainage tender was overseen by an independent probity advisor. The probity report is included as a Confidential Attachment 1.

Due diligence checks – in the form of reference checks and a review of the financial statements – were undertaken on the recommended tenderer.

This recommendation is based on the preferred submissions being deemed the most advantageous to Council, through their understanding, experience and resources to deliver the listed required works. Detailed outcomes from the tender evaluation process are outlined in Confidential Attachment 2 – RFT 09-23 Licensed Plumbing Gas & Drainage Services Tender Evaluation Report.

So as not to create undue expectation around the award of a contract based on the officer's recommendation, the name of the preferred tenderer is withheld from this report. The name of the preferred tenderer will be published in the Ordinary Council Meeting Minutes.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The provision of plumbing services is a key function of Council's commitment to maintaining its assets for the use of the community. Tenders are called to ensure the Shire receives value for money and meets its obligation of *s3.57 of the Local Government Act 1995*.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

The recommended tenderers supplied examples to limit impacts from their operations on the environment such as sustainable business practices, waste reduction methods, recycling, preservation of environment.

Social

The recommended tenderers provided information on their commitment to the local community by local employment opportunities, discounts and pro-bono offers for disadvantaged, elderly and impaired community members. They sponsor local community groups and support educational programs for young people.

Economic

Tendering of Council services encourages competitive pricing and allows the Shire to obtain value for money for the goods and services it purchases.

The recommended tenderers provided information to foster local economic prosperity by local employment, sourcing equipment and supplies from local businesses, using a number of local suppliers.

ADVOCACY

Nil

RISK ASSESSMENT

Scheduled plumbing and gas maintenance ensures statutory regulations and standards are met, while providing a safe and welcoming environment for our community and prolonging the life of the assets.

A pre-procurement risk assessment was undertaken and presented to the evaluation panel as part of the Request for Tender Procurement Plan.

There is minimal risk associated with the proposed recommendation, however Council could reject tenders and invite quotes from qualified plumbers on an as-required basis. This option is not supported for the following reasons:

- Financial risk of not locking in rates for the contract period;
- Risk of contractors being unavailable or not willing to be on call when required, particularly on short notice or in an emergency.

RECOMMENDATION / COUNCIL DECISION

CR MUIR, CR DANIEL OM2023/91

That Council:

1. **Accepts the tender submitted by Aqua Allsorts Pty Ltd as Trustee for the Terara Trust, named as 'Respondent A' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract for North Region Separable Portion;**
2. **Accepts the tender submitted by RE & SJ Gozzi Trading as Gozzi's Plumbing & Gas, named as 'Respondent B' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous tender to form a contract for South Region Separable Portion;**
3. **Delegates the formation of a contract with 'Respondent A and B' to the CEO.**
4. **Delegates the decision on whether to extend the contracts at the end of the initial three year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.**

CARRIED 6/0

11.2.5. RFQ 022303 BITUMEN SEALING AND ASPHALT PAVING SERVICES

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	COR/409
Report Author	James Taylor, Manager Works
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- On 22 March 2023 the Shire of Augusta Margaret River (Shire) advertised a Request for Quote via WALGA Preferred Supplier Program for Bitumen Sealing and Asphalt Paving Services, with the quote period closing at 10 am on Monday, 17 April 2023.
- Two (2) quote submissions were received and evaluated by a panel of Shire officers in line with the selection criteria specified in the RFQ document.
- The proposed contract is for an initial contract term of three (3) years, with the Shire reserving the right to exercise two (2) one (1) year contract extensions.

ATTACHMENTS

1. CONFIDENTIAL Tender Evaluation Report RFQ 022303 [11.2.5.1 - 20 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Accepts the quote submitted by {_____}, named as 'Respondent B' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous quote to form a contract.2.
2. Delegates the formation of a contract with 'Respondent B' to the CEO.
3. Delegates the decision on whether to extend the contract at the end of the initial year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.

LOCATION PLAN

Nil

BACKGROUND

In order for the Shire to complete its road construction and maintenance programs a contractor for Bitumen Sealing and Asphalt Paving Services is required. This is a specialised service that is not able to be completed by Shire Officers.

Typical works covered within this contract will include:

- Bitumen primer-sealing of road and car park construction works
- Asphalt paving of road and car park construction works
- Bitumen resealing of existing roads identified in the Shire's annual reseal and overlay program

- Asphalt overlay paving of existing roads identified in the Shire's annual reseal and overlay program
- Profiling and patching sections of existing road surfaces
- Sprayed Edge Repairs
- Pre-coat and emulsion supply

The current contract will expire on 30 June 2023. It is estimated that the new contract spend will be approximately \$1,000,000 per annum.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The Local Government (Functions and General) Regulations 1996 Part 4 Division 2 Regulation 11(1) requires that tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration is, or is expected to be, more, or worth more, than \$250,000.

The *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 Regulation 11(2b) states that Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Regulation 20 of the Local Government (Functions and General) Regulations 1996 enables the Shire to negotiate particular terms and conditions of the contract after award but prior to forming the contract.

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.1: Provide, facilitate and advocate for a safe transport network with high quality roads and footpaths across the Shire, including a trails and bicycle network which better connects places

CONSULTATION AND ADVICE

Nil

DISCUSSION / OFFICER COMMENTS

RFQ 022303 Bitumen Sealing and Asphalt Paving Services was issued as a Request for Quote via WALGA Preferred Supplier Program. The deadline for submissions was 10.00 am (AWST) Monday, 17 April 2023.

Seven organisations were requested to quote. Of these, two organisations submitted quotes were received by the deadline of the Request for Quote. Quote submissions were reviewed by an evaluation panel consisting of three Shire officers.

All quotes were received prior to the deadline stated in the tender documents.

Each quote response was assessed against the selection criteria, in accordance with the evaluation process outlined in the quote document, the assessment included, amongst other things:

- Assessing quotes received against relevant compliance criteria.
- Assessing compliant quotes against the following qualitative and price criteria:

Selection Criteria	Weighting
Relevant Experience	15%
Respondent's Resources	15%
Key Personnel Skills and Experience	15%
Demonstrated Understanding	10%
Workplace Health & Safety and Environmental Management	10%
Sustainability Considerations	5%

Price	30%
Total	100%

A scoring and weighting methodology was used to assess tenders against these criteria, with the extent to which a quote demonstrated greater satisfaction of each of the criteria resulting in a greater score.

Due diligence checks – in the form of reference checks were undertaken on the recommended tenderer.

Detailed outcomes from the tender evaluation process are outlined in Confidential Attachment 1 – RFQ022303 Bitumen Sealing and Asphalt Paving Services Quote Evaluation Report.

So as not to create undue expectation around the award of a contract based on the officer's recommendation, the name of the preferred tenderer is withheld from this report. The name of the preferred tenderer will be published in the Ordinary Council Meeting Minutes.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The Shire budgets for the requirements of bitumen sealing and asphalt services, ensuring maintenance of existing roads and construction of new roads as the Shire's population increases

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

Ongoing road maintenance protects infrastructure and the community.

Social

Part of the ongoing maintenance and construction service that the Shire provides to operate safe road networks for travellers on the roads.

Economic

Nil

ADVOCACY

Nil

RISK ASSESSMENT

1. Council could reject the quote and direct the Shire to provide these services in house. However, this option is not recommended as the cumulative costs of equipment purchases, maintenance and upkeep, and staff costs are expected to exceed the value of the contracted services.
2. Council could reject the quote and invite quotes from contractors on an as-required basis. However, this option is not recommended as the Shire has a need for an ongoing provider of this service, and the cumulative value of these services would exceed the limit for which the Shire is legislatively required to appoint a contractor through the advertising of a public tender.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR MUIR OM2023/92

That Council:

1. **Accepts the quote submitted by Malatesta Group Holdings Pty Ltd, named as 'Respondent B' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous quote to form a contract.**
2. **Delegates the formation of a contract with 'Respondent B' to the CEO.**
3. **Delegates the decision on whether to extend the contract at the end of the initial year contract term to the CEO, in conformance with the provisions of the *Local Government (Functions and General) Regulations 1996* and the terms of the contract, subject to the completion of a satisfactory formal contract review.**

CARRIED 6/0

11.2.6. IPQS 032301 STORM DAMAGE DEBRIS PICKUP

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Various
File Reference	COR/409
Report Author	James Taylor, Manager Works
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- Applications were invited from suitably resourced and experienced suppliers to join the Panel of Pre-Qualified Suppliers for the provision of contractor assistance for storm damage pickup.
- The supply consists of appropriately resourced contractors to complete storm damage debris pickup. The Shire of Augusta Margaret River's (Shires) intention is to set up a panel of pre-qualified suppliers to meet the complete needs of the Shire during the major storm period of 2023.
- A budget is set annually for storm damage events which, subject to meeting the relevant criteria may be refunded through the Disaster Recovery Funding Arrangements of Western Australia (DRFAWA).
- On 19 April 2023, the Shire issued a public open Request for Application to join a Panel of Pre-qualified Suppliers for Storm Damage Debris Pickup.
- Five submissions were received by the deadline and evaluated by a panel of three Shire officers in accordance with the evaluation process outlined to submitters in the Invitation to join a Panel of Pre-Qualified Suppliers (IPQS) document.

ATTACHMENTS

1. CONFIDENTIAL Panel Evaluation Report IPQS 032301 [11.2.6.1 - 26 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Accepts the quotes submitted by {_____}, named as:
 - Respondent A
 - Respondent B
 - Respondent C
 - Respondent D
 - Respondent Ein the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous quotes to form a contract.
 2. Delegates the formation of the Contracts with Respondents A through E inclusive to the Chief Executive Officer.
-

LOCATION PLAN

Nil

BACKGROUND

Over the previous three years, the Shire has experienced severe storm events whereby excessive amounts of tree and debris have fallen, impacting infrastructure. These items have been claimable through DRFAWA.

In significant storm events the debris is generally pushed to the side of the roads to allow the road to be safely used. Then later in the year a team is sent to collect the debris and complete any further repairs that are required. If this follow up work coincides with the construction season, Shire work teams do not have the capacity to complete the works, and contractors need to be employed.

STRATEGIC COMMUNITY PLAN 2040

Place

Outcome PL.2: Infrastructure which caters to need

Strategy PL.2.1: Provide, facilitate and advocate for a safe transport network with high quality roads and footpaths across the Shire, including a trails and bicycle network which better connects places

CONSULTATION AND ADVICE

Nil

DISCUSSION / OFFICER COMMENTS

IPQS 032301 – Panel of Suppliers for Storm Damage Debris Pickup, was issued as a public open tender on Wednesday, 19 April 2023. The request sought the services of suitably qualified and experienced suppliers to join the Panel of Pre-Qualified Suppliers for the provision of resources for Storm Damage Debris Pickup.

The deadline for submissions was Wednesday, 10 May 2023. The invitation was published in the West Australian newspaper as well as in the local Augusta Margaret River Times newspaper, on the Shire’s website and on noticeboards at the Shire’s offices and public libraries, as required by legislation.

Six (6) requests for copies of the documents were received, and all six (6) were provided with the documents.

No addenda were issued during the open period.

Details of organisations provided with request documents, as well as details of clarifications and clarification responses were recorded in an open period log.

The Shire received five (5) submissions for various material supply.

Each request response was assessed against the selection criteria by an evaluation panel consisting of suitably qualified and experienced Shire officers.

In accordance with the evaluation process outlined in the request document, the assessment included, amongst other things.

- Assessing requests received against relevant compliance criteria. The compliance criteria were not point-scored. Each submission was assessed on a Yes/No basis as to whether each criterion was satisfactorily met.

- Assessing compliant requests against the following qualitative and price criteria:

Selection Criteria	Weighting
Relevant Experience	15%
Respondent’s Resources and Experience	25%
Demonstrated Understanding	25%
Sustainability Considerations	10%
Price	25%

Total	100%
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A scoring and weighting methodology was used to assess requests against these criteria, with the extent to which a submission demonstrated greater satisfaction of each of the criteria resulting in a greater score.

A minimum of two (2) pre-qualified suppliers are required to form a Panel.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Local Government (Functions and General) Regulations 1996* Part 4 Division 3 Regulation 24AD(1) outlines the requirements for inviting persons to apply to join a panel of prequalified suppliers. Regulations 24AE to 24AJ deal with timeframes, processes, information and contracts for panels of pre-qualified suppliers.

So as not to create undue expectation around the award of a contract based on the officer's recommendation, the name of the preferred tenderer is withheld from this report. The name of the preferred tenderer will be published in the Ordinary Council Meeting Minutes.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

There is an annual budget item (RMA5) for storm damage clearing expenditure which is set at almost \$300,000. Should there be a significant storm event that meets the criteria of the DRFAWA and it is declared a claimable event, then the majority of the expenditure may be able to be reimbursed. The deadlines set by DRFAWA to complete the debris pickup are tight rendering standard procurement processes inadequate. A Panel of Contractors to assist in the debris removal set up prior to the commencement of the storm season will ensure procurement policies and procedures are met, and the works teams able to respond quickly.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Clearing of storm debris is required to ensure safe road, drainage and pathway systems in the Shire's infrastructure network.

ADVOCACY

The Department of Fire and Emergency Services (DFES) facilitate DRFAWA which is an arrangement between the Commonwealth and State that determines the terms and conditions that must be met to claim financial assistance from the Commonwealth for the purposes of disaster relief and recovery.

RISK ASSESSMENT

Council could decide to reject the Panel and the Shire would need to follow Procurement Procedures by going out to quote. This is not advisable as the DRFAWA timelines to complete works are tight and the Procurement process can be lengthy. If there is a large and significant event the cost could exceed the Tender Threshold.

RECOMMENDATION / COUNCIL DECISION

CR MUIR, CR KENNAUGH OM2023/93

That Council:

1. **Accepts the quotes, named as:**
 - Respondent A - Finebrand Pty Ltd ATF The Guy Badger Family Trust T/As Arbor Guy
 - Respondent B - Busselton Civil Pty Ltd
 - Respondent C - Leeuwin Civil Pty Ltd
 - Respondent D - NCJ Adamson Earthmoving Pty Ltd
 - Respondent E - Wormall Civil Pty Ltd

in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 as the most advantageous quotes to form a contract.

2. **Delegates the formation of the Contracts with Respondents A through E inclusive to the Chief Executive Officer.**

CARRIED 6/0

11.2.7. WOODITJUP BILYA PRECINCT COMMUNITY PLAN

Location/Address	River Precinct - Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	ENG/86
Report Author	Susan Elton, Project Planning Officer
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

This Item was brought forward for consideration (page 32).

11.2.8. PROPOSED LOCAL DEVELOPMENT PLAN - RAPIDS LANDING VILLAGE CENTRE

Location/Address	Lot 9014 John Archibald Drive, Margaret River
Applicant/Landowner	Urbis/Balwyn Margaret River Pty Ltd
File Reference	P222750, PTY/12749
Report Author	Matt Slocomb, Coordinator Planning Services
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Legislative

This item was brought forward for consideration (page 21).

11.2.9. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING - 9 MAY 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	EMS/3
Report Author	Adam Jasper, Community Emergency Services Manager
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- On 9 May 2023, the Local Emergency Management Committee (LEMC) held its first meeting of the year (NOTE: The meeting that was due to be held on 14 February 2023 was cancelled due to a lack of quorum).
- Attending agencies provided their quarterly reports.
- A number of nominations for new Committee Delegates and Proxies were received and adopted en bloc by the Committee. These nominations are now presented to Council for final endorsement.
- The Committee also adopted en bloc the updated appendices to the Shire's Local Emergency Management Arrangements (LEMA). These appendices are now presented to Council for final endorsement.
- The need for a caving sub-committee or working group was addressed and is to be reviewed prior to the next meeting of the LEMC.

ATTACHMENTS

1. CONFIDENTIAL - LEMC 9 May 2023 Meeting Minutes and Attachments CONFIDENTIAL LR [11.2.9.1 - 210 pages]
2. LEMC 9 May 2023 Meeting Minutes and Attachments PUBLIC LR [11.2.9.2 - 80 pages]

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Receives the unconfirmed minutes of the Local Emergency Management Committee meeting held 9 May 2023 (Attachment 1).
2. Appoints the new LEMC Committee Members as follows:
 - a. Roma Boucher and Phoebe Matthews to the positions of Department of Communities LEMC Delegate and Proxy, respectively;
 - b. Tim Garstone to the position of Shire Bush Fire Brigade LEMC Proxy;
 - c. Nathan Eley to the position of WA Police (Margaret River District) LEMC Proxy; and
 - d. David Minervini to the position of WA Police (Augusta District) LEMC Delegate.
3. Endorses the updated Shire of Augusta Margaret River Local Emergency Management Arrangements (LEMA) Appendices as follows:
 - a. Appendix 1 – Critical Infrastructure (CONFIDENTIAL);
 - b. Appendix 2 – At Risk Groups (CONFIDENTIAL);
 - c. Appendix 3 – Emergency Contacts & Resource Directory (CONFIDENTIAL);
 - d. Appendix 4 – Local Emergency Management Welfare Plan (CONFIDENTIAL);
 - e. Appendix 5 – Evacuation Maps;
 - f. Appendix 6 – Animal Welfare Plan (CONFIDENTIAL); and
 - g. Appendix 7 – Local Recovery Plan.

LOCATION PLAN

Nil

BACKGROUND

The LEMC meetings are held quarterly on the second Tuesday of the month.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 36(a) *Emergency Management Act 2005*

Section 38(1) *Emergency Management Act 2005*

Sections 41, 42 & 43 *Emergency Management Act 2005*

STRATEGIC COMMUNITY PLAN 2040

People

Outcome PE.4: Safe and resilient communities

Strategy PE.4.1: Provide, regulate and facilitate local community safety initiatives and animal management

Strategy PE.4.2: Provide, regulate, facilitate and advocate for a just and inclusive local emergency preparedness and response across all hazards

Strategy PE.4.3: Advocate for and fund community programs which address the social, cultural and economic impacts of climate change on the community, including support for emergency service positions in the Shire

CONSULTATION AND ADVICE

External Consultation

- LEMC delegates

Internal Consultation

- Director Sustainable Development and Infrastructure Services
- Manager Art Culture and Community (Shire Recovery Coordinator)
- Community Emergency Services Manager
- Ranger Services

DISCUSSION / OFFICER COMMENTS

Nomination of New LEMC Committee Members

A number of nominations for new LEMC Committee Members were received prior to the meeting.

LEMC Delegates and Proxys are Council endorsed positions, therefore the nominations were adopted en bloc by the LEMC at this meeting and are now presented to Council for final endorsement and appointment.

A list of the new LEMC Committee member nominations are as follows:

Nomination of New Dept. Communities LEMC Delegate and Proxy

Due to changes within the Dept. Communities Emergency Relief and Support team, and the return of Roma Boucher to her substantive position as DESO, Roma Boucher has been nominated as the new LEMC Delegate, with Phoebe Matthews nominated as Proxy.

Nomination of New Shire Bush Fire Brigade LEMC Proxy

Due to the relocation of current LEMC Proxy, Quentin Blunsdon, to Tom Price, Tim Garstone, the Shire's new Deputy Chief Bush Fire Control Officer, has been nominated as the new LEMC Proxy.

Nomination of New WA Police (Margaret River District) LEMC Proxy

Due to the relocation of current LEMC Proxy, Mark Sutton, out of district, WA Police (Margaret River District) have nominated Nathan Eley, as the new LEMC Proxy.

Nomination of New WA Police (Augusta District) LEMC Delegate

Due to the retirement of current LEMC Delegate, David Wall, WA Police (Augusta District) have nominated David Minervini as the new LEMC Delegate.

Review of AMR Shire LEMA Appendices

The Shire's Local Emergency Management Arrangements (LEMA) recently underwent a five yearly review and was adopted by LEMC at the meeting held 8 November 2022, with subsequent endorsement by Council on 14 December 2022.

The LEMA document was distributed as per the distribution list on page 1, with a note that the document that was adopted and endorsed was the LEMA DOCUMENT ONLY, and all related Appendices were currently under review and would be presented for adoption and endorsement at a future LEMC meeting in 2023.

All LEMA Appendices have now been reviewed and updated, with the final drafts adopted en bloc by the LEMC at this meeting. The Appendices are now presented to Council for final endorsement.

Once final endorsement by Council has been received, all LEMC members and recipients listed on the distribution list on page 1 of the LEMA will receive a final version of the updated Appendices to replace any previous versions.

A list of the updated LEMA Appendices are as follows:

Appendix 1 – Critical Infrastructure (CONFIDENTIAL)

This list captures the critical infrastructure with the Shire of Augusta Margaret River.

Appendix 2 – At Risk Groups (CONFIDENTIAL)

This list captures the 'at risk' groups within the Shire of Augusta Margaret River.

Appendix 3 – Emergency Contacts & Resource Directory (CONFIDENTIAL)

This directory captures the key emergency contacts within the Shire of Augusta Margaret River, along with various useful resources that can be utilised in an emergency.

Appendix 4 – Local Emergency Management Welfare Plan (CONFIDENTIAL)

This plan is compiled by the Department of Communities Emergency Services division and incorporates EM welfare information for three Local Governments in the SW including the City of Busselton, Shire of Nannup and Shire of Augusta Margaret River.

Appendix 5 – Evacuation Maps

These maps indicate critical infrastructure and special risks at various locations within the Shire of Augusta Margaret River.

Appendix 6 – Animal Welfare Plan (CONFIDENTIAL)

This plan provides information to staff and agencies on how to assist the community with the care and management of domestic and native animals during an emergency.

Appendix 7 – Local Recovery Plan

This plan provides information on recovery arrangements and services to assist the community towards the management of its own recovery following an emergency incident.

Cave Incidents and Proposed Caving Committee

OIC Margaret River Police, Simone Taplin, proposed the formation of a Caving Sub-Committee or Working Group, following the caving incident that occurred approx. 6 weeks ago, and suggested that LEMC may be the best forum to create this group due to the agencies that would likely be involved in these types of incidents.

The proposal was discussed by the LEMC with the item added as an Action Item for review prior to the next LEMC meeting in August.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

Preparedness, timing, response and support to local emergencies will reduce any impact on the environment from an emergency situation.

Social

An effective LEMC will assist the community in the response and recovery phases of an emergency.

Economic

An effective LEMC has the potential to reduce the likelihood and consequence of an emergency impacting on economic wellbeing of the local community.

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION / COUNCIL DECISION

CR KENNAUGH, CR BINKS OM2023/94

That Council:

1. Receives the unconfirmed minutes of the Local Emergency Management Committee meeting held 9 May 2023 (Attachment 1).
2. Appoints the new LEMC Committee Members as follows:
 - a. Roma Boucher and Phoebe Matthews to the positions of Department of Communities LEMC Delegate and Proxy, respectively;
 - b. Tim Garstone to the position of Shire Bush Fire Brigade LEMC Proxy;
 - c. Nathan Eley to the position of WA Police (Margaret River District) LEMC Proxy; and
 - d. David Minervini to the position of WA Police (Augusta District) LEMC Delegate.
3. Endorses the updated Shire of Augusta Margaret River Local Emergency Management Arrangements (LEMA) Appendices as follows:
 - a. Appendix 1 – Critical Infrastructure (CONFIDENTIAL);
 - b. Appendix 2 – At Risk Groups (CONFIDENTIAL);
 - c. Appendix 3 – Emergency Contacts & Resource Directory (CONFIDENTIAL);
 - d. Appendix 4 – Local Emergency Management Welfare Plan (CONFIDENTIAL);
 - e. Appendix 5 – Evacuation Maps;
 - f. Appendix 6 – Animal Welfare Plan (CONFIDENTIAL); and
 - g. Appendix 7 – Local Recovery Plan.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.2.10. BUSH FIRE ADVISORY COMMITTEE MEETING - 17 MAY 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	EMS/4
Report Author	Adam Jasper, Community Emergency Services Manager
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Executive/Strategic

IN BRIEF

- On 17 May 2023, the Bush Fire Advisory Committee (BFAC) held its second meeting of the year.
- Members provided their quarterly reports.
- The Shire of Augusta Margaret River (Shire) Community Emergency Services Manager (CESM), gave an update on the new *Work Health and Safety Act 2020* (WHS Act).
- The BFAC was advised of a review into the new Australian Fire Danger Rating System (AFDRS).
- Kudardup Bush Fire Brigade (BFB) requested the Shire provide the community with further information regarding safe fire practices.
- Kudardup BFB also requested a review of the current campfire and firepit restrictions during the Restricted Burning Period.
- A report on the 2022-23 firebreak inspection season and draft 2023-24 Firebreak Notice was provided to members.
- Members were advised of changes to the Volunteer National Police Certificate (VNPC) application process.

ATTACHMENTS

1. BFAC 17 May 2023 Meeting Minutes and Attachments [**11.2.10.1** - 37 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Receives the unconfirmed minutes of the Bush Fire Advisory Committee meeting held 17 May 2023 (Attachment 1); and
 2. Requests the CEO investigate the possibility of including additional information with the Shire's Rates Notice to educate landowners on safe fire practices.
-

LOCATION PLAN

Nil

BACKGROUND

The BFAC meetings are held quarterly on the third Wednesday of the month.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 38(1) *Bush Fire Act 1954*

Local Government Act 1995

STRATEGIC COMMUNITY PLAN 2040

Environment

Outcome EN.1: Ecology and biodiversity protection

Strategy EN.1.4: Facilitate ecologically sound and culturally inclusive fire management practices on Shire land and work collaboratively with all stakeholders in tenure blind process to increase resilience and reduce vulnerability of bushfire across the Shire

People

Outcome PE.3: Active, healthy and fulfilling lifestyles

Strategy PE.3.1: Provide, facilitate and fund initiatives that support community groups and volunteers with intergenerational involvement, mentorship and connection

People

Outcome PE.4: Safe and resilient communities

Strategy PE.4.2: Provide, regulate, facilitate and advocate for a just and inclusive local emergency preparedness and response across all hazards

Strategy PE.4.3: Advocate for and fund community programs which address the social, cultural and economic impacts of climate change on the community, including support for emergency service positions in the Shire

CONSULTATION AND ADVICE

External Consultation

BFAC delegates

Internal Consultation

- Chief Executive Officer
- Director Sustainable Development and Infrastructure Services
- Community Emergency Services Manager
- Manager Legal and Governance
- Ranger Services

DISCUSSION / OFFICER COMMENTS

WHS Act Update

Shire CESM, Adam Jasper, provided the meeting with an update on the current status of the new WHS Act.

BFAC members were provided with an initial copy of the draft Bush Fire Brigade Volunteer Safety Management Plan prior to the meeting and have been asked to provide feedback on the document.

Witchcliffe FCO, Diane Holland, stated that having the new WHS Act explained to relevant Witchcliffe members in the form of a presentation was very beneficial and suggested the same presentation be given to all Shire Brigade Captains and FCOs.

Adam Jasper advised that he would discuss the possibility of a group presentation on the WHS Act with the Shire's Work Health and Safety representative and advise Captains and FCOs accordingly.

FDR Review

The new AFDRS was implemented to ensure a nationally consistent fire danger rating system across the whole of Australia.

Adam Jasper informed the BFAC of a review of the AFDRS and discussed some of the issues the new system has faced following the first fire season after its implementation in WA late last year.

He advised that a number of recommendations have already been provided to the AFDRS Team regarding the current triggers, acknowledging the lag between moisture content readings and the information being fed into the ratings, which is currently up to around 3-4 days.

The Committee held a brief discussion on some of the issues they have experienced with the new FDR system, with Witchcliffe FCO, Diane Holland, suggesting that further education would assist the community in understanding how the ratings are developed.

Burning Periods Information Flyer

Kudardup FCO, Matt Nield, voiced concerns that the current Firebreak Notice Requirements and Bushfire Information booklet may not be sufficient in informing the community of key bushfire information, such as the dates of each of the Burning Periods, what they mean in terms of rules/restrictions, instructions on Permit applications and information on what to do before lighting up, etc.

Mr Nield suggested that an additional information sheet, or similar, outlining this key information, be distributed to all ratepayers along with the Shire's annual Rates Notice.

After a brief discussion by the BFAC, Mr Nield proposed that a recommendation to Council be moved to request the Shire investigate the possibility of including additional information with the Shire's Rates Notice to educate landowners on safe fire practices. This motion was adopted unanimously and is presented to Council for action.

Campfire and Firepit Restrictions

Kudardup FCO, Matt Nield, requested that the restrictions surrounding the lighting of campfires and firepits during the Restricted Burning Season be revisited.

Currently, campfires and firepits are permitted on private property during the Restricted Burning Period without a permit, but cannot be lit before 6pm and must be fully extinguished by 11pm.

During the Restricted Burning Period, campfires and firepits are not permitted on days where the FDR is HIGH or above.

Mr Nield advised that the request to review these restrictions was due to some caravan parks within the Shire receiving complaints about the times when campfires and firepits are able to be lit during the Restricted Burning Period, with campers stating that the current start time of 6pm is too late.

Shire CESM, Adam Jasper, stated that although the current restriction of campfires and firepits being prohibited during a High FDR was enforced by the *Bush Fires Act*, the times at which a campfire/firepit could be lit during the Restricted Burning Period, could possibly be reviewed, but would require further investigation and discussion.

The Chair requested the item be added to the BFAC's action list where Mr Jasper will investigate the matter further.

Review of Fire Season and Draft 2023-24 Firebreak Notice

A late report containing information on the 2022-23 firebreak inspection season and the draft 2023-24 Firebreak Notice was presented to the BFAC at the meeting.

The report included in the minutes:

- gave an overview of the inspections and enforcement action taken by rangers in the 2022-2023 fire period.
- summarised the recommendation made in the recently published '*Guidance Note – Section 33 Fire-break Notices*' produced by the West Australian Local Government Association (WALGA) and the Department of Fire and Emergency Services (DFES) to support local governments in producing an effective and enforceable firebreak notice.
- Presented a draft 2023-2024 Firebreak notice listing the minor textual changes proposed with the proposed notice to put on the August 2023 BFAC agenda for further advice.
- Discussed the problems associated with the enforcement of bushfire management plans prepared to satisfy conditions of subdivision approval.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

An effective BFAC and well-trained brigade members will reduce the likelihood and consequence of a bushfire impacting on the environment.

Social

An effective BFAC and well-trained brigade members will reduce the likelihood and consequence of a bushfire impacting on community wellbeing.

Economic

An effective BFAC and well-trained brigade members will reduce the likelihood and consequence of a bushfire impacting on the economic wellbeing of the local community.

ADVOCACY

Nil

RISK ASSESSMENT

Nil

Cr Earl disclosed impartiality interest, as he is a member of the Cowaramup Bush Fire Brigade.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR BINKS OM2023/95

That Council:

1. **Receives the unconfirmed minutes of the Bush Fire Advisory Committee meeting held 17 May 2023 (Attachment 1); and**
2. **Requests the CEO investigate the possibility of including additional information with the Shire's Rates Notice to educate landowners on safe fire practices.**

CARRIED 6/0

Cr Binks moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION

CR BINKS, CR EARL OM2023/96

That Council moves to Item 11.3.2 List of Payments for April 2023, for consideration.

CARRIED 6/0

Council then brought forward item 11.3.2 List of Payments for April 2023 for consideration.

11.3.2. LIST OF PAYMENTS FOR APRIL 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	FIN/42
Report Author	Simone Meyer, Finance Officer
Authorising Officer	James Shepherd, Director Corporate and Community Services
Authority/Discretion	Legislative

IN BRIEF

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that payments made under delegated authority by the CEO are reported to Council on a monthly basis showing details of each account paid since the last such list was prepared.

ATTACHMENTS

1. List of Payments for April 2023 [11.3.2.1 - 7 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the April 2023 List of Payments for \$5,531,300.53 as certified correct by the Chief Executive Officer.

LOCATION PLAN

Nil

BACKGROUND

Where Council has delegated authority to the CEO to make payments from the Shire's bank accounts then under *Local Government (Financial Management) Regulations 1996*, Regulation 13 (1) a list of such payments is to be prepared each month for noting by Council.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Government Act 1995, s 6.10, and

Local Government (Financial Management) Regulations 1996, r 13

STRATEGIC COMMUNITY PLAN 2040

Performance

Outcome PF.1: Responsible planning and ownership of outcomes

Strategy PF.1.4: Regulate and provide information and community communication in accordance with statutory requirements and to best support decision making

CONSULTATION AND ADVICE

Nil

DISCUSSION / OFFICER COMMENTS

Table 1 below provides a summary of the payments made and Table 2 makes comparison between payments for the 2021-22 and 2022-23 financial years.

SHIRE OF AUGUSTA MARGARET RIVER
ORDINARY COUNCIL MEETING AGENDA 14 JUNE 2023

The List of Payments attachment provides further details as required under Regulation 13 (1). These details are as follows.

- (a) The payee's name;
- (b) The amount of the payment;
- (c) The date of the payment; and
- (d) Sufficient information to identify the transaction.

In order to improve operational efficiency and reduce costs, the Shire's Finance team continually liaise with creditors paid by cheque to encourage them to switch to EFT.

TABLE 1 – SUMMARY OF PAYMENTS MADE IN THE MONTH APRIL 2023

MODE OF PAYMENT	CHEQUE / EFT NUMBERS	AMOUNT
Cheques		Nil
EFT	92241 - 92625	\$4,347,637.40
Direct Debits		\$1,183,663.13
TOTAL		\$5,531,300.53

SHIRE OF AUGUSTA MARGARET RIVER
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TABLE 2 – COMPARISON WITH PRIOR YEAR OF PAYMENTS

MONTH	CHEQUES 2021-22	EFT/DD 2021-22	TOTAL PMTS 2021-22	CUMULATIVE PAYMENTS	CHEQUES 2022-23	EFT/DD 2022-23	TOTAL PMTS 2022-23	CUMULATIVE PAYMENTS
JULY	Nil	\$3,926,653.73	\$3,926,653.73	\$3,926,653.73	\$241.80	\$8,321,303.56	\$8,321,545.36	\$8,321,545.36
AUGUST	\$262.75	\$2,768,781.98	\$2,769,044.73	\$6,695,698.46	Nil	\$10,607,979.70	\$10,607,979.70	\$18,929,525.06
SEPTEMBER	\$329.80	\$5,274,144.16	\$5,274,473.96	\$11,970,172.42	\$314.95	\$18,548,229.02	\$18,548,543.97	\$37,478,069.03
OCTOBER	\$251.95	\$10,664,778.00	\$10,665,029.95	\$22,635,202.37	Nil	\$3,803,198.35	\$3,803,198.35	\$41,281,267.38
NOVEMBER	\$233.00	\$9,894,211.15	\$9,894,444.15	\$32,529,646.52	\$268.55	\$4,781,649.69	\$4,781,918.24	\$46,063,185.62
DECEMBER	\$573.75	\$4,742,447.64	\$4,743,021.39	\$37,272,667.91	Nil	\$4,507,751.73	\$4,507,751.73	\$50,570,937.35
JANUARY	Nil	\$3,259,836.17	\$3,259,836.17	\$40,532,504.08	\$488.50	\$8,446,957.38	\$8,447,445.88	\$59,018,383.23
FEBRUARY	\$2,068.16	\$6,356,463.02	\$6,358,531.18	\$46,891,035.26	Nil	\$3,979,676.30	\$3,979,676.30	\$62,998,059.53
MARCH	\$304.10	\$8,044,748.19	\$8,045,052.29	\$54,936,087.55	\$230.25	\$5,483,982.76	\$5,484,213.01	\$68,482,272.54
APRIL	Nil	\$5,765,371.90	\$5,765,371.90	\$60,701,459.45	Nil	\$5,531,300.53	\$5,531,300.53	\$74,013,573.07
MAY	\$305.05	\$4,541,869.18	\$4,542,174.23	\$65,243,633.68				
JUNE	\$35,765.40	\$14,944,749.16	\$14,980,514.56	\$80,224,148.24				
	\$40,093.96	\$80,184,054.28	\$80,224,148.24					

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Nil

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION / COUNCIL DECISION

CR MUIR, CR KENNAUGH OM2023/97

That Council notes the April 2023 List of Payments for \$5,531,300.53 as certified correct by the Chief Executive Officer.

CARRIED 6/0

Council then resumed the order of business.

**11.2.11. LEEUWIN PATH AND TAALINUP BOYA HEALTHY COUNTRY PLAN
IMPLEMENTATION**

Location/Address	Reserve 25141 - Leeuwin Road, Augusta
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	RES/25141
Report Author	Nick Logan – Director Sustainable Development and Infrastructure, David Nicholson, Manager Asset Services, Hayley Bain, Acting Coordinator Environment & Landcare Services
Authorising Officer	Stephanie Addison-Brown, CEO
Authority/Discretion	Executive/Strategic

This item was moved forward for consideration (page 8).

Council then moved on to consider 11.3.3.

11.3

Corporate and Community Services

11.3.1. CHIEF EXECUTIVE OFFICER'S KPIS FOR 2023-24 AND CONTRACT EXTENSION

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	PER/05861
Report Author	Nicolae Nitu, Coordinator Human Resources
Authorising Officer	Nicolae Nitu, Coordinator Human Resources
Authority/Discretion	Legislative

This Item was moved back for consideration (page 117).

11.3.2. LIST OF PAYMENTS FOR APRIL 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	FIN/42
Report Author	Simone Meyer, Finance Officer
Authorising Officer	James Shepherd, Director Corporate and Community Services
Authority/Discretion	Legislative

This item was brought forward for consideration (page 96)

11.3.3. FINANCIAL ACTIVITY STATEMENT FOR APRIL 2023

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	FIN/14
Report Author	Claire Trigg, Management Accountant
Authorising Officer	James Shepherd, Director Corporate and Community Services
Authority/Discretion	Legislative

IN BRIEF

- The monthly financial activity statement report is a standard financial reporting item prepared in accordance with the provisions of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (FM Regs).
- Council is to consider the financial results for the period ending 30 April 2023.

ATTACHMENTS

1. Monthly capital works program update - April 23 [11.3.3.1 - 3 pages]
2. Monthly Financial Reports - Business Units - April 23 [11.3.3.2 - 51 pages]
3. Monthly Financial Report - April 23 [11.3.3.3 - 24 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receives the Monthly Financial Report for April 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

LOCATION PLAN

Nil

BACKGROUND

The Shire is required to prepare a monthly Statement of Financial Activity reporting on the sources and applications of funds as set out in the annual budget for that month with the following details:

1. annual budget estimates;
2. budget estimates to the end of the month to which the statement relates;
3. actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
4. material variances between the comparable amounts referred to in (b) and (c); and
5. net current assets at the end of the month to which the statement relates.

Under Regulation 34(5) of the FM Regs Council are to adopt a material variance threshold every year. At the Ordinary Meeting of Council on 27 July 2022 (OM2022/118) Council adopted a monthly variance for reporting of material variances, where financial activity is greater than 10% and \$10,000.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Regulation 34 of the FM Regs requires a local government to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under Regulation 22(1) (d) of the FM Regs.

The *Local Government Regulations Amendment (Financial Management and Audit) Regulations 2022* were gazetted on 17 June 2022, taking effect from 1 July 2022. These amendments, required to enable the introduction of model financial statements under the Local Government Act reform, include a requirement for the monthly statement of financial activity to be shown according to nature or type classification.

STRATEGIC COMMUNITY PLAN 2040

Performance

Outcome PF.1: Responsible planning and ownership of outcomes

Strategy PF.1.1: Regulate and provide support to attract and develop diverse Councillors that lead and deliver on the community's vision for the future

Strategy PF.1.4: Regulate and provide information and community communication in accordance with statutory requirements and to best support decision making

CONSULTATION AND ADVICE

Business unit managers were provided the draft monthly financial reports for their business units and have provided their comments on variances greater than 10% and \$10,000.

DISCUSSION / OFFICER COMMENTS

The commentary contained in the body of this report is in line with FM Regs r.34(2)(b) that requires commentary on material variances to the Statement of Financial Activity at the nature/type level.

The Statement of Financial Activity shows a year to date closing position on 30 April 2023 of \$10.691 million compared with an amended budget of \$8.678 million.

Operating revenue is currently \$38.836 million, which is \$0.784 million or 2.06% higher than budgeted. With continued high levels of subdivision activity, the Shire has collected higher than budgeted interim rate revenue and subdivision supervision income. Interest rates have also continued to increase, which has had a positive effect on the Shire's investment income.

Operating expenditure is \$36.619 million, being \$1.949 million or 5.05% under budget. This is mainly due to the timing of operational project works not aligning with that proposed in the budget.

Employee expenses are showing as \$0.515 million or 3.59% under budget. The following table provides a breakdown of actual performance for employee expenses compared to budget. Recruitment continues to be a challenge for the Shire, as for many organisations, with unemployment rates in Western Australia being at low levels, which has contributed to the underspent position.

Category	Original Budget (\$ millions)	YTD Budget (\$ millions)	YTD Actual (\$ millions)	YTD Variance (\$ millions)
Salaries & Wages	\$ 13.848	\$ 11.062	\$ 10.568	\$ 0.494
Employee provisions	\$ 1.507	\$ 1.217	\$ 1.289	\$ (0.072)
Superannuation	\$ 1.874	\$ 1.478	\$ 1.463	\$ 0.015
Workers compensation	\$ 0.240	\$ 0.240	\$ 0.218	\$ 0.022
Fringe benefits tax	\$ 0.055	\$ 0.031	\$ 0.024	\$ 0.007
Professional memberships	\$ -	\$ -	\$ 0.007	\$ (0.007)
Recruitment	\$ 0.003	\$ 0.003	\$ 0.025	\$ (0.022)
Training, education & conferences	\$ 0.272	\$ 0.305	\$ 0.223	\$ 0.082
Uniforms & protective clothing	\$ 0.054	\$ 0.048	\$ 0.050	\$ (0.002)
Total	\$ 17.853	\$ 14.384	\$ 13.868	\$ 0.516

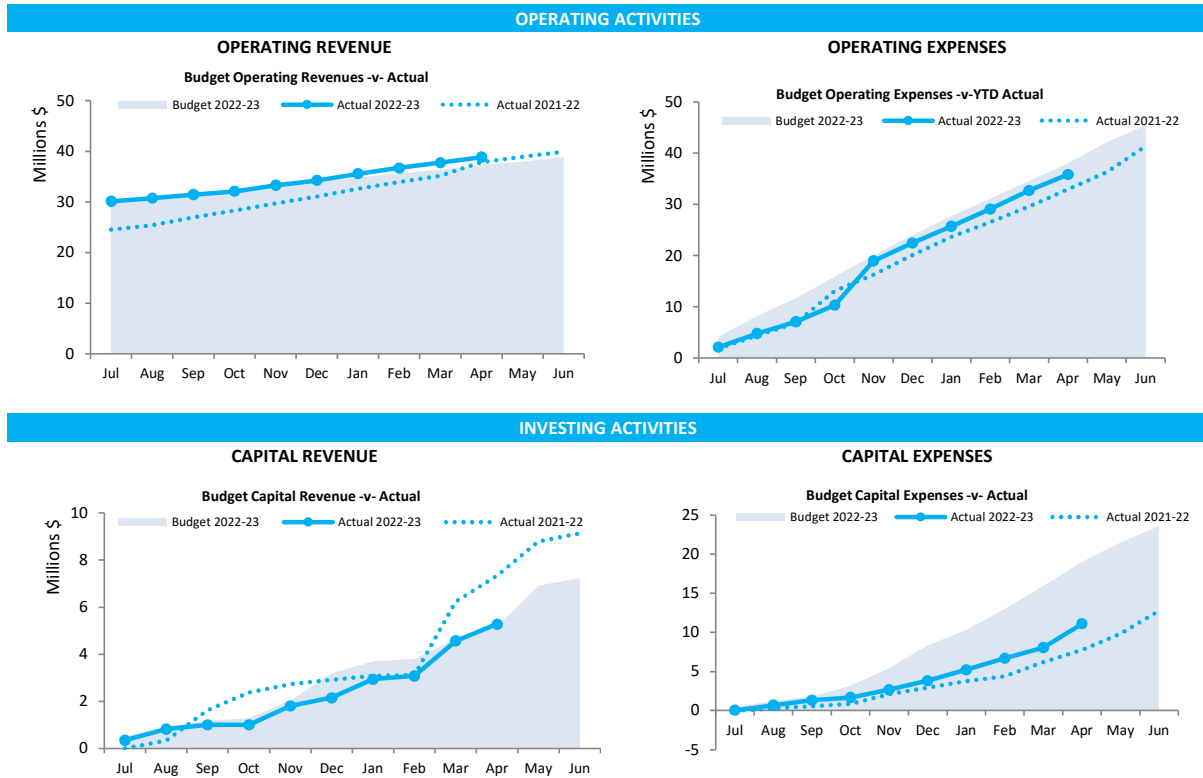
\$5.260 million has been recognised regarding grants for capital works, which is \$0.391 million or 6.92% under budget. The remaining variance is mainly due to budget profiling. In some cases, grant monies have been received but not recognised due to accounting standards which require income to be recognised in line with the incurrence of related expenditure.

\$11.094 million of capital expenditure has been incurred year to date, being \$8.483 million less than budgeted. This is predominantly a timing variance. Part of the variance will be carried forward at end of

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financial year, including refurbishment works at the Aquatic Centre which will continue into the first half of 2023-24. An update on spend against each budgeted capital project is included as an attachment to this report.

Financial performance against budget is shown in the following charts.



Following is the Statement of Financial Activity for the period ending 30 April 2023.

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STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

BY NATURE OR TYPE

Ref	Amended Budget	YTD Budget	YTD Actual	Forecast 30 June 2023 Closing	Variance \$	Variance %	Var.
Opening funding surplus / (deficit)							
1(c)	4,501,954	4,501,954	4,631,231	4,631,231	129,277	2.87%	
Revenue from operating activities							
Rates							
	24,775,001	24,710,501	25,011,109	25,075,609	300,608	1.22%	
Operating grants, subsidies and contributions							
12	2,743,885	1,942,549	1,697,206	2,498,542	(245,343)	(12.63%)	▼
Fees and charges							
	11,032,677	10,357,470	10,905,650	11,580,857	548,180	5.29%	
Interest earnings							
	1,058,268	968,000	1,096,341	1,186,609	128,341	13.26%	▲
Other revenue							
	56,750	54,600	105,089	107,239	50,489	92.47%	▲
Profit on disposal of assets							
6	19,149	19,149	20,607	20,607	1,458	7.61%	
	39,685,729	38,052,269	38,836,002	40,469,463	781,733	2.06%	
Expenditure from operating activities							
Employee costs							
	(17,784,656)	(14,383,863)	(13,867,963)	(17,268,756)	515,900	3.59%	
Materials and contracts							
	(13,289,357)	(10,545,569)	(8,171,652)	(10,915,440)	2,373,917	22.51%	▲
Utility charges							
	(886,468)	(724,557)	(807,058)	(968,969)	(82,501)	(11.39%)	▼
Depreciation on non-current assets							
	(12,533,836)	(10,331,070)	(10,406,816)	(12,609,582)	(75,746)	(0.73%)	
Interest expenses							
	(643,974)	(478,360)	(456,093)	(643,974)	22,267	4.65%	
Insurance expenses							
	(853,038)	(851,538)	(864,588)	(866,088)	(13,050)	(1.53%)	
Other expenditure							
	(1,345,789)	(1,252,632)	(1,215,391)	(1,308,548)	37,241	2.97%	
Loss on disposal of assets							
6	(45,440)	0	(829,346)	(874,786)	(829,346)	0.00%	▼
	(47,382,558)	(38,567,589)	(36,618,907)	(45,456,143)	1,948,682	(5.05%)	
Non-cash amounts excluded from operating activities							
1(a)	12,560,127	10,311,921	11,215,556	13,463,763	903,635	8.76%	
Amount attributable to operating activities							
	4,863,298	9,796,601	13,432,651	8,477,083	3,636,050	37.12%	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions							
13	7,928,285	5,650,673	5,259,750	7,537,362	(390,923)	(6.92%)	
Proceeds from disposal of assets							
6	356,600	196,600	114,516	274,516	(82,084)	(41.75%)	▼
Proceeds from financial assets at amortised cost - interest free loans							
	(30,372)	(42,277)	(17,723)	(30,372)	24,554	(58.08%)	
Payments for financial assets at amortised cost - self supporting loans							
8	0	0	20,000	20,000	30,000	0.00%	▲
Payments for property, plant and equipment and infrastructure							
7	(23,952,353)	(19,576,645)	(11,093,657)	(19,282,353)	8,482,988	43.33%	▲
Amount attributable to investing activities							
	(15,697,839)	(13,771,649)	(5,717,114)	(11,480,847)	8,054,535	(58.49%)	
Financing Activities							
Transfer from reserves							
10	9,758,042	9,758,042	7,500	5,088,042	(9,750,542)	(99.92%)	▼
Payments for principal portion of lease liabilities							
9	(84,717)	(59,812)	(68,509)	(84,717)	(8,697)	(14.54%)	
Repayment of debentures							
8	(1,138,730)	(849,282)	(893,424)	(1,138,730)	(44,142)	(5.20%)	
Transfer to reserves							
10	(2,202,026)	(697,327)	(700,984)	(2,394,242)	(1,657)	(0.52%)	
Amount attributable to financing activities							
	6,332,569	8,151,621	(1,655,417)	1,470,353	(9,807,038)	(120.31%)	
Closing funding surplus / (deficit)							
1(c)	-	8,678,527	10,691,288	3,097,820	2,012,761	(23.19%)	▲

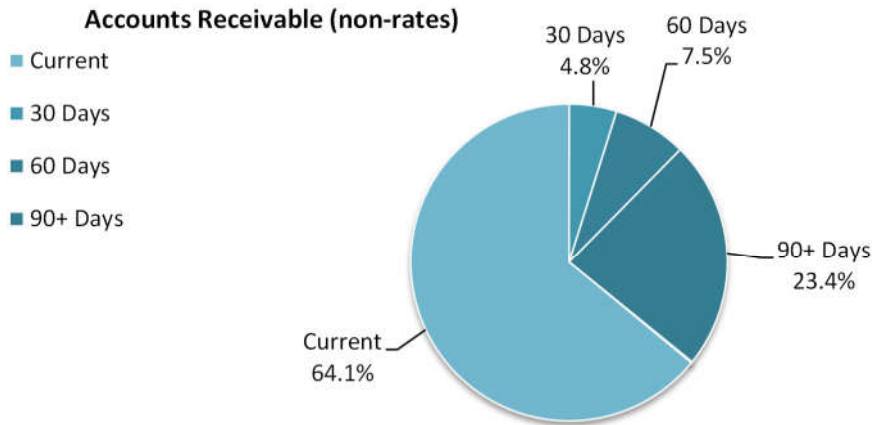
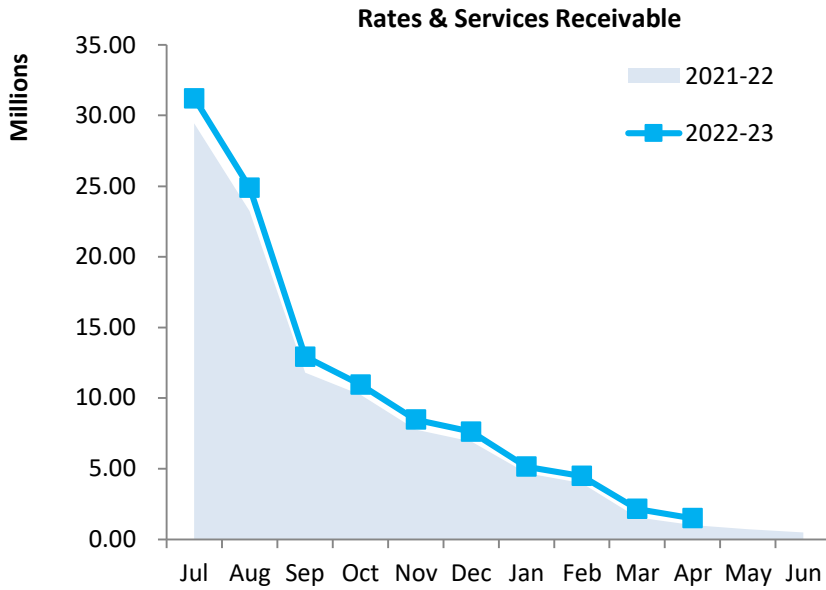
KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 16 for an explanation of the reasons for the variance.
This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

Outstanding Debtors

The following charts compare the outstanding balance of rates and services and the outstanding balance of rates and services in arrears for the current and previous years.

Rates & Services Receivable	30 June 2022	30 Apr 2023
	\$	\$
Opening arrears previous years	526,071	729,552
Levied this year	29,054,521	30,778,509
Less - collections to date	(28,789,412)	(29,950,580)
Gross rates collectable	791,180	1,557,481
Allowance for impairment of rates receivable	(61,628)	(56,412)
Net rates collectable	729,552	1,501,069
% Collected	97.3%	95.1%



The main contributor to the high debtors >90 days position is an outstanding amount of \$0.050 million owed by the Margaret River Hockey Club in relation to their contribution towards the construction of a hockey pitch at Gloucester Park. Council approved an interest free loan application from the Margaret River Hockey Club at the Ordinary Council Meeting on 22 March 2023 which, once executed, will replace this Accounts Receivable debt. Accounts Receivable >90 days also includes \$0.051 million relating to a fine billed not yet paid.

Investments

At 30 April 2023 the Shire’s cash on hand, deposits and investments totaled \$41.024 million. Total investment interest earned for the year to date was \$1.096 million and was above the April 2023 YTD budget of \$0.968 million.

Term Deposits – Cash Management

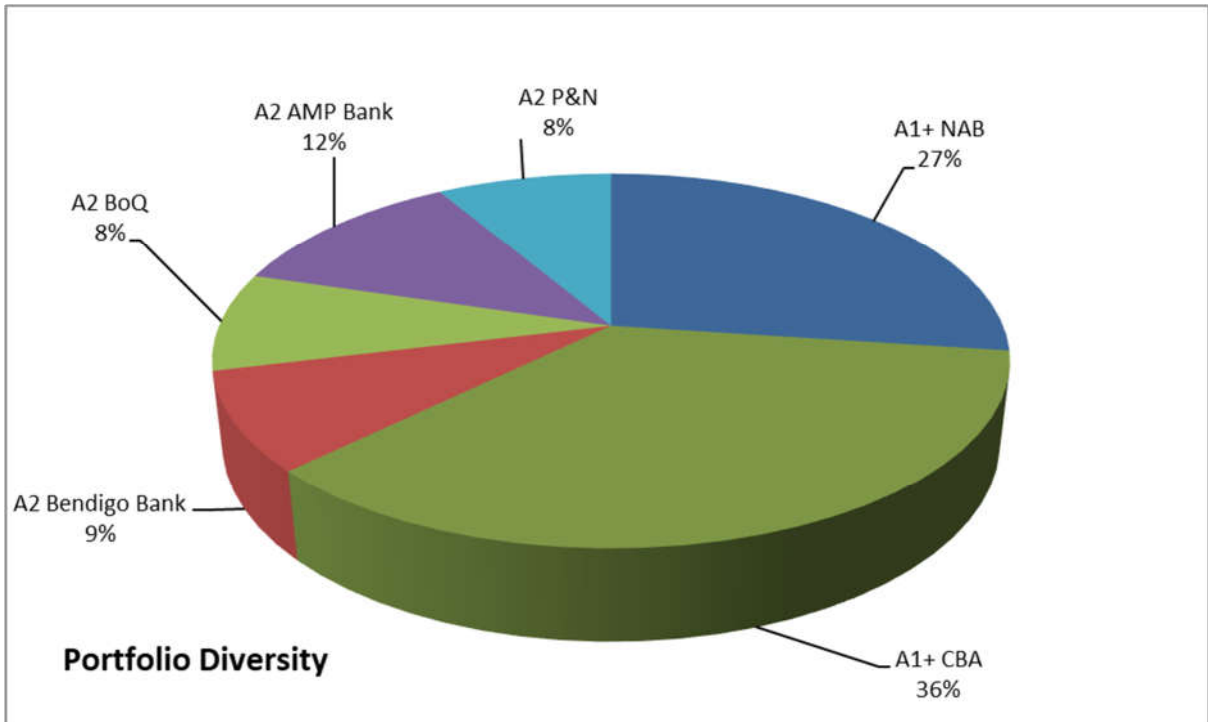
At 30 April 2023, the Shire had the following short-term facilities (term deposits).

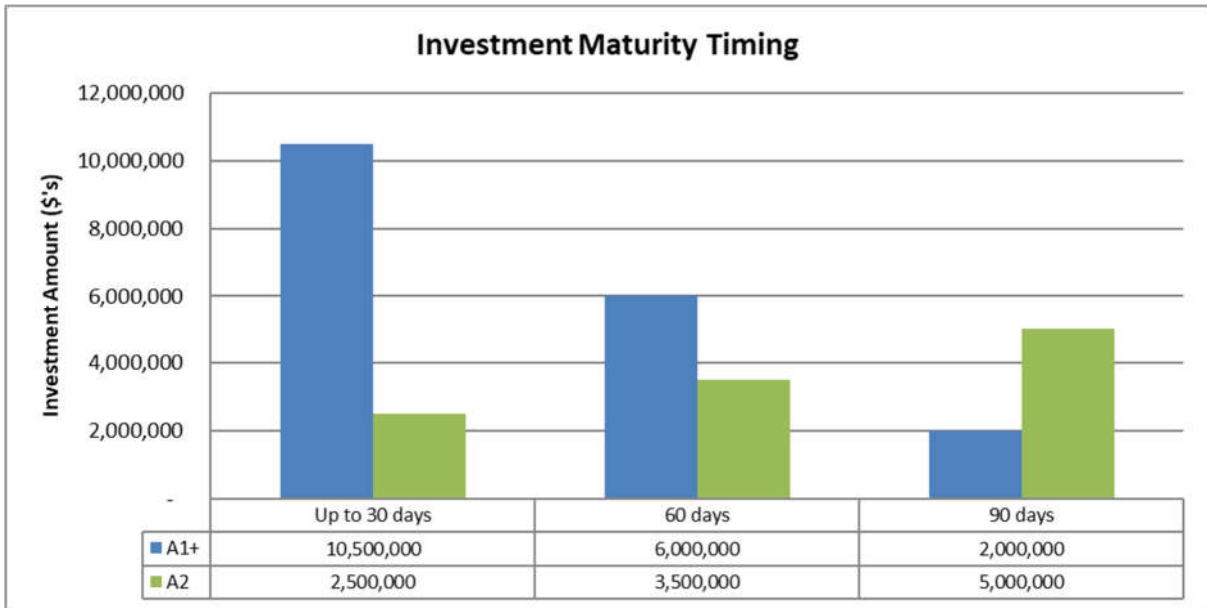
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Maturity Date	Term (days)	Institution (ADI)	Credit Rating	Principal (\$ millions)	Interest Rate	Interest (\$ millions)
12/06/2023	183	AMP	A-2	\$ 2.500	4.30%	\$ 0.054
13/06/2023	183	CBA	A-1+	\$ 4.000	4.16%	\$ 0.083
26/06/2023	181	CBA	A-1+	\$ 2.000	4.31%	\$ 0.043
3/05/2023	120	NAB	A-1+	\$ 2.500	4.05%	\$ 0.033
4/05/2023	120	NAB	A-1+	\$ 3.500	4.00%	\$ 0.046
5/06/2023	152	AMP	A-2	\$ 1.000	4.20%	\$ 0.017
4/07/2023	180	Bendigo Bank	A-2	\$ 2.500	4.10%	\$ 0.051
5/07/2023	180	P&N	A-2	\$ 2.500	4.16%	\$ 0.051
13/07/2023	91	CBA	A-1+	\$ 2.000	4.21%	\$ 0.021
26/05/2023	119	BOQ	A-2	\$ 2.500	4.10%	\$ 0.033
26/05/2023	119	NAB	A-1+	\$ 2.000	4.05%	\$ 0.026
15/05/2023	90	CBA	A-1+	\$ 2.500	4.19%	\$ 0.026
Total				\$ 29.500		\$ 0.486

In the month of April, two term deposits expired. One was redeemed and the other was rolled over.

The weighted average interest rate on all investments held on 30 April 2023 was 4.14%.





In-Kind Support

During April 2023 the following fees & charges have been waived:

- Nil

During April 2023 the following donations were approved:

- Nil

Reserves

Movement to reserves represents interest earned on reserve funds. Transfers to and from reserves will be updated as part of year end processes.

Budget Amendments

Nil

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Monthly financial performance will influence the Long-Term Financial Plan by providing actual revenue and expenditure parameters to compare against forecast results.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

As included in the attached reports.

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION / COUNCIL DECISION

CR BINKS, CR MUIR OM2023/98

That Council receives the Monthly Financial Report for April 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 6/0

11.3.4. HEART CO-MANAGEMENT UPDATE

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	N/A
File Reference	CSV/169
Report Author	Jason Cleary, Coordinator Community Planning & Development
Authorising Officer	James Shepherd, Director Corporate and Community Services
Authority/Discretion	Information Purposes

IN BRIEF

- In February 2022 the Shire undertook an external Future Focus Service Review of the Nala Bardip Mia / Margaret River HEART (HEART).
- In August 2022 Council endorsed a new joint management model as recommended in the Review (OM2022/136).
- In December 2022 the Shire signed a Partnership Agreement with Arts Margaret River to co-manage the HEART with Arts Margaret River responsible for programming and front of house management of the venue (SCM2022/2).
- An interim period was set between 1 January to 30 Jun 2023 that this report relates to.
- Arts Margaret River receives an annual management fee of \$225,000; a part payment was provided to cover the interim period from January to June 2023.

ATTACHMENTS

1. Arts MR Media and Marketing [11.3.4.1 - 7 pages]
2. AMR Arts MR Co-Management Model [11.3.4.2 - 4 pages]
3. Creative Culture Plan 20-25 [11.3.4.3 - 23 pages]

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the successful establishment of the co-management model in the first six months of operation and acknowledges the positive contribution of Arts Margaret River and all Shire officers involved.

LOCATION PLAN

Nil

BACKGROUND

Early in 2022 the Shire commenced the Future Focus Service Review of the HEART. The overall aim of the review was to understand the best way forward to ensure that the HEART reflects, represents and engages the Shire's artists, organisations and broader community, and operates as a viable and exciting venue that attracts audiences locally, nationally and globally.

June Moorhouse and Monica Kane were engaged to complete the review which included extensive consultation with key stakeholders and the wider community. Feedback provided indicated that the community would like to see changes to enable a greater connection between the HEART and the local community with increased community activation of the spaces within the facility, whilst also continuing to host a varied program of conferences and external events. Key themes and messages that were consistently reported included the need for the community to be able access the venue more easily, a

desire to see the venue open seven days a week and for a greater sense of community ownership over the venue and its spaces.

The consultants' final report was presented to Council on 24 August 2022 when Council endorsed a new operating model which would see the Shire and Arts Margaret River co-managing the HEART through a partnership agreement under which the Shire provides technical and facility management services to support Arts Margaret River develop and deliver an annual program of arts, cultural and community focussed events and activities along with the associated activities such as front of house services, sales and marketing as well as bar and catering for the venue. Since then, the Shire and Arts Margaret River have entered into a formal Agreement to undertake the partnership with Council signing this off at the special meeting in December 2022.

Since that time Arts Margaret River, the Shire's HEART team and the Manager Arts Culture and Community have been working to develop the ongoing working relationship and structures to support this co-managed model. During this period both parties have also endeavoured to ensure that previously programmed content is undertaken to the highest standards by the new team. The venue has also been under major rectification works during this period that both partners have had to manage interim venue solutions.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Government Act 1995

STRATEGIC COMMUNITY PLAN 2040

People

Outcome PE.4: Safe and resilient communities

Strategy PE.4.1: Provide, regulate and facilitate local community safety initiatives and animal management

CONSULTATION AND ADVICE

Consultation has taken place between Arts Margaret River and HEART staff for the attached data to date.

Attachment 1 contains feedback, media and promotion for this period.

DISCUSSION / OFFICER COMMENTS

HEART Structure Overview

Following Council's endorsement of the new joint management model in August 2022, the HEART technical team and Arts Margaret River worked together to develop a suite of new procedures and processes to ensure that all staff had the necessary robust processes in place to support the new partnership start positively. As part of the handover, the Shire's HEART Technical team also provided some interim training and staff time to ensure Arts Margaret River staff and volunteers were inducted correctly and able to hit the ground running.

Where changes in employment resulted from the implementation of the Agreement, the Shire and Arts Margaret River worked to ensure that these transfers were effected correctly and sympathetically. Shire staff and front of house volunteers transferring were afforded an easy integration process to transition to Arts Margaret River. This ensured that Arts Margaret River commenced operations with well trained, experienced event staff from the outset.

All staff and volunteers who transferred have continued with Arts Margaret River and remain committed to providing high quality arts and cultural experiences for the community. In addition Arts Margaret River have successfully attracted new members to their team with a volunteer resource that has doubled in number since January 2023. These successful transitions reflect the positive approach of everyone involved which has and continues to contribute to the successful evolution of the partnership.

The Shire's HEART Technical team has restructured slightly to provide the correct mix of skills to confidently deliver the program. The team is responsible for and reports across two work areas:

- HEART building technical and operational costs
- Arts Margaret River Operations and technical costs

Each of these work areas contain four costs codes to capture staff time across the work areas to enable review of the allocated technical hours within the Agreement. To date technical staff hours are tracking in line with the adopted budget.

Team Building and Team Development

A range of sessions and programs have taken place with the Arts Margaret River and Shire's HEART Technical teams to develop a 'one team' approach that is based on a greater sense of cohesion and a shared understanding of the community's aspirations for the HEART. To date three joint staff development workshops and a wider team building session that incorporated the Community Planning and Development team to explore community focussed opportunities have been facilitated. A weekly joint team meeting ensures that the focus on team cohesion and shared understanding is continuously developed. Arts Margaret River have also provided hot desking opportunities for other local creative organisations that have developed stronger partnership in the creative sector, thus far Creative Corner and the WA Guitar Festival have taken up this opportunity.

As the Creative Corner Manager, I have been given the fortunate opportunity to use a desk at the Heart with the Arts Margaret River team since January 2023. Since working from here there has been great energy working alongside the team and the feedback I have personally had from the creative community and industry is that the vibe has changed completely every time they walk into the Heart. It is very positive and there seems to be a momentum building for the community to engage with all the events that the Arts Margaret River and Heart teams have programmed for the year. This is a testimony to them as most events are nearly booked out and at full capacity. This is exciting times and I look forward to watching the continuation of successful events planned for the community in the coming future.

Kind regards

Anita Pettit

Creative Corner Manager

Programming

A shift in programming was developed from the beginning of the partnership to incorporate stronger community usage across the venue and with a focus on activation of the Studio Theatre space. The Studio Theatre has transformed into a community focussed space used regularly by the Margaret River Theatre Group and Stars descend and a number of local bands for rehearsals as well as the Concrete Club's weekly roller dance program.

Since October 2022 there has been high community usage including the following:

- School usage by Margaret River Senior High School and Primary School, St Thomas More Catholic Primary School and Margaret River Independent School
- Community group usage including Concrete Club, MR Uke Club, Margaret River Soup Kitchen, Nature Conservation Margaret River, Mindful Margaret River and Artzability
- Community dance & theatre usage by Margaret River Theatre Group, Stars Decent community performance, Blackwood Dance and Tutu Dance Company
- Visual arts exhibitions by local artists Peter Moir, Francesco Geronzo and MR Printmakers, Readers & Writers Festival visual stories exhibition, WA Quilters Association and MRSHS Art & Technology student exhibition
- Extended cinema program
- Out of School Hours programs
- Sold out school holiday art and cultural program
- Free Young@HEART program continued
- Joint development of HEARTBEATS free community event
- Highly successful Readers & Writers Festival, Strings Attached WA Guitar Festival and Margaret River Pro affiliated events.

Programming Summary (January 1st to 30 April 2023):

Cinema: 27 screenings/2450 pax

Community:	47 workshops/events/3200 pax (examples include Young@Heart and school holiday workshops)
Exhibitions:	7 (no attendance numbers available)
Stars Descend:	500 pax
Shows:	6 (880 Michael Shafer, (Main theatre from 12 th April) Cicada, Snowy, MICF, Coral Society)
HeartBeats:	900 pax
Shire events/workshops:	5 workshops

At this stage final numbers for May events are still to be confirmed (MRRWF & BANF Film festival included) but the above event numbers have been consistently strong with only minimal use of the main theatre from mid April.

The Co-management partners have also worked closely with the Margaret River Recreation Centre to facilitate use of the studio theatre whenever possible for Out of School Hours and Vacation Care programming whilst recreation centre works are in place and other feasible options were not able to be undertaken. To date 100 days of use of the studio theatre and semi-commercial kitchen have been provided to the recreation centre and 20 days of bookings made available for school holiday programs in April and July holidays. This has shown that not only the co-management model has had a strong impact but the extension of working with other areas of the Shire has also been highly successful.

Upcoming community and event programming this year includes the following significant festivals, events:

- Soweto Gospel Choir
- Opera Australia
- The Waifs
- Emergence Festival
- Regenerative Agriculture Conference
- Provincial Surgeons of Australia National Conference
- Weaving Stories of Boodja exhibition & NAIDOC week program
- Margaret River Theatre Group Pantomime
- Cinefest Oz Festival

Business Tourism and Conference programming

Whilst there is a change to the programming structure under the new arrangement to focus more on community and event programming, there has been a strong ability for the venue to attract significant business and conference programming.

During the September to December 2022 changeover period, two significant business programs were undertaken, firstly in partnership with South West Natural Resource Management, the 2022 National Knowledge Conference was held with over 400 attendees over 2 days. Following this, approximately 200 attendees and a host of state government ministers to deliver the State Regional Community Cabinet program, was hosted.

This year there are two significant conferences confirmed:

- Regenerative Agriculture Conference – September 2023
- Provincial Surgeons of Australia National Conference – October 2023

Both conferences are expected to have approximately 400 attendees. There is also ongoing dialogue with Business Events Perth for upcoming aligned conference events for the venue.

Marketing and Communications

Arts Margaret River have undertaken all marketing and communications for events and programming in accordance with the Agreement. The MR HEART website, email list and social channels have also been utilised to connect the program to a wider audience across both organisations. This has seen increased visitation and ticket sales across the board and captures audience members engaging either via Arts Margaret River or the HEART venue website. This strategy of cross promotion whilst utilising

Arts Margaret River content has been highly successful and the co-management partners will continue to refine this approach to ensure continued effectiveness across all possible marketing channels.

Other successes

There has also been the following additional successes:

- New dual naming of the HEART as Nala Bardip Mia at the community HEARTBEATS celebration. This is the first Shire building to be dual named as part of the Shire and Undalup's Walking Together Strategy.
- Supported Sport and Community Recreation continue to deliver Out of School Hours Care services during the redevelopment works at the Margaret River Recreation Centre.
- Undertaken major works within the main theatre venue to rectify latent conditions in the floor.
- Redesigned the seating in the main theatre to accommodate general admission/standing for future shows of which the upcoming Waifs performance will be the first
- Developed an Emerging Artist visual arts space
- Successfully secured funding for the continuation of the DGLSC's 'In The House' Arts and Culture funding program via Arts Margaret River.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

The financial model was incorporated into the Partnership Agreement; both parties acknowledged the need to review this as the co-management model evolves. The first full financial review is scheduled for the end of the 2024 financial year which will ensure that the data available to accurately review the undertaking and performance of the Agreement.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Environmental

The HEART venue operates with environmental considerations across the board. Utilising recyclable materials and products wherever possible across the venue.

Social

The social impact has been measured against the Creative Culture Plan and demonstrates that the co-management model has enabled the partner organisations to provide services and content across 37 of 70 criteria areas within the plan in the first 6 months of operation. There has also been overwhelmingly positive community feedback covering access to the venue, programming diversity and the hard work and professionalism of staff. The community feel highly connected and appreciative of such a world class venue in our Shire.

Economic

The co-management model provides a strong example of a resilient circular economy, supporting local arts and cultural organisations to earn income and provide local jobs and training opportunities. In this short time there has been a stronger and more connected creative community within the venue.

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION / COUNCIL DECISION

CR MUIR, CR EARL OM2023/99

That Council notes the successful establishment of the co-management model in the first six months of operation and acknowledges the positive contribution of Arts Margaret River and all Shire officers involved.

CARRIED 6/0

PROCEDURAL MOTION / COUNCIL DECISION

CR EARL, CR MUIR OM2023/100

That Council adjourns the meeting, at 6.48pm.

CARRIED 6/0

The meeting recommenced at 6.52pm.

The CEO left chambers at 6.52pm.

Council moved to consider Item 13.3.1 Chief Executive Officer's KPI's for 2023-24:

11.3.1. CHIEF EXECUTIVE OFFICER'S KPIS FOR 2023-24 AND CONTRACT EXTENSION

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	PER/05861
Report Author	Nicolae Nitu, Coordinator Human Resources
Authorising Officer	Nicolae Nitu, Coordinator Human Resources
Authority/Discretion	Legislative

This item was published as a late report on 8 June 2023.

The CEO disclosed a financial interest as the item relates to her principle source of income.

IN BRIEF

- In April 2023, Graeme Davies was appointed to facilitate the process to set future KPIs for the Shire's CEO.
- Workshops were conducted to establish the strategic priorities and focus areas for 2023-24.
- Also in April 2023, the CEO formally requested that Council consider a renewal of her employment contract to extend the term for another five years.
- Contract renewal negotiations were carried out in conjunction with the KPI setting process.
- This item seeks Council's endorsement of KPIs for 2023-24 and to seek approval for a 5 year contract extension for the CEO with a term 1 July 2023 to 30 June 2028.

ATTACHMENTS

1. **CONFIDENTIAL** – Consultant's Report
2. **CONFIDENTIAL** – CEO KPI (Part 1)
3. **CONFIDENTIAL** – CEO KPI (Part 2)
4. **CONFIDENTIAL** – Draft CEO Employment Contract

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council endorses:

1. The CEO's KPIs for 2023-24 and requests the CEO to publish her new KPIs on the Shire's website once endorsed.
 2. An extension to the CEO's contract for a further five year term from 1 July 2023 to 30 June 2028.
 3. The draft CEO Employment Contract and authorises the Shire President to execute the contract on behalf of Council.
-

LOCATION PLAN

Nil

BACKGROUND

In April 2023, Council endorsed the appointment of Graeme Davies to facilitate the process to set future KPIs for the Shire's CEO. It was agreed by Council and the CEO that it would be more beneficial to determine the 2023-24 KPIs before the commencement of the next financial year to enable a full year focused on these priorities, rather than setting KPIs at the conclusion of the CEO's performance review

in August/September 2023 as is usually the case. The CEO's annual performance review will still be conducted at the end of the financial year as usual, and the appointment of consultant Natalie Lincoln from Price Consulting to externally facilitate the performance review process was also endorsed by Council in April 2023.

In April 2023 and in accordance with the terms of her current employment contract, the CEO provided Council with a formal request to renew her employment contract for five years. The CEO commenced in her role on 17 July 2019, and still has over a year remaining on her current contract, however, any her current contract stipulates that a renewal request must be submitted to Council no less than nine months prior to the expiry of the contract. It would not be appropriate for Council to make a strategic decision relating to the CEO's employment in the caretaker period due to be implemented by the State Government prior to the 2023 local government election, so the CEO made a request prior to this with Council having until 26 July 2023 to make a decision. Clause 2.2 in the CEO's contract stipulates the process to be followed:

2.2 Extension of Term

1. *In accordance with section 5.39(4) of the Act, this Agreement is renewable and the Term may be extended, by agreement between the parties.*
2. *Neither the Local Government nor the CEO has any obligation to agree to a renewal or extension of this Agreement.*
3. *The CEO must, not later than nine (9) months before the expiry of the Term, notify the Council in writing of whether or not the CEO wishes to seek a renewal of this agreement and, if so, for what term.*
4. *Within (3) months of the Council receiving that notification, the Council must advise the CEO in writing of the Local Government's intention to either advertise the position or to offer the CEO a renewal of this Agreement and, if so, on what terms.*
5. *If there is any delay in the issue by the Council of a written notice required under clause 2.2(4) above, the Term is deemed to be extended for a period equal to the period of the delay, not exceeding 12 months.*
6. *If the Council and the CEO agree to an extension of this Agreement then, subject to that agreement:*
 - a. *this Agreement will continue to apply unless amended in writing by the parties;*
 - b. *clause 2.1 is to be read as though it refers to the extended term; and*
 - c. *the CEO's original Commencement Date will be acknowledged for the purpose of service related entitlements.*

As part of the KPI setting process, workshops were held with Councillors to determine the key priorities and strategic focus areas for the CEO for 2023-24. The consultant facilitated an agreed set of KPIs with Council and the CEO, with these to commence on 1 July 2023. Contract renewal negotiations were also carried out in conjunction with the KPI setting process, during which a five year contract extending from 1 July 2023 to 30 June 2028 was considered.

This item seeks Council's endorsement of KPIs for 2023-24 and to seek approval for a five year extension of term for the CEO with the term ranging from 1 July 2023 to 30 June 2028.

In line with current legislation, the CEO's KPIs will be made public once endorsed.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

- The functions and responsibilities of a local government CEO are detailed within the *Local Government Act 1995*.

- The State Government Salaries and Allowances Tribunal sets the salary range for local government CEOs.
- The process for renewal of the CEO's employment contract is detailed within her current contract and has been adhered to.

STRATEGIC COMMUNITY PLAN 2040

Performance

Outcome PF.3: High performing and engaged people

Strategy PF.3.1: Regulate and provide recruitment, training and recognition to retain high achieving and customer focused employees

CONSULTATION AND ADVICE

The consultant facilitated a process involving negotiations between Council and the CEO. The Shire President also sought advice from WALGA during the process.

DISCUSSION / OFFICER COMMENTS

The KPIs have been negotiated between Council and the CEO with a longer term strategic view. Once endorsed, the KPIs will be made available to the public in accordance with legislation, however, any personal KPIs or KPIs relating to staff will remain confidential.

In line with the agreed KPI setting process, Council was provided a formal request for a contract renewal by the CEO on 26 April 2023. The KPI setting and contract renewal discussions were held in conjunction with each other, and this meant some KPIs could have a longer term strategic focus and impact.

Once signed, the CEO's contract will supersede her current contract and commit Council to a new five year contract term ranging from 1 July 2023 to 30 June 2028. The contract is an extension with amendments made to reflect current legislation.

The salary is within the range set by the State Government's Salaries and Allowances Tribunal for Band 2 local governments.

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Council is required to employ a CEO so the CEO's salary is budgeted for each year within the range set by the State Government's Salaries and Allowances Tribunal.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

Nil

ADVOCACY

Nil

RISK ASSESSMENT

Nil

RECOMMENDATION

CR MUIR, CR EARL

That Council:

1. Endorses the CEO's KPIs for 2023-24 and requests the CEO to publish her new KPIs on the Shire's website once endorsed.
2. Endorses an extension to the CEO's contract for a further five year term from 1 July 2023 to 30 June 2028.
3. Endorses the draft CEO Employment Contract and authorises the Shire President to execute the contract on behalf of Council.

0/0

Cr Daniel moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR DANIEL, CR EARL OM2023/101

That the following wording, as shown in underline, be added to point 1:

1. Endorses the CEO's KPIs for 2023-24 with the following changes:

- KPI 4.2, the words 'undertake an initial cultural / satisfaction survey' be omitted and replaced with 'Undertake an initial engagement survey'.
- In criteria 5, the words 'Customer Service and Engagement' be omitted and replaced with 'Customer Service and Community Engagement'

and requests the CEO to publish her new KPIs on the Shire's website once endorsed.

CARRIED 6/0

This then formed part of the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR MUIR, CR EARL OM2023/102

That Council:

1. Endorses the CEO's KPIs for 2023-24 with the following changes:

- KPI 4.2, the words 'undertake an initial cultural / satisfaction survey' be omitted and replaced with 'Undertake an initial engagement survey'.
- In criteria 5, the words 'Customer Service and Engagement' be omitted and replaced with 'Customer Service and Community Engagement'

and requests the CEO to publish her new KPIs on the Shire's website once endorsed.

2. Endorses an extension to the CEO's contract for a further five year term from 1 July 2023 to 30 June 2028.
3. Endorses the draft CEO Employment Contract and authorises the Shire President to execute the contract on behalf of Council.

**CARRIED BY ABSOLUTE MAJORITY 5/1
CR DANIEL VOTED AGAINST**

CEO re-entered Chambers at 7.05 pm.

12. MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING

Nil

14. NEW BUSINESS OF AN URGENT NATURE

14.1. Members

Nil

14.2. Chief Executive Officer

Nil

15. CONFIDENTIAL BUSINESS

Nil

16. CLOSURE OF MEETING

The Shire President thanked all in attendance and declared the meeting closed at 7.05pm.