

# Ordinary Council

# MINUTES

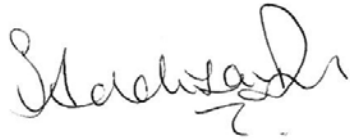
FOR THE MEETING HELD  
WEDNESDAY, 13 NOVEMBER 2019  
IN COUNCIL CHAMBERS,  
WALLCLIFFE ROAD, MARGARET RIVER  
COMMENCING AT 5:30PM

## Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River on Wednesday 13 November 2019, commencing at 5:30pm.

Yours faithfully



**STEPHANIE ADDISON-BROWN**  
**CHIEF EXECUTIVE OFFICER**

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Minutes of the Ordinary Council Meeting held on Wednesday 13 November 2019, in Council Chambers, 41 Wallcliffe Road, Margaret River, commencing at 5.30pm

# Ordinary Council Meeting

## 1. DECLARATION OF OPENING

*The Shire President thanked all in attendance and declared the meeting open at 5.30pm*

*The Shire President gave an Acknowledgement of Country:*

*'I acknowledge and respect the traditional custodians of this land and pay our respects to elders past and present and emerging, whose lands we share.'*

## 2. ATTENDANCE

Shire President	:	Cr Ian Earl
Councillors	:	Cr Paula Cristoffanini Cr Naomi Godden Cr Brian Daniel Cr Pauline McLeod Cr Julia Meldrum Cr Kylie Kennaugh
Chief Executive Officer	:	Ms Stephanie Addison-Brown
Director Sustainable Development	:	Dr Dale Putland
Director Infrastructure Services	:	Dr Markus Botte
Acting Director Corporate and Community Services	:	Mr Andrew Ross
Manager Legal and Governance Services	:	Mr Ian McLeod ( <i>entered at 5.31pm</i> )
Governance Officer / Council Support	:	Ms Claire Schiller
<b>MEMBERS OF THE PUBLIC</b>	:	3
<b>MEMBERS OF THE PRESS</b>	:	Warren Hately, AMR Times

### 2.1 Apologies

Nil

### 2.2. Approved Leave of Absence

Nil

**3. DISCLOSURES OF INTEREST**

**3.1 Item 11.2.2 Review of Mobile Food Business Policy – Proximity Interest – Cr Earl**

Cr Earl disclosed a proximity interest in Item 11.2.2 Review of Mobile Food Business Policy as he owns a property next to the site mentioned in Cowaramup.

**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 25 September 2019**

**MOTION / COUNCIL DECISION**

**CR MELDRUM, CR MCLEOD OM2019/206**

**That Council confirms the minutes of the Ordinary Council Meeting held on 25 September 2019 to be a true and correct record of the meeting.**

**CARRIED 7/0**

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*Manager Legal and Governance Services entered Chambers at 5.31pm*

**6.2 Special Council Meetings held 23 October 2019**

**MOTION / COUNCIL DECISION**

**CR MELDRUM, CR CRISTOFFANINI OM2019/207**

**That Council confirms the minutes of the Special Council Meeting held on 23 October 2019 to be a true and correct record of the meeting.**

**CARRIED 7/0**

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**7. DEPUTATIONS**

Nil

**8. PETITIONS**

Nil

**9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**9.1 Welcome to New Councillors**

The Shire President welcomed and congratulated new Councillors.

**9.2 Local Fire Bigade Members in Eastern States**

The Shire President recognised and thanked local fire brigade members who have flown over to support the fire fighting effort on the east coast. The Shire President wished all firefighters well.

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

Nil

**11. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

# 11.1. Chief Executive Officer



**11.1.1 NOTES OF COUNCILLOR AGENDA BRIEFINGS AND CONCEPT FORUM SESSIONS  
FROM 24 JULY TO 25 SEPTEMBER**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	COR/221
<b>REPORT AUTHOR</b>	Claire Schiller, Governance Officer / Council Support
<b>AUTHORISING OFFICER</b>	Stephanie Addison-Brown, Chief Executive Officer

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**IN BRIEF**

- Council conducts bi-monthly as required Councillor Briefing Sessions which are run under strict guidelines in compliance with the Department of Local Government Sport and Cultural Industries (DLGC) Guidelines.
- Council's policy for the conduct of the Councillor Information Briefing Sessions provides for the proceedings of the briefings to be brought to Council and for wider community awareness as a public record in the form of notes as an additional accountability mechanism.
- Notes of recent Councillor Briefing sessions are presented to be received by Council in accordance with Council's adopted policy.

**RECOMMENDATION**

That Council receives the Notes of Councillor Agenda Briefing Sessions from 24 July to 25 September 2019.

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**LOCATION PLAN**

Nil

**TABLED ITEMS**

Nil

**BACKGROUND**

The purpose of Councillor Agenda Briefings and Concept Forums is to:

1. Provide relevant information so that Councillors are better informed when participating in Council decision making processes.
2. Provide a forum for two-way communication between elected members and key staff members on important Council related matters.
3. Provide an inclusive opportunity for general community members and the press to receive the same information on Agenda Items being provided to elected members on a range of relevant topics

Agenda briefings and workshops sessions are centred on one or more of the following outcomes which can be classified under the DLGC Guidelines for Councillor Forums as either a Concept or an Agenda Forum:

Concept Forums / Workshops

- A statement of governance processes and effectiveness
- a statement of principles on key issues
- guidance to the CEO on further avenues of research
- compiling a list of critical issues resulting from the briefing
- the brainstorming of ideas
- policy development and direction (but not adoption)
- ongoing discussion of the Shire's strategic direction

#### Agenda Briefings

- breaking down of complex issues before Council
- clarification of items on the Council agenda
- requests for additional information on items on the Council agenda
- confidential discussion of items which are on the agenda and which will be discussed with members of the public excluded

Agenda Briefing Sessions are open to all elected members and generally to all members of the public and press. The Chief Executive Officer is to be in attendance and other relevant Directors and staff as required by the CEO for the provision of information to elected members.

Matters of a confidential nature to be included in a Council agenda will be discussed at closed briefing sessions (i.e. not open to the public). Otherwise normal briefing sessions will be open to the public at a suitable publicly accessible time.

As recommended by the DLGC, sessions considered by the CEO in consultation with the Shire President to be Concept Forums will be closed to the public to facilitate the open discussion of preliminary ideas and concepts by Councillors.

### **CONSULTATION AND ADVICE**

#### **External Consultation**

The Local Government Operational Guidelines Number 5 Council Forums have been considered and adapted for use in the Shire of Augusta Margaret River setting.

#### **Internal Consultation**

Nil

### **DISCUSSION / OFFICER COMMENTS**

The following are the informal notes of the Councillor Agenda Briefings and Concept Forum Sessions recently held as recommended by Council's adopted policy which is consistent with the DLG Guidelines.

#### **Notes of Councillor Agenda Briefings and Concept Forum Sessions from 24 July to 25 September 2019**

##### **DATE: 24 JULY 2019**

Attendance:

Crs: Earl, Godden, McLeod, Meldrum, Smart, Townshend

Officers: CEO, Stephanie Addison-Brown, Acting Director Corporate and Community Services, Andrew Ross, Director Sustainable Development Services, Dale Putland.

#### **Concept Forum: LPS Review**

Director Sustainable Development, Dale Putland, led a concept forum on the LPS Review.

*Concept forums are closed to members of the public and press.*

*Also in attendance: Acting Manager Planning and Development, Matt Cuthbert, Strategic Projects Officer, Matt Slocomb*

#### **Agenda Briefing: CWA Hall, Witchcliffe**

Senior Legal Officer, Lauren Bidesi, provided an update on the call for EOI regarding the CWA Hall, Witchcliffe.

*Also in attendance: Coordinator Legal Services, Ian McLeod*

#### **Concept Forum: HEART Update**

Project Manager, Heather Auld, provided an update on the HEART.

*Concept forums are closed to members of the public and press.*

*Also in attendance: Marketing Projects Officer, Tanya Jackson*

#### **Closed Workshop: Bushfire Brigade Structure Review**

External facilitator, Andrew Huffer, led a workshop on engagement conducted and final results from the Steering Committee.

*Also in attendance: Community and Corporate Planner, Stacey Hutt, Community Emergency Services Manager, Adam Jasper, Chief Fire Bush Control Officer, David Holland, 10 participants representing seven brigades: Alexandra Bridge, Cowaramup, East Augusta, Kudardup, Rosa Brook, Wallcliffe and Witchcliffe.*

**DATE: 31 JULY 2019**

Attendance:

Crs: Earl, Godden, Lane, McLeod, Meldrum, Smart, Townshend

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Sustainable Development, Dale Putland, Acting Director Corporate and Community Services, Andrew Ross, Director Infrastructure Services, Markus Botte

**Workshop: LPS Review**

Director Sustainable Development, Dale Putland, led a workshop on the LPS Review.

*Workshops are closed to members of the public and press.*

**DATE: 14 AUGUST 2019**

Attendance:

Crs: Earl, Godden, Lane, McLeod, Meldrum, Smart, Townshend

Officers: Chief Executive Officer, Stephanie Addison-Brown, Acting Director Sustainable Development, Nick Logan, Acting Director Corporate and Community Services, Andrew Ross, Acting Director Infrastructure Services, David Nicholson

**Agenda Briefing: Cemeteries and Activities in Thoroughfares Local Laws**

Coordinator Legal Services, Ian McLeod, and Coordinator Ranger Services, Sharon McTaggart, presented on the Cemeteries and Activities in Thoroughfares Local Laws review and proposed amendments.

*Also in attendance: Governance Officer (Legal, Risk and Permits), Emma Rogers, Senior Legal Officer, Lauren Bidesi*

**Agenda Briefing: Cowaramup Bay Coastal Management Plan and Redman Brook Action Plan**

Acting Director Infrastructure Services, David Nicholson, presented on the Cowaramup Bay and Redman Brook Action Plan to be released for public comment.

*Also in attendance: Environment Officer, Merryn Delaney*

**Workshop: Events Strategy**

External facilitator, Jack Carlsen, led a workshop to progress the sixth subsection of the draft Events Strategy regarding environmental management.

*Also in attendance: Marketing and Events Officers, Amanda Russell and Cristina Smith, Coordinator Health Services, Chris McAtee, Sustainable Economy Officer, Saul Cresswell, Events Officer, Catherine Gardner*

*Workshops are closed to members of the public.*

**DATE: 28 AUGUST 2019**

Attendance:

Crs: Earl, Godden, Lane, McLeod, Meldrum, Smart

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Sustainable Development, Dale Putland, Acting Director Corporate and Community Services, Andrew Ross, Acting Director Infrastructure Services, David Nicholson

**Agenda Briefing: Review of Mobile Food Business Policy**

Governance Officer (Legal, Risk and Permits), Emma Rogers, presented on the proposed changes to the Mobile Food Business Policy.

*Also in attendance: Coordinator Legal Services, Ian McLeod*

**Concept Forum: Public Health Plan**

Manager Waste, Health and Ranger Services, Ruth Levett, provided an update on the Public Health Plan.

*Concept forums are closed to members of the public and press.*

**Agenda Briefing: Transfer Station Changes**

Manager Health, Waste and Ranger Services, Ruth Levett briefed Council on changes to Rosa Brook and Alexandra Bridge Transfer Stations and plans for other transfer stations.

**DATE: 11 SEPTEMBER 2019**

Attendance:

Crs: Earl, Godden, Lane, McLeod, Meldrum, Smart, Townshend

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Sustainable Development, Dale Putland, Acting Director Corporate and Community Services, Heather Auld, Director Infrastructure Services, Markus Botte

**Concept Forum: Draft Events Strategy**

Director Sustainable Development, Dale Putland, led a concept forum on the Draft Events Strategy.

*Also in attendance: Manager Legal and Governance Services, Ian McLeod*

*Not in attendance: Director Infrastructure Services, Markus Botte, Acting Director Corporate and Community Services, Heather Auld*

*Concept forums are closed to members of the public and press.*

**Agenda Briefing: Review of Council Committees and Governance Structures**

Manager Legal and Governance Services, Ian McLeod, briefed Council on the Review of Council Committees and Governance Structures, in particular re-establishing three of the committees and reference groups.

*Also in attendance: Governance / Council Support Officer, Claire Schiller*

*Not in attendance: Acting Director Corporate and Community Services, Heather Auld*

**Concept Forum: Bush Fire Brigades**

Director Sustainable Development, Dale Putland, presented on the topic of Bush Fire Brigades.

*Not in attendance: Acting Director Corporate and Community Services, Heather Auld*

*Concept forums are closed to members of the public and press.*

**Concept Forum: Margaret River Protection Strategy**

Katie Biggs of the Margaret River Collaborative Management Group, provided an update on the Margaret River Protection Strategy.

*Also in attendance: Senior Environment Officer, Merryn Delaney*

*Concept forums are closed to members of the public and press.*

**DATE: 25 SEPTEMBER 2019**

Attendance:

Crs: Earl, Godden, Lane, McLeod, Meldrum, Smart, Townshend

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Sustainable Development, Dale Putland, Acting Director Corporate and Community Services, Andrew Ross, Director Infrastructure Services, Markus Botte

**Workshop: CEO KPIs**

Chief Executive Officer, Stephanie-Addison Brown and Councillors attended a workshop on CEO KPIs.

*Workshops are closed to members of the public and press.*

*Directors were not in attendance*

**Concept Forum: New Local Planning Scheme – LPS2**

Strategic Planning Officer, Matt Cuthbert led a concept forum on the New Local Planning Scheme.

*Also in attendance: Manager Planning and Development, Nick Logan*

*Concept forums are closed to members of the public and press.*

**Closed Agenda Briefing: Turner Caravan Park Masterplan**

Manager Human and Community Services, Nigel Anderson, presented on the Turner Caravan Park Masterplan.

*This session was closed to members of the public as it related to the personal affairs of an individual.*

**Presentation: Lower Blackwood Land Conservation District Committee (LCDC) Annual Report**

Joanna Wren on behalf of the Lower Blackwood LCDC, presented their annual report.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

*Local Government Act 1995*

**STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-2023***

Key Result Area 5: Effective leadership and governance

Community Outcome 1: Responsible ownership of outcomes

Strategy 4: Provide Councillors with high quality and current information and training for effective decision making

Service level strategy/plan 5.1.4.3: Conduct regular briefing sessions for Councillor and community on key issues and projects, prior to Ordinary Council meetings

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

Nil

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Nil

**Social**

Nil

**Economic**

Nil

**ADVOCACY**

Nil

**ALTERNATE OPTIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council receives the Notes of Councillor Agenda Briefing Sessions from 24 July to 25 September 2019.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION / COUNCIL DECISION**

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**CR GODDEN, CR MELDRUM OM2019/208**

That Council receives the Notes of Councillor Agenda Briefing Sessions from 24 July to 25 September 2019.

**CARRIED 7/0**

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### 11.1.2 PROPOSED SALE OF LOT 80 HUMBLE WAY

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<b>LOCATION/ADDRESS</b>	19 Humble Way, Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	PTY/11062
<b>REPORT AUTHOR</b>	Lauren Bidesi, Senior Legal Officer
<b>AUTHORISING OFFICER</b>	Stephanie Addison-Brown, Chief Executive Officer

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#### IN BRIEF

- In September 2009 Balwyn Margaret River Pty Ltd, a wholly owned Lester Group company, offered the Shire two lots within the Rapids Landing Development (Lots 113 and 115 Lloyd Loop) as partial contribution toward headwork costs for the Margaret River Water Recycling (Scheme) (Stage 1A). This was in lieu of providing direct funds due to tight cash flows arising from the down turn in the development industry.
- In September 2010 Balwyn Margaret River Pty Ltd agreed to transfer to the Shire, in consideration for all outstanding financial obligations, two further lots, one of which comprised Lot 80 Humble Way Margaret River. The transfer of these two blocks to the Shire reflected Lester Groups' full and final financial contribution to the balance of the Margaret River Water Recycling Scheme Project (Stage 2).
- In August 2016, Lot 80 Humble Way Margaret River (the Site) was added to the Land Asset Management Plan (LAMP) Action List to utilise the revenue to fund open space development in Rapids Landing.
- In March 2018, the Shire sought a valuation from an independent valuer for the Site.
- Lot 80 Humble Way Margaret River was listed with the Shire's agent (Acton South West) on 8 March 2018. Acton listed Lot 80 Humble Way Margaret River for \$169,000. This Site was reduced in price to 'offers over \$150,000' on 9 May 2018 at which price it has continued to be marketed.
- An offer of \$125,000 was received by the Applicant on 30 July 2019. The Shire counter offered at \$135,000, which was subsequently accepted by the Applicant on 30 August 2019.
- The Shire gave local public notice of the proposed sale of the Site before bringing the matter to Council in accordance with the requirements of the *Local Government Act 1995*.

#### RECOMMENDATION

That Council:

1. Notes that no submissions were received in response to the local public notices of the proposed sale of the Site to The Applicant;
  2. Resolves to enter into an agreement for the sale of 19 (Lot 80) Humble Way Margaret River for \$135,000 to Wesley Simon Slater and executes all necessary documents;
  3. Authorises the affixing of the Shire seal where necessary to execute any agreement or document necessary for the sale of the property; and
  4. Directs the funds from the sales of the Sites to fund open space development in Rapids Landing.
-

## LOCATION PLAN



## TABLED ITEMS

Nil

## BACKGROUND

### History of the Site

In 2009 (Stage 1A) and 2010 (Stage 2) Balwyn Margaret River Pty Ltd (Balwyn) agreed to provide financial support to the Shire for the purpose of funding the cost of implementing a Waste Water Treatment Plan to supply irrigation to the town of Margaret River. In consideration of its financial obligations to the Shire, Balwyn agreed to transfer its right, title and interest in the Site (along with three other properties on Lloyd Loop and Humble Way that have previously settled) to the Shire in settlement of its obligations it had to the Shire in respect of its financial support towards stage 1A and at a later date Stage 2 of the Margaret River Recycled Water Scheme Project (the Project) works. This was in lieu of providing direct funds due to tight cash flows arising from the down turn in the development industry.

The Shire also received a grant from the State government which has now been expended. The Project and grant were partially acquitted and land held for a similar project to be completed in the future. The Site was held in trust under an agreement with Department of Primary Industries and Regional Development (DPIRD) for use for a purpose consistent with the 'purposes permitted and approved under the Country Local Government Fund'. The Shire sought advice from the DPIRD as to whether the land can be sold and has been advised that, if the land was to be sold, any proceeds would need to be spent on local community infrastructure.

At the Council meeting on 13 December 2017 the Shire resolved to notify the DPIRD of the intent to dispose of the Site (along with three other properties on Lloyd Loop and Humble Way that have previously settled) for the purpose of funding the development of district level open space and extension of the treated wastewater network at Rapids Landing. The Shire has had no response from DPIRD to this notification.

At OM2018/175 on 25th July 2018 Council resolved to enter into agreements for the sales of Lot 113 and Lot 115 Lloyd Loop, as well as Lot 101 Humble Way Margaret River, which subsequently settled in 2018.

### The Site

Lot 80 Humble Way, Margaret River is a Shire owned (since October 2010) freehold lot located in the 'Rapids Landing' subdivision in Margaret River. The Site comprises an irregular shaped vacant corner lot suitable for single residential development.

Access to the Site is directly off Humble Way and Holbrook Street, which is utilised by local traffic only and the site fronts two quiet residential streets. All roadways are asphalt sealed, drained and concrete kerbed. The Site has timber lap fencing to two boundaries.

The Site has a size of 499m<sup>2</sup> which is a smaller than average sized vacant lot. All essential services are available for connection to this site.

### The Locality

The Site is situated on the western side of Lloyd Loop T-junction which is within an early release stage of Rapids Landing residential estate, approximately 1.5 kilometres from the Margaret River town centre. The majority of lots within the area have been developed with single residential housing.

### **Land Asset Management Plan (LAMP)**

In 11 March 2011, Council at its Special Meeting adopted the Land Asset Management Plan (**LAMP**) which made recommendations on ways of better managing and capitalising on land assets held by the Shire, including a range of short, medium and long term recommendations for land assets.

In August 2016, the Site was added to the LAMP Action List to utilise the revenue to fund open space development in Rapids Landing (OM2016/279).

### **The Site Listing and Offer**

The Shire engaged real estate agent, Acton South West, to list the Site for sale on 8 March 2018. The Site C was originally listed for \$169,000 with no offers received. On 9 May 2018 the listing price was reduced on advice from the Agent to 'offers over \$150,000'.

An offer of \$125,000 was received by the Applicant on 30 July 2019. The Shire counter offered at \$135,000, which was subsequently accepted by the Applicant on 30 August 2019. The offer was conditional upon finance approval which has now been satisfied.

## **CONSULTATION AND ADVICE**

### **External Consultation**

The proposed sale of the Site has been advertised in the Shire's local public notices in the Augusta Margaret River Mail on 30 October 2019. Notice was also published on the Shire's website and also exhibited on the public notice board at Shire offices and local libraries. The notices included the offer amount, an independent valuation and a call for submissions by the due date, giving at least 2 weeks notice for submissions as required by section 3.58 of the *Local Government Act 1995*. At the time this report was completed no submissions had been received, but the time for submissions had not yet closed. Any submission received before the meeting will be presented as an addendum to the report.

### Valuation

The Site has been valued every year since 2012 and the values listed below.

Valuation history:

- 29 May 2012- \$102,000
- 1 July 2013- \$115,000
- 2 July 2014- \$130,000
- 30 June 2015- \$144,000
- 29 June 2016- \$145,000
- 1 June 2017- \$147,000
- 8 March 2018- \$147,000

The Site was revalued by LMW on 11 July 2019 at \$145,000, as the valuation cannot be not more than 6 months old prior to the disposition pursuant to section 3.58(4) of the *Local Government Act*.

The July 2019 LMW report noted:

"After analysis of the sales evidence within the Margaret River locality, it is my opinion that the subject property has a market value within the range of \$140,000 to \$150,000. I have adopted a market value of \$145,000."

### **Internal Consultation**

Internal consultation occurred through the LAMP Review Report which included Legal/Governance, Environmental Health, Community Development, Planning, Assets and Infrastructure teams.

## **DISCUSSION / OFFICER COMMENTS**

The Offer for the Site is \$10,000 *below* the adopted market value in the 2019 valuation, and in the middle of the \$140,000 to \$150,000 market range provided in the same valuation.



The Certificate of Title for the Site contains a restrictive covenant burden which relates to minimum building requirements required within the subdivision and are typical of the area. They also contain a notification which advises the purchaser/landowner that roof rainwater runoff is required to be first directed into a rainwater tank with a minimum size of 2,500 litres. Overall these encumbrances are not detrimental to the Site and do not affect the market value of the Site.

In relation to the timing of the offer, the Valuation notes that sales activity for vacant lots within the locality has remained stable over the past 24 months and the supply of new lots has increased as new stages within Rapids Landing and Brookfield have been released. Selling agents advise that the asking prices range from \$130,000 to \$170,000 depending on lot sizes and locations of each lot. The new stage releases offer landscaping and water tank rebates and therefore on a 'like for like' basis the newly released lots achieve a higher selling price than those in older stages where these rebates have lapsed. However, the appeal of the Site has increased with the opening of the new primary school for the 2018 school year. The valuer considers market conditions have continued to remain suppressed due to the increased levels of oversupply. He considers it evident in the market place that there is a stronger demand for larger lots in excess of 600m<sup>2</sup>. This Site does not sit within the larger lot range.

Realising the assets capital value is consistent with the Council's advice and adopted position in LAMP.

It is recommended that Council accepts the Offer for the Site of \$135,000 from the Applicant based on the valuation from LMW and the fact that the Offer is comparable to other land for sale based on a dollars per square metre comparison within the Rapids Landing development.

#### **Application of proceeds in the event of sale**

In the event that Council resolves to sell the Site, it is recommended that the capital realised from the sale be invested in open space development in Rapids Landing. This is also consistent with previous DPI advice that funds from the sales be spent on local community infrastructure.

In June 2014 Council considered it more prudent, equitable and effective to use funds from asset sales in coordination with external funding applications and/or direct contribution towards community projects in the town where the asset is located.

This approach, of using LAMP land sale proceeds to fund projects in the locality where the land was sold, has been followed in the most recent sales that have taken place in the Margaret River locality. The Shire will act in the best interests of ratepayers across the region when determining where capital realised from the potential sale of the Site will be invested.

#### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Under section 3.58(3) of the LGA a local government can dispose of property if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned; and
  - (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes.

Under section 3.58(4) of the LGA the details of the proposed disposition that is required by subsection (3)(a)(ii) include-

- (a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition —
  - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

#### **STRATEGIC PLAN / POLICY IMPLICATIONS**

##### ***Community Strategic Plan 2036 (CSP)***

##### ***Corporate Business Plan 2019-2023***

Key Result Area 2: Welcoming, inclusive and healthy communities

Community Outcome 5: Active, healthy and safe lifestyles

Strategic Response: Enable high standard recreation facilities and sporting grounds

Service Level Strategy/Plan: East Margaret River Structure Plan/ Direct the funds from the Site's sale to Rapids Landing open space.

#### **PLANNING FRAMEWORK**

The Site is zoned Future Development with the density assumed to be Residential R20 and the highest and best use is considered to be for a single residential development.

District level public open space is identified with the Rapids Landing Structure Plan as a necessary requirement of the provision of open space by the WAPC's Liveable Neighbourhoods, which promotes a variety of forms of open space in the delivery of urban development.

#### **FINANCIAL IMPLICATIONS**

##### **Implications**

The funds from the Site's sales will be utilised to recoup part of the funding for the open space development in Rapids Landing. Funds to be transferred to the Community Facilities reserve as this reserve was used to fund the development of the POS.

##### **Long Term Financial Plan**

Included in the long term financial plan.

##### **Whole of Lifecycle considerations**

The Applicant no longer needs to maintain the vacant Site.

#### **SUSTAINABILITY IMPLICATIONS**

##### **Environmental**

Nil – vacant land

##### **Social**

District level open space is an essential component of future growth and an expected component of providing for the communities recreation needs.

The sale and potential development of the Site will increase activity within the Rapids Landing community.

##### **Economic**

The capital realised from the sales can then be invested in Rapids Landing, consistent with the Shire's financial plan.

#### **ADVOCACY**

Nil

#### **ALTERNATE OPTIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

That Council:

1. Notes that no submissions were received in response to the local public notices of the proposed sale of the Site to The Applicant;
2. Resolves to enter into an agreement for the sale of 19 (Lot 80) Humble Way Margaret River for \$135,000 to Wesley Simon Slater and executes all necessary documents;
3. Authorises the affixing of the Shire seal where necessary to execute any agreement or document necessary for the sale of the property; and
4. Directs the funds from the sales of the Sites to fund open space development in Rapids Landing.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Valuation by LMV dated 11 July 2019
2. Offer to purchase

**RECOMMENDATION / COUNCIL DECISION**

**CR MELDRUM, CR KENNAUGH OM2019/209**

**That Council:**

1. **Notes that no submissions were received in response to the local public notices of the proposed sale of the Site to The Applicant;**
2. **Resolves to enter into an agreement for the sale of 19 (Lot 80) Humble Way Margaret River for \$135,000 to Wesley Simon Slater and executes all necessary documents;**
3. **Authorises the affixing of the Shire seal where necessary to execute any agreement or document necessary for the sale of the property; and**
4. **Directs the funds from the sales of the Sites to fund open space development in Rapids Landing.**

**CARRIED 7/0**

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# 11.2. Sustainable Development

**11.2.1 SUSTAINABILITY ADVISORY COMMITTEE MINUTES - 19 SEPTEMBER 2019**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	LND/115
<b>REPORT AUTHOR</b>	Jared Drummond, Sustainability Planning Officer
<b>AUTHORISING OFFICER</b>	Dale Putland, Director Sustainable Development

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**IN BRIEF**

This report provides a brief summary of the Sustainability Advisory Committee (SAC) minutes from 19 September 2019 (Attachment 1). Topics discussed include:

- Resignation of SAC Deputy President, Karen Majer.
- Discussion of the merits of establishing a sustainability economy fund.
- Greater promotion of Environmental Management Fund (EMF) projects.

**RECOMMENDATION**

That Council:

1. Notes the SAC request for Council to establish a sustainability economy fund, and that the outcomes of the Sustainable Economy Strategy will inform future funding priorities;
  2. Supports the SAC recommendation to promote Environmental Management Fund projects and activities through Shire platforms such as YourSay, community databases, website, social media and other advertisements, during and after completion of these projects; and
  3. Requests the Shire President writes a letter to Karen Majer formally thanking her for contribution to SAC.
- 

**LOCATION PLAN**

Nil

**TABLED ITEMS**

Nil

**BACKGROUND**

Sustainability Advisory Committee (SAC) minutes from 1 July and 19 September 2019.

**CONSULTATION AND ADVICE**

The report items have been discussed with SAC members and Shire staff.

**PLANNING DISCUSSION**

**Sustainable Economy Fund**

The following motion was adopted at the previous SAC meeting held 1 July 2019. The motion was adopted on the basis that the committee believes that there should be a dedicated budget allocation for economic sustainability, similar to the allocation currently under the Environmental Management Fund. Shire officers are currently preparing a Sustainability Economy Strategy. Potential funding priorities will be considered during preparation of the Strategy, and the outcomes presented to Council for consideration at the time of completion at which time the scope and basis for funding actions would be known.

**SUPPLEMENTARY MOTION / SAC DECISION**

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**MOVED: CR GODDEN SECONDED: CR PAULINE MCLEOD SAC2019/3**

**That a sustainable economy fund be established under the Sustainable Economy Strategy to support the community to transition to a local circular economy that protects the environment, reduces carbon emissions and supports climate resilience, supports and encourages**

**sustainable local economic enterprise and upholds the fair work conditions and economic rights for everyone.**

**CARRIED 6/0**

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**Karen Majer resignation**

Deputy President of the SAC, Karen Majer, resigned from the committee prior to the SAC meeting held 19 September, noting insufficient time available to continue as a member. Karen provided input to several important policies and projects. It is recommended that the Shire writes a formal letter to Karen thanking her for her contributions to SAC over the years.

**MOTION**

**MOVED: L. SERVENTY      SECONDED: L. BAILEY**

**That the Shire formally thanks Karen Majer for her major contribution to the Sustainability Advisory Committee.**

**CARRIED 5/0**

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**Environmental Management Fund - promotion**

The Augusta Clean Community Energy Group (AMRCCE), via Transition Margaret River, were invited to the SAC meeting to present on the outcomes of a recent EMF grant awarded to the groups, titled Community Energy Efficiency. In providing feedback to SAC, the AMRCCE representative requested that greater promotion (by the Shire) of EMF projects be undertaken by the Shire to reach a wider audience in the community. On this basis, SAC adopted the motion below.

EMF projects (larger projects in particular) are generally promoted by means of their own organisations, recognising the Shire as a key sponsor. To date, the Shire has promoted EMF projects through the Annual Report. In response to the feedback provided, and recognising the value of EMF projects, it is recommended that a greater emphasis be placed on promoting these projects throughout the broader community.

**MOTION / SAC DECISION**

**MOVED: N. GODDEN SECONDED: K. COLLINS SAC2019/7**

**That the SAC recommend that Council:**

**Promote Environmental Management Fund projects and activities through Shire platforms such as YourSay, community databases, website and social media and other advertisements, during and after completion of the project.**

**CARRIED 5/0**

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**STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-2023***

Key Result Area 1: Valuing, protecting and enhancing the natural environment

Community Outcome 1: Ecology and biodiversity protection

Strategic Response 1: Develop partnerships with governments and the community to identify ecological values, inform best management practice and protect the biodiversity of the shire

Service level strategy 1.1.1.1:

Priority project: Coordinate and implement the delivery of the Environmental Management Fund to deliver improved environmental outcomes including community delivery through grants.

**FINANCIAL IMPLICATIONS**

**Implications**

The financial implications may be substantial if an economic sustainability fund was to be established similar to EMF (currently \$200k per annum is allocated to this fund). The outcomes of the Strategy will determine what funding priorities are required.

**Long Term Financial Plan**

Not applicable at this stage.

**Whole of Lifecycle considerations**

Not applicable at this stage.

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

The EMF program supports a number of important biodiversity and environmental education programs in the community.

**Social**

Greater promotion of EMF projects is expected to have a positive impact across the community. It not only educates the broader community on the importance of environmental management, but also reinforces the Shire's position of 'environment first' policy approach.

**Economic**

Note the Sustainability Economy Strategy will determine future funding implications.

**ADVOCACY**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council:

1. Notes the SAC request for Council to establish a sustainability economy fund, and that the outcomes of the Sustainable Economy Strategy will inform future funding priorities;
2. Supports the SAC recommendation to promote Environmental Management Fund projects and activities through Shire platforms such as YourSay, community databases, website, social media and other advertisements, during and after completion of these projects; and
3. Requests the Shire President writes a letter to Karen Majer formally thanking her for contribution to SAC.

**ATTACHMENTS**

1. Sustainability Advisory Committee Minutes from 19 September 2019

**RECOMMENDATION / COUNCIL DECISION**

**CR MELDRUM, CR CRISTOFFANINI OM2019/210**

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That Council:

1. **Notes the SAC request for Council to establish a sustainable economy fund, and that the outcomes of the Sustainable Economy Strategy will inform future funding priorities;**
2. **Supports the SAC recommendation to promote Environmental Management Fund projects and activities through Shire platforms such as YourSay, community databases, website, social media and other advertisements, during and after completion of these projects; and**
3. **Requests the Shire President writes a letter to Karen Majer formally thanking her for contribution to SAC.**

**CARRIED 7/0**

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### 11.2.2 REVIEW OF MOBILE FOOD BUSINESS POLICY

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	ECD/22
<b>REPORT AUTHOR</b>	Emma Rogers, Governance and Permit Officer
<b>AUTHORISING OFFICER</b>	Ian McLeod, Manager Legal Services and Governance

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*Shire President, Cr Earl, disclosed a proximity interest at Item 3.1 and left Chambers at 5.38pm  
Deputy Shire President, Cr McLeod, took the position of Chair.*

#### **IN BRIEF**

- In June 2016, Council adopted a policy on Mobile Food Businesses (Policy).
- A 12-month mobile food business trial took place following the adoption of the Policy, feedback was received from permit holders and public, and a revised Policy was adopted by Council on 8 November 2017.
- Expressions of interest for mobile food businesses have been advertised every 1-2 years since June 2016 and permits awarded to mobile food businesses operating from the nominated locations identified in the Policy.
- A number of minor amendments to the Policy are proposed, the most significant being the proposal of a new trading location for mobile food businesses from Pioneer Park Carpark, Cowaramup, and a new section on sustainability and waste management.
- A draft Mobile Food Business Policy (Draft Revised Policy) was adopted by Council on 11 September 2019 for the purposes of advertising.
- The Draft Policy was advertised for 21 days, five submissions were received all relating to the proposed Pioneer Park, Cowaramup trading location (two for and three against).
- The purpose of this report is to consider submissions received in response to advertising and present a final policy for Council to consider for adoption.

#### **RECOMMENDATION**

That Council:

1. Adopts the revised Local Planning Policy No. 13 – Mobile Food Businesses, contained in Attachment 1, excluding the Pioneer Park, Cowaramup trading location;
  2. Allows a one month trial of a mobile food business operating from Pioneer Park, Cowaramup;
  3. Notes officers will liaise directly with the Cowaramup District Club and adjoining residents in relation to the proposed trial; and
  4. Reconsiders the Pioneer Park, Cowaramup trading location following the trial.
-



## LOCATION PLAN

Pioneer Park, Cowaramup, Reserve 22656 is proposed to be a new trading location



## TABLED ITEMS

Nil

## BACKGROUND

On 22 June 2016, Council adopted the Mobile Food Business Policy (Policy). The Policy provides guidance and decision-making criteria for the location and operation of mobile food businesses across the Shire. It aims to encourage and support mobile food businesses, and enhance community experience in key public places and recreational reserves across the Shire.

A twelve month trial period took place following the adoption of the Policy, permit holders and public were consulted on the application process, nominated locations and operating hours and a revised Policy was adopted by Council on 8 November 2017.

Since 2016, expressions of interest have been advertised every 1-2 years and permits awarded to mobile food businesses operating from the nominated locations identified in the Policy. A number of other permit applications for itinerant mobile food businesses have also been determined by delegated authority, in accordance with the Policy.

In August 2019, a further review of the Policy was commenced with a number of minor amendments being proposed, the most significant being the proposal of a new trading location for mobile food businesses from Pioneer Park Carpark, Cowaramup, and a new section on sustainability and waste management. A Draft Policy was presented to Council on 11 September 2019. Council adopted the Draft Mobile Food Business Policy for the purposes of advertising.

Advertising has now been completed and the purpose of this report to Council is to consider the submission received in response to advertising and consider any changes made to the Draft Policy since it was adopted by Council for advertising. Any significant changes that are made after advertising, that are not made in response to submissions will require further advertising.

**CONSULTATION AND ADVICE**

**External Consultation**

The Draft Local Planning Policy 13 was advertised for a 21 day period. Five submissions were received, two in support and three opposed, a summary of the submissions is provided below:

	Comments
Private submitter - Cowaramup	<b>In support for mobile food business location in Cowaramup.</b> Apart from the District Club, there is nowhere else to eat out after 6pm.
Private submitter - Cowaramup	<b>In support for mobile food business location in Cowaramup.</b> Currently there's little choice of eating out in Cowaramup after 6pm. Food van would provide more dining choice, activate the park (Pioneer Park). May encourage passing traffic to stop for food, and also have a drink at District Club.
Submission on behalf of Cowaramup District Club(District Club)	<b>Object to the proposed mobile food business location in Cowaramup:</b> <ul style="list-style-type: none"> <li>• Customers would use the District Club's parking spaces.</li> <li>• Close proximity to the District Club</li> <li>• In direct competition with the District Club, operating at the same time the District Club's kitchen serves meals.</li> <li>• Shire considers the District Club to be an important to the social community, but is providing an opportunity for a 'Shire sponsored' commercial business to operate on Shire land, in direct competition.</li> <li>• Negative financial impact to District Club revenue and the potential loss of District Club and premises to the community, therefore social ramifications to the community.</li> <li>• District Club operates as not for profit business (for tax purposes), is difficult to maintain business without community and local government support.</li> <li>• District Club pays rates, Shire should respect sustainability and social value of the District Club.</li> </ul>
Two private submitters, same address – close proximity to Memorial Park.	<b>Object to the proposed mobile food business location in Cowaramup:</b> <ul style="list-style-type: none"> <li>• Inadequate parking</li> <li>• Detrimental effect on the club</li> <li>• Mobile food businesses are not local.</li> </ul>
	<b>Object to the proposed mobile food business location in Cowaramup:</b> <ul style="list-style-type: none"> <li>• Inadequate parking, cars would spill out to District Club's carpark</li> <li>• Cowaramup location is not surrounded by public land, and has a residential house sharing one boundary.</li> <li>• Competing with District Club</li> <li>• Mobile food vehicle will pose a traffic or pedestrian impediment or danger to safety of general public. Footpath runs into the carpark.</li> <li>• Noise due to increased traffic and generator use.</li> <li>• Is inconsistent with clause 7.1.3(iii) of the Policy.</li> <li>• Several comments related to inconsistencies with itinerant mobile food provisions within the Policy.</li> <li>• Reconsider Duggan Pavilion as mobile food business location</li> </ul>

Officer comments on the issues raised in the public submissions are provided below:

Provision of alternative food outlet

Two of the submissions are in support for the mobile food business location in Cowaramup. It's noted that there is currently no other eating place in Cowaramup regularly open after 6pm, besides the District Club. A mobile food business would provide an alternative food outlet for the Cowaramup community, and enhance the experience of users of the Park.

### Parking

Three submissions raise concerns of inadequate parking, and mobile food business customers using the District Club's private parking. The Pioneer Park carparking spaces are unmarked, but have approximately 7 carparking spaces. There are a further six carparking spaces on the north side of Pioneer Park (O'Brien Street), which could also be used, but would be further to walk for patrons. A mobile food business is likely to take two of these spaces. The Lion's Club patrons would generally not be using the carpark at the proposed times.

There are no parking standards for mobile food businesses in the policy. There are parking standards for takeaway food outlets in LPS1 but these are not necessarily transferable to mobile food businesses. Under the LPS1, parking requirements for take-away food outlets is one space per 25sqm of nett leasable area. There Shire planning officers have advised that the parking at Pioneer Park may be adequate but that it will entirely depend upon the popularity of the business. If the mobile food business proved to be quite popular, and patrons chose not to use the six carparking spaces on the north side of Pioneer Park, then parking could be a concern. But it may also depend on the turnover of patrons and other visitors using the park. Unlike a development application, there is the ability to trial and assess the actual impacts of a mobile food business location prior to any long term approval. A one month trial period for a mobile food business operating from this location may be appropriate to address these concerns. During and after the trial, parking could be assessed, and if it became an issue, the operation from this location would be discontinued.

### Noise

One submission raises concerns with traffic and generator noise. Nearby residential houses are protected from unreasonable noise impacts under the Environmental Protection (Noise) Regulations 1997. There could potentially be increased traffic noise due to the operation of a mobile food business, but given that the carpark is also used for a bus way, and is opposite the District Club's carpark, increased traffic noise is likely to be insignificant. However, although quiet generators are encouraged, it's possible that generator noise could be heard by neighbouring property, and given that the owners have raised concerns in their submission, generator noise could potentially be an issue. A one month trial from this location may be appropriate. All generator noise must comply with Environmental Protection (Noise) Regulations 1997, and if there was any non-compliance within the trial period, the permit would be discontinued.

The nearest power outlet is at a minimum 30m from the carpark, which would require a long extension cord with trip mats running across the park on a regular basis, which does not present a suitable option.

### Traffic or pedestrian safety

One of the submissions refers to concerns with traffic and pedestrian safety. There are arrows on the road marking a one way passage in the carpark, with cars driving nose in, into parallel parking bays. A footpath leads into the carpark, however, this carpark is used for multiple events, and school bus pick up and drop off, which would experience heavier traffic at other times of the day than what the operation of a mobile food business is likely to create. The proposed times for the mobile food business would need to avoid the bus drop off and pick up times, and on a Friday, commence operating no earlier than 4.30pm.

If a permit was granted for this location it would require the mobile food vehicle to be positioned to serve towards the park side of the vehicle, to avoid customers queuing on the road.

### Competition with the District Club

Three of the submissions raise concerns with the competition with the District Club. It is noted that the District Club is in close proximity (approximately 60m) to the proposed mobile food business location, and the hours of operation would create direct competition between the two businesses. However, the National Competition Policy requires that Local Governments should not use permit requirements to restrict competition or have anti-competitive consequences.

The Shire acknowledges the social benefits of the District Club, and its contribution to the community. The Shire also appreciates the community benefits of activating spaces and enhancing the social utility of public places such as Pioneer Park. The introduction of mobile food business at Pioneer Park proposes to provide alternative food outlet for the community, create vibrancy, and enhance the social experience of users of the Park. With Cowaramup having a population of approximately 1550 persons

(ABS, 2016), and the District Club, currently being the only eating place open regularly after 6pm, it is unlikely that the operation of a mobile food business from Pioneer Park would have a large impact on the District Club. The two locations, although in close proximity, offer a different setting and environment.

Mobile food business fees vs rates, rents and outgoings of fixed premise food businesses

The District Club's submission refers to mobile food businesses as 'Shire sponsored commercial businesses', which assumedly refers to the issue of fixed premise food businesses paying higher rents, outgoings and rates for services, in comparison to mobile food businesses. This is an issue faced by local governments when dealing with mobile food businesses. The maximum annual fee that the Shire charges, for operation of a mobile food business 5-7 days per week is \$1500. A comparison of fees with a number of other local governments is set out below.

Table 1: Comparison of Mobile Food Business Fees for Local Governments

Local Government	Maximum Annual Fee for Mobile Food Business
Shire of Augusta Margaret River	\$1500
City of Busselton	\$3090 plus land use licence agreement fee (negotiated with the City)
City of Perth	\$1200
City of Bayswater	\$1000
City of Vincent	\$900
City of Fremantle	\$573

City of Busselton have the highest fees, and have also introduced a land use fee, based on a square metre rate for rent, to offset the inequity. However, given that the Shire's fees are already towards the higher end of the scale, an additional land use fee is not recommended.

Potential inconsistencies of proposed Pioneer Park Cowaramup location with Policy

One of the submissions raises concerns that the proposed Pioneer Park Cowaramup location is inconsistent with clause 7.1.3, and several clauses relating to itinerant mobile food businesses.

Clause 7.1.3 of the Policy states that 'permits will not be granted on or within 200m of any land zoned town centre or village centre under the Shire's Local Planning Scheme 1 unless it is a location specified within 7.1.1'. The Cowaramup location is proposed to be a site specific location under clause 7.1.1, and will be exempt to this provision of not being within 200m within any land zoned town centre or village centre area.

The clauses relating to itinerant mobile food businesses (e.g. ice-cream van) do not relate to the Pioneer Park Cowaramup location.

Other issues

Other issues raised include that mobile food businesses are not local, however, many of the mobile food businesses are locally owned. Furthermore, the criteria in the expression of interest includes use of locally sourced or produced goods.

**Internal Consultation**

- Coordinator Environmental Health
- Manager Planning and Development
- Sustainability Economy Officer

**DISCUSSION / OFFICER COMMENTS**

The two significant amendments proposed to the Policy, include a new section on Sustainability and Waste Management, whereby the Shire encourages mobile food businesses to:

- a) Use locally sourced or produced goods;
- b) Use 100% compostable packaging, cutlery, plates etc.
- c) Avoid using single use plastics such as plastic straws, take away containers, cutlery etc.;

- d) Provide re-usable crockery, cutlery etc., that can be washed within mobile food vehicle and re-used; and
- e) Provide bins for recyclable materials, and organic matter clearly labelled to avoid contamination.

These objectives are also reflected in the criteria which applicants are assessed upon, when applying via expressions of interest for approved locations, and through the general application process for other locations. Including these objectives within the assessment criteria does not make adhering to them mandatory, but encourages sustainable practices amongst mobile food business operators and community. No submissions were received relating to this amendment.

The second proposed amendment, which received five submissions, is the introduction of a new trading location from Pioneer Park, Cowaramup, to operate on Friday, Saturday and Sunday evenings, from 4.30pm to 9pm. The concerns raised in the submissions have been considered and are outlined above (community consultation section).

On the whole, two of the submissions supported a mobile food business to operate in Cowaramup and three were against. Two of those against did not completely reject a mobile food business operating in Cowaramup, but did not support the Pioneer Park location. One suggested to reconsider the location at Duggan Pavilion. The Cowaramup Oval and Duggan Pavilion area was considered by officers as a potential location, although, the sporting grounds, and hall are well-activated, and the canteen operated by sporting and community groups is already providing a food service at certain times to enhance the experience of users of the ovals and BMX track. Currently there is construction in the area, and the potential site is fenced off. This location could be further investigated by officers, and would need to undergo consultation with the Cowaramup Halls Reserve and Residents Association, and community.

One of the most concerning issues raised in the submissions in relation to the Pioneer Park location is generator noise potentially having an unreasonable noise impact on the neighbouring property owners. However, with the quiet generators now available, it is uncertain whether this will occur. Similarly, there is a possibility of inadequate number of parking spaces, although, this will depend on the turnover and popularity of the mobile food business. The uncertainty of these two issues suggests a one month trial for a mobile food business operating from this location may be appropriate, and officers liaise with the Cowaramup District Club and adjoining residents during and following the trial. Parking would be assessed during and following the trial period, and all noise (including generator noise) resulting from the mobile food business must comply with the Environmental Protection (Noise) Regulations 1997. If noise from the mobile food business exceeded the levels in the Regulations or was unreasonable the business would be required to cease operations.

A minor amendment is proposed to clarify the meaning of clause 7.1.3(iv): 'Applicants for permits in or within 200m of a townsite boundary (*but not within the parameters of clause 7.1.3.(iii)*) will be required to pay for public advertising of the application prior to consideration of the application.' This is to clarify that applicants for permits to operate in areas within 200m of a townsite boundary, but excluding the areas applicable to clause 7.1.3(iii) (i.e. excluding areas that fall within 200m of land zoned town centre or village centre, or approved locations under 7.1.1) are required to pay for public advertising of the application prior to assessment.

It's recommended that the Policy be adopted, with the removal of the Pioneer Park Cowaramup trading location and minor amendment to clause 7.1.3(iv) as shown in tracked changes in attachments. Following a one month trial, the trading location then be reconsidered by Council.

#### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

A trading permit is required under the Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2010 and Shire of Augusta Margaret River Local Government Property Local Law 2013 for selling goods or services in public places or on Local Government Property. General standard permit conditions are set in accordance with the Local Laws.

The awarding of permits through the expression of interest process, and applications received throughout the year are determined by the Director of Sustainable Development or Manager of Legal Services and Governance under delegation, pursuant to section 5.42 and 5.44 *Local Government Act 1995*.

The local laws are made under the provisions of Part 5 of the *Local Government Act 1995*.

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

### ***Community Strategic Plan 2036 (CSP)***

### ***Corporate Business Plan 2019-2023***

Key Result Area 4: Vibrant and diverse economy

Outcome 4.4: Competitive and sustainable business environment

Strategic Response: Work with commercial and retail enterprises to increase year-round stability.

Key Result Area 3: Ensuring sustainable development

Community Outcome 4: Sustainable resource use and waste management

Strategic response: Encourage the community to reduce, reuse and recycle

## **PLANNING FRAMEWORK**

These commercial uses would generally require planning approval under LPS1. As an itinerant use that otherwise requires a local law permit, there is no purpose in duplication of approval requirements. The recommended policy subsequently proposes to use Council's discretion to exempt these uses from the need to obtain approval. This is on the basis of the inherently 'temporary' nature of these activities.

## **FINANCIAL IMPLICATIONS**

### **Implications**

The mobile food business fees have been adopted in the Shire's Schedule of Fees and Charges for 2019/20.

### **Long Term Financial Plan**

Nil

### **Whole of Lifecycle considerations**

Nil

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Encouraging sustainable practices and waste minimisation techniques across mobile food business operators.

### **Social**

The presence of mobile food businesses in approved locations aims to enhance community experience in key public places and recreational reserves across the Shire.

### **Economic**

The policy will provide a greater range of food options for consumers and will add vibrancy and attract visitors to particular areas.

## **ADVOCACY**

Nil

## **ALTERNATE OPTIONS**

The alternative options include:

- Adopting the revised Policy excluding the Pioneer Park Cowaramup trading location, without allowing a trial of that location. The implications may be that the Cowaramup community miss out on the opportunity for an alternative food outlet at Pioneer Park.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council:

1. Adopts the revised Local Planning Policy No. 13 – Mobile Food Businesses, contained in the Attachment 1, excluding the Pioneer Park, Cowaramup trading location;
2. Allows a one month trial of a mobile food business operating from Pioneer Park, Cowaramup;

3. Notes officers will liaise directly with the Cowaramup District Club and adjoining residents in relation to the proposed trial; and
4. Reconsiders the Pioneer Park, Cowaramup trading location following the trial.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Draft Mobile Food Business Policy – showing tracked changes

**RECOMMENDATION**

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**CR GODDEN, CR DANIEL**

That Council:

1. Adopts the revised Local Planning Policy No. 13 – Mobile Food Businesses, contained in the Attachment 1, excluding the Pioneer Park, Cowaramup trading location;
2. Allows a one month trial of a mobile food business operating from Pioneer Park, Cowaramup;
3. Notes officers will liaise directly with the Cowaramup District Club and adjoining residents in relation to the proposed trial; and
4. Reconsiders the Pioneer Park, Cowaramup trading location following the trial.

0/0

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*Cr Cristoffanini moved the following amendment:*

**AMENDMENT / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR DANIEL OM2019/211**

That the word 'one' in point 2 be replaced with 'three'.

CARRIED 6/0

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**REASON**

Cr Cristoffanini spoke to the motion stating a one month trial was too short to gain sufficient information to make a decision.

*This then became the primary motion:*

**PRIMARY MOTION / COUNCIL DECISION**

---

**CR GODDEN, CR DANIEL OM2019/212**

That Council:

1. Adopts the revised Local Planning Policy No. 13 – Mobile Food Businesses, contained in the Attachment 1, excluding the Pioneer Park, Cowaramup trading location;
2. Allows a three month trial of a mobile food business operating from Pioneer Park, Cowaramup;
3. Notes officers will liaise directly with the Cowaramup District Club and adjoining residents in relation to the proposed trial; and
4. Reconsiders the Pioneer Park, Cowaramup trading location following the trial.

CARRIED 6/0

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*Cr Earl re-entered Chambers at 5.43pm*

*Cr McLeod returned to her allocated seating position.*

**11.2.3 SCHEME AMENDMENT NO.61 AND ASSOCIATED STRUCTURE PLAN - LOTS 48  
TREETON ROAD & 49 FRIESIAN STREET, COWARAMUP, FOR INITIATION**

<b>LOCATION/ADDRESS</b>	Lots 48 Treeton Road and 49 Fresian Street, Cowaramup
<b>APPLICANT/LANDOWNER</b>	Halsall & Associates Town Planning Consultants
<b>FILE REFERENCE</b>	PTY/8691 PTY/8692
<b>REPORT AUTHOR</b>	Matt Slocomb, Strategic Planning Officer
<b>AUTHORISING OFFICER</b>	Dale Putland, Director Sustainable Development

**IN BRIEF**

- The site consists of two Rural Residential zoned lots located to the north east of the intersection of Treeton Road and Bussell Highway, north of the Cowaramup town site.
- The proposal is a request that Council initiate an amendment to the scheme to allow for the subdivision of the site to a minimum of 1ha per lot. The associated structure plan proposes the subdivision of the site to create eight (8) lots and associated common property, with lots ranging from 1 – 5ha;
- The proposal is consistent with state and local planning requirements that promote rural residential infill subdivision for more efficient use of land already committed for development.
- It is recommended that the amendment be initiated for consultation.

**RECOMMENDATION**

That Council initiates Amendment 58 to LPS1 for consultation.

**LOCATION PLAN**



**Figure 1: Location Plan**



## SITE AND SURROUNDS

Lots 48 Treeton Road and 49 Friesian Street, Cowaramup (the site) are 11.23ha and 6.41ha in area respectively and zoned Rural Residential. The lots are located approximately 700m to the north of the Cowaramup townsite along Bussell Highway (refer to Figure 1).

Lots 48 and 49 were created from the original landholding that created the adjacent Light Industry Area. These lots are significantly larger than standard rural residential lots, recognising their function as a transitional interface to the urban development and light industry areas of Cowaramup.

The site slopes from the east towards Bussell Highway to the west, falling by close to 15m across the site. The majority of the lots have limited remnant vegetation, with smaller vegetated areas located to the south east corner, and a water course that crosses the site to the north.

The lots are serviced by on site effluent disposal systems and reticulated mains water is located within the Treeton Road reserve to the south. A significant portion of Lot 48 is visible from Bussell Highway.

## TABLED ITEMS

Nil

## THE PROPOSAL

The proposal involves the modification of the Shire's Local Planning Scheme to lower the minimum lot size for this area to 1ha (currently 3ha). The proposal has also been accompanied by a draft Structure Plan to guide eventual subdivision and development (see Figure 2).

The structure plan proposes the creation of six additional lots (eight in total) ranging from 1.01ha to 5.35ha in size, as well as the location of building envelopes and access arrangements within the site. The layout of the proposed structure plan is discussed further in the Planning Comment section of the report.



Figure 2: Structure Plan Excerpt

## **BACKGROUND**

Nil

## **CONSULTATION AND ADVICE**

### **External Consultation**

In order to determine the consultation requirements applicable to this amendment, the Planning and Development (Local Planning Schemes) Regulations 2015, require Council to determine whether it is a basic, standard or complex amendment. The regulations outline a definition for each form of amendment. The definition of a standard amendment is set out as follows:

*“an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission”.*

The amendment is consistent with the Shire’s Local Planning Strategy, as such, it is recommended that Council determine that the subject proposal is a standard amendment. A standard amendment will require public consultation for a period of no less than 42 days.

### **Internal Consultation**

The proposal has been referred to internal departments within the Shire for feedback. No matters have been raised that are of a nature that would substantially change the proposal. It is recommended that these matters are resolved following external consultation.

## **PLANNING FRAMEWORK**

### **Leeuwin Naturaliste Subregional Strategy (LNSRS)**

In respect to Rural Residential development, the LNSRS has a presumption against the creation of additional rural residential growth areas beyond those already identified in local planning strategies. The site is already identified for rural residential development and is therefore consistent with the LNSRS.

### **Leeuwin Naturalise Ridge Statement of Planning Policy (LNRSP)**

The LNRSP promotes subdivision and development design that facilitates better use of land already committed for Rural Residential development. In circumstances where re-subdivision results in an acceptable outcome, this can include redevelopment and increases in density in existing rural areas. The circumstances under which re-subdivision will be supported is detailed in policy contained within the LPS.

The LNRSP also identifies Bussell Highway as a Travel Route Corridor, with the site classified as a ‘general character’ area, meaning that development or change of use should protect the rural character of the site.

### **Local Planning Strategy (LPS)**

The LPS contains criteria for the assessment of infill rural residential subdivision. A summary of these requirements is provided below:

#### Locational Criteria

A general presumption against subdivision of areas that are:

- Significantly vegetated – subdivision of densely vegetated land would result in an undesirable environmental outcome, would likely put future residents at higher risk of bushfire, and have greater potential to be inconsistent with the environment and landscape provisions of the Leeuwin Naturaliste Ridge Statement of Planning Policy (LNRSP);
- Located along Caves Road – Caves Road is identified as a travel route corridor by the LNRSP wherein development should be sited so as to be invident from the road. Subdivision would result in additional development and thus a greater potential for adverse visual impact;
- Located in an identified Environmental Corridor (LPS) or National Park Influence Area (LNRSP).
- Located in areas which have been developed around the maximisation of views, by additional development would impact upon such views and landscape character;
- Isolated from all other lots having potential for subdivision so that subdivision would commence rather than complete a pattern of subdivision inconsistent with the character of the locality;
- Located in areas which have an extreme fire risk and have poor fire management characteristics; or

- Not easily accessible for example – no direct road frontage, located at end of long cul de sac etc.

#### Subdivision Criteria

Once an area has been determined to be consistent with the locational criteria, proposals are required to meet the following:

- Subdivision at a ratio of less than 1ha (average) will not be supported;
- Lots of not less than 4,000m<sup>2</sup> may be considered where a clustered subdivision approach is appropriate notwithstanding that the 1ha average lot size will still need to be met;
- Rezoning and structure planning necessary to support subdivision should be undertaken on a precinct (rather than lot by lot) basis unless completing a pattern of subdivision;
- Subdividers will be required to contribute to the proportional upgrade of infrastructure necessary to adequately service the intended additional population;
- Opportunities for re-subdivision should seek to provide enhanced environmental outcomes; and
- A bushfire hazard assessment and Bushfire Management Plan is to be prepared and implemented at the time of subdivision.

Assessment against the above criteria is provided below.

#### **Local Planning Scheme No.1**

Local Planning Scheme No.1 states that the minimum lot size for subdivision of Rural Residential zone is 3ha (clause 4.22.1(b)), unless specific provisions have been provided under Schedule 7 of the Scheme providing a lower minimum lot size.

The proposal involves a request of this nature, provisions are proposed to be added into Schedule 7 to allow a lower minimum lot size for this area.

#### **DISCUSSION / OFFICER COMMENTS**

##### **Locational/Subdivision Criteria**

#### Vegetation

There are two main areas of remnant vegetation within the site, towards the south east corner and along a watercourse to the north.

The balance of the site has historically been used for grazing, and consists of pastured land with some individual trees located throughout. The structure plan has identified the key areas of remnant vegetation as 'environmental landscape protection areas' which is supported.

#### Proximity to Caves Road

The site is not located adjacent to Caves Road. The site is however located adjacent to Bussell Highway which is similar in terms of policy effect under the LNRSP. The result being that the effect on landscape character is a key consideration when considering an increase in density.

#### Environmental Corridor or National Park Influence Area

The site is not located within an environmental corridor or a national park influence area.

#### Views/Landscape Character

Visual Management standards are set by the LPS, and categorised depending on the landscape significance of an area.

The site is located within Visual Management Area C within the LPS, which does not contain specific requirements that would influence the development outcome. Notwithstanding, the western side of the site fronts Bussell Highway, which is a key travel route, experiences high volumes of traffic, therefore development of this area will need to be sensitive to the rural landscape and amenity values of the site. Larger lots on the western side of the site and some screen planting close to the nominated building may mitigate visual impacts to a degree, however it is unclear what the full potential landscape impact could be.

#### Pattern of Subdivision

The proposal is considered to form a clear precinct, and in this respect is consistent with the LPS criteria.

#### Fire Management

The land is located within a declared bushfire prone area. The applicant has lodged a Bushfire Management Plan (BMP) with the proposal, and included Emergency Access Ways throughout the subdivision area.

Overall, the BMP demonstrates that the proposal has the capacity to meet the guidelines. The Shire Emergency Services staff requested some minor revisions which are capable of being actioned following consultation.

#### Access

The proposed lots are to take access from Treeton Road, Friesian Street (via a common property access) and Dyson Road. An additional Emergency Access Way is proposed to be constructed connecting Friesian Street in the south to Dyson Road in the north.

The Shire's Infrastructure Directorate have flagged that minor upgrades to Dyson Road would be required, namely the construction of a cul-de-sac head to allow a turning area for vehicles. Further input from Main Roads will be sought during consultation which may find the access either unacceptable or require additional works if they consider that the proposal will change the dynamics of vehicle movements to and from the Highway. Main Roads are currently planning for upgrades to Bussell Highway at present, and will also be able to advise on the relationship between the proposal and any future works.

Notwithstanding, all lots are capable of obtaining access from a constructed road and are considered to be consistent with the locational/subdivision criteria of the LPS.

#### Potential for Land Use Conflict

There is a typical presumption against the introduction of sensitive land uses, such as residential dwellings in proximity to industrial areas. There is the potential for these dwellings to suffer the effects of the typical impacts of industrial use such as dust, noise and odour and for this reason there are required separation distances from potential industrial issues.

While most uses in the LIA are fairly benign, it is important to preserve the ability to use industrial land for industrial purposes. This is complicated by two existing caretakers dwellings in the LIA (which would no longer be permitted), and a significant a future mixed residential composite industrial area to the east.

Whilst Land Use conflict is a concern for the Shire, the industrial landowners acceptance or objection to this potential cause of conflict will need to be understood, which can be determined through consultation.

#### **Overall Comments**

The Shire has some reservation about the layout of the structure plan, noting that this is not an impediment to preceding to consultation, but will be something discussed further with the proponent at the closure of the consultation period taking into account all the other feedback received by the community and relevant agencies.

The Shires concerns with the proposed design are summarised as follows:

- Irregular lot layout with varying lot sizes – some of which will have the ability for further subdivision down the track which may result in peace meal progression of development rather taking a coordinated approach up front when ownership is not fragmented;
- Potential for visual impact and land use conflict.

These matters will be explored further with the proponent at the completion of the consultation process taking into account the views of the community and feedback from government agencies.

In addition to the above, the proponent has brought forward requirements that have applied to the area previously relating to water connection and radio masts/TV antenna.

In respect to water supply, whilst the opportunity for connection to mains water exists, the Shire does not have a preference for this approach to be taken given there is opportunity for rainwater to be collected and stored on the sites. Rainwater collection is considered to be a sustainable way of providing water for dwellings, particularly in cases where service extension beyond the site is not required. It is recommended that this requirement be removed, but input from Water Corporation will be crucial in determining whether this remains the case. Should this change be supported by Water Corporation, some corresponding adjustments will be required to the 'water' section the BMP.

For radio masts/TV antennas, it is considered that the existing statutory framework is sufficient in regulating larger structures that may be visually obtrusive through the development assessment process.

#### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Nil

#### **STRATEGIC PLAN / POLICY IMPLICATIONS**

*Community Strategic Plan 2036 (CSP)*

*Corporate Business Plan 2019-2023*

Key Result Area 3: Managing Growth Sustainably

Community Outcome: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme

Service level strategy/plan: Provide Planning Services

#### **FINANCIAL IMPLICATIONS**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

##### **Environmental**

Based upon the information provided, there are locations on each lot where development can be situated with minimal disruption to native vegetation. Infill development or effective use of unconstrained land already committed for Rural Residential development lessens pressure on other areas that may be of higher ecological or agricultural value.

##### **Social**

The proposal will result in a small population increase within the immediate locality.

##### **Economic**

Subdividers will be responsible for the provision of the necessary infrastructure to the newly created lots.

#### **ADVOCACY**

Nil

#### **ALTERNATE OPTIONS**

That Council:

1. In accordance with Section 75 of the Planning and Development Act 2005 ('Act'), resolves NOT TO PROCEED with amendment No.61 to the Shire of Augusta Margaret River Local Planning Scheme No.1 for the following reasons:
  - a. Visual Impacts on the rural character of the site as experienced from Bussell Highway, which is a designated Travel Route Corridor under State Planning Policy 6.1 Leeuwin-Naturaliste Ridge;
  - b. Potential for land use conflict to occur with the adjoining Industry zone to the eastern side of the site, having the effect of limiting the development and range of industrial uses that can occur from the zone into the long term.
2. Advise the proponent accordingly.

#### **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

1. In pursuance of Section 75 of the *Planning and Development Act 2005*, amends Local Planning Scheme No.1 by;
  - a. Inserting the following into Schedule 11:

R-R 40	Lot 48 Treeton Road and Lot 49 Friesian Street Cowaramup	<ol style="list-style-type: none"> <li>1. Subdivision and development shall have due regard to the Structure Plan for the land or subsequent Structure Plan endorsed by the Western Australian Planning Commission.</li> <li>2. Notwithstanding the provisions of clause 4.22.1 (a) an average lot area of 1 hectare shall be achieved.</li> <li>3. <u>No further subdivision than provided for in the approved structure plan will be supported.</u></li> <li><del>3. Each lot to be created from the subdivision shall be connected to the Cowaramup townsite water supply.</del></li> <li><del>4. Radio masts/TV antennae, satellite dishes and wind turbines shall be located such that they do not detract from the visual amenity of the locality.</del></li> </ol>
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- b. Amending the Scheme map to designate Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup as Rural Residential 'R-R 40'.
2. Determines that the amendment is 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 given that it is "*an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission*"

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Scheme Amendment Map
2. Draft Structure Plan

**RECOMMENDATION / COUNCIL DECISION**

**CR MCLEOD, CR KENNAUGH OM2019/213**

1. In pursuance of Section 75 of the *Planning and Development Act 2005*, amends Local Planning Scheme No.1 by;
  - a. Inserting the following into Schedule 11:

R-R 40	Lot 48 Treeton Road and Lot 49 Friesian Street Cowaramup	<ol style="list-style-type: none"> <li>1. Subdivision and development shall have due regard to the Structure Plan for the land or subsequent Structure Plan endorsed by the Western Australian Planning Commission.</li> <li>2. Notwithstanding the provisions of clause 4.22.1 (a) an average lot area of 1 hectare shall be achieved.</li> </ol>
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		<p>3. <u>No further subdivision than provided for in the approved structure plan will be supported.</u></p> <p><del>3. Each lot to be created from the subdivision shall be connected to the Cowaramup townsite water supply.</del></p> <p><del>4. Radio masts/TV antennae, satellite dishes and wind turbines shall be located such that they do not detract from the visual amenity of the locality.</del></p>
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b. Amending the Scheme map to designate Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup as Rural Residential 'R-R 40'.

2. Determines that the amendment is 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 given that it is *"an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission"*.

CARRIED 4/3

CRS MELDRUM, GODDEN AND CRISTOFFANINI VOTED AGAINST

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## 11.3. Infrastructure Services



### 11.3.1 RFQ 081901 PURCHASE OF LIGHT FLEET UTILITY VEHICLES

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	PLT/9
<b>REPORT AUTHOR</b>	Tracey Charles, Works Administration Officer; Mel Aylett, Procurement Officer; Peter Brown, Manager Works.
<b>AUTHORISING OFFICER</b>	Markus Botte, Director Infrastructure Services

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#### IN BRIEF

- The Shire of Augusta Margaret River (Shire) undertook a Request for Quotation (RFQ) process to engage one or more suitable suppliers for the provision of required utility vehicles as part of the approved annual light fleet replacement budget for 2019-2020.
- The procurement process was undertaken via the Government of Western Australia's Panel Arrangement for the Acquisition of Passenger and Light Commercial Vehicles.
- Three (3) organisations – representing four (4) vehicle brands – were sent the Request documents and asked to quote. Submissions were received from all three respondents by the deadline of the Request for Quotation

#### RECOMMENDATION

That Council awards tender RFT 081901 Purchase of Light Fleet Utility Vehicles to Mounthey Family Nominees Pty Ltd as trustee for Geographe Bay Motors Unit Trust trading as Fennessy's Holden and Fennessy's Nissan, and delegates formation of the Contract to the CEO.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

On 23 August 2019, the Shire issued a Request for Quotation (RFQ) for the supply and delivery of seven (7) light fleet utility vehicle as part of its annual fleet replacement program.

The scope of works for this Contract was the supply and delivery of various replacement utility vehicles, each with different specifications and extras.

The RFQ therefore allowed for potential appointment of one or more suppliers to provide the requirement based on the most advantageous offer(s) to the Principal for each individual vehicle in terms of ability to provide quality goods at a competitive price.

The procurement process was undertaken via the Government of Western Australia's Panel Arrangement for the Acquisition of Passenger and Light Commercial Vehicles, as permitted by the Government of Western Australia and allowed for as a tender-exempt purchase under the *Local Government (Functions and General) Regulations 1996*.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

### **Internal Consultation**

Consultation was undertaken with the workshop Supervisor, Workshop Coordinators, Storeman/Technical Officer and Manager Works.

### **DISCUSSION / OFFICER COMMENTS**

Quotations were received from the following suppliers:

- Fennessy's (Holden & Nissan)
- Busselton Motors (Mitsubishi)
- Muirs, Manjimup (Ford)

Details of quotes received are included in **Confidential Attachment 1** to this report.

### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

*Local Government (Functions and General) Regulations 1996*

*Regulation 11(2)(e):*

Tenders do not have to be publicly invited according to the requirements of this Division if — the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

### **STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-2023***

Key result area 5: Effective Leadership and Governance

Community Outcome: Effective and integrated strategy, planning, financial and asset management

### **PLANNING FRAMEWORK**

Nil

### **FINANCIAL IMPLICATIONS**

#### **Implications**

Council annually budgets for the external supply of goods and services. Quotes are called to ensure Council obtains value for money and meets its obligations under section 3.57 of the *Local Government Act 1995*.

Purchasing through the Government of Western Australia's Panel Arrangement for the Acquisition of Passenger and Light Commercial Vehicles allows the Shire to benefit from price discounts negotiated by the State on behalf of all eligible Government organisations, resulting in better value for money than may be obtained otherwise through public tendering.

#### **Long Term Financial Plan**

The replacement of light fleet and utility vehicles is allowed for as part of the Plant Replacement Program under the Long Term Financial Plan. Replacements take place at 5 years / 125,000km.

#### **Whole of Lifecycle considerations**

Development of the Shire's Plant Replacement Program considered the Shire's current and future needs for fleet assets, including selection of vehicle types and associated equipment that will meet and support these needs, whilst addressing safety and sustainability considerations.

As part of the whole-of-life cost assessment of fleet assets, consideration was also given to estimated purchase pricing, running costs such as fuel, maintenance, tyres, insurance, and the anticipated replacement cost and trade-in value of vehicles.

More recently, the assessment has been expanded to factor in a higher purchase price of plug-in hybrid electric vehicles against lower running costs and vehicle performance of these vehicles in order to confirm their suitability for inclusion in the Shire's light vehicle fleet.

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Effective fleet management can reduce fuel consumption and associated emissions.

The whole of life cost of the vehicles was considered based on a 5 year 125,000km vehicle change-over scenario. This ensures vehicle technology remains current, thereby reducing environmental harm. Vehicles that have the lowest fuel consumption and lowest carbon emissions rank highly in the evaluation process.

### **Social**

Reduced vehicle emissions equate to healthier communities.

### **Economic**

Value for money goods and services. Additionally, the RFQ required respondents to specify local economic benefit. Shire officers were satisfied with responses received for all vehicles chosen.

## **ADVOCACY**

Nil

## **ALTERNATE OPTIONS**

By selling existing vehicles at 5 years / 125,000km's an optimum sale price can be realised via public auction. In previous years, the rate of depreciation has been acceptable with current market conditions.

The option of keeping vehicles longer than 5 years / 125,000km's has also been discounted due to higher maintenance costs and major component failures that can occur.

Financial analyses undertaken in previous years confirmed the outright purchase of vehicles over a 5 year / 125,000 km scenario results in the best financial outcome for the Shire.

The alternative option therefore would not result in a better value for money outcome for the Shire.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council awards tender RFT 081901 Purchase of Light Fleet Utility Vehicles to Mounthey Family Nominees Pty Ltd as trustee for Geographe Bay Motors Unit Trust trading as Fennessy's Holden and Fennessy's Nissan, and delegates formation of the Contract to the CEO.

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

1. CONFIDENTIAL Evaluation Report

## **RECOMMENDATION / COUNCIL DECISION**

### **CR MELDRUM, CR DANIEL OM2019/214**

**That Council awards tender RFT 081901 Purchase of Light Fleet Utility Vehicles to Mounthey Family Nominees Pty Ltd as trustee for Geographe Bay Motors Unit Trust trading as Fennessy's Holden and Fennessy's Nissan, and delegates formation of the Contract to the CEO.**

**CARRIED 7/0**

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# 11.4. Corporate and Community Services

#### 11.4.1 LIST OF PAYMENTS FOR AUGUST 2019

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	FIN/42
<b>REPORT AUTHOR</b>	Belinda Browning, Accounts Payable Officer
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director Corporate Community Services

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#### 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.

#### RECOMMENDATION

That Council notes the August 2019 List of Payments for \$2,813,479.48 as certified correct by the Chief Executive Officer.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

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.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

##### Internal Consultation

Nil

#### DISCUSSION / OFFICER COMMENTS

Table 1 below provides a summary of the payments made and Table 2 makes comparison between payments for the 2018-19 and 2019-20 financial years.

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.

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 13 NOVEMBER 2019

**TABLE 1 – SUMMARY OF PAYMENTS MADE IN THE MONTH AUGUST 2019**

MODE OF PAYMENT	CHEQUE / EFT NUMBERS	SUB-TOTAL	AMOUNT
Cheques	-	\$0.00	
EFT	71914 - 72278	\$1,456,513.73	
Direct Debits		\$1,356,965.75	\$2,813,479.48
<b>TOTAL</b>			<b>\$2,813,479.48</b>

**TABLE 2 – COMPARISON WITH PRIOR YEAR OF PAYMENTS**

MONTH	CHEQUES	EFT/DD	TOTAL PMTS	CUMULATIVE	CHEQUES	EFT/DD	TOTAL PMTS	CUMULATIVE
	2018-19	2018-19	2018-19	PAYMENTS	2019-20	2019-20	2019-20	PAYMENTS
JULY	26,103.88	5,421,569.55	5,447,673.43	5,447,673.43	4,869.95	5,279,604.72	5,284,474.67	5,284,474.67
AUGUST	24,324.24	3,479,792.07	3,504,116.31	8,951,789.74	0.00	2,813,479.48	2,813,479.48	8,097,954.15
SEPTEMBER	12,292.40	3,829,327.80	3,841,620.20	12,793,409.94				
OCTOBER	16,100.80	12,583,756.59	12,599,857.39	25,393,267.33				
NOVEMBER	18,922.59	4,513,582.09	4,532,504.68	29,925,772.01				
DECEMBER	26,683.06	4,637,340.93	4,664,023.99	34,589,796.00				
JANUARY	39,638.36	3,969,206.46	4,008,844.82	38,598,640.82				
FEBRUARY	24,695.30	3,222,690.77	3,247,386.07	41,846,026.89				
MARCH	23,851.36	3,494,760.00	3,518,611.36	45,364,638.25				
APRIL	51,672.65	3,701,615.40	3,753,288.05	49,117,926.30				
MAY	21,246.69	4,085,730.80	4,106,977.49	53,224,903.79				
JUNE	39,968.10	4,897,066.12	4,937,034.22	58,161,938.01				
	325,499.43	57,836,438.58	58,161,938.01					

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

*Local Government Act 1995, s 6.10, and  
Local Government (Financial Management) Regulations 1996, r 13*

**STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-23***

Key Result Area 5: Effective leadership and governance  
Community Outcome 2: Effective and integrated strategy, planning,  
financial and asset management

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

Nil

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Nil

**Social**

Nil

**Economic**

Nil

**ADVOCACY**

Nil

**ALTERNATE OPTIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council notes the August 2019 List of Payments for \$2,813,479.48 as certified correct by the Chief Executive Officer.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. List of Payments for August 2019

**RECOMMENDATION / COUNCIL DECISION**

**CR KENNAUGH, CR MELDRUM OM2019/215**

That Council notes the August 2019 List of Payments for \$2,813,479.48 as certified correct by the Chief Executive Officer.

**CARRIED 7/0**

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#### 11.4.2 FINANCIAL ACTIVITY STATEMENT REPORT - AUGUST 2019

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<b>LOCATION/ADDRESS</b>	N/A
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	FIN/14
<b>REPORT AUTHOR</b>	Andrew Ross, Acting Director Corporate and Community Services
<b>AUTHORISING OFFICER</b>	Stephanie Addison-Brown, Chief Executive Officer

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#### 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*.
- Council is to consider the financial results for the period ending 31 August 2019.

#### RECOMMENDATION

That Council receives the Monthly Financial Report – August 2019 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

In accordance with Financial Management Regulation 34 the Shire is 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 Financial Management Regulation (1) (d), for that month with the following details:

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

Also under Financial Management Regulation 34(5) Council are to adopt each year a material variance threshold. At the Ordinary Meeting of Council on 24 July 2019 (OM2019/136) Council adopted a monthly variance for reporting of material variances, where financial activity is greater than 10% and \$10,000.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

##### Internal Consultation

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 Financial Management Regulation (2) (b) that requires commentary on material variances to the Statement of Financial Activity at the nature/type, program or business unit level.



The Statement of Financial Activity shows a year to date actual closing position at 31 August of \$26.416 million (\$1.521 million lower than last month's result of \$27.937 million). This result was higher than the expected year to date budgeted position of \$24.001 million. The following details the main reasons for this favourable variation to Budget.

Operating revenue is \$0.254 million or 0.9% above budget (last month \$26.130 million above budget). The main contributors to this favourable variance are higher than budget fees and charges and operating grants due primarily to timing differences. Offsetting these favourable variances are under budget interest received. Lower than budgeted interest rates attributable to recent reserve Bank decisions to lower the cash rate have and will continue to impact interest earned in 2019-20.

Operating expenditure on a year to date basis is \$0.644 million or 12.5% under budget (last month \$0.493 million or 16.8% below budget). The main contributing factors are materials and contracts being \$0.656 million or 32.3% under budget (last month \$0.469 million or 41.5% under budget) and insurances being \$0.088 million or 21.8% under budget (last month \$0.103 million or 25.6% under budget). Over budget employee expenses of \$0.067 million or 2.9% (last month \$0.069 million or 5.9%) have partially offset these under budget expenditures and is primarily due to expenditure on training not matching the budget profile. It should also be noted depreciation will not be allocated until after audit sign-off of the financial statements at 30 June 2019 has been obtained.

Grants for capital works are \$0.095 million or 13.3% above budget (last month \$0.237 million under budget). The main reasons for this variation are developer contributions received are higher than budget, an unbudgeted grant has been received for bridge projects and will be provided to Main Roads WA and Regional Road Group grant claims are higher than profiled in the budget. Offsetting these over budget items is the Lotterywest grant for the Cowaramup Hall project has not been submitted as the project is still in progress.

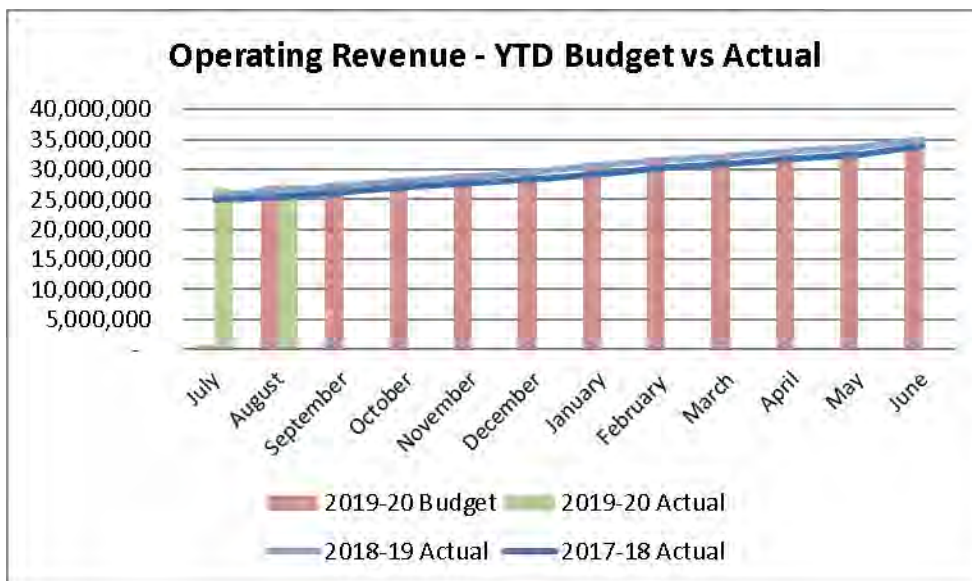
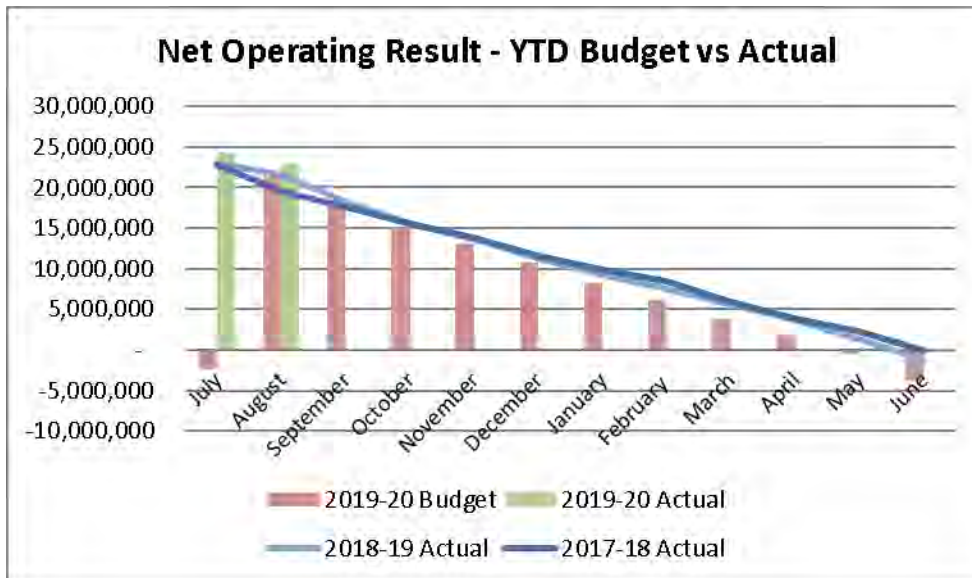
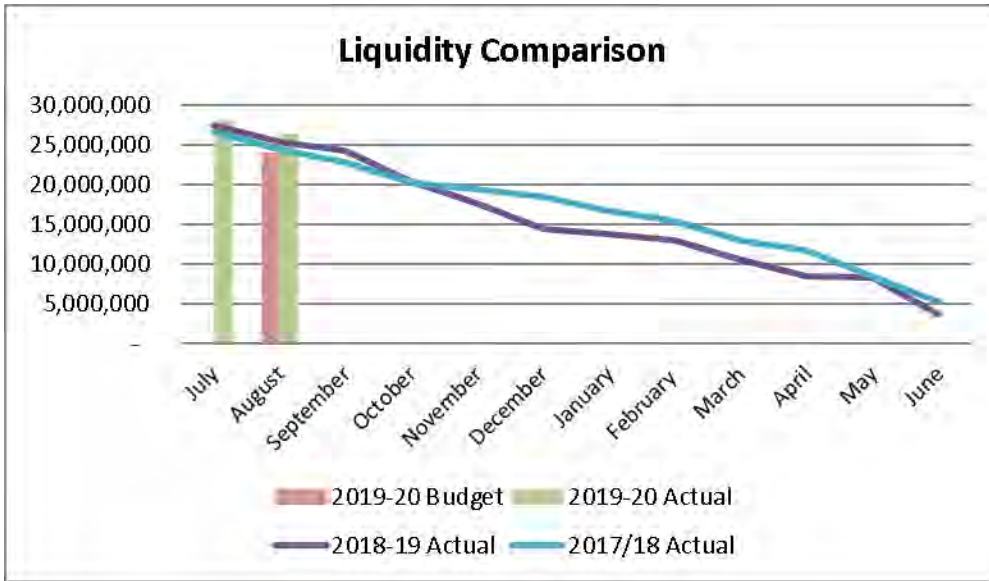
Capital expenditure of \$0.394 million during the month (\$0.093 million last month) compared to the budget for the month of \$1.186 million. On a year to date basis capital expenditure is \$1.659 million under budget (last month \$0.867 million under budget). Over optimistic budget profiling has contributed to this variance and other major causes include:

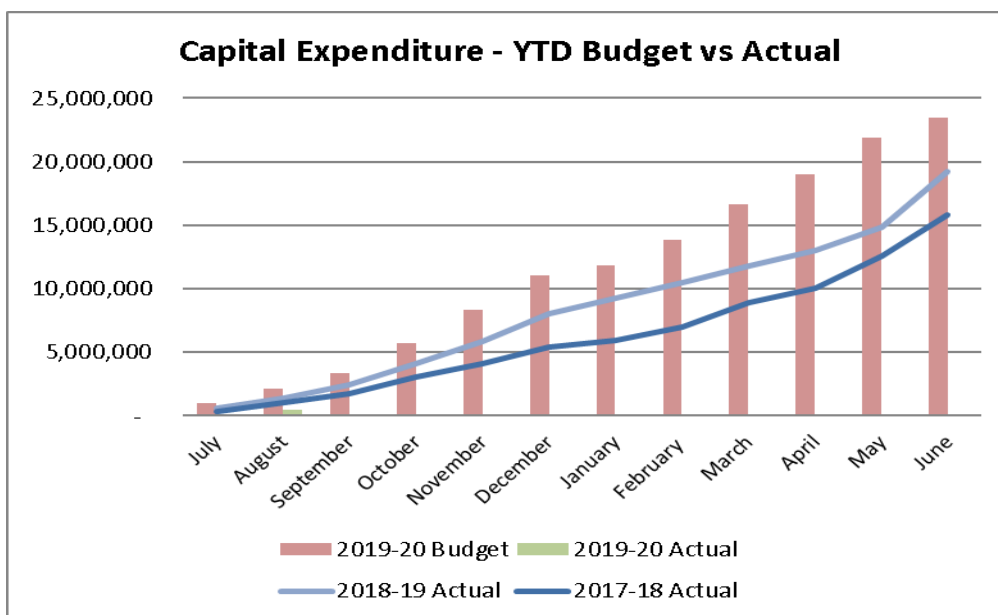
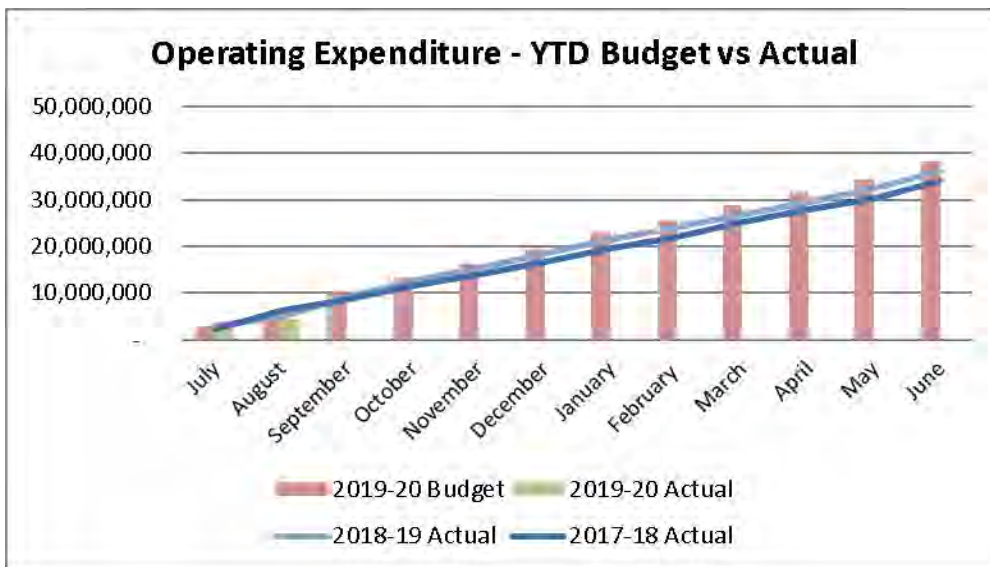
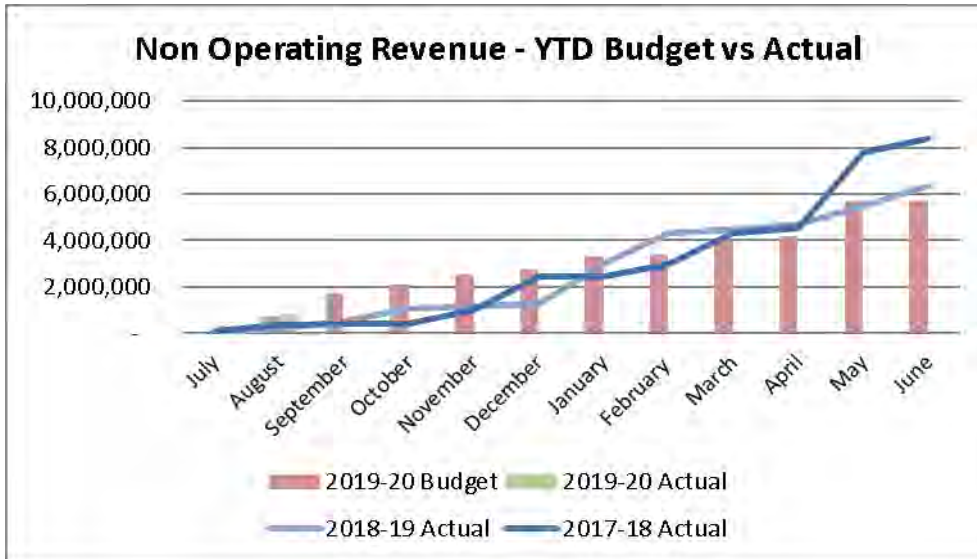
- the delayed receipt of construction invoices for the HEART project for July meant they were not processed until September and as a result a variance of \$0.973 million has been recorded for this project;
- various purchases for the HEART project such as furniture and signage totalling \$0.125 million did not occur;
- the delivery of two items of plant totalling \$0.170 million was budgeted to have occurred but is now not expected until September; and
- invoice and project delays have contributed to various caravan park works being \$0.290 million under budget.

Capital expenditure for the month included:

- works to upgrade the Zone room;
- \$62,035 for various building projects with the majority being incurred on the Cowaramup Hall;
- \$40,141 on various parks and gardens projects with landscaping for the HEART and the Lower Western Playing Field being the main items of expenditure;
- \$109,989 on road related projects of which \$83,907 was spent on infrastructure upgrade projects and \$26,082 was spent on infrastructure renewal projects. Drainage, the Margaret River main street upgrade, Wallcliffe Road reconstruction project and gravel resheeting were the main areas of expenditure.

Financial performance against budget are shown in the following charts.





Following is the Statement of Financial Activity for the year ending 31 August 2019.

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 13 NOVEMBER 2019

<b>SHIRE OF AUGUSTA MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 August 2019</b>							
BUSINESS UNITS	2018-19	2019-20	2019-20	2019-20	2019-20	YTD	
	Last Year	Approved	Month of	YTD	YTD	Variance	
	Actual	Budget	August	Budget	Actual	>10% & >\$10,000	
	\$	\$	\$	\$	\$		
<b>Net Current Assets at 1 July surplus/(deficit)</b>	<b>5,254,476</b>	<b>3,587,167</b>		<b>3,587,167</b>	<b>3,504,248</b>		C/F includes FAG paid in advance less write off of assets from previous years
<b>Revenue from Operating Activities</b>							
Rates	21,890,185	22,523,990	93,935	22,042,740	22,001,226	0	
General Financing	2,434,801	1,565,093	230,805	312,598	335,430	0	
Members of Council	81	200	0	0	0	0	
Chief Executive Officer	3,000	0	0	0	0	0	
Director Corporate & Community	2,610	0	0	0	0	0	
Director Sustainable Development	5,443	0	0	0	0	0	
Director Infrastructure	0	0	0	0	0	0	
Finance	31,738	20,100	0	0	0	0	
Records	939	400	90	0	150	0	
Corporate Services	724	0	0	0	0	0	
Customer Services	183,110	183,800	2,508	30,300	15,938	(14,362)	Timing: DoT commissions
Information Comm. Technology	1,564	1,440	150	240	314	0	
Human Resources	0	0	0	0	0	0	
Community Planning & Development	45,008	49,555	11,369	5,340	12,713	0	
Legal & Governance	0	0	0	0	0	0	
Communications & Marketing	0	0	0	0	0	0	
Community Fire & Emergency Services	625,587	531,010	15,860	9,652	15,860	0	
Rangers	187,353	190,814	5,707	21,804	12,512	0	
Libraries	52,096	39,720	5,011	7,520	7,681	0	
Environmental Health	134,824	124,460	3,670	82,810	80,384	0	
Outside School Hours Care	545,885	430,700	29,481	79,700	83,728	0	
Waste Services	4,926,642	4,901,376	58,323	4,167,684	4,503,684	0	
Planning & Development Services	302,919	284,000	24,171	47,000	47,143	0	
Community Buildings	8,269	41,000	214	0	428	0	
MR Recreation Centre	887,454	815,600	60,496	143,100	104,715	(38,385)	Timing: invoicing for usage
Cultural Centre	3,500	65,000	185	0	185	0	
Augusta Recreation Centre	29,264	37,500	2,295	6,000	4,149	0	
Gloucester Park	64,696	67,500	2,185	25,000	5,393	(19,607)	Timing: invoicing of annual usage charges
Parks and Gardens	13,771	12,800	0	0	1,160	0	
Asset Services	79,936	89,400	4,019	28,400	4,760	(23,640)	Timing: budget profiling of subdivision charges
Landcare & Environmental Services	22,348	0	3,000	0	3,000	0	
Construction	10,000	0	0	0	0	0	
Maintenance	139	0	0	0	0	0	
Plant Program	51,174	12,373	0	0	0	0	
Caravan Parks	2,105,517	2,091,140	52,848	91,370	103,642	12,272	Timing: patronage
Building Services	208,795	240,000	23,703	40,000	39,524	0	
Sustainable Economy	0	0	0	0	0	0	
Works Overheads	0	0	0	0	0	0	
Plant Operation Costs	2,637	0	0	0	0	0	
Other Property and Services	302,003	47,000	11,202	0	11,202	11,202	Timing: workers compensation & limesand royalties
	<b>35,164,013</b>	<b>34,365,971</b>	<b>641,228</b>	<b>27,141,258</b>	<b>27,394,923</b>	<b>253,665</b>	
<b>Expenditure from Operating Activities</b>							
Revenue	(350,662)	(346,438)	(30,724)	(45,462)	(51,079)	0	
General Financing	(608,634)	(649,202)	(21,045)	(104,800)	(105,376)	0	
Members of Council	(302,205)	(330,775)	(20,015)	(43,854)	(42,425)	0	
Chief Executive Officer	(975,609)	(600,706)	(39,019)	(103,432)	(102,118)	0	
Director Corporate & Community	(412,531)	(486,767)	(55,118)	(48,050)	(84,506)	(36,456)	Timing: Contributions budgeted for September
Director Sustainable Development	(690,756)	(445,212)	(38,820)	(67,446)	(76,325)	0	
Director Infrastructure	(320,737)	(439,036)	(25,057)	(61,562)	(49,282)	12,280	Timing: Leave
Finance	(1,039,357)	(1,068,164)	(36,071)	(336,289)	(352,232)	0	
Records	(185,325)	(197,974)	(14,217)	(29,726)	(29,840)	0	
Corporate Services	(309,477)	(225,800)	(22,837)	(31,150)	(38,778)	0	
Customer Services	(489,211)	(510,738)	(34,528)	(76,360)	(79,353)	0	
Information Comm. Technology	(1,009,701)	(945,668)	(60,071)	(288,851)	(292,397)	0	
Human Resources	(664,318)	(686,022)	(40,354)	(105,837)	(115,132)	0	
Community Planning & Development	(574,931)	(787,806)	(54,745)	(95,704)	(97,314)	0	
Legal & Governance	0	(297,554)	(19,193)	(46,388)	(40,951)	0	
Communications & Marketing	0	(562,671)	(16,433)	(62,036)	(59,964)	0	
Community Fire & Emergency Services	(1,276,657)	(1,338,102)	(71,650)	(149,355)	(131,560)	17,795	Timing: insurance premiums to be allocated
Rangers	(666,914)	(694,694)	(42,347)	(105,039)	(88,571)	16,468	Timing: PPE, printing, contract services, vehicles
Beach Lifeguards	(114,237)	(111,586)	(130)	(100)	(281)	0	
Libraries	(959,445)	(1,011,190)	(66,841)	(152,514)	(132,663)	19,851	Timing: labour, printing, stock, projects
Environmental Health	(542,974)	(558,328)	(38,348)	(83,184)	(93,171)	0	
Outside School Hours Care	(446,900)	(455,666)	(32,010)	(54,208)	(80,727)	(26,519)	Timing: employee costs for school holiday program
Waste Services	(2,635,073)	(3,142,330)	(296,203)	(584,666)	(404,622)	180,044	Timing: special projects, waste collection invoices
Planning & Development Services	(1,009,842)	(1,281,978)	(65,765)	(197,836)	(133,392)	64,444	Timing: employee costs, subscriptions & licences
Landcare & Environmental Services	(504,757)	(761,967)	(18,626)	(83,701)	(33,603)	50,098	Timing: grants to be provided
Community Buildings	(1,829,347)	(2,108,088)	(124,073)	(228,579)	(188,159)	40,421	Timing: building maintenance, cleaning & projects
MR Recreation Centre	(2,224,983)	(2,102,355)	(124,406)	(279,743)	(266,173)	0	
Margaret River Heart	(511,612)	(1,082,025)	(21,992)	(258,800)	(160,803)	97,997	Timing: employee costs, public relations, projects
Augusta Recreation Centre	(120,184)	(111,974)	(4,141)	(11,894)	(6,125)	0	
Gloucester Park	(201,530)	(258,000)	(2,777)	(7,850)	(5,021)	0	
Parks and Gardens	(2,821,411)	(2,911,900)	(130,918)	(365,575)	(245,301)	120,274	Timing: maintenance of reserves
Asset Services	(1,052,550)	(1,253,065)	(74,356)	(215,831)	(152,363)	63,468	Timing: projects
Construction	0	0	0	0	0	0	
Maintenance	(10,523,204)	(8,753,850)	(243,960)	(543,106)	(461,178)	81,928	Timing: tree pruning & drainage maintenance
Plant Program	(56,529)	(64,913)	(1,208)	0	(1,208)	0	
Caravan Parks	(1,266,248)	(1,311,826)	(94,645)	(190,904)	(140,387)	50,517	Timing: employee costs
Building Services	(181,142)	(169,282)	(12,128)	(24,244)	(25,663)	0	
Sustainable Economy	0	(121,194)	(7,429)	(17,712)	(15,274)	0	
Works Overheads	(647,012)	105,698	(93,989)	(165,510)	(186,829)	(21,319)	Timing: unallocated works payroll not budgeted
Plant Operation Costs	111,890	164,528	39,120	113,898	79,317	(34,581)	Timing: over allocation of cost recovery
Other Property and Services	(521,750)	(43,000)	(11,043)	(2,000)	(20,346)	(18,346)	Timing: workers compensation paid to be recovered
	<b>(37,935,869)</b>	<b>(37,947,620)</b>	<b>(2,068,112)</b>	<b>(5,155,400)</b>	<b>(4,511,178)</b>	<b>644,222</b>	

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 13 NOVEMBER 2019

<b>SHIRE OF AUGUSTA - MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 August 2019</b>						
BUSINESS UNITS	2016-17	2019-20	2019-20	2019-20	2019-20	YTD
	Last Year	Approved	Month of	YTD	YTD	Variance
	Actual	Budget	August	Budget	Actual	>10% &
	\$	\$	\$	\$	\$	>\$10,000
<b>Operating activities excluded from Budget</b>						
Depreciation on assets	9,379,885	9,361,200	0	0	0	0
(Profit)/Loss Asset Disposal	1,345,508	22,540	0	0	0	0
Movement in pensioner deferred rates (non-current)	(2,195)					
Movement in employee benefit provisions (non-current)	(133,322)					
Assets Written off	44,794	0	0	0	0	0
	10,634,670	9,383,740	0	0	0	0
<b>Amount attributable to operating activities</b>	<b>13,117,289</b>	<b>9,389,258</b>	<b>(1,426,884)</b>	<b>25,573,026</b>	<b>26,387,993</b>	
<b>INVESTING ACTIVITIES</b>						
<b>Non Operating Grants &amp; Contributions</b>						
Community Fire & Emergency Services	549,244	1,280,000	0	0	0	0
Waste Services	170,000	70,000	0	0	0	0
Planning & Development Services	491,111	204,000	57,231	34,000	64,728	30,728
Community Buildings	3,047,825	1,155,268	0	435,268	0	(435,268)
Parks and Gardens	355,407	0	0	0	0	0
Asset Services	9,000	36,000	5,000	0	5,000	0
Construction	1,765,206	2,961,987	494,500	246,987	741,487	494,500
Other Property & Services	0	0	0	0	0	0
	6,387,793	5,707,255	556,731	716,255	811,215	94,960
<b>Capital Investment</b>						
Purchase Land Held for Resale	0	0	0	0	0	0
Purchase Land and Buildings	(8,946,287)	(3,688,157)	(65,329)	(1,560,000)	(165,420)	1,394,580
Purchase Infrastructure Assets - Other	(2,865,114)	(1,881,705)	(76,589)	(259,136)	(117,302)	141,834
Purchase Infrastructure Assets - Roads	(4,411,844)	(15,610,000)	(109,989)	0	(203,948)	(203,948)
Purchase Plant and Equipment	(2,203,704)	(2,064,000)	(141,873)	(170,000)	0	170,000
Purchase Furniture and Equipment	(694,598)	(230,100)	0	(100,600)	(90)	100,510
Proceeds from Disposal of Assets	1,049,016	435,000	0	0	0	0
Proceeds from Sale of Land Held for Resale	388,182	0	0	0	0	0
	(17,684,349)	(23,038,962)	(393,780)	(2,089,736)	(486,760)	1,602,976
<b>Amount attributable to investing activities</b>	<b>(11,296,556)</b>	<b>(17,331,707)</b>	<b>162,951</b>	<b>(1,373,481)</b>	<b>324,455</b>	
<b>FINANCING ACTIVITIES</b>						
Repayment of Debentures	(853,961)	(924,549)	(40,064)	(162,559)	(162,559)	0
Repayment of Leases	0	(241,897)	(20,579)	(41,067)	(61,797)	0
Advances to Community Groups	(40,000)	0	0	0	0	0
Proceeds from Self-Supporting & IF Loans	16,815	18,277	5,054	5,054	5,054	0
Proceeds from New Loan	500,000	0	0	0	0	0
Unspent Loan	0	0	0	0	0	0
Transfers to Cash Reserves	(3,826,936)	(1,113,076)	(38,576)	0	(77,163)	(77,163)
Transfers from Cash Reserves	5,887,597	10,194,525	0	0	0	0
<b>Amount attributable to financing activities</b>	<b>1,683,515</b>	<b>7,933,280</b>	<b>(94,166)</b>	<b>(198,572)</b>	<b>(296,465)</b>	<b>(77,163)</b>
<b>Net Current Assets Surplus (Deficit)</b>	<b>3,504,248</b>	<b>(9,170)</b>	<b>(1,358,099)</b>	<b>24,000,973</b>	<b>26,415,984</b>	

### Investments

At 31 August 2019 the Shire's cash on hand, deposits and investments totalled \$29,957,321 (an increase of \$4,128,534 to last month's total of \$25,828,787) and total investment interest earned for the year was \$101,295 and did not achieve the budget of \$126,800. The recent decisions of the Reserve Bank to reduce the cash reference rate (0.75% at 1/10/19) will impact the Shire's ability to achieve its interest on investments projections which were based on a historically higher interest rate.

### Term Deposits – Cash Management

At the end of August the Shire had the following short-term facilities (term deposits).

Term Days	Maturity	Institution (ADI)	Principal \$	Interest Rate	Interest \$
182	2/4/20	Bendigo Bank	1,000,000	2.45%	24,567
270	10/12/19	Bankwest	1,500,000	2.50%	27,740
365	10/4/20	National Australia Bank	2,500,000	2.45%	61,250
365	17/7/20	NAB	1,500,000	1.85%	27,750

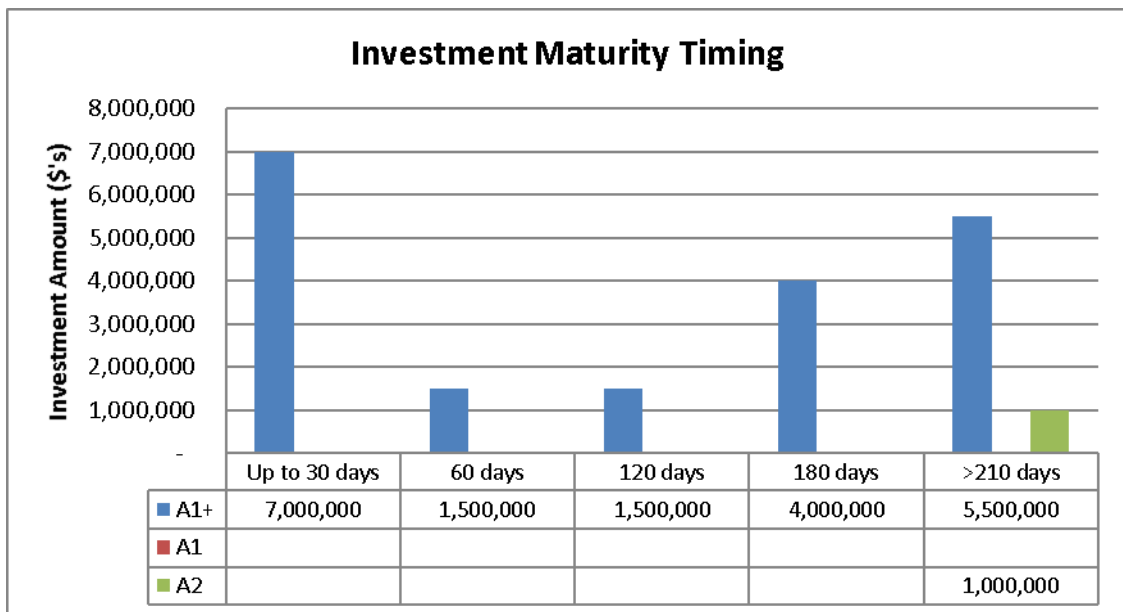
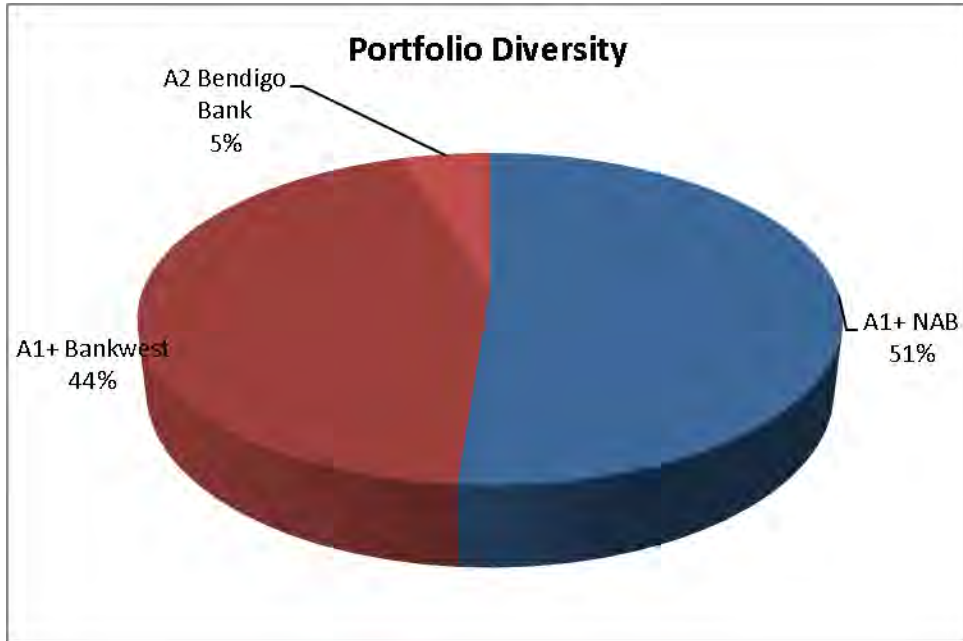
SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 13 NOVEMBER 2019

365	6/9/19	Bankwest	2,000,000	2.70%	54,000
265	13/9/19	National Australia Bank	5,000,000	2.70%	135,500
365	8/5/20	National Australia Bank	1,500,000	2.36%	35,400
150	3/10/19	Bankwest	1,500,000	2.20%	13,562
180	12/2/20	Bankwest	4,000,000	1.65%	32,548
			20,500,000		412,317

During the month the following changes occurred to term deposits:

- A term deposit with Bankwest matured on 16/8/2019 and was rolled over for 6 months at 1.65% (previous interest rate was 2.76%).

The average rate of interest to be paid on all of the term deposits is 2.32% (last month 2.44%).



The Shire also has an Overnight Cash Deposit Facility (OCDF) with WA Treasury Corporation (WATC) which is used to hold the Royalties for Regions funds allocated for the main street redevelopment project. The South West Development Commission are a joint signatory for this facility. During the month interest of \$4,464 was earned and the current balance of the

investment is \$5.537 million. The current rate of interest earned on this facility is 0.95% and is set at 5 basis points lower than the Reserve Bank's cash reference rate.

**In-Kind Support**

At 31 August 2019 fee waivers, donations and financial assistance sponsorships totalled \$8,755 and included \$6,800 of sporting sponsorships and \$1,955 of fee waivers.

**Reserves**

Movement to reserves represent interest earned on reserve funds. During the month no reserve transfers were processed.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Financial Management Regulation 34 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 Financial Management Regulation 22(1) (d).

**STRATEGIC PLAN / POLICY IMPLICATIONS**

*Community Strategic Plan 2036 (CSP)*

*Corporate Business Plan 2019-2023*

Key Result Area 5: Effective leadership and governance

Outcome 6: Measure and report on success and sustainability

Strategy 1: effectively measure our success and progress to a sustainable future

Service level strategy/plan: Continue to monitor monthly, year to date and annual financial performance including preparation of the annual financial report.

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

The overall financial performance of the Shire is as summarised in this report.

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Nil

**Social**

Nil

**Economic**

As stated in the report.

**ADVOCACY**

Nil

**ALTERNATE OPTIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council receives the Monthly Financial Report – August 2019 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of *the Local Government (Financial Management) Regulations 1996*.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Monthly Financial Report consisting of:
  - a. Notes to and forming part of the Statement of Financial Activity
  - b. Financial Reports by Business Units

**RECOMMENDATION / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR KENNAUGH OM2019/216**

That Council receives the Monthly Financial Report – August 2019 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of *the Local Government (Financial Management) Regulations 1996*.

**CARRIED 7/0**

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### 11.4.3 2019-20 FEES AND CHARGES FOR THE MARGARET RIVER HEART

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<b>LOCATION/ADDRESS</b>	41 Wallcliffe Road, Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	FIN/357
<b>REPORT AUTHOR</b>	Andrew Ross, Acting Director Corporate and Community Services
<b>AUTHORISING OFFICER</b>	Stephanie Addison-Brown, Chief Executive Officer

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#### IN BRIEF

- Council adopted the 2019-20 Fees and Charges at the Ordinary Meeting of Council on 22 May 2019 (OM2019/89).
- Council at its meeting on 28 August 2019 endorsed the Shire managing the Margaret River HEART venue.
- To manage the venue a schedule of fees and charges for the use and hire of the facilities is required.
- Under S6.16 of the *Local Government Act 1995* (the Act), Council may impose or amend the fees and charges from time to time during a financial year.
- Council are requested to approve the implementation of the attached Schedule of Fees and Charges.

#### RECOMMENDATION

That Council approves the attached Schedule of Fees and Charges for the Margaret River HEART to be issued for public notice and implementation after the period of public notice has concluded.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

Fees and charges are established prior to the adoption of the annual budget so their implementation is effective from the beginning of the financial year to match the timing of cost increases with revenue.

The schedule of fees and charges for 2019-20 were adopted by Council at the Ordinary Meeting of 22 May 2019 and a minimum 14 days local public notice was provided advising of the Shire's intention to impose the 2019-20 fees and charges from 1 July 2019.

Council made the following decision at the Ordinary Meeting of Council on 28 August 2019 in relation to the venue management of the Margaret River HEART facility.

#### ***RECOMMENDATION / COUNCIL DECISION***

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***CR MELDRUM, CR EARL OM2019/159***

***That Council:***

- 1. Notes the presentation of this report;***
- 2. Endorses the overall vision and key outcomes as outlined in this report;***
- 3. Endorses, and authorises the CEO to implement the Governance and Management Model 1. a Shire managed venue including: adoption of a Community Culture and Arts Development Fund, the formation of a HEART Reference Group and employment of required staffing;***
- 4. Allocates appropriate funds in the 2019-20 annual budget and Long Term Financial Plan to implement the new Governance and Management Model;***

5. **Notes that 2019-20 is a transitional year and requests the CEO to prepare a report on the operation of the HEART venue for presentation to Council in June 2020 and June 2021;**
6. **Thanks Arts Margaret River for the commitment to the delivery of their cultural and arts program throughout the course of their contracted term, and especially during the construction period; and**
7. **Authorises the CEO to negotiate any transitional arrangements, including a possible financial contribution to Arts Margaret River to subsidise their ongoing operating costs as well as offering in-kind office accommodation within the collaborative workspace of the HEART facility.**

**CARRIED 5/1  
CR MCLEOD VOTED AGAINST**

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This decision required a number of actions to occur including the employment of staff, implementation of systems, development of processes and procedures, and the formulation of fees and charges for the hire and use of the facility, its spaces, equipment and staff.

### **CONSULTATION AND ADVICE**

#### **External Consultation**

Nil

#### **Internal Consultation**

HEART staff including the Technical Supervisor and the HEART Marketing and Events Officer.  
Other Shire staff including the Project Manager HEART and the Coordinator Revenue & Customer Services.

### **DISCUSSION / OFFICER COMMENTS**

The schedule of fees and charges includes hire rates for the venue, main theatre, multipurpose room, foyer, exhibition hall, soundshell, bar/servery and other areas of the building. Fees have also been included for professional staff and hire of technical equipment. Charges for ticketing, merchandise, bar and photocopying have also been included.

The basis for the initial determination of these fees and charges has included comparison with similar venues as well as considering the actual cost of providing the services.

All fees are GST inclusive and are presented as three options to distinguish commercial and community hire. These options are:

- a commercial hire rate is essentially the base hire rate;
- a local business hire rate is set at 50% of the commercial hire rate; and
- a community hire rate is set at 50% of the local business hire rate.

A HEART annual membership charge has also been included which entitles members to discounts on cinema tickets and other benefits.

Local public notice of the change to the Fees and Charges will be given in the local newspaper.

### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

*LG Act* section 6.16 – Imposition of fees and charges

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

*\* Absolute majority required.*

*LG Act* section 6.17 refers to setting level of fees and charges.

*LG Act* section 6.19 refers to Local government to give notice of fees and charges and the date from which the fees and charges will be imposed.

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

### ***Community Strategic Plan 2036 (CSP)***

### ***Corporate Business Plan 2019-2023***

Key Result Area 4: Vibrant and diverse economy

Community Outcome 3: Infrastructure for economic growth

Strategy 1: Develop major infrastructure to cater for increased residents and visitors

Priority project: Complete redevelopment of the Margaret River Cultural Centre and launch operations for the Margaret River HEART

## **PLANNING FRAMEWORK**

Nil

## **FINANCIAL IMPLICATIONS**

### **Implications**

Revenue generated from fees and charges contribute over 40% of the Shire's annual operating revenue and along with property rates are the Shire's main own source revenue items. Estimating the revenue to be generated by the HEART is difficult as it is a new venue. However, based on trading figures for the cinema and events managed by Arts Margaret River in the past a conservative revenue target for 6 months operations of at least \$50,000 should be achievable.

### **Long Term Financial Plan**

Forecasts for fees and charges generated from the operation of the HEART will be included in the LTFP.

### **Whole of Lifecycle considerations**

Nil

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Revenue generated from fees and charges is utilised by the Shire to carry out work, which impact on the environment. There is continued demand for these activities.

### **Social**

Revenue generated from fees and charges is utilised by the Shire to support a range of Community oriented activities which impact on the social fabric of the Community.

### **Economic**

Revenue generated from fees and charges are a vital component of the overall 2019-20 budget without them the Shire would be financially unviable.

## **ADVOCACY**

Nil

## **ALTERNATE OPTIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council approves the attached Schedule of Fees and Charges for the Margaret River HEART to be issued for public notice and implementation after the period of public notice has concluded.

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

1. Schedule of Fees and Charges for the Margaret River HEART

**RECOMMENDATION / COUNCIL DECISION**

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**CR GODDEN, CR CRISTOFFANINI OM2019/217**

**That Council approves the attached Schedule of Fees and Charges for the Margaret River HEART to be issued for public notice and implementation after the period of public notice has concluded.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

Nil

**13. MOTIONS FOR CONSIDERATION AT NEXT MEETING**

**13.1 Transition of Wallcliffe Fire Brigade to DFES – Cr McLeod**

*Cr McLeod gave notice of the following motion for consideration at the 27 November 2019 Ordinary Council Meeting:*

**MOTION**

That Council, in principle, supports the transition of Wallcliffe Fire Brigade to DFES Volunteer Fire and Emergency Services brigade and requests the CEO to enter discussions with the DFES Commissioner in regards to the transition.

**14. NEW BUSINESS OF AN URGENT NATURE**

**14.1. Members**

Nil

**14.2. CEO**

Nil

**15. CONFIDENTIAL BUSINESS**

Nil

**16. CLOSURE OF MEETING**

*The Shire President thanked all in attendance and declared the meeting closed at 5.55pm*