Ordinary Council

MINUTES

FOR THE MEETING TO BE HELD
WEDNESDAY, 12 FEBRUARY 2020
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, Walcliffe Road, Margaret River on Wednesday 12 February 2020, commencing at 5:30pm.

Yours faithfully

[Signature]

STEPHANIE ADDISON-BROWN
CHIEF EXECUTIVE OFFICER
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Minutes of the Ordinary Council Meeting held on Wednesday 12 February 2020, in Council Chambers, 41 Wallcliffe Road, Margaret River, commencing at 5.30pm

Ordinary Council Meeting

1. DECLARATION OF OPENING

The Shire President welcomed 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 Kylie Kennaugh
Cr Pauline McLeod
Cr Julia Meldrum

Chief Executive Officer : Ms Stephanie Addison-Brown

Director Sustainable Development : Dr Dale Putland

Acting Director Infrastructure Service : Mr David Nicholson

Director Corporate and Community Services : Mr James Shepherd

Manager Corporate Services : Mr Andrew Ross

Acting Manager Planning and Development : Mr Matt Cuthbert

Manager Legal and Governance Services : Mr Ian McLeod

Governance Officer / Council Support : Ms Claire Schiller

Community Emergency Services Manager : Mr Adam Jasper (seated in public gallery)

MEMBERS OF THE PUBLIC : 16

MEMBERS OF THE PRESS : AMR Times, Warren Hately
2.1 Apologies
Director Infrastructure Services, Dr Markus Botte
Manager Planning and Development, Nick Logan

2.2 Approved Leave of Absence
Nil

3. DISCLOSURES OF INTEREST
Nil

4. PUBLIC QUESTIONS
4.1 Response to Previous Public Questions Taken on Notice

4.1.1 Main Street Redevelopment, Old Settlement and General Electors Meeting Minutes - Mr Linton Hodsdon

At the 22 January 2020 Ordinary Council Meeting, Mr Linton Hodsdon of 11 Mann Street, Margaret River, supplied a series of questions relating to the Main Street Redevelopment, Old Settlement and General Electors Meeting Minutes. As the majority of questions had been previously asked by Mr Linton Hodsdon and responded to at the General Electors Meeting on 11 December 2019, the Shire President agreed to hear three of the 7 questions and informed Mr Hodsdon and the meeting that the remaining questions would be treated as correspondence and published in the 12 February 2020 Ordinary Council Meeting Agenda.

The full series of questions and responses is provided as follows:

Q1: Regarding Q1 to the AEM, can we agree that if the new figure is 36 then the statement “52 was a transpositional error that should be 25” (OM 26.6.19) was wrong?

The same question was asked at the 11 December 2019 General Electors Meeting and the advice remains the same. The answer was ‘the figure is 25 bays for phases 1 and 2, a total of 36 bays for all three phases’.

a) What is the procedure for correcting such errors in the Minutes of Council meetings?

A motion of revocation would be required to rescind Council’s decision to accept the minutes as ‘true and correct’. If revoked, a further motion to amend / correct the minutes would be required.

b) Without verifiable documentation, how can we be sure that 36 is not a transpositional error that should be 63? Which I suggest is closer to the truth of the actual question.

36 is the confirmed figure. Information relating to parking bays is available on the Shire’s ‘Your Say’ page.

c) Regarding Q3 to the AEM, as the only answer offered to the question at the 24 July 2019 Council meeting was based on the “transpositional error”, can you please answer the question of how did all Councillors and Shire staff miss the claimed error for 15 months? And then not check the facts before compounding the error?

As explained in the response to the question asked at the 24 July 2019 Council meeting, parking was not the subject of further discussion between Shire officers and councillors or the community, so the error remained undetected.
Q2: Regarding pt2 of the answer to Q1 to the AEM, suggesting there is the potential for 38 new carbays near the Main Street,
   a) When will Council present a plan showing the location of those “new” carbays?

      A project plan is currently being prepared for the staged provision of additional car parking.

   b) What is the cost of creating those new carbays?

      Detailed cost estimates will be prepared when the detailed car park designs have been completed. A preliminary estimate of the cost of the parking bays in the first stage, to be implemented by 30 June 2020, is $110,000.

   c) When can such works be implemented?

      Whilst no bays are lost in the Stage 1 of the works, $110,000 is being sought in the mid-year budget review for provision of additional bays by 30 June 2020. The exact number of additional bays is dependent on the outcome of the detailed design. Further additional bays will be provided in 2020/21.

Q3: With Council’s answer to Q2 to the AEM, that the “plans have not changed significantly since the last tender process” seeming to be in conflict with answer 1b to my question to OM 24 July 2019 and the Shire’s response to my FoI application dated 12 August 2019, can Council please explain the withholding of this information?

      The response provided in July 2019 referred to “minor design refinements”, which is consistent with the response to Q2 in the Annual Electors Meeting, which stated that “plans have not changed significantly.”

Q4: Is it correct to interpret the answer to Q6 to the AEM as being that Council is delegating immediate lease, vesting and financial issues associated with the Old Settlement over the last 5 years to a Community Reference Group looking at a recreational trails strategy for beyond 2021?

   a) Being a member of the CRG consisting of 20 members, to which the only Mountain Biker stopped attending after the second workshop, I am aware that the Strategy process may offer some advice on future uses at the Old Settlement but has not reviewed past performance of leaseholders, vesting and financial issues. Will Council amend the note to Q6 (AEM) to clarify the CRG’s role?

      The terms of reference of the Margaret River Precinct Masterplan Community Reference Group do not include lease, vesting and financial issues associated with the Old Settlement. The response to Q6 was not intended to convey that a community reference group is considering future uses and development within this site and surrounding areas along the river.

   b) When will Council adopt an Old Settlement Management Plan, as resolved by Council in August 2010, to include a communication mechanism between leaseholders, control expenditure of funds from the OS Reserve Fund and immediate works to the property to improve its compliance with the vesting?

      The 2010 resolution in question stated:
      That Council:
      1. Adopts the Concept Plan for the Old Settlement with the following modifications:
         f) Inclusion of a notation that the Reserve will be the subject of a Management Plan to identify responsibilities for the Management of the Reserve and Facilities.
      2. Authorises the CEO to proceed with the development of a Management Plan including the calling of a registration of interest for the lease of the various components of the Concept Plan.
The requirement for a management plan was largely superseded following the calling of registrations of interest for leases in 2012 and the preparation of leases setting out maintenance and management obligations of the Commercial lessee (MRTCH Pty Ltd) and the Community Lessee (MRDHS Inc) in 2012. A management order changing the purpose of the reserve in 2012 required any proceeds from leasing the reserve be directed to the maintenance of the reserve. The only outstanding matter that would have been addressed by a management plan is the expenditure of proceeds from leasing into the maintenance of the reserve. A plan for the expenditure of these funds is being postponed pending the outcome of the Margaret River Precinct Masterplan.

Q5: Regarding the table offered in response to Q7 to the AEM, which confirms that less than $10,000 was collected in the first 2 years of the commercial lease but nearly $30,000 was credited to the OS Reserve Fund and furthermore documents that GST was not previously accounted for in the earlier balance sheet, can Council please explain how such figures are credible, accurate and auditable?

a) Is Council suggesting that no funds have been spent on the Old Settlement Reserve for the period of the balance sheet presented?

Each year the Annual Financial Report (AFR) is audited by independent external auditors. Reserve balances form part of the AFR. No concerns have been raised by the auditors in their Independent Auditors Report. All of the Shire’s financial reports are presented on a GST exclusive basis. It is confirmed that no funds have been transferred from the Old Settlement Reserve during the period reported.

Q6&7: Will Councillors please vote to not receive the minutes to the AEM, proposed in the agenda to the current meeting, until corrections are made to reflect the glaring failure of answers to Public Questions and will Council please offer some explanation as to why Community motions passed at the AEM were rejected by Council without comment at the following OM?

Formal reasons were given at the 11 December 2019 Ordinary Council meeting and are included in the minutes.

4.2. Public Question Time

4.2.1 Wallcliffe House Scheme Amendment - Ray Swarts

Mr Ray Swarts of Lot 1/5962 Caves Road, Margaret River, asked the following questions in relation to Wallcliffe House Scheme Amendment, the Director Sustainable Development provided the responses:

Q1: The City of South Perth held consultation sessions regarding a Scheme Amendment. Why has the Shire not consulted with the community?

The process recommended by the Shire planning staff is consistent with the processes set out in the Planning and Development Act (2005) and Planning and Development (Local Planning Scheme) Regulations (2015). While the Act and Regulations do not prohibit Council from adopting a consultation process outside of that proscribed in the Regulations, it must formally resolve to do so as Shire staff cannot initiate consultation without Council’s approval. Council will consider the Scheme Amendment at the next Council meeting, if Council decide to initiate, then the formal consultation process will follow.

Q2: If Council initiates the amendment is it true to say that it is out of Council’s hands and is there a right of appeal?

No. This is untrue. If Council decides to initiate the proposed amendment, it will be advertised for public comment and will be sent to relevant State Government Agencies for their comment. Once Council receives the results of this consultation, Council will make its recommendation to
the Western Australian Planning Commission (WAPC), who will then make a recommendation to the Minister for Planning, Heritage and Lands. The WAPC and Minister place a great deal of weight on Council’s recommendation and this will have a strong bearing on the final decision. If Council decides not to initiate the amendment for public consultation, the applicant has the right to appeal directly to the Minister, who will ultimately make the final decision either way..

Q3: So the final decision is out of our hands?

No, as stated earlier. The Minister makes the final decision but Council and the community have a very strong voice in the process and Council’s decision will be a major determinant.

Q4: So why not consult with the public, is it possible at this stage?

Council will be presented with the option of initiating the Amendment so that a process of formal consultation can commence. The Planning and Development Act 2005 and Planning and Development (Local Planning Scheme) Regulations 2015 determines that the consultation process commences after Council has initiated a Scheme Amendment. If Council are of a mind to want to undertake ‘pre consultation’ this is also possible but is not anticipated (nor prevented) by the relevant Act and Regulations, however, this would only serve to replicate the formal process.

Q5: Tourism is not sustainable. What role does sustainability play in the decision?

The subject land is currently zoned for tourism purposes. Any future planning decisions made with respect to the land need to relate to how those decisions may impact on the site and its surrounds. The global impact of tourism and whether or not the industry as a whole is considered to be sustainable, would not be a relevant consideration which could legitimately be taken into account when making such a decision. There is strong support for tourism development in the Shire expressed within the Shire’s Community Strategic Plan 2036.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting held 22 January 2020

MOTION / COUNCIL DECISION

CR MCLEOD, CR KENNAUGH OM2020/9

That Council confirms the minutes of the Ordinary Council Meeting held on 22 January 2020 to be a true and correct record of the meeting.

CARRIED 7/0

7. DEPUTATIONS

7.1 Item 11.2.1 Grouped Dwellings x 7 – 65 and 67 (Lots 18 and 190) Town View Terrace, Margaret River – Darian Cheffers

Mr Darian Cheffers, Development Consultant, addressed the meeting in relation to Item 11.2.1 Grouped Dwellings x 7 – 65 and 67 (Lots 18 and 190) Town View Terrace, Margaret River. A summary of his deputation is as follows:

- The proposal is to merge lots 18 and 190 to create a 7 unit residential site and to construct each unit with the aim to hold and rent.
- Target market – low to middle income earners, young couples, downsizers and the elderly – average rent expectancy is $360-380 p/w per unit.
• Why? There is strong demand locally.
• Why? – the dream of home ownership within the AMR Shire for first owners is a distant reality
• Our proposal gives this segment of the market an opportunity to live central locally and save for their first home deposit.
• Angus Jacks purchased both blocks in November 2014.
• Advice from the Shire’s Planning Dept and reference to the then current Town Planning Scheme detailed the site as R-60 – with this information Angus Jacks purchased the blocks with intention of developing them for medium density residential use only. Commercial use was never a consideration.
• TPS amendments in 2016 and 2019 changed this location to mixed use.
• Local residential rental demand is experiencing an increase and available stock on the market is decreasing.
• Retail sector year on year decline continues to trend across the state and locally in the Margaret River Region.
• Location of the proposed development does not lend itself to commercial orientation and is surrounded by residential properties.
• Application is designed to keep with the street appeal and fit with local streetscape.

The Shire President called for questions and thanked Mr Cheffers for his deputation.

7.2 Item 12.1 Transition of Rosa Brook Fire Brigade to DFES – Richard Moroney

Mr Richard Moroney of 5 Jarrah Court, Margaret River, addressed the meeting in relation to Item 12.1 Transition of Rosa Brook Fire Brigade to DFES. A summary of his deputation is as follows:

Dear Councillors we are asking on behalf of our membership and the communities we represent that you support us in our endeavour to ask the Commissioner of FES Darren Klemm to take over the management of Rosa Brook Bush Fire Brigade via an MOU.

We sent an open letter in July 2019 to the then acting CEO Dale Putland who advised this would be forwarded to the Council and incoming CEO stating both our support for the move and our intention to continue to pursue the transfer should the Council not vote in favour of the BFAC recommendation.

We have DFES brigades to the South in Augusta and Witchcliffe, to the West in Wallcliffe, Cowaramup to the North and in the middle Margaret River so given we are the Eastern gateway with its communication infrastructure, water infrastructure as well as a mix of commercial, rural and residential risks it makes sense for Rosa Brook to seek transition and integrate with DFES.

Currently we undertake training with DFES are deployed with DFES, manage our brigades with DFES systems and utilise DFES operating guidelines and for the majority of time are directed under the leadership of DFES on a fire ground. The shift to DFES management is not a brave new frontier or leap into the unknown.

We are the volunteers that make up the brigade and only want the best for our community. That will not change. DFES relies on us as much as we rely on them. They can not take away our culture or replace our local knowledge and nothing we have seen and nothing we have experienced leads us to think otherwise.

Our focus and commitment to protecting our community will not fall away or change with a change to DFES management. A volunteer brigade is made up of its membership and is reflective of its community.

If we are to meet the needs and expectations of our community now and into the future we need to continue to evolve in step with the increasing complexities of the fire risk in our region.
This is the first step in a long process in asking the CEO to write to the Commissioner. The Commissioner can say no, so it's not a done deal that will happen next week and any changes (if DFES agrees to manage Rosa Brook) we would not seek to happen in this fire season.

Members of this Council have acknowledged it is important to listen to volunteers who put their lives on the line.

They have said they believe it will make the job of volunteers who protect our community easier,” and “We would be very ill-advised not to listen to them.”

Some Councillors have said the development of an MOU would help clarify future roles for volunteers, and DFES managing volunteer brigades is widely viewed as the future of bushfire management in WA.

We ask that you support those that support the Communities that you represent in times of need. We ask that you support us as you have supported Wallcliffe.

We have enormous respect for all of those that contribute to the management of Brigades in the Shire, but it’s time for change.

*The Shire President called for questions and thanked Mr Moroney for his deputation.*

8. **PETITIONS**

    Nil

9. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

    Nil

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

    Nil

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

    Before Council moved on to deliberate 11.1 Chief Executive Officer Reports, the Shire President informed the meeting that Items 11.2.1 Grouped Dwellings x 7 – 65 and 67 Town View Terrace, Margaret River, and 12.1 Transition of Rosa Brook Fire Brigade to DFES, will be brought forward for consideration while concerned members of the public remained in the gallery.

    11.2.1 was then brought forward for consideration.

*Cr Meldrum left Chambers at 7.06pm*

*Cr Meldrum re-entered Chambers at 7.06pm*
11.2.1 GROUPED DWELLINGS X 7 - 65 AND 67 (LOTS 18 AND 190) TOWN VIEW TERRACE, MARGARET RIVER 65 AND 67 (LOTS 18 AND 190) TOWN VIEW TERRACE MARGARET RIVER

LOCATION/ADDRESS 65 and 67 (Lots 18 and 190) Town View Terrace, Margaret River

APPLICANT/LANDOWNER Dale Alcock Homes South West / Angus Jacks Pty Ltd

FILE REFERENCE PTY/811 PTY/1521

REPORT AUTHOR Lezia Sandon, Senior Planning Officer

AUTHORIZING OFFICER Dale Putland, Director of Sustainable Development

IN BRIEF
- The Site consists of two adjoining lots; Lot 18 is vacant land and Lot 190 includes a Single Dwelling.
- The proposed development on the Site is seven grouped dwellings with a single common property access on Town View Terrace.
- The proposal includes four styles of dwellings consisting of three bedrooms, two bathrooms and a double garage.
- The Site is located east of Bussell Highway within the Margaret River Town Centre zone, considered the Margaret River Central Business District (CBD).
- The Site is zoned Town Centre under Local Planning Scheme No.1.
- Residential Development is permitted in the Town Centre zone only with commercial development on the first floor.
- The proposal is recommended to be refused.

RECOMMENDATION
That Council refuses the development application for a Grouped Dwelling at 65 and 67 (Lots 18 and 190) Town View Terrace, for the following reasons:

1. The proposal is inconsistent with the objectives of the Town Centre zone, as the proposal:
   a) Will result in unreasonable loss of commercial area;
   b) Does not establish a range of activities and services required to fulfil the social, retail and commercial and administrative requirements for the surrounding area;
   c) Does not establish an efficient and vibrant commercial centre through a high level of business integration;
   d) Does not enhance the streetscape of the Town Centre;
   e) Does not serve to establish a commercial mixed use development; and
   f) The intensity and nature of the proposed use is incompatible with the future character of the area.

2. The proposal is inconsistent with Clause 4.24.3 of Local Planning Scheme No. 1 as residential uses are only permitted where forming part of a mixed use development on the same lot.

3. The proposal is inconsistent with the Mixed Use zone objectives of the Local Planning Strategy as the residential development detracts for the commercial and retail primacy of the Town Centre area.

4. The proposal is inconsistent with the matters to be considered under Local Planning Scheme Regulations, Deemed Provisions Clause 67, specifically:
   a. The aims and provisions of this scheme and any other local planning scheme operating with the Scheme area;
   b. The requirements of orderly and properly planning;
   m. The compatibility of the development with is setting including the likely effect on height bulk and scale, and appearance of the development;
n. The amenity of the locality including the following -
   i. Character of the locality
   ii. Social impacts of the development

5. It is not appropriate to vary the development standards within the Planning Scheme having regard to the requirements of Clause 5.5.3 of Local Planning Scheme No. 1.

**PROPOSAL**
An application has been received for a development approval for a Grouped Dwelling development with seven (7) single storey dwellings at Lots 18 and 190 Town View Terrace (the Site). The proposal includes four styles of dwelling each with 3 bedrooms, 2 bathrooms and a double garage. The dwellings have been designed to the Residential R40 density (minimum lot area of 180m²).

**LOCATION PLAN**
The Site consists of Lot 18 (65) and 190 (67) Town View Terrace Margaret River. The Site has access to Wilmott Avenue to the south and Forrest Road to the north. Lot 190 has access to Le Souef Street by ways of a three metre wide portion of the lot. The Site is identified in Figure 1 below.

![Figure 1: Location Plan.](image)

**TABLED ITEMS**
Nil

**BACKGROUND**
Lot 18 is vacant with the Dwelling Demolished in 2015.

Lot 190 includes a Single Dwelling constructed in 1985. In 1983 a Building Permit was approved to demolish a Cool Drink Factory.
CONSULTATION AND ADVICE

External Consultation
The proposal was publically advertised by way of written consultation with surrounding landowners. The Shire did not receive any submission during the consultation period.

Internal Consultation
The proposal was referred to internal departments within the Shire.

The Shires Infrastructure Services provided the following comments:
• The Site has a Shire easement for drainage on the southern boundary of Lot 190.
• The drainage line serves a road drainage function; it drains a low point from Le Souef Street road pavement, to the Town View Terrace road drainage network.
• The Shire Infrastructure Services requires further discussion with the applicant regarding the development in close proximity to the easement.

The Shires Building Services provided the following comment:
• No buildings will be permitted across the lot boundaries.

The Shire Environmental Health Service provided the following comment:
• Reticulated services are available to the site.

DISCUSSION

The site is zoned Town Centre under Local Planning Scheme No.1 (LPS1). The proposed residential development of a ‘Grouped Dwelling’ development can be considered in the Town Centre zone at the discretion of the Shire.

A Grouped Dwelling is defined by the R-Codes as:

‘A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscaping or topography dictate otherwise, and includes a dwelling on survey strata with common property.’

Clause 4.24.3 of LPS1 requires that residential uses in the Town Centre zone in Margaret River are to be only supported where they form part of a mixed use development on the same lot. Mixed use development is described in both the Local Planning Strategy (2008) and the Residential Design codes (R-Codes). Mixed use development is defined by the R-Codes as:

‘Buildings that contain commercial and other non-residential uses in conjunction with residential dwelling in a multiple dwelling configuration.’

The proposed grouped dwellings is a different form of development to mixed use development as there is an absence of any commercial element.

Amenity
The Planning and Development Regulations Deemed Provisions (2015) defines amenity as:

Amenity means all those factors which combine to form the character of the area and include the present and likely future amenity.

The proposed development will appear from Town View Terrace as dwellings facing the street, a private road/access and limestone retaining wall corner feature and fence typical of standard residential development.

The proposed future amenity and development of Town View Terrace is discussed in the 2008 Margaret River Townsite Strategy (MRTS). The MRTS details that Town View Terrace is considered one of three significant streets in the Margaret River town centre as the street runs parallel to Bussell Highway on the eastern side of the town centre. Town View Terrace is strategically desired to expand the town centre whilst establishing an interface between commercial and residential development, with development that does not conflict with sensitive land uses.
There is existing grouped dwelling development in the Town Centre zone previously approved under Town Planning Scheme No.11 (TPS11). The gazettal of LPS1 in 2010 formalised the strategic directions of the MTRS through the specific LPS mixed use zoning provisions. Figure 2 below is an excerpt of the zoning in the Margaret River Town centre. This map demonstrates the Town Centre zone centralised around Bussell Highway, Fearn Avenue and Town View Terrace. The mixed use requirements of the Town Centre zone allows for long term commercial growth of the Margaret River CBD with compatible development which will not conflict with the adjoining Residential zoned area.

The established character of the locality is a combination of commercial uses, multiple storey grouped dwellings with undeveloped older single residential development. The MRTS encourages redevelopment of Town View Terrace to have residential accommodation within the town centre area compatible with commercial uses to enhance the safety, vitality and diversity of the town. The intention being that mixed use will activate the Margaret River town centre.

The LPS1 provision for mixed use seeks to ensure development in the town centre land is compatible with objectives for a longer term expansion of the Town Centre zone as a viable, vibrant commercial precinct. Maintaining the present streetscape, character and values. The proposed development is considered at odds with these objective and so to create an undesirable impact to the amenity of the locality.

The proposal is not considered to be consistent with the proposed character and nature of either existing or likely future development in the area and so does not meet the objective and provisions of the Town Centre zone under LPS1.

The proposed development conflict with the strategic future amenity to combine compatible commercial development with residential development on the same lot.

Figure 2: LPS1 Margaret River Town Centre zoning.

Streetscape
Liveable Neighbourhoods (2009) defines streetscape as:
Means the visible component in a street and between the facing buildings, including the forms of the building a garages, setback fencing. Landscaping driveways and street surfaces, utilities and street furniture such as lighting signs, barriers and bus shelters.

LPS1 requires the ground floor of residential development to consist of commercial development. This requirement is intended to result in the redevelopment of Town View Terrace with a consistent commercial frontage between all developments in the locality.

The proposed single dwellings facing Town View Terrace compromises the objective of continuous commercial ground floor frontage. Town View Terrace is approximately 20 metres wide which can have a zero front setback. This design related control provides opportunity for quite substantial mixed use buildings to be comfortably accommodated within the scale of the street and present commercial frontage to pedestrians. The MRTS propose that east of Town View Terrace development could achieve a two storey element (refer to Figure 3) and that as the street is the interface between the town centre and residential areas, it is important to maintain a consistent building height.

The LPS1 Town Centre development provision additionally requires residential development within the Town Centre zone to comprise of a minimum of two storeys with a commercial or retail ground floor land use to qualify as ‘mixed use’ development.

Setting aside the issue of mixed use development, the proposed dwellings specifically the southern dwelling fronting Town View Terrace presents poorly to the street. If approved, a far better streetscape outcome could be achieved from reorientation of this dwelling to the front street.

Figure 3: Margaret River Townsite Strategy.

The proposed development is contrary to the provisions of LSP1 and the LPS as it is inconsistent with intent for the streetscape of the locality.
Future commercial land availability

The objective is the Town Centre zone is to create a centralised commercial area that is functional and capitalises on the benefits of collocating commercial use. LPS1 and the LPS encourage a mix of commercial and residential development within the areas surrounding the town centre core to ensure the viability of the town centre.

The combined lot area of the Site is 2365m². This proposal will have a detrimental impact to the long term availability the commercial floor area as part of the Margaret River town centre commercial expansion as the site will not be available for commercial development. In particular, the further establishment of purely residential use would compromise the ability to achieve a cohesive future commercial precinct (refer to Figure 2: LPS1 Scheme Map of area of Town Centre zoning).

Residential Design Codes (R-Codes)

Development of properties in the Town Centre zone allows a higher density up to R60. The assessment of a mixed use residential development at R60 is undertaken in accordance with Apartment provisions of the R-Codes Volume 2. The apartment provisions require performance based Design Review that achieves quality designed residential accommodation. Whereas the current proposal presents a lower density of R40 with no mixed use.

In assessing the proposed design the application requires multiple minor variation to the Deemed to Comply provisions of the R-Codes. In terms of assessment under the R-Codes these variations are considered acceptable and will only impact the occupants of the grouped dwellings. There would ideally be some review of the manner in which the proposed dwellings present to the street, if single storey grouped dwellings were considered acceptable.

Officers are of the opinion that the current design does not maximise what can be achieved with a higher density with mixed use and that the proposed design is detrimental to the long term intent for development of the site.

Conclusion

The LPS1 supports residential development in the Town Centre only in a Mixed use configuration with commercial and residential development on the same lot.

The proposed development is inconsistent to the provisions and objectives of LPS1, the LPS and endorsed Townsite strategies.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023

Key Result Area 3: Ensuring Sustainable Development
Community Outcome 1:
Strategic Response: review and implement the Local Planning SchemeNo.1 (LPS1) to ensure appropriate development outcomes. Ensure structure plans are designed to preserve and enhance the unique character and sustainability of centres, town and villages.-
Service level strategy/plan: Provide planning services.

Community Outcome 2:
Strategic Response: Ensure new communities are developed using best practice sustainable design principles. Implement the recommendations of the Shire’s Affordable Housing Strategy.
Service level strategy/plan: Provide planning services.

Key Result Area 4: Vibrant and diverse economy
Community Outcome 4:
Strategic Response: Ensure the Shire’s regulatory environment is business friendly and considerate of business needs.
Service level strategy/plan: Provide planning services.
PLANNING FRAMEWORK
Local Planning Scheme No.1 (LPS1)
A Grouped Dwelling is a ‘D’ use within the Town Centre zone, meaning it can be considered with Council exercising discretion in this zone.

A Grouped Dwelling is defined by the Residential Design Codes as (R-Codes):

‘A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscaping or topography dictate otherwise, and includes dwelling on survey strata with common property.’

The LPS1 Town Centre development provision additionally requires residential development within the Town Centre zone to comprise of a minimum of two storey with a commercial or retail ground floor land use.

LPS1 Clause 4.23.3:

‘Where development or re-development of properties in the Town Centre is envisaged, the incorporation of residential uses up to a density of R60 is permitted to create greater diversity of use. Increased security and to stimulate additional life and vitality within the centre of town. Any such development shall comply with the Mixed Use Provisions of the R-Codes except that the R60 codes shall apply.

LPS1 Clause 4.24.3:

‘Notwithstanding the provision of Table 1 – Zoning Table, residential uses will only be supported where they form part of a, mixed use development on the same lot.’

Local Planning Strategy (LPS)
The LPS identifies the site as ‘Mixed Use. The mixed use zone in the local planning strategy caters primarily for medium density residential development within close proximity to principal town centre areas. The area may also accommodate in strategic locations civic, cultural and institutional uses as well as professional office development, office and tourism uses.

The use permitted with this area are prescribed in LPS1 with the primary objective of this area to accommodate land uses which will compliment and support, but not detract from the commercial and retail primacy of the Town Centre areas of their relevant settlements and to ensure there is a substantial residential population un close proximity to these centres. The Margaret River Town Site Strategy 2008 was prepared consistent with the LPS to specially detail the strategic desired streetscape of the development of the Margaret River CBD expansion.

FINANCIAL IMPLICATIONS
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
The grouped dwelling development will provide housing centrally in Margaret River. Occupants within the development will be in close proximity to services providing the ability to utilise active transport.

Social
The grouped dwelling provides housing for the community. The increase of residents will increase security and stimulate additional life and vitality within the centre of town.

Economic
The grouped dwelling will sterilise the opportunity for the Margaret River business centre to expand from the main street development on Bussell Highway east to Town View Terrace the next street.
ALTERNATE OPTIONS
Clause 5.5 of LPS1 allows that if a proposed development does not comply with the standards and requirements of the Scheme, the local government may exercise discretion to approve a proposal if the Council is satisfied that:

a) The approval of the proposed development is appropriate having regard to the general criteria set out in Scheme considerations; and

b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

If Council is minded to approve the ‘Grouped Dwellings’ at Lots 18 (65) and 190 (67) Town View Terrace, Margaret River in accordance with Clause 5.5 of LPS1 it is recommended that a decision be made that Council directs the CEO to approve, under delegation, the land use of ‘Grouped Dwellings’ at Lots 18 and 190 Town View Terrace Margaret River subject to redesign of the dwellings fronting Town View Terrace to address the street.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council refuses the development application for a Grouped Dwelling at 65 and 67 (Lots 18 and 190) Town View Terrace, for the following reasons:

1. The proposal is inconsistent with the objectives of the Town Centre zone, as the proposal:
   a) Will result in unreasonable loss of commercial area;
   b) Does not establish a range of activities and services required to fulfil the social, retail and commercial and administrative requirements for the surrounding area;
   c) Does not establish an efficient and vibrant commercial centre through a high level of business integration;
   d) Does not enhance the streetscape of the Town Centre;
   e) Does not serve to establish a commercial mixed use development; and
   f) The intensity and nature of the proposed use is incompatible with the future character of the area.

2. The proposal is inconsistent with Clause 4.24.3 of Local Planning Scheme No. 1 as residential uses are only permitted where forming part of a mixed use development on the same lot.

3. The proposal is inconsistent with the Mixed Use zone objectives of the Local Planning Strategy as the residential development detracts for the commercial and retail primacy of the Town Centre area.

4. The proposal is inconsistent with the matters to be considered under Local Planning Scheme Regulations, Deemed Provisions Clause 67, specifically:
   a. The aims and provisions of this scheme and any other local planning scheme operating with the Scheme area;
   b. The requirements of orderly and properly planning;
   m. The compatibility of the development with is setting including the likely effect on height, bulk and scale, and appearance of the development;
   n. The amenity of the locality including the following -
      i. Character of the locality
      ii. Social impacts of the development

5. It is not appropriate to vary the development standards within the Planning Scheme having regard to the requirements of Clause 5.5.3 of Local Planning Scheme No. 1.

ADVICE TO APPLICANT / PROPOSER
Nil
ATTACHMENTS
1. Developments Plans

RECOMMENDATION

CR GODDEN, CR CRISTOFFANINI
That Council refuses the development application for a Grouped Dwelling at 65 and 67 (Lots 18 and 190) Town View Terrace, for the following reasons:

1. The proposal is inconsistent with the objectives of the Town Centre zone, as the proposal:
   a) Will result in unreasonable loss of commercial area;
   b) Does not establish a range of activities and services required to fulfil the social, retail and commercial and administrative requirements for the surrounding area;
   c) Does not establish an efficient and vibrant commercial centre through a high level of business integration;
   d) Does not enhance the streetscape of the Town Centre;
   e) Does not serve to establish a commercial mixed use development; and
   f) The intensity and nature of the proposed use is incompatible with the future character of the area.

2. The proposal is inconsistent with Clause 4.24.3 of Local Planning Scheme No. 1 as residential uses are only permitted where forming part of a mixed use development on the same lot.

3. The proposal is inconsistent with the Mixed Use zone objectives of the Local Planning Strategy as the residential development detracts for the commercial and retail primacy of the Town Centre area.

4. The proposal is inconsistent with the matters to be considered under Local Planning Scheme Regulations, Deemed Provisions Clause 67, specifically:
   a. The aims and provisions of this scheme and any other local planning scheme operating with the Scheme area;
   b. The requirements of orderly and properly planning;
   m. The compatibility of the development with is setting including the likely effect on height bulk and scale, and appearance of the development;
   n. The amenity of the locality including the following -
      i. Character of the locality
      ii. Social impacts of the development

5. It is not appropriate to vary the development standards within the Planning Scheme having regard to the requirements of Clause 5.5.3 of Local Planning Scheme No. 1.

During debate, Cr Meldrum foreshadowed the following motion:

FORESHADOWED MOTION
That Council directs the CEO to approve, under delegation, the land use of ‘Grouped Dwellings’ at Lots 18 and 190 Town View Terrace Margaret River subject to redesign of the dwellings fronting Town View Terrace to address the street, and to increase the level of liveability, affordability and sustainability of all dwellings.

Debate then continued on the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR GODDEN, CR CRISTOFFANINI OM2020/10
That Council refuses the development application for a Grouped Dwelling at 65 and 67 (Lots 18 and 190) Town View Terrace, for the following reasons:

1. The proposal is inconsistent with the objectives of the Town Centre zone, as the proposal:
a) Will result in unreasonable loss of commercial area;
b) Does not establish a range of activities and services required to fulfil the social, retail and commercial and administrative requirements for the surrounding area;
c) Does not establish an efficient and vibrant commercial centre through a high level of business integration;
d) Does not enhance the streetscape of the Town Centre;
e) Does not serve to establish a commercial mixed use development; and 
f) The intensity and nature of the proposed use is incompatible with the future character of the area.

2. The proposal is inconsistent with Clause 4.24.3 of Local Planning Scheme No. 1 as residential uses are only permitted where forming part of a mixed use development on the same lot.

3. The proposal is inconsistent with the Mixed Use zone objectives of the Local Planning Strategy as the residential development detracts for the commercial and retail primacy of the Town Centre area.

4. The proposal is inconsistent with the matters to be considered under Local Planning Scheme Regulations, Deemed Provisions Clause 67, specifically:
   a. The aims and provisions of this scheme and any other local planning scheme operating with the Scheme area;
   b. The requirements of orderly and properly planning;
   o. The compatibility of the development with its setting including the likely effect on height bulk and scale, and appearance of the development;
   p. The amenity of the locality including the following -
      i. Character of the locality
      ii. Social impacts of the development

5. It is not appropriate to vary the development standards within the Planning Scheme having regard to the requirements of Clause 5.5.3 of Local Planning Scheme No. 1.

As the primary motion was lost, Cr Meldrum moved the foreshadowed alternative motion:

ALTERNATIVE MOTION
CR MELDRUM, CR KENNAUGH
That Council directs the CEO to approve, under delegation, the land use of ‘Grouped Dwellings’ at Lots 18 and 190 Town View Terrace Margaret River subject to redesign of the dwellings fronting Town View Terrace to address the street, and to increase the level of liveability, affordability and sustainability of all dwellings.

Cr Meldrum moved the following procedural motion to allow advice and discussion regarding wording of the alternative motion:

PROCEDURAL MOTION / COUNCIL DECISION
CR MELDRUM, CR KENNAUGH OM2020/11
That Standing Order 7.11 Limitation on members speaking be suspended to enable Councillors discuss the wording of the motion.

CARRIED 7/0

With consent of the mover and seconder, the alternative motion was re-worded, but intent not changed.

Cr Meldrum then moved that Standing Order 7.11 be reinstated:
PROCEDURAL MOTION / COUNCIL DECISION
CR MELDRUM, CR KENNAUGH OM2020/12
That Standing Order 7.11 Limitation on members speaking be reinstated.  
CARRIED 7/0

Debate then continued on the alternative motion:

ALTERNATIVE MOTION
CR MELDRUM, CR KENNAUGH
That Council approves the application for the land use of ‘Grouped Dwellings’ at Lots 18 and 190 Town View Terrace Margaret River subject to varying the setback and redesigning the dwelling on Town View Terrace to address the street, and to increase the level of liveability, affordability and sustainability of all dwellings.  
0/0

During debate Cr Earl moved the following amendment, highlighting concerns if the wording was not omitted, the constraints may affect development.

AMENDMENT / COUNCIL DECISION
CR EARL, CR DANIEL OM2020/13
That the following wording be omitted:

‘and to increase the level of liveability, affordability and sustainability of all dwellings.’  
LOST 3/4
CRS MCLEOD, GODDEN, MELDRUM AND CRISTOFFANINI VOTED AGAINST

Debate then continued on the primary motion:

PRIMARY MOTION / COUNCIL DECISION
CR MELDRUM, CR KENNAUGH OM2020/14
That Council approves the application for the land use of ‘Grouped Dwellings’ at Lots 18 and 190 Town View Terrace Margaret River subject to varying the setback and redesigning the dwelling on Town View Terrace to address the street, and to increase the level of liveability, affordability and sustainability of all dwellings.  
CARRIED 5/2
CRS DANIEL AND CRISTOFFANINI VOTED AGAINST

12.1 was then brought forward for consideration.
12.1 Transition of Rosa Brook Fire Brigade to DFES – Cr Meldrum

At the 22 January 2020 Ordinary Council Meeting, Cr Meldrum gave notice of the following motion:

MOTION
That Council, in principle, supports the transition of Rosa Brook 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.

OFFICER COMMENT
At the 27 November 2019 Ordinary Council Meeting, Council resolved:

MOTION / COUNCIL DECISION
CR MCLEOD, CR MELDRUM OM2019/220
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.

CARRIED 7/0

The CEO has written to the DFES Commissioner in regard to the proposed transfer of the Wallcliffe Fire Brigade. The Commissioner responded with in principle support but suggested ‘caution with progressing the transition until after the fire season.’

MOTION
CR MELDRUM, CR MCLEOD
That Council, in principle, supports the transition of Rosa Brook 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.

0/0

Cr Cristoffanini moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION
CR CRISTOFFANINI, CR EARL OM2020/15
That the item be deferred until the discussions regarding the Wallcliffe Fire Brigade transfer have been finalised.

LOST 3/4
CRS GODDEN, DANIEL, MCLEOD AND MELDRUM VOTED AGAINST

Debate then continued on the primary motion:

MOTION
CR MELDRUM, CR MCLEOD
That Council, in principle, supports the transition of Rosa Brook 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.

0/0

Cr Cristoffanini moved the following amendment to ensure implications for bush fire management would be discussed and fed back to Council.

AMENDMENT / COUNCIL DECISION
CR CRISTOFFANINI, CR GODDEN OM2020/16
That the following wording be added:
‘and the potential implications of the transition for bush fire management in our Shire’

LOST 3/4
CRS KENNAUGH, MCLEOD, EARL AND DANIEL VOTED AGAINST
Debate then continued on the primary motion:

**PRIMARY MOTION / COUNCIL DECISION**

**CR MELDRUM, CR MCLEOD OM2020/17**

That Council, in principle, supports the transition of Rosa Brook 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.

CARRIED 5/2

CRS EARL AND KENNAUGH VOTED AGAINST

The order of business then resumed and Council moved onto to deliberate Item 11.1 Chief Executive Officer Reports.
11.1.
Chief Executive Officer
11.1.1 APPOINTMENT OF CHAIR AND DEPUTY CHAIR TO REFERENCE GROUPS

IN BRIEF
- At the Special meeting of Council held 23 October 2019, Council appointed members to Council Committees and Reference Groups.
- As per the Instrument of Appointment and Delegation for each of the reference groups, it is required that Council determine the Chair and Deputy Chair.
- Due to an administrative oversight, the Chair and Deputy Chair for the Sustainability Reference Group (SRG), Sustainable Economy Reference Group (SERG) and Sports and Recreation Reference Group (SRRG) was not determined.

RECOMMENDATION
That Council:
1. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainability Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair;
2. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainable Economy Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair;
3. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sport and Recreation Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair; and
4. Renames each of the three 'Instruments of Appointment and Delegation' to 'Terms of Reference'.

LOCATION PLAN
Nil

TABLED ITEMS
Nil

BACKGROUND
The Instrument of Appointment and Delegation for the SRG, SERG and SRRG states that:

‘The Chairperson and Deputy Chairperson shall be Councillor representatives and will be decided by Council.’

At the Special meeting of Council held 23 October 2019, Council appointed members to the SRG, SERG and SRRG but due to an administrative oversight, did not determine the Chair and Deputy Chair.

CONSULTATION AND ADVICE
External Consultation
Nil

Internal Consultation
Nil
DISCUSSION / OFFICER COMMENTS
Under the current Instrument of Appointment and Delegation adopted by Council at the 11 September 2019 Ordinary Council meeting, Council are required to determine which appointed Elected Member will be the Chair and Deputy Chair for each of the reference groups. Under the previous Instrument of Appointment and Delegation, the Chair and Deputy Chair were elected by members of the Committee in a process set out under the LG Act.

The basis for having Council appoint the Chair and Deputy Chair was to reflect the fact that the reference groups were Council reference groups as opposed to staff / operational reference groups or committees. As the Instrument of Appointment and Delegation is a Council adopted document it is also open to Council to amend the process for determining the chair.

Finally, the recommendation to change the name of the Instrument of Appointment and Delegation to Terms of Reference is to make the title consistent with common usage and staff / operational reference group documents.

Appointed members:

<table>
<thead>
<tr>
<th>Group</th>
<th>Appointed Councillors</th>
<th>Proxy</th>
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<tbody>
<tr>
<td>Sustainability Reference Group</td>
<td>Cr Cristoffanini</td>
<td>Cr McLeod</td>
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<tr>
<td></td>
<td>Cr Godden</td>
<td></td>
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<tr>
<td>Sustainable Economy Reference Group</td>
<td>Cr Daniel</td>
<td>Cr Kennaugh</td>
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<tr>
<td></td>
<td>Cr McLeod</td>
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<tr>
<td>Sport and Recreation Reference Group</td>
<td>Cr Daniel</td>
<td>Cr McLeod</td>
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<td></td>
<td>Cr Kennaugh</td>
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</tbody>
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STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Nil

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023
Key Result Area 5: Effective leadership and governance
Community Outcome 5.1: Effective governance and corporate leadership
Strategic Response 5.1.1: Attract and develop high quality Councillors that are able to lead and articulate the community's aspirations
Service level strategy/plan 5.1.1.6: Conduct election of Shire President and Deputy Shire President and appointment of Councillors to committees

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
That Council amends the Instrument of Appointment and Delegation for the Sustainability Reference Group, Sustainable Economy Reference Group and Sport and Recreation Reference Group by omitting the following wording as follows:

ROLE OF THE CHAIRPERSON
‘The Chairperson and Deputy Chairperson shall be Councillor representatives and will be decided by Council.’

And substituting it with:

‘The members of the Reference Group shall elect a Chairperson to chair Reference Group meetings and a Deputy Chairperson to chair in the absence of the Presiding Member.’

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainability Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair;
2. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainable Economy Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair;
3. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sport and Recreation Reference Group appoints Cr __________ as Chair and Cr __________ as Deputy Chair; and
4. Renames each of the three ‘Instruments of Appointment and Delegation’ to ‘Terms of Reference’.

ADVICE TO APPLICANT / PROPOSENT
Nil

ATTACHMENTS
Nil

RECOMMENDATION / COUNCIL DECISION
CR GODDEN, CR CRISTOFFANINI OM2020/18
That Council:
1. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainability Reference Group appoints Cr Cristoffanini as Chair and Cr Godden as Deputy Chair;
2. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainable Economy Reference Group appoints Cr McLeod as Chair and Cr Daniel as Deputy Chair;
3. In accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sport and Recreation Reference Group appoints Cr Kennaugh as Chair and Cr Daniel as Deputy Chair; and
4. Renames each of the three ‘Instruments of Appointment and Delegation’ to ‘Terms of Reference’.

CARRIED 7/0
IN BRIEF
In response to the recent bush fires in Australia’s eastern states which have led to significant property losses and tragic loss of life, Council is requested to consider donating $1,000 to each of the following Disaster Relief Funds:

- Australian Red Cross Disaster Relief and Recovery Fund
- St Vincent De Paul Vinnies Bushfire Appeal
- Salvation Army Disaster Appeal
- Victorian Bushfire Appeal
- Kangaroo Island Mayor’s Relief and Recovery Bushfire Fund
- Foundation for Rural and Regional Renewal Disaster Resilience and Recovery Fund

RECOMMENDATION
That Council:
1. Donates $1,000 to the Australian Red Cross Disaster Relief and Recovery fund;
2. Donates $1,000 to the St Vincent de Paul Vinnies Bushfire appeal;
3. Donates $1,000 to the Salvation Army disaster appeal; and
4. Donates $1,000 to the Foundation for Rural and Regional Renewal Disaster Resilience and Recovery fund.

BACKGROUND
Bushfires across the eastern states of Australia have caused widespread loss of land, houses, native habitat, animals and human lives over the past several weeks.

WALGA has been contacted by a number of Local Governments who would like to make donations in support of their counterparts in affected communities.

They have compiled a list of organisations who are accepting donations to provide aid to firefighting efforts, or to disaster relief and recovery. Some of these organisations provide the opportunity to donate directly to fire brigades.

Disaster Relief Funds
- Australian Red Cross Disaster Relief and Recovery Fund
- St Vincent De Paul Vinnies Bushfire Appeal
- Salvation Army Disaster Appeal
- Foundation for Rural and Regional Renewal Disaster Resilience and Recovery Fund
CONSULTATION AND ADVICE
External Consultation
WALGA

Internal Consultation
Manager Finance

DISCUSSION / OFFICER COMMENTS
Due to the catastrophic destruction and loss of life a generous response is warranted from the Shire of Augusta Margaret River on behalf of ratepayers knowing full well from experience the long and difficult road to be travelled in leading the recovery process. A donation of $1,000 to each of the identified organisations will ensure that assistance can be given across the various communities and sectors who have been severely impacted by the fires.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Nil

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023
Key Result Area 5: Effective leadership and governance
Community Outcome 4: Community and customer focus

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Implications
The donation is to be posted to account MC44 (Members of Council Donations) which has a budget allocation of $5,000 for council discretionary donations, of which $1,000 has already been spent.

Long Term Financial Plan
Nil

Whole of Lifecycle Considerations
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
Nil

Social
Many houses have been destroyed causing a massive dislocation of the community. Lives have been lost which will also impact directly on families and communities. The donations will assist in alleviating this impact.

Economic
Tourism has already been affected. Communities have been dislocated and expenditure in local towns and regions will fall. The cost of rehabilitating the environment will be extreme and donations from across Australia will be essential to rebuilding the economies of these affected communities.

ADVOCACY
Nil

ALTERNATE OPTIONS
Nil

VOTING REQUIREMENTS
Simple Majority
RECOMMENDATION
That Council:
1. Donates $1,000 to the Australian Red Cross Disaster Relief and Recovery fund;
2. Donates $1,000 to the St Vincent de Paul Vinnies Bushfire appeal;
3. Donates $1,000 to the Salvation Army disaster appeal; and
4. Donates $1,000 to the Foundation for Rural and Regional Renewal Disaster Resilience and Recovery fund.

ADVICE TO APPLICANT / PROPOENENT
Nil

ATTACHMENTS
Nil

Cr Godden moved the following alternative motion which omits the wording ‘Salvation Army Disaster Appeal’ and substitutes with ‘NSW Wildlife Information Rescue and Education Service (WIRES)’:

ALTERNATIVE MOTION / COUNCIL DECISION
CR GODDEN, CR MELDRUM OM2020/19
That Council:
1. Donates $1,000 to the Australian Red Cross Disaster Relief and Recovery fund;
2. Donates $1,000 to the St Vincent de Paul Vinnies Bushfire appeal;
3. Donates $1,000 to the NSW Wildlife Information Rescue and Education Service (WIRES); and
4. Donates $1,000 to the Foundation for Rural and Regional Renewal Disaster Resilience and Recovery fund.

CARRIED 7/0
11.1.3 ADOPTION OF CEMETERIES LOCAL LAW 2020 AND ACTIVITIES IN PUBLIC PLACES AND TRADING LOCAL LAW 2020

LOCATION/ADDRESS  Shire of Augusta Margaret River

APPLICANT/LANDOWNER  Shire of Augusta Margaret River

FILE REFERENCE  ENF/22

REPORT AUTHOR  Sharon McTaggart, Coordinator Rangers, Emma Rogers, Governance (Legal, Risk and Permit) Officer, Lauren Bidesi, Senior Legal Officer

AUTHORISING OFFICER  Ian McLeod, Manager Legal and Governance Services

IN BRIEF
- At the Ordinary Council Meeting on 28 August 2019 following a statutory review, Council resolved to amend the ‘Cemeteries Local Law 2010’ and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010’ (the Local Laws).
- Advertising as required under the Local Government Act 1995 of both the proposed Local Laws took place on the 20th September 2019 in The West Australian Newspaper and in the Augusta Margaret River Times, with a 6 week submission period.
- One submission was received from the Augusta Community Development Association Inc.
- This report presents the Local Laws upon which one submission was received.
- The Department for Local Government, Sport and Cultural Industries has reviewed the Local Laws and provided comments.
- It is now recommended that Council adopt the ‘Cemeteries Local Law 2020’ and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2020’ (new Local Laws) and that they both be published in the Government Gazette.

RECOMMENDATION
That Council:
1. Notes that one submission was received in response to the proposal to amend the ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010’. No submissions were received in response to the proposal to amend the ‘Cemeteries Local Law 2010’;
2. Accepts the changes suggested by the Department for Local Government, Sport and Cultural Industries shown marked up to the Cemeteries Local Law 2020 in Attachment 1 and the Activities in Thoroughfares and Public Places and Trading Local Law 2020 in Attachment 2 as the changes are not significantly different from what was proposed when the Local Laws were advertised in September 2019;
3. Resolves to make the ‘Cemeteries Local Law 2020’ as proposed per Attachment 1 and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2020’ as proposed per Attachment 2;
4. Notes that the making of the proposed Local Laws will have the effect of repealing the existing Cemeteries Local Law 2010’ and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010’;
5. Authorises the CEO to:
   a) Affix the common seal to the new Local Laws, or any other documents relevant to making the new Local Laws;
   b) Publish the new Local Laws in the Government Gazette and forward a copy to the Minister for Local Government; and
   c) Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection, as required under section 3.12(6) of the Local Government Act 1995.

LOCATION PLAN
Nil
TABLED ITEMS
Nil

BACKGROUND
Pursuant to section 3.16 of the Local Government Act 1995 (the Act), local laws of local
governments must be reviewed within an eight year period after their commencement to
determine if they should remain unchanged, be amended or repealed.

If any local law that is reviewed requires amending, the local government must commence the
process outlined in section 3.12 of the Act which is the same process as for making a local law.

At the Ordinary Council Meeting on 28 August 2019, following an 8 year review under s3.16, it was
decided that both Local Laws would be amended and advertised for adoption.

Activities in Thoroughfares and Public Places and Trading Local Law 2020
The proposed changes to this local law are largely consistent with the WALGA Model (Public Places
Local Law) and involve updating references to outdated legislation or terms with the current legislation
and terms. Details on the changes made can be found in the Council Meeting Minutes of 28 August
2019 at 11.2.4.

Cemeteries Local Law 2020
In addition to the requirement for the Cemeteries Local Law 2010 to be reviewed pursuant to section
3.16 of the Local Government Act, the need for amendments to the Local Law was identified in April
2015, when legal advice was sought regarding the administration of the Shire's cemeteries. This
resulted in a recommendation that the Shire amend its current Cemeteries Local Law 2010 to include
provision for rights of burial, and the requirement for the Board (being the Shire of Augusta Margaret
River) to establish and maintain plans and registers. Details on the changes made can be found in the
Council Meeting Minutes of 28 August 2019 at 11.2.4.

CONSULTATION AND ADVICE
External Consultation
The proposed Local Laws were both advertised (Advertising) consistently with the Local Government
Act 1995 (the Act) requirements in:
- The Shire’s local public notices in the Augusta Margaret River Times on the 20th September
  2019;
- The local government notices in The West Australian on 20th September 2019; and
- The Shire office foyer, website and library noticeboards.

The first Advertising commenced on 20th September 2019, with a submission deadline inviting
comments 4th November 2019. This period for submissions exceeded the 6 week minimum period
specified by the Act. One submission was received from the Augusta Community Development
Association Inc. in relation to the proposed amendments to the Activities in Thoroughfares and Public
Places and Trading Local Law 2020. This submission is discussed under the officer Comments heading.
No submissions were received in relation to the proposed amendments to the Cemeteries Local Law
2020.

Department of Local Government, Sport and Cultural Industries Advice
In accordance with the Acts section 3.12(3)(b), a copy of the proposed Local Laws was provided to
the Minister for Local Government, Sport and Cultural Industries (Minister). The Minister reviewed and
provided comments and recommendations on the proposed Local Laws. The comments were mostly
in respect of typographical and formatting matters.

Other recommended amendments included deleting some provisions as the Joint Standing
Committee has in the past objected to such clauses. These amendments do not affect the operation
of the Local Laws. The changes made since advertising are shown marked up in Attachment 1 and 2
along with the comments from the Department of Local Government, Sport and Cultural Industries,
which are Attachment 3.
The proposed Local Laws have been amended from what it was when advertised, to incorporate all the suggestions provided in the Minister’s comments.

Pursuant to section 3.12(4) of the Act the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed. If the local government decides to make a local law that would be significantly different from what is first proposed, then the making of the local law procedure is to recommence (s.3.13 of the Act).

**Internal Consultation**
The Shire’s Legal and Governance Services and Sustainable Development Directorates, including Rangers have been consulted and been instrumental in the drafting of the proposed amended Local Laws. The proposed amendments to the Local Laws reflects their recommendations.

Also consulted were the Asset Services, Environmental Health and Infrastructure Services teams.

**DISCUSSION / OFFICER COMMENTS**
The proposed amendments to the Local Laws satisfies the objectives of making a local law, by:

1. Implementing a contemporary format for governing the relevant matters;
2. Minimising duplication and ensuring consistency with relevant head of powers; and
3. Using plain English to assist both the public and Shire officers to understand and apply the local law.

It is recommended that the *Cemeteries Local Law 2020* and the *Activities in Thoroughfares and Public Places and Trading Local Law 2020* be amended as proposed in the Attachments.

**Submission**
The submission received during the consultation period, from the Augusta Community Development Association Inc. was in relation to the proposed amendments to the *Activities in Thoroughfares and Public Places and Trading Local Law* and included the following request for consideration:

There is a lack of clarity as to whether some well used thoroughfares in Augusta were private land, public thoroughfares or easements as the public wish to know their rights with certainty and clarity.

The submission related specifically to 11 Dawson Terrace Augusta and the Blackwood River walkway and requested for a timber walkway to be constructed to define the continuation of the present walkway direct to the waterfront walkway.

**Officer comment:** The submission relates to a request for further clarity around a specific plot of land in Augusta and the request for further infrastructure. The query has been directed to a planner to respond as this area in Augusta is a ROW. The proposed amendments to the *Activities in Thoroughfares and Public Places and Trading Local Law* relate to advertising signs, trading in thoroughfares and public places and include some modified penalties, which this submission does not refer. Clarity and certainty in relation to what rights a parcel of land attracts can be ascertained by discussing with a Planning Officer. There is no amendment to the Local Law that could resolve the concern raised in the submission.

It is recommended that the *Cemeteries Local Law 2020* and the *Activities in Thoroughfares and Public Places and Trading Local Law 2020* be amended as proposed in the Attachments.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

**Review of Local Laws**
Under section 3.16 of the *Local Government Act*, local laws of local governments must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be amended or repealed. The eight year period is taken from either when the local law commenced or when the last review of the local law was completed.

If any local law that is reviewed requires amending, the local government must commence s3.12 process which is the same as for making a local law to implement any changes.
The local government is to give Statewide public notice and local public notice of the review and include all items mentioned in 3.16(2)(a)-(c) as follows:

2. The local government is to give Statewide public notice stating that -
   (a) the local government proposes to review the local law; and
   (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
   (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

3. After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

4. When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.

As mentioned above, Council is to consider the submissions and determine whether to amend, repeal or allow no changes to the local law. If it is necessary to change the local law, then section 3.12 of the Act must be followed.

Making Local Laws
Clause 3.12 of the Local Government Act 1995 prescribes the procedure for making local laws. In accordance with the Act section 3.12, after a proposed local law is advertised:

1. Any submissions received are to be considered; and,
2. If the local law is not significantly different from what was proposed/advertised, then the local law can be made by an absolute majority vote.

If the local law receives an absolute majority vote then:
1. The local law is to be published in the Government Gazette;
2. A copy is to be provided to the Minister LG; and,
3. After being published in the Government Gazette, there is to be local public notice issued:
   a. Stating the local laws title;
   b. The local law’s purpose and effect; and
   c. Advising where a copy of the local law can be inspected or obtained.

The Local Law comes into effect 14 days after being published in the Government Gazette.

By virtue of the Local Law Explanatory Memoranda Directions 2010 issued by the Department of Local Government, local governments are required to forward to the Joint Standing Committee (JSC), on delegated legislation, within 10 days of the gazettal date, the following:
1. Completed explanatory memorandum relevant to the local law;
2. Copy of the local law adopted as it appears in the Government Gazette;
3. Identification of the model that the local law was based on and any differentiation;
4. Completed Statutory Procedures Checklist; and
5. Supporting material, including copies of advertising and Council Minutes relevant to adopting the local law.

On receiving these materials, the JSC has a statutory timeframe to consider the subsidiary legislation and determine if it should be disallowed. The JSC limits its disallowance recommendations to circumstances where the local law exceeds its delegation power.

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023
Key result area 3: Ensuring Sustainable Development
Community Outcome 2: Liveable, sustainable and well-designed places that are inclusive for all cultures and demographics
Strategic Response: Develop and implement management plans for Shire facilities and projects so they are well designed, sustainable, have aesthetic appeal and are accessible by all
Service level strategy/plan: The Review meets compliance obligations, which is consistent with the governance goals in the Strategic Plan.

**PLANNING FRAMEWORK**
Nil

**FINANCIAL IMPLICATIONS**

**Implications**
Advertising of the adopted Local Laws is required and also publishing the Local Laws in the Government Gazette. The advertising charges will be covered from existing budget allocations.

**Long Term Financial Plan**
Nil

**Whole of Lifecycle considerations**
The Local Laws will need to be reviewed every 8 years after their commencement pursuant to section 3.16 of the Act.

**SUSTAINABILITY IMPLICATIONS**

**Environmental**
The proposed changes to the local law should have a minimal impact on the environment. The proposed amendments do not prevent people from having natural burials or incorporating ecological practices into burial rights. It is hoped that the local law will allow for more options and a general transition to more ecologically sound burial practices.

**Social**
Social issues relating to the *Cemeteries Local Law* includes the addition of Part 2 Division 2 which is probably the most significant change which allows for alternative sites to be provided if an allocated site becomes affected by unforeseen circumstances prior to burial such as water table changes or tree roots.

**Economic**
There has been amendment to some of the modified penalties by increasing the penalty rate. This is in keeping with the seriousness of the offence and in line with other local government penalties.

**ADVOCACY**
Nil

**ALTERNATE OPTIONS**
There are two potential alternative options. Firstly, Council could resolve to refuse to make the proposed local laws. The consequence of this would be that the existing ‘*Cemeteries Local Law 2010*’ and ‘*Activities in Thoroughfares and Public Places and Trading Local Law 2010*’ would not be repealed and would continue to apply as they previously have.

The second option would be to make the proposed local laws with further amendments. If those amendments made the proposed local laws ‘significantly’ different from those that were advertised, the Shire would need to recommence the statutory notification and advertising.

**VOTING REQUIREMENTS**
Absolute Majority

**RECOMMENDATION**
That Council:
1. Notes that one submission was received in response to the proposal to amend the ‘*Activities in Thoroughfares and Public Places and Trading Local Law 2010*’. No submissions were received in response to the proposal to amend the ‘*Cemeteries Local Law 2010*’;
2. Accepts the changes suggested by the Department for Local Government, Sport and Cultural Industries shown marked up to the *Cemeteries Local Law 2020* in Attachment 1 and the *Activities in Thoroughfares and Public Places and Trading Local Law 2020* in Attachment 2 as the changes
are not significantly different from what was proposed when the Local Laws were advertised in September 2019;
3. Resolves to make the ‘Cemeteries Local Law 2020’ as proposed per Attachment 1 and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2020’ as proposed per Attachment 2;
4. Notes that the making of the proposed Local Laws will have the effect of repealing the existing Cemeteries Local Law 2010’ and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010; and
5. Authorises the CEO to:
   a) Affix the common seal to the new Local Laws, or any other documents relevant to making the new Local Laws;
   b) Publish the new Local Laws in the Government Gazette and forward a copy to the Minister for Local Government; and
   c) Advertise in the Shires public notices the Gazetted Local Laws’ title, purpose and effect and availability for inspection, as required under section 3.12(6) of the Local Government Act 1995.

ADVICE TO APPLICANT / PROPOINTER
Nil

ATTACHMENTS
1. Shire of Augusta Margaret River Cemeteries Local Law 2020 (with marked changes)
2. Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020 (with marked changes)
3. Comments from Department of Local Government, Sport and Cultural Industries on proposed Local Laws

RECOMMENDATION / COUNCIL DECISION
CR CRISTOFFANINI, CR KENNAUGH OM2020/20
That Council:
1. Notes that one submission was received in response to the proposal to amend the ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010’. No submissions were received in response to the proposal to amend the ‘Cemeteries Local Law 2010’;
2. Accepts the changes suggested by the Department for Local Government, Sport and Cultural Industries shown marked up to the Cemeteries Local Law 2020 in Attachment 1 and the Activities in Thoroughfares and Public Places and Trading Local Law 2020 in Attachment 2 as the changes are not significantly different from what was proposed when the Local Laws were advertised in September 2019;
3. Resolves to make the ‘Cemeteries Local Law 2020’ as proposed per Attachment 1 and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2020’ as proposed per Attachment 2;
4. Notes that the making of the proposed Local Laws will have the effect of repealing the existing Cemeteries Local Law 2010’ and ‘Activities in Thoroughfares and Public Places and Trading Local Law 2010; and
5. Authorises the CEO to:
   a) Affix the common seal to the new Local Laws, or any other documents relevant to making the new Local Laws;
   b) Publish the new Local Laws in the Government Gazette and forward a copy to the Minister for Local Government; and
   c) Advertise in the Shires public notices the Gazetted Local Laws’ title, purpose and effect and availability for inspection, as required under section 3.12(6) of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY 7/0
11.2. Sustainable Development
11.2.1 GROUPED DWELLINGS X 7 - 65 AND 67 (LOTS 18 AND 190) TOWN VIEW TERRACE, MARGARET RIVER

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS</th>
<th>65 and 67 (Lots 18 and 190) Town View Terrace, Margaret River</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT/LANDOWNER</td>
<td>Dale Alcock Homes South West / Angus Jacks Pty Ltd</td>
</tr>
<tr>
<td>FILE REFERENCE</td>
<td>PTY/811 PTY/1521</td>
</tr>
<tr>
<td>REPORT AUTHOR</td>
<td>Lezia Sandon, Senior Planning Officer</td>
</tr>
<tr>
<td>AUTHORISING OFFICER</td>
<td>Dale Putland, Director of Sustainable Development</td>
</tr>
</tbody>
</table>

This Item was brought forward and considered by Council after Item 10 Questions from Members of Which Due Notice Has Been Given (page 12).
11.2.2 BUSH FIRE ADVISORY COMMITTEE MEETING - 20 NOVEMBER 2019

LOCATION/ADDRESS  Shire of Augusta Margaret River

APPLICANT/LANDOWNER  Shire of Augusta Margaret River

FILE REFERENCE  EMS/4

REPORT AUTHOR  Adam Jasper, Community Emergency Services Manager

AUTHORISING OFFICER  Dale Putland, Director Sustainable Development

IN BRIEF
- On 20 November 2019, the Bush Fire Advisory Committee (BFAC) held its fourth and final quarterly meeting of the year.
- Elections of the 2019-21 Presiding Member and Deputy Presiding Member were held with both David Holland and Brett Trunfull being appointed back into these positions for another 2-year period.
- Shire Community Emergency Services Manager (Shire CESM), Adam Jasper, provided information regarding the recent changes and challenges with the Biodiversity Conservation Act 2016 in reference to mitigation activities.
- The 2020 BFAC meeting dates, times and locations were noted.

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee (BFAC) meeting held 20 November 2019;
2. Notes that David Holland and Brett Trunfull have been elected to the positions of Presiding Member and Deputy Presiding Member respectively for 2019-21; and
3. Authorises the Shire President to write to the Minister of Environment as per BFAC recommendation made at 20 November 2019 meeting: ‘That BFAC registers its extreme concerns on the implications of the Biodiversity Conservation Act 2016, which includes an increased risk to lives and property and long term effects on flora and fauna, and requests the Shire President write to the Minister of Environment to express these concerns.’

LOCATION PLAN
Nil

TABLED ITEMS
Nil

BACKGROUND
The Bush Fire Advisory Committee meetings are held quarterly on the third Wednesday of the month.

CONSULTATION AND ADVICE
External Consultation
BFAC delegates

Internal Consultation
Chief Executive Officer
Director Sustainable Development
Community Emergency Services Manager
Ranger Services
DISCUSSION / OFFICER COMMENTS

Elections of Presiding Member and Deputy Presiding Member for 2019-21

The elections of the Bush Fire Advisory Committee Presiding Member and Deputy Presiding Member for 2019-21 were held with both David Holland and Brett Trunfull being voted back into these positions for another 2-year period. Both Mr Holland and Mr Trunfull received three nominations each and as the nominations were unopposed, they were declared as unanimously elected to the positions.

DBCA Requirements for Hazard Reduction Burns

Shire CESM, Adam Jasper, gave a presentation to the meeting regarding the changes and challenges with the Biodiversity Conservation Act 2016 in reference to mitigation activities, including the new requirements of the Department of Biodiversity and Attractions (DBCA) for all Hazard Reduction Burns. The Committee discussed the changes in depth and relayed their questions and concerns during the discussion. A motion was put forward that BFAC requests that the Shire President write to the Minister of Environment to express the concerns of the Committee. The Recommendation was voted on unanimously.

Fire Station Extensions

Shire CESM, Adam Jasper, informed the Committee of the progress of the extensions to both the Alexandra Bridge and Karridale Fire Stations, with all works expected to be completed prior to Christmas 2019.

2020 BFAC Meeting Dates, Times and Locations

The Committee was asked to note the BFAC meeting dates, times and locations for 2020. Formal calendar invitations will be sent out to members in the New Year.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2019-2023

Key Result Area 2: Welcoming and inclusive communities

Community Outcome 3: Strong community groups and networks

Strategic Response: Support and value community organisations and volunteers across the region.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Implications

Nil

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

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

Social

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

Economic

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

ALTERNATE OPTIONS
Nil

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee (BFAC) meeting held 20 November 2019;
2. Notes that David Holland and Brett Trunfull have been elected to the positions of Presiding Member and Deputy Presiding Member respectively for 2019-21; and
3. Authorises the Shire President to write to the Minister of Environment as per BFAC recommendation made at 20 November 2019 meeting:
   ‘That BFAC registers its extreme concerns on the implications of the Biodiversity Conservation Act 2016, which includes an increased risk to lives and property and long term effects on flora and fauna, and requests the Shire President write to the Minister of Environment to express these concerns.’

ADVICE TO APPLICANT / PROPOSENT
Nil

ATTACHMENTS
1. Unconfirmed Bush Fire Advisory Committee meeting minutes and attachments – 20 November 2019

RECOMMENDATION / COUNCIL DECISION
CR GODDEN, CR DANIEL OM2020/21
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee (BFAC) meeting held 20 November 2019;
2. Notes that David Holland and Brett Trunfull have been elected to the positions of Presiding Member and Deputy Presiding Member respectively for 2019-21; and
3. Authorises the Shire President to write to the Minister of Environment as per BFAC recommendation made at 20 November 2019 meeting:
   ‘That BFAC registers its extreme concerns on the implications of the Biodiversity Conservation Act 2016, which includes an increased risk to lives and property and long term effects on flora and fauna, and requests the Shire President write to the Minister of Environment to express these concerns.’

CARRIED 7/0
IN BRIEF

- On 15 May, 13 August and 12 November 2019, the Local Emergency Management Committee (LEMC) held its second, third and fourth quarterly meetings of the year.
- Due to an administration error, the second and third meetings held in 2019, being 15 May and 13 August, have not yet been reported on and will therefore be included in this report.

15 May 2019
- A letter of appreciation was requested to be sent to former Shire Community Emergency Services Manager (Shire CESM), Chris Lloyd, thanking him for his work with the LEMC during his time at the Shire.
- New Shire CESM, Adam Jasper, was welcomed to the Shire and LEMC.
- Marion Massam from the Department of Primary Industries and Regional Development gave a presentation on the BEN Sign Program.
- Brett Hopley from the Department of Primary Industries and Regional Development gave a presentation on Shark Mitigation.
- Shire President, Pam Townshend, spoke about the Climate Change Action Plan and the Surfer’s Point Climate Action Summit.
- The Committee discussed any significant incidents since the last meeting.

13 August 2019
- Shire Recovery Coordinator, Nigel Anderson, reported that the Calgardup bush fire in June was the first time the Margaret River Recreation Centre was trialled as an evacuation centre.
- The Committee discussed the possibility of a formalised agreement between the Shire and the Red Cross.
- The Committee discussed the region’s bush fire incidents that occurred on 6 June.
- All agencies were asked to review and comment on the LEMC Terms of Reference (TOR) prior to the report to Council in September.
- Shire CESM, Adam Jasper, proposed that the State Emergency Service (SES) facility be used as a Level 3 Incident Control site.
- The Committee discussed the HMA role and responsibilities of the WA Police.

12 November 2019
- The Committee discussed any significant incidents since the last meeting.
- Department of Fire and Emergency Services (DFES) Lower South West representative, Peter Thomas, informed the group of three deployments sent to assist firefighting efforts in NSW.
- Mr Thomas also advised the Committee that Cabinet has approved the consolidation of the three emergency services Acts into one single legislation.
- A motion to include the Environmental Health Emergency Management Plan in the Local Emergency Management Arrangements was carried by all.
- All Hazard Management Agencies (HMAs)/Controlling Agencies were requested to review the new Recovery Impact Statement procedure, guide and template.
- The Draft memorandum of understanding (MOU) between the Shire and the Red Cross was put forward to the Committee, who decided to carry over this item for further discussion pending the outcomes from the State Government review into non-prescribed events.
The Committee was advised that the Mycommunity Directory would be launched in the near future.

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee (LEMC) meetings held 15 May, 13 August and 20 November 2019; and
2. Endorses the Environmental Health Emergency Management Plan for inclusion in the Local Emergency Management Arrangements, as per LEMC recommendation made at 12 November 2019 meeting (Attachment 3).

LOCATION PLAN
Nil

TABLED ITEMS
Nil

BACKGROUND
The Local Emergency Management Committee meetings are held quarterly on the second Tuesday of the month.

CONSULTATION AND ADVICE
External Consultation
LEMC Delegates

Internal Consultation
Acting Director Corporate and Community Services
Director Sustainable Development
Manager Human and Community Services (Shire Recovery Coordinator)
Community Emergency Services Manager
Ranger Services

DISCUSSION / OFFICER COMMENTS
Please refer to the attachments listed at the end of this report for further and more detailed information on discussions held at the three LEMC meetings.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Section 36(a) Emergency Management Act 2005
Section 38(1) Emergency Management Act 2005
Sections 41, 42 & 43 Emergency Management Act 2005

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023
Key Result Area 2: Welcoming and inclusive communities
Community Outcome 3: Strong community groups and networks
Strategic Response: Support and value community organisations and volunteers across the region.
Community Outcome 6: Safer Communities
Strategic Response: Enhance the Shire’s emergency and disaster management capabilities.

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Implications
Nil

Long Term Financial Plan
Nil
Whole of Lifecycle considerations
Nil

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

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

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

ADVOCACY
Nil

ALTERNATE OPTIONS
Nil

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee (LEMC) meetings held 15 May, 13 August and 20 November 2019; and
2. Endorses the Environmental Health Emergency Management Plan for inclusion in the Local Emergency Management Arrangements, as per LEMC recommendation made at 12 November 2019 meeting (Attachment 3).

ADVICE TO APPLICANT / PROPOSPERENT
Nil

ATTACHMENTS
2. Confirmed Local Emergency Management Committee meeting minutes and attachments – 13 August 2019.

RECOMMENDATION / COUNCIL DECISION
CR GODDEN, CR CRISTOFFANONI OM2020/22
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee (LEMC) meetings held 15 May, 13 August and 20 November 2019; and
2. Endorses the Environmental Health Emergency Management Plan for inclusion in the Local Emergency Management Arrangements, as per LEMC recommendation made at 12 November 2019 meeting (Attachment 3).

CARRIED 7/0
11.2.4 REQUEST FOR QUOTE (RFQ) 101906 - PURCHASE OF 1 X LANDFILL WASTE COMPACTOR

LOCATION/ADDRESS  Davis Road Waste Management Facility - Reserve 43808 Davis Road, Witchcliffe

APPLICANT/LANDOWNER  Shire of Augusta Margaret River

FILE REFERENCE  RES/43808 WST/32

REPORT AUTHOR  Chris Yates, Manager Waste and Health

AUTHORISING OFFICER  Dale Putland, Director Sustainable Development

IN BRIEF
- The Shire of Augusta Margaret River (Shire) undertook a Request for Quotation (RFQ) process to engage a supplier for the provision of a landfill waste compactor to replace its existing second-hand landfill compactor which it nearing the end of its useful life to be funded from the Waste Management Reserve.
- The procurement process was undertaken via the National Procurement Network’s Preferred Supply Contract NPN 2.15 for the Supply of Plant Machinery Equipment, available through the WALGA Preferred Supplier Arrangement.
- As the expenditure has not been budgeted for in 2019/20, Council approval is required.
- Four organisations were sent the RFQ document via WALGA eQuotes, and three organisations submitted quotes for a total of ten different landfill waste compactor models.

RECOMMENDATION
That Council:
1. Approves the unbudgeted expenditure up to $600,000, to be funded from the Waste Management Reserve, and accepts the submission received from WesTrac Pty Ltd for a CAT 816K as the most advantageous to form a Contract; and
2. Delegates the formation of the Contract to the Chief Executive Officer.

LOCATION PLAN
Nil

TABLED ITEMS
Nil

BACKGROUND
The Shire of Augusta Margaret River operates the Davis Road Waste Management Facility under a DWER Licence, accepting up to 20,000 tonnes of solid and putrescible waste per annum.

The Waste Facility requires a compactor at the landfill for its ongoing operation. In March 2017 the Shire purchased a second hand 2008 BOMAG BC 772 EB compactor for $102,000 to improve landfill operations.

This compactor was not part of the planned plant replacement program for 2019/20. However, the Shire workshop supervisor responsible for servicing the existing BOMAG second-hand compactor raised significant concerns that the machine was becoming increasingly unreliable and subject to frequent mechanical failures.

With the compactor being necessary to the ongoing operation of the Davis Road Waste Management Facility, it was decided by the Manager Waste, Health and Ranger Services — in consultation with the Executive Leadership team — that the failure of the compactor posed significant risk to the waste management operations of the Shire, and that a suitable replacement compactor should be sourced.
Being unexpected expenditure, a budget was not set for the compactor in 2019/20. However, it was estimated that the compactor would cost between $600,000 and $800,000, dependent on the size of machine selected.

On Wednesday 30 October 2019, the Shire issued a Request for Quotation (RFQ) for the supply and delivery of one landfill waste compactor, as an unbudgeted expenditure, to be funded by the Waste Management Reserve. The purchased landfill waste compactor shall replace the existing waste compactor, which will be sold by the Shire under a separate disposal process.

The procurement of the wheel loader was undertaken through the WALGA Preferred Supplier Arrangement (National Procurement Network) NPN 2.15 Supply of Plant Machinery Equipment, benefiting from a tender-exemption for such purchases permitted under the Local Government (Functions and General) Regulations 1996.

CONSULTATION AND ADVICE
External Consultation
Nil

Internal Consultation
Consultation was undertaken with the waste and landfill operators, mechanical staff, Director Sustainable Development and the Manager Waste, Health and Ranger Services, as well as with the Project and Procurement Officer.

DISCUSSION / OFFICER COMMENTS
Quotations were received from the following suppliers:

- BT Equipment Pty Ltd t/a Tutt Bryant Equipment (4 models of BOMAG landfill compactor);
- GCM Enviro Pty Ltd (4 models of TANA landfill compactor); and,
- WesTrac Pty Ltd (2 models of CAT landfill compactor).

Details of quotes received and the evaluation process undertaken are included in Confidential Attachment 1 to this report.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Section 6.8(1) of the Local Government Act 1995 states that:

“A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(a) is incurred in a financial year before the adoption of the annual budget by the local government; or
(b) is authorised in advance by resolution*; or
(c) is authorised in advance by the mayor or president in an emergency.”

Point (b) requires the resolution be adopted by an absolute majority of Council.

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2019-2023
Key result area 1: Ensuring sustainable development
Community Outcome 3: Sustainable resource use and waste management
Strategic Response: Reduce the environmental impact of waste and maximise conservation of natural resources.

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Implications
The replacement of the current Shire landfill compactor is unbudgeted, but its replacement is required as soon as possible, prior to 2020/21.
However all quotes received are significantly less than the original estimate, with funds to be drawn from the Waste Management Reserve. Adequate Reserves exist for this purchase and there are no ongoing implications to rates anticipated from this purchase.

The existing landfill compactor is to be disposed by way of auction / tender following the proposed purchase of the new landfill compactor.

**Long Term Financial Plan**
The ongoing replacement of plant under a Plant Replacement Program is included in the Long Term Financial Plan.

**Whole of Lifecycle considerations**
The landfill compactor forms part of the Shire’s Plant Replacement Program.

**SUSTAINABILITY IMPLICATIONS**

**Environmental**
Landfill compaction has many benefits. It is the preferred method of managing waste materials that cannot be re-processed or recycled, or simply when there is no alternative method of diversion available. The production of leachate is a significant factor in landfills; it can contaminate groundwater and must be adequately managed on site in lined leachate ponds. The reduction of leachate through compaction will reduce the capacity of the ponds and potentially the degree of contamination of the leachate. Ongoing compaction has proven to reduce the windblown litter, and the volume of leachate expressed from the landfill.

The CAT 816K includes the following initiatives:
- Engine idle shutdown by reducing fuel consumption; and,
- WesTrac offers retrofit packages to bring new features to older CAT machines, which includes a CAT Certified Rebuild Program for machines nearing the end of their useful life.

**Social**
WesTrac employ approximately 60 people based in the Bunbury/ Margaret River Region.

**Economic**
The recommended landfill compactor represents the best value for money for the Shire.

**ADVOCACY**
Nil

**ALTERNATE OPTIONS**
Purchase another second hand landfill compactor – the Shire could purchase a similar second hand landfill compactor, rather than purchase a new one. Similar mechanical issues may arise due to the unknown background of second hand machines, and the risk of encountering the same mechanical problems is high. Emission standards, fuel efficiencies and ergonomics of older machines cannot match current industry and statutory regulations and design guidelines of that of brand new machines.

Defer purchase of new landfill compactor – the Shire could defer the purchase of a new landfill compactor until a future date. However, the price of a new landfill compactor is not expected to decrease over time, and the unmitigated risk of not replacing the landfill compactor will increase significantly.

**VOTING REQUIREMENTS**
Simple Majority

**RECOMMENDATION**
That Council:
1. Approves the unbudgeted expenditure up to $600,000, to be funded from the Waste Management Reserve, and accepts the submission received from WesTrac Pty Ltd for a CAT 816K as the most advantageous to form a Contract; and
2. Delegates the formation of the Contract to the Chief Executive Officer.
ADVICE TO APPLICANT / PROPOONENT
Nil

ATTACHMENTS
1. Confidential Evaluation Report

RECOMMENDATION / COUNCIL DECISION
CR CRISTOFFANINI, CR KENNAUGH OM2020/23
That Council:
1. Approves the unbudgeted expenditure up to $600,000, to be funded from the Waste Management Reserve, and accepts the submission received from WesTrac Pty Ltd for a CAT 816K as the most advantageous to form a Contract; and
2. Delegates the formation of the Contract to the Chief Executive Officer.

CARRIED 7/0
11.3. Infrastructure Services
11.3. INFRASTRUCTURE SERVICES

Nil
11.4.
Corporate and Community Services
11.4.1 LIST OF PAYMENTS FOR DECEMBER 2019

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT/LANDOWNER</td>
<td>Shire of Augusta Margaret River</td>
</tr>
<tr>
<td>FILE REFERENCE</td>
<td>FIN/42</td>
</tr>
<tr>
<td>REPORT AUTHOR</td>
<td>Andrew Ross, Manager Corporate Services</td>
</tr>
<tr>
<td>AUTHORISING OFFICER</td>
<td>James Shepherd, Director Corporate and Community Services</td>
</tr>
</tbody>
</table>

**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 December 2019 List of Payments for $4,880,495.29 as certified correct by the Chief Executive Officer.

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

<table>
<thead>
<tr>
<th>MODE OF PAYMENT</th>
<th>CHEQUE / EFT NUMBERS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheques</td>
<td>42444 - 42447</td>
<td>$1,379.75</td>
</tr>
<tr>
<td>EFT</td>
<td>73768 - 74346</td>
<td>$3,618,343.67</td>
</tr>
<tr>
<td>Direct Debits</td>
<td></td>
<td>$1,260,771.87</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td>$4,880,495.29</td>
</tr>
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</table>

TABLE 2 – COMPARISON WITH PRIOR YEAR OF PAYMENTS

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<tr>
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<tbody>
<tr>
<td>JULY</td>
<td>26,103.88</td>
<td>5,421,569.55</td>
<td>5,447,673.43</td>
<td>5,447,673.43</td>
<td>4,869.95</td>
<td>5,279,604.72</td>
<td>5,284,474.67</td>
<td>5,284,474.67</td>
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<tr>
<td>AUGUST</td>
<td>24,324.24</td>
<td>3,479,792.07</td>
<td>3,504,116.31</td>
<td>8,951,789.74</td>
<td>0.00</td>
<td>2,813,479.48</td>
<td>2,813,479.48</td>
<td>8,097,954.15</td>
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<tr>
<td>SEPTEMBER</td>
<td>12,292.40</td>
<td>3,829,327.80</td>
<td>3,841,620.20</td>
<td>12,793,409.94</td>
<td>1,460.04</td>
<td>3,838,673.94</td>
<td>3,840,133.98</td>
<td>11,938,088.13</td>
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<tr>
<td>OCTOBER</td>
<td>16,100.80</td>
<td>12,583,756.59</td>
<td>12,599,857.39</td>
<td>25,393,267.33</td>
<td>593.05</td>
<td>11,323,915.09</td>
<td>11,324,508.14</td>
<td>23,262,596.27</td>
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<td>NOVEMBER</td>
<td>18,922.59</td>
<td>4,513,582.09</td>
<td>4,532,504.68</td>
<td>29,925,772.01</td>
<td>776.75</td>
<td>3,284,744.97</td>
<td>3,285,744.97</td>
<td>26,548,341.24</td>
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<td>DECEMBER</td>
<td>26,683.06</td>
<td>4,637,340.93</td>
<td>4,664,023.99</td>
<td>34,589,796.00</td>
<td>1379.75</td>
<td>4,879,911.54</td>
<td>4,880,495.29</td>
<td>31,428,836.53</td>
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<tr>
<td>JANUARY</td>
<td>39,638.36</td>
<td>3,969,206.46</td>
<td>4,008,844.82</td>
<td>38,598,640.82</td>
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<tr>
<td>FEBRUARY</td>
<td>24,695.30</td>
<td>3,222,690.77</td>
<td>3,247,386.07</td>
<td>41,846,026.89</td>
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<tr>
<td>MARCH</td>
<td>23,851.36</td>
<td>3,494,760.00</td>
<td>3,518,611.36</td>
<td>45,364,638.25</td>
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<tr>
<td>APRIL</td>
<td>51,672.65</td>
<td>3,701,615.40</td>
<td>3,753,288.05</td>
<td>49,117,926.30</td>
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<tr>
<td>MAY</td>
<td>21,246.69</td>
<td>4,085,730.80</td>
<td>4,106,977.49</td>
<td>53,224,903.79</td>
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<td>JUNE</td>
<td>39,968.10</td>
<td>4,897,066.12</td>
<td>4,937,034.22</td>
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<td>325,499.43</td>
<td>57,836,438.58</td>
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<td>58,161,938.01</td>
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</tr>
</tbody>
</table>
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 2019-2023
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 December 2019 List of Payments for $4,880,495.29 as certified correct by the Chief Executive Officer.

ADVICE TO APPLICANT / PROPOSENT
Nil

ATTACHMENTS
1. List of Payments for December 2019

RECOMMENDATION / COUNCIL DECISION
CR KENNAUGH, CR MELDRUM OM2020/24
That Council notes the December 2019 List of Payments for $4,880,495.29 as certified correct by the Chief Executive Officer.

CARRIED 7/0
11.4.2 FINANCIAL ACTIVITY STATEMENT REPORT - DECEMBER 2019

LOCATION/ADDRESS  N/A
APPLICANT/LANDOWNER  Shire of Augusta Margaret River
FILE REFERENCE  FIN/14
REPORT AUTHOR  Andrew Ross, Manager Corporate Services
AUTHORISING OFFICER  James Shepherd, Director Corporate and Community Services

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 December 2019.

RECOMMENDATION

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:
(a) annual budget estimates;
(b) budget estimates to the end of the month to which the statement relates;
(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
(d) material variances between the comparable amounts referred to in (b) and (c); and
(e) 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 December of $18.533 million ($2.083 million lower than last month’s result of $20.616 million). This result was higher than the expected year to date budgeted position of $10.018 million. The following details the main reasons for this favourable variation to Budget.

Operating revenue is $0.460 million or 1.5% above budget (last month $0.398 million or 1.4% above budget). The main contributors to this favourable variance are higher than budget fees and charges in the waste, planning and caravan park areas as well as over budget operating grants, subsidies and contributions. Offsetting these favourable variances is under budget interest received due to lower than budgeted interest rates.

Operating expenditure on a year to date basis is $1.026 million or 5.3% under budget (last month $1.427 million or 8.7% below budget). Variations include materials and contracts being $1.627 million or 28.8% under budget (last month $1.483 million or 31.2% under budget) with the Asset Services, Fire Prevention, Information Technology, Maintenance, Parks and Gardens, Waste, Community Planning & Development and HEART areas having the largest variances; and interest being $0.123 million under budget due to a timing difference. Over budget employee expenses of $0.600 million or 8.5% (last month $0.056 million or 0.9% over budget) and over budget depreciation of $0.136 million or 2.9% (last month $0.116 million or 3.0% over budget) have partially offset these under budget expenditures.

Employee expenses are over budget due to a timing issue with the pay period ending 31 December being incorrectly budgeted in January which has resulted in salaries and wages exceeding the budget. This large year to date variance will reduce in January. The following table provides a breakdown of budget performance for employee expenses.

<table>
<thead>
<tr>
<th>Category</th>
<th>Full Year Budget</th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>YTD Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions</td>
<td>1,161,756</td>
<td>535,306</td>
<td>538,734</td>
<td>3,428</td>
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<tr>
<td>Salaries &amp; Wages</td>
<td>11,874,196</td>
<td>5,538,171</td>
<td>6,018,235</td>
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<tr>
<td>Superannuation</td>
<td>1,552,500</td>
<td>714,324</td>
<td>796,643</td>
<td>82,319</td>
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<tr>
<td>Workers Compensation</td>
<td>147,085</td>
<td>67,653</td>
<td>74,250</td>
<td>6,597</td>
</tr>
<tr>
<td>Fringe Benefits Tax</td>
<td>70,420</td>
<td>37,434</td>
<td>37,434</td>
<td>0</td>
</tr>
<tr>
<td>Recruitment expenses</td>
<td>24,880</td>
<td>11,040</td>
<td>9,261</td>
<td>(1,779)</td>
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<tr>
<td>Training &amp; Education</td>
<td>360,667</td>
<td>129,457</td>
<td>143,729</td>
<td>14,272</td>
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<tr>
<td>Uniforms &amp; PPE</td>
<td>88,225</td>
<td>44,210</td>
<td>54,755</td>
<td>10,545</td>
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<tr>
<td>Memberships</td>
<td>0</td>
<td>0</td>
<td>4,095</td>
<td>4,095</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>15,279,729</strong></td>
<td><strong>7,077,595</strong></td>
<td><strong>7,677,136</strong></td>
<td><strong>599,541</strong></td>
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</table>

Grants for capital works are $0.231 million or 8.4% above budget (last month $0.494 million or 19.5% below budget) with the final instalment of $0.720 million from the National Stronger Regions Fund grant for the HEART project being received during the month. The main reasons for this variation are:

- over budget developer contributions of $0.070 million, an unbudgeted bridge grant of $0.189 million to be provided to Main Roads WA and receipt of the full annual Roads to Recovery grant allocation of $0.649 million; and
- offsetting the above are the balance of the $0.405 million Lotterywest grant for the Cowaramup Hall project won’t be claimed until after construction is completed, the $0.070 million Better Bins grant application is in progress and the ESL grant of $0.178 million for the replacement of the Witchcliffe Light Tanker will be processed when this vehicle is received.

Capital expenditure of $1.330 million during the month ($1.282 million last month) compared to the budget for the month of $2.719 million. On a year to date basis capital expenditure is $6.256 million under budget (last month $4.867 million under budget). Optimistic budget profiling has contributed to this variance and other causes include:

- the completion of works for buildings in the Margaret River Youth Precinct being delayed;
- delays proceeding with major capital projects at Davis Road landfill site, although the contractor has now been appointed for the construction of the third waste cell and leachate pond project;
• delays with the planned installation of replacement retractable seating has contributed to an under budget variance of $0.161 million being recorded for this project;
• building projects including the Cowaramup Hall, Witchcliffe hall, Alexandra Bridge hall and the Margaret River Recreation Centre fire detection system, are collectively $0.332 million under budget due primarily to project commencement delays;
• various purchases for the HEART project such as furniture and signage totalling $0.108 million have not occurred in accordance with budget expectations;
• delays with approvals and consultation have contributed to under budget expenditure of $0.215 million for Asset Services;
• infrastructure upgrade projects are $3.443 million under budget with the main cause being the delayed start to the Margaret River main street project;
• infrastructure renewal projects are $0.448 million under budget with the main variations being the result of delays to road rehabilitation projects and path preservation projects;
• a tender for the purchase of 8 utilities was approved in November, however their purchase was budgeted for October (4 of the vehicles have been received) and with the delayed replacement of a Loader and a Prime Mover has resulted in an under budget variance of $0.489 million being recorded for plant and equipment purchases; and
• the deferral of the chalet project to May 2020 is the main reason for caravan park capital works being $0.673 million under budget.

Capital expenditure for the month included:
• $45,326 and $76,518 respectively for works to the Alexandra Bridge and Karridale fire stations;
• $89,049 for various building projects with the majority expended on the Cowaramup Hall;
• $136,408 of capital expenditure for the Margaret River Recreation Centre included the complete renewal of the 3 hard court surfaces for the Indoor Recreation area and the replacement of booster pumps for the pool;
• $22,766 on various parks and gardens projects with playground equipment works at Flinders Bay being the main item of expenditure;
• $766,946 on road related projects of which $153,459 was spent on infrastructure upgrade projects and $613,486 was spent on infrastructure renewal projects. Drainage projects, the Flinders Bay to Cape Leeuwin lighthouse path, path projects, asphalt overlays, Warner Glen Road and Rosa Brook Road reconstruction, Ashton Street works and gravel re-sheeting were the main areas of expenditure; and
• $146,651 to purchase 4 replacement utilities.

Financial performance against budget is shown in the following charts.
Following is the Statement of Financial Activity for the year ending 31 December 2019.
## Net Current Assets at 1 July surplus/(deficit)

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>Actual</td>
</tr>
</tbody>
</table>

Net Current Assets includes FAG paid in advance less write off of assets from previous years.

### Revenue from Operating Activities

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<tbody>
<tr>
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<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>&gt;$10,000</td>
</tr>
</tbody>
</table>

### Expenses from Operating Activities

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<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>&gt;$10,000</td>
</tr>
</tbody>
</table>

### Revenue

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<tr>
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<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>&gt;$10,000</td>
</tr>
</tbody>
</table>

### Expenditure

<table>
<thead>
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<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>&gt;$10,000</td>
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</tbody>
</table>

### Statement of Financial Activity

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</thead>
<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Amended</td>
<td>Dec</td>
<td>YTD</td>
<td>&gt;$10,000</td>
</tr>
</tbody>
</table>

### Notes

- Net Current Assets includes FAG paid in advance less write off of assets from previous years.
- The table above shows the financial activities for the Shire of Augusta Margaret River for the year ending 31 December 2019.
SHIRE OF AUGUSTA - MARGARET RIVER
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDING 31 December 2019

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Operating activities excluded from Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation on assets</td>
<td>9,361,200</td>
<td>9,361,200</td>
<td>799,967</td>
<td>4,680,000</td>
<td>4,816,643</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Proceeds from Asset Disposal</td>
<td>22,540</td>
<td>22,540</td>
<td>21,562</td>
<td>23,540</td>
<td>23,540</td>
<td>0</td>
<td>(10,934)</td>
</tr>
<tr>
<td>Operating activities attributable to operating activities</td>
<td>9,383,740</td>
<td>9,383,740</td>
<td>821,529</td>
<td>4,794,140</td>
<td>4,829,248</td>
<td>0</td>
<td>(10,934)</td>
</tr>
<tr>
<td>Amount attributable to operating activities</td>
<td>9,398,428</td>
<td>9,389,258</td>
<td>(1,886,110)</td>
<td>18,951,674</td>
<td>20,780,519</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INVESTING ACTIVITIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Operating Grants &amp; Contributions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Fire &amp; Emergency Services</td>
<td>1,280,000</td>
<td>1,280,000</td>
<td>0</td>
<td>178,000</td>
<td>(178,000)</td>
<td>Timing: ESL grant for Witchcliffe light tanker</td>
<td></td>
</tr>
<tr>
<td>Waste Services</td>
<td>70,000</td>
<td>70,000</td>
<td>0</td>
<td>70,000</td>
<td>(70,000)</td>
<td>Timing: Better Bins grant application in progress</td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Development Services</td>
<td>204,000</td>
<td>204,000</td>
<td>0</td>
<td>102,000</td>
<td>172,383</td>
<td>(70,383)</td>
<td></td>
</tr>
<tr>
<td>Community Buildings</td>
<td>1,155,268</td>
<td>1,155,268</td>
<td>720,000</td>
<td>1,155,268</td>
<td>858,888</td>
<td>296,380</td>
<td></td>
</tr>
<tr>
<td>Parks and Gardens</td>
<td>0</td>
<td>0</td>
<td>(60,555)</td>
<td>(60,555)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Development Services</td>
<td>36,000</td>
<td>36,000</td>
<td>0</td>
<td>5,000</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>2,961,987</td>
<td>2,961,987</td>
<td>122,887</td>
<td>2,961,987</td>
<td>1,922,987</td>
<td>1,040,000</td>
<td></td>
</tr>
<tr>
<td>Other Property &amp; Services</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Capital Investment</td>
<td>5,707,255</td>
<td>5,707,255</td>
<td>920,000</td>
<td>2,734,255</td>
<td>2,964,861</td>
<td>230,606</td>
<td></td>
</tr>
<tr>
<td>Capital Investment</td>
<td>17,331,707</td>
<td>17,341,637</td>
<td>(11,334)</td>
<td>10,017,787</td>
<td>18,532,538</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount attributable to investing activities</td>
<td>(17,331,707)</td>
<td>(17,341,637)</td>
<td>(2,083,044)</td>
<td>10,017,787</td>
<td>18,532,538</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Current Assets Surplus (Deficit)</td>
<td>(0)</td>
<td>(19,100)</td>
<td>(185,601)</td>
<td>10,017,787</td>
<td>18,532,538</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>At 31 December 2019 the Shire's cash on hand, deposits and investments totalled $36,230,504 (a decrease of $3,003,780 to last month's total of $39,234,284). Total investment interest earned for the year was $293,401 and did not achieve the budget of $380,400. The decisions of the Reserve Bank to reduce the cash reference rate (0.75% at 1/10/19) have negatively affected interest on investments projections based on a historically higher interest rate.</td>
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</table>

Term Deposits – Cash Management
At the end of December the Shire had the following short-term facilities (term deposits).
During the month a term deposit for $1.500 million with Bankwest matured on 10/12/19 and was rolled over for 90 days at 1.30%. The interest rate for the previous 270 day term deposit was 2.50%.

The average rate of interest to be paid on all of the term deposits is 1.80% (last month 1.90%).
redevelopment project. The South West Development Commission are a joint signatory for this facility. During the month interest of $3,298 was earned (last month $3,190) and the current balance of the investment is $5.551 million. At 31 December 2019 the rate of interest earned on this facility is 0.70% and is set at 5 basis points lower than the Reserve Bank’s cash reference rate.

In-Kind Support
At 31 December 2019 fee waivers, donations and financial assistance sponsorships totalled $11,373 and included $8,000 of sporting sponsorships, $600 of donations and $2,773 of fee waivers.

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

Budget Amendments
No budget amendments are proposed.

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
At 31 December 2019 the Shire’s financial performance is exceeding budget projections for liquidity and the net operating result. This is attributable to under budget capital and operating expenditure and over budget operating revenue.

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

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

ADVICE TO APPLICANT / PROONENT
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
CR GODDEN, CR CRISTOFFANINI OM2020/25

CARRIED 7/0
12. MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 Transition of Rosa Brook Fire Brigade to DFES – Cr Meldrum

This Item was brought forward and considered by Council after Item 10 Questions from Members of Which Due Notice Has Been Given (page 23).

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING

13.1 Donation To Sister Province, Haining – Cr Cristoffanini

Cr Cristoffanini gave notice of the following motion for consideration at the 26 February 2020 Ordinary Council Meeting:

MOTION
That Council notes the request for assistance received by our sister province, Haining, who have been affected by the impact of the coronavirus and authorises the CEO to transfer funds of $5,000 to the Donations budget for the purpose of providing assistance, either through a cash donation or supplies and equipment.

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 7.12pm