

Ordinary Council

MINUTES

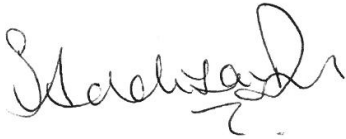
FOR THE MEETING HELD
WEDNESDAY, 26 MAY 2021
IN COUNCIL CHAMBERS,
WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 5:30PM

Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River On Wednesday 26 May 2021, commencing at 5:30pm.

Yours faithfully



STEPHANIE ADDISON-BROWN
CHIEF EXECUTIVE OFFICER

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Minutes of the Ordinary Meeting held on Wednesday 26 May 2021, 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, present and emerging, whose lands we share.'

2. ATTENDANCE

Shire President	:	Cr Ian Earl
Councillors	:	Cr Paula Cristoffanini Cr Naomi Godden Cr Kylie Kennaugh Cr Pauline McLeod Cr Julia Meldrum
Chief Executive Officer	:	Ms Stephanie Addison-Brown
Director Sustainable Development and Infrastructure	:	Mr Nick Logan
Director Corporate and Community Services	:	Mr James Shepherd
Manager Planning and Development	:	Mr Matt Cuthbert
Manager Legal and Governance	:	Mr Ian McLeod
Governance Officer / Council Support	:	Ms Claire Schiller
MEMBERS OF THE PUBLIC	:	7
MEMBERS OF THE PRESS	:	0

2.1 Apologies

Nil

2.2. Approved Leave of Absence

Cr Brian Daniel

3. DISCLOSURES OF INTEREST

3.1 Item 14.2.1 Proposed Winery, Restaurant and Cellar Door and Special Events – Recommendation to Regional Joint Development Assessment Panel – Cr Meldrum - Impartiality Interest

Cr Meldrum disclosed an impartiality interest in Item 14.2.1 Proposed Winery, Restaurant and Cellar Door and Special Events – Recommendation to Regional Joint Development Assessment Panel, the nature of the interest being:

'I am a previous yoga student at the neighbouring property (owners / submitters).'

4. PUBLIC QUESTIONS

4.1. Response to Previous Public Questions Taken on Notice

Nil

4.2. Public Question Time

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting held 12 May 2021

MOTION / COUNCIL DECISION

CR MELDRUM, CR CRISTOFFANINI OM2021/81

That Council confirms the minutes of the Ordinary Council Meeting held on 12 May 2021 to be a true and correct record of the meeting.

CARRIED 6/0

7. DEPUTATIONS

7.1 Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events – Recommendation to the Regional Joint Development Assessment Panel – Alan Bradshaw

Mr Alan Bradshaw, addressed the meeting in relation to New Business of an Urgent Nature Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events – Recommendation to the Regional Joint Development Assessment Panel.

7.2 Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events – Recommendation to the Regional Joint Development Assessment Panel – Nick Derickx and Tayne Evershed

Mr Nick Derickx of Kerry Hill Architects, and Mr Tayne Evershed of Planning Solutions, addressed the meeting in relation to New Business of an Urgent Nature Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events – Recommendation to the Regional Joint Development Assessment Panel.

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

PROCEDURAL MOTION / COUNCIL DECISION

CR CRISTOFFANINI, CR MELDRUM OM2021/82

That Council suspends Standing Order 4.3 Order of Business, to bring forward Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events – Recommendation to Regional Joint Development Assessment Panel for consideration.

CARRIED 6/0

Item 14.2.1 was then brought forward for consideration.

**14.2.1 PROPOSED WINERY, RESTAURANT AND CELLAR DOOR, AND SPECIAL EVENTS -
RECOMMENDATION TO THE REGIONAL JOINT DEVELOPMENT ASSESSMENT PANEL**

LOCATION/ADDRESS	Clews Road 168 (Lot 2953) Cowaramup and Fifty One Road 261A (Strata Lot 1) Cowaramup,
APPLICANT/LANDOWNER	Planning Solutions Urban And Regional Planning / HAT South West Investments Pty Ltd
FILE REFERENCE	PTY/5132
REPORT AUTHOR	Matt Cuthbert, Manager Planning and Development Services
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

Cr Meldrum disclosed an impartiality interest in this Item at 3.1.

Published 21 May 2021.

REASON FOR TREATING AS URGENT

This matter needs to be treated as urgent in order for it to be brought to the Council and Community's attention prior to the Responsible Authority Report being provided to the DAP Secretariat by the due date of 27 May 2021.

PROCEDURAL MOTION / COUNCIL DECISION

CR MELDRUM, CR CRISTOFFANINI OM2021/83

That Item 14.2.1 Proposed Winery, Restaurant and Cellar Door, and Special Events - Recommendation to the Regional Joint Development Assessment Panel, be accepted as New Business of an Urgent Nature.

CARRIED 6/0

IN BRIEF

- The Shire has received an application for a restaurant, winery and cellar door located on the site of an existing vineyard in Cowaramup.
- Due to the cost of construction, it must be determined by a Development Assessment Panel (DAP) which in this case is the Regional Joint DAP (JDAP).
- The Shire must provide to the JDAP a Responsible Authority Report (RAR) to inform their decision making.
- The RAR is attached for Council to note.

RECOMMENDATION

That Council notes the Responsible Authority Report (Attachment 1).

LOCATION

The subject land consists of two lots zoned Priority Agriculture which are located approximately 1.7km from the centre of Cowaramup. The subject land is currently developed with approximately 49ha of vineyard.

TABLED ITEMS

Nil

BACKGROUND

The Planning and Development (Development Assessment Panels) Regulations came into effect in 2011 and created a State Government decision making body for the determination of significant planning applications. The DAP Regulations created a number of panels throughout the state and currently the Shire is covered by the Regional Joint Development Assessment Panel (JDAP).

The DAP Regulations are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. The JDAP is comprised of three specialist members and two members from the Local Government within which the development is located.

A development can either be voluntarily referred to the JDAP for determination by a proponent or Local Government or, as in this instance, is mandatory where the value of construction exceeds \$10,000,000. The construction value of the proposal is \$11,400,000.

Shire officers have processed the application in accordance with the guidance provided by the DAP secretariat. The RAR is required to be provided to the secretariat by the 28 May.

CONSULTATION AND ADVICE

The DAP process allows for the Shire to undertake consultation with the community and government agencies in the normal way.

A total of 12 submissions from the public were received including five objections; three submissions of support; three submissions of conditional support; and one submission of 'indifferent' raising questions. The outcomes of the consultation process and the way in which issues raised have been addressed are discussed in detail in the RAR report.

DISCUSSION / OFFICER COMMENTS

The proposal is considered to be acceptable in terms of the consistency of the proposed land use with the Shire's Local Planning Scheme and in terms of the way in which design and layout of the proposal meet with relevant polices and responds to the local environment.

Key issues for consideration in the assessment of the proposal are building height, noise, and impacts on amenity. Each of these matters is comprehensively addressed in the RAR. It is recommended that all issues are addressed by the proposal or can be addressed with the imposition of appropriate conditions.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The DAP process is undertaken within the framework provided by the Planning and Development (Development Assessment Panels) Regulations 2011.

With regard to Council's role in the DAP process, the DPLH advise that Council cannot alter the RAR as prepared by the Local Government planning staff *"although the views of Council may still be incorporated in the appropriate section of the responsible authority report to the DAP."*

As stated in the publication 'Making Good Planning Decisions' at clause 5.3.2:
"It is improper for Councillors of a local government to influence the planning officer's professional opinion on the assessment of the application in any way. If the local government also wishes to make a statement regarding an application before a DAP, it may do so by making a submission."

In view of the above, the RAR is provided to Council for noting only. If Council so decide, additional recommendations/advice can be included in the RAR.

It should be noted that Council will be represented on the JDAP by Councillors Earl and Kennaugh.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 3: Ensuring sustainable development

Community Outcome 1: Clearly defined areas for growth, renewal and protection

Service level strategy/plan: Develop, review and implement spatial plans for key areas of focus for development

PLANNING FRAMEWORK

The RAR provides a comprehensive assessment of the proposal against the planning framework.

FINANCIAL IMPLICATIONS

Implications

Nil

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

There are no known environmental impacts associated with the proposal other than the removal of one marri tree. It is understood that the vineyard will be operated in a way which will enable it to achieve 'organic' status.

Social

Input from neighbouring land owners has informed the design of the proposal to mitigate impact.

Economic

The proposal will create the potential for jobs both in the construction and operation phases.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Council may wish to provide advice or recommendations to the JDAP which may be either complimentary to, or at variance with the RAR prepared by Shire officers.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the Responsible Authority Report (Attachment 1).

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Responsible Authority Report (RAR)

RECOMMENDATION

CR MELDRUM, CR CRISTOFFANINI

That Council notes the Responsible Authority Report (Attachment 1).

0/0

Cr Meldrum moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR MELDRUM, CR CRISTOFFANINI OM2021/84

That the following be added as point 2:

2. **Advises JDAP that Council requests that an additional condition be imposed as follows:**
"Prior to issue of a building permit for the Winery, details shall be submitted to the satisfaction of the Shire of Augusta Margaret River, for a solid screen wall or berm:
 - a) to screen the Winery ground floor hardstand / service area from the western adjoining property;
 - b) located along the top of the western dry dam wall and positioned directly adjacent to the Winery ground floor hardstand/service area;
 - c) to a minimum length of 55m; and

- d) to a total height of 1.8m above the finished ground level of the Winery ground floor hardstand/service area.
The screen wall, shall be installed prior to commencement of works for the Winery and shall be maintained thereafter.”

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

This then became the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR MELDRUM, CR CRISTOFFANINI OM2021/85

That Council:

1. Notes the Responsible Authority Report (Attachment 1); and
2. Advises JDAP that Council requests that an additional condition be imposed as follows:
“Prior to issue of a building permit for the Winery, details shall be submitted to the satisfaction of the Shire of Augusta Margaret River, for a solid screen wall or berm:
 - a) to screen the Winery ground floor hardstand / service area from the western adjoining property;
 - b) located along the top of the western dry dam wall and positioned directly adjacent to the Winery ground floor hardstand/service area;
 - c) to a minimum length of 55m; and
 - d) to a total height of 1.8m above the finished ground level of the Winery ground floor hardstand/service area.

The screen wall, shall be installed prior to commencement of works for the Winery and shall be maintained thereafter.”

CARRIED 6/0

Cr Cristoffanini then moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION

CR CRISTOFFANINI, CR MELDRUM OM2021/86

That Standing Order 4.3 Order of Business be reinstated.

CARRIED 6/0

The order of business then resumed.

11.1. Chief Executive Officer

11.1. CHIEF EXECUTIVE OFFICER

Nil

11.2. Sustainable Development and Infrastructure

**11.2.1 RATIONALISATION OF PROVISION OF THE MARGARET RIVER SALEYARDS FACILITY
AND REPURPOSE OF RESERVE 27302**

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	RES/27301 CPT/4017
REPORT AUTHOR	Rachel Runco, Coordinator Asset Management
AUTHORISING OFFICER	Nick Logan, Director Sustainable Planning and Infrastructure

IN BRIEF

- 292 Boodjidup Road Margaret River is a reserve on Crown land.
- The Shire has care, control and management of Reserve 27302 pursuant to a management order with the power to lease for any term not exceeding 21 years, subject to the consent of Minister for Lands.
- Currently the management order of the reserve is for the purpose of stock saleyards, parking, and public amenities and the site contains the Margaret river Pound and Saleyards.
- It was recently identified that the Margaret River Saleyards are noncompliant with the current Australian Animal welfare and safety standards.
- To conduct a compliance and safety audit of the saleyard's facility will cost \$8,000 plus GST.
- The facility will require significant upgrades before it is used again.
- Consultation with the local livestock agencies identified there is minimal demand for retention of the facility.
- The AMR 2 Oceans Poultry Club Inc requires the short-term use of a building for storage while the club investigates more suitable locations as the facility they currently use, B1043 – the Gloucester Park – Poultry Shed is to be demolished to allow for the new Hockey pitch facility being constructed at Gloucester Park.

RECOMMENDATION

The Council:

1. Supports the demolition of the facility due to limited demand, deteriorating condition and noncompliance with the Australian Animal Welfare and Safety Standards.
 2. Directs the CEO to prepare a submission to the Department of Planning Lands and Heritage to amend the management order of Reserve 27301 to remove the purpose of saleyards and incorporate the purpose of depot.
-

LOCATION PLAN



Reserve 27302 is 4.3ha, vested with the Shire for the purposes of Stock Saleyards, Parking and Public Utility, with the power to lease for any term not exceeding 21 years subject to the consent of the Minister of lands. It currently contains a livestock sale yard facility, the Shire pound (B1015), the old pound building (B1015B – currently used for miscellaneous storage purposes), a telstra phone tower and is informally use for bulk material storage.

TABLED ITEMS

Nil

BACKGROUND

The Shire owns and manages saleyards on Reserve 27302, Bussell Highway Margaret River. There has been very limited historical use of the facility and it has not been formally used since 2015. The facility does not conform to current Animal welfare and safety standards.

In September 2020, after non-compliance with the current standards was brought to the attention of shire officers, staff commenced a process of procuring a compliance and safety audit of the facility. There was only one party interested in undertaking the assessment, with a quotation of works costed at \$8,000 + GST.

Due to the limited use of this facility and the financial burden retention of this facility places on the Shire it was decided to review the historical use of the facility and investigate the current local demand for provision of this asset. Historically, the Shire has spent significant funds on the facility, with a very minimal return on investment.

In 2005 the facility was closed due to non-compliance. \$50,000 was spent on upgrades to the facility to ensure it met the required standards. Since the upgrades, the facility has been booked a total of 9 times, bringing in a total revenue of \$6485.70, with the last payment received in October 2015.

The cost of insurance for the same period has been \$13,030.25.

In 2017 Elders notified the Shire that the saleyards need to be registered with the Department of Primary Industries and Regional Development as a Non-Farming Operation under the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013. The site was registered but this expired in February 2021 and has not been renewed.

The AMR 2 Oceans Poultry club have been based out of B1043, located at Gloucester Park, Margaret River for over 25 years. There has never been a formal lease in place for the use of the facility, instead ongoing usage was subject to a gentlemen's agreement. Due to a decision to centralise the sporting recreational facilities in Margaret River, when the demand and location of the Hockey Pitch facility was determined, there was the implication that multiple deteriorating sheds on Gloucester park required demolition, to allow for the Hockey facility to fit. One of these structures is B1043. As such, Shire officers have been in discussions with AMR 2 Oceans Poultry club to identify a short-term solution for storage of the club's equipment while the best long-term future location for the club is investigated. B1015B, the old pound facility, located on R27302, has been identified as a suitable structure for a short-term arrangement for storage purposes.

CONSULTATION AND ADVICE

External Consultation

Consultation has been undertaken with the local livestock agencies regarding the requirement of the sale yards facility.

Elders rural agencies provided the following statement:

"Elders has no further demand on usage of the Margaret River sale yards - They are outdated and not up to current Animal welfare and safety standards. Boyanup selling complex is the main saleyard that Elders use weekly in the southwest and generates the highest buying competition and demand."

Nutrien Ag Solutions (Formerly Landmark):

"No need for the yards from Nutrien".

Consultation has been undertaken with AMR 2 Oceans Poultry club regarding the feasibility of B1015B as a short term storage solution for the club, they are open to entering into a 12 month lease for the facility.

Internal Consultation

Consultation has been undertaken between Ranger Services, the Shire Works Department, Recreational Services and the Legal and Governance team to address any potential impacts shared use of R27302 may have with the existing uses. All departments support the proposal.

DISCUSSION / OFFICER COMMENTS

There is not demand for retention of the saleyards, which are centrally located and could be used for other purposes.

To be suitable for use, as sale yards, the facility requires extensive upgrades including, replacement of rusted gates, the replacement of other corroded structures, repair/replacement of deteriorated timber work and the possible upgrade of a loading ramp (which may be noncompliant). Upgrades are also required to the drainage systems to manage animal waste, improve access to water and shade, and improve of the access to Bussell Highway. To support the ability for livestock agencies to conduct sales at the site, provision of public amenities would also be required. Previous public amenities was demolished in 2019, meaning future users of the facility would need to hire portable amenities when conducting a sale.

Due to the expansion of the saleyards at Boyanup, there is no demand for use of the facility. Both the larger local stock agents pay a fee to utilise the Boyanup facility and have indicated they have no further need for the Margaret River facility. The last known use of the site for a cattle sale was in 2017 (without Shire approval), and the last income received from the use of the site was in 2015.

In view of the deteriorated condition of the sale yard facility and non-compliance with the Australian animal Safety and welfare standards it is likely that significant reinvestment by the Shire would be required before the facility could be available for use. With consideration of the history of usage and associated revenue of the sale yards and the clear indication from the local livestock agencies they have no future requirement to use the sale yards, Officers recommend demolition of the facility.

Due to the strategic location of Reserve 27302, the Shire works team have identified the site as a suitable location for the storage of materials and waste, as the space within the Margaret River depot is limited. The central location, which has Bussell Highway frontage, has a wider access for B double vehicles than the current depot site. This would allow purchase and storage of bulk products and materials, reducing freight costs and in some instances the purchase prices of products. Use of Reserve 27302 as a storage facility would also have the added benefit of reduction of the volume of truck movements and associated noise on Railway Terrace, which is a residential area. Minimal amendments to Reserve 27302 would be required to support this use, after the yards have been removed, the concrete pad can be repurposed as a storage pad.

Due to the layout of the site, if the sale yards are demolished, this proposed use could be undertaken in conjunction with the other current uses of Reserve 27302 with minimal impact. The additional proposed use of B1015B for storage purposes by the Poultry club would also not impede other uses of the site due to the layout of separate entry points and ample space between the structure and the current pound facility.

The Reserve is currently vested for the purpose of stock saleyards, parking and public utilities. To repurpose the site requires an application to DPLH to update the management order to remove the purpose of stock saleyards and add the land use of municipal depot.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

There is a public risk in leaving the sale yards in the current deteriorated condition, as they are easily accessible. The cost of a condition and safety assessment to determine the required changes to the facility is more than the combined volume of revenue the Shire has received from use of the yards since 2004.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

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

There are financial implications in the removal of the facility. The sale yards are currently insured for \$1,044,204 (including extinguishment costs). This value appears to be as a result of 2014 infrastructure valuation process, as the value of the facility in 2013-14 was \$251,125 and the current financial written down value of the facility is \$313,579.23. The Shire currently pays annual insurance premiums on the facility, in 2020-21 this cost \$1728.75.

Officers have obtained an indicative costing for removal of the asset at approximately \$5,000. Due to the significant levels of rust and the light steel the facility has been constructed from, the yards have been deemed unsuitable for resale from Elders Rural agency South West livestock manager. As such, from the most feasible use of the structure after removal would be to sell any suitable components as scrap metal.

Long Term Financial Plan

There is no funding set aside in the Long-Term Financial Plan to upgrade this facility. Should Council resolve to retain the asset, an allocation would be required in the LTFP to fund the required safety and compliance upgrades. Provision of amenities in this location is also unbudgeted within the current LTFP.

Whole of Lifecycle considerations

Whole of lifecycle considerations must be undertaken before allocation of capital funding. The costs of a new or upgraded asset does not stop with construction of an asset. There are ongoing licencing costs, insurance premiums, cleaning and maintenance costs for both the sale yard and public amenities (if provided) if the facility is retained.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Nil

Economic

Provision of this unused facility costs the Shire annually in insurance fees. Removal of the facility and repurposing of the location will also allow a reduction in ongoing purchasing costs as the site is suitable for larger truck movements than the current depot storage facility, meaning the Shire will save in freight and purchasing costs as materials and products stored at the site could be purchased in bulk.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

The Council:

1. Supports the demolition of the facility due to limited demand, deteriorating condition and noncompliance with the Australian Animal Welfare and Safety Standards.
2. Directs the CEO to prepare a submission to the Department of Planning Lands and Heritage to amend the management order of Reserve 27301 to remove the purpose of saleyards and incorporate the purpose of depot.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

Nil

RECOMMENDATION

CR KENNAUGH, CR CRISTOFFANINI

The Council:

1. Supports the demolition of the facility due to limited demand, deteriorating condition and noncompliance with the Australian Animal Welfare and Safety Standards.
2. Directs the CEO to prepare a submission to the Department of Planning Lands and Heritage to amend the management order of Reserve 27301 to remove the purpose of saleyards and incorporate the purpose of depot.

0/0

Cr Godden moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR GODDEN, CR MCLEOD OM2021/87

That point 2 be omitted and replaced with the following:

2. Directs the CEO to prepare a submission to the Department of Planning Lands and Heritage to amend the management order of Reserve 27301 to remove the purpose of saleyards and incorporate the purpose of 'community purposes'.

CARRIED 6/0

This then became the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR KENNAUGH, CR CRISTOFFANINI OM2021/88

The Council:

Supports the demolition of the facility due to limited demand, deteriorating condition and noncompliance with the Australian Animal Welfare and Safety Standards.

1. Requests the CEO to prepare a submission to the Department of Planning Lands and Heritage to amend the management order of Reserve 27301 to remove the purpose of saleyards and incorporate the purpose of 'community purposes'.

CARRIED 6/0

11.2.2 AMENDED LOCAL PLANNING POLICY 1 - OUTBUILDINGS, FARM BUILDINGS AND SWIMMING POOLS FOR FINAL ADOPTION

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	LND/52
REPORT AUTHOR	Matt Slocomb, Strategic Projects Officer
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

IN BRIEF

- At its meeting on the 10 March 2021 Council resolved to advertise an amended Local Planning Policy No.1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1).
- Draft LPP1 proposed greater flexibility for floor area, wall height and side setbacks applicable to outbuildings (sheds) which are the main triggers for development applications at present.
- Eleven submissions were received in response to amended LPP1, six in favour, with five opposed to some of the changes.
- The policy is recommended for final adoption subject to some minor amendments.

RECOMMENDATION

That Council adopts the amended LPP1 – Outbuildings, Farm Buildings and Swimming Pools subject to minor changes.

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

Between 2018 and 2020 outbuildings accounted for approximately 11% of the total development applications received and determined by the Shire.

Analysis of the outbuilding applications received between 2018 and 2020 shows that the key triggers for development approval are wall height (26%) floor area (24%) and side setback (19%) variations. Together, these contribute to about 70% of the outbuilding applications received and determined by the Shire.

In the case of side setback variations, half of those were due to the five-metre side setback requirement for R5 coded lots specified in the Local Planning Scheme 1 (LPS1). LPS1 includes a five metre side setback requirement for lots coded R5 and lower, a greater requirement than the R Codes for a R5 density which are determined on wall length and height (normally 1 – 1.5m for single storey development), but less than the 7.5m side setback requirement for R2.5 coded properties. The five metre side setback requirement is a historical rule in the Shire applying to lots between 2000-4000m².

A report initiating the review of LPP1 was presented to Council on the 10 March 2021.

The primary objective of the review was to reduce the number of development applications received for outbuildings and water tanks, improving customer service times for minor applications and redirecting the Shire's resources away from lower risk forms of development and allowing greater emphasis on landscape protection and environmental outcomes.

Some of the key changes proposed were:

- Sliding floor area limit which relates to lot size rather than a static requirement across all zones, summarised in the table below:

Zoning and Density	Current Standard	Proposed Standard
Residential R10	60m ²	75m ²
Residential 5 and lower	60m ²	80m ²
Rural Residential ≤ 2ha	80m ²	120m ²
Rural Residential >2ha	80m ²	150m ²
Bushland Protection	Nil	150m ²
Priority/General Agriculture	120m ² Outbuilding	150m ²
	300m ² Farm Building	450m ²

- Clarification on outbuilding wall height measurement for different roof types, particularly skillion roof types which are not addressed by the current policy. A 3.6m median height has been included in the 'Acceptable Development' standards to address this, along with a diagram (Figure 1 in the policy) to clarify how wall height is measured. The wall height limit has been removed for the Rural Residential zone, meaning there will just be an overall height limit as is the case in the General and Priority Agriculture zones.
- Relaxation of the 5m side setback requirement where located behind the rear elevation of the dwelling on lots coded R5 and lower, specifically through the introduction of the following clause:

On properties coded R5, the 5m side setback does not apply to Outbuildings (including water tanks) and swimming pools where located wholly behind the rear elevation of the associated dwelling and where compliant with tables 2a and 2b and clause 5.4.1 of the R-Codes.

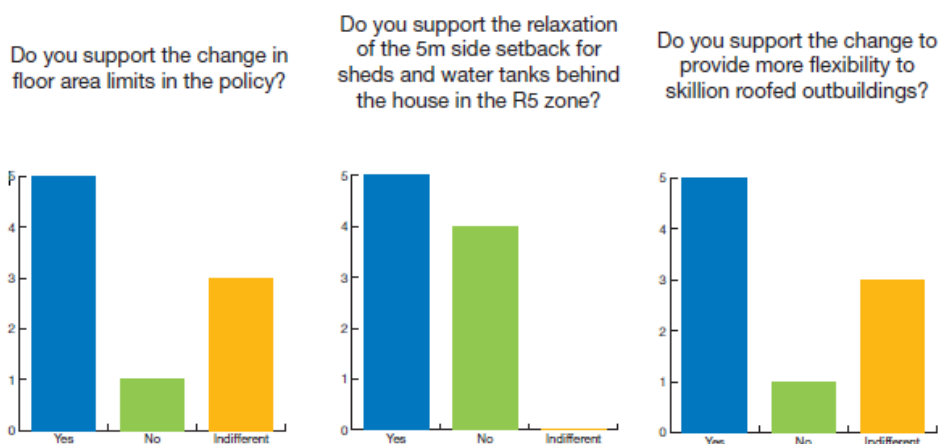
CONSULTATION AND ADVICE

Following Councils resolution in March 2021, a 28-day formal consultation period was undertaken in accordance Part 2, Division 2 of the Deemed Provisions of LPS1. The advertising process consisted of the following:

- Details posted on the Shire's 'Your Say' page in the Planning Consultation hub, along with a survey which focused on the key components of the policy.
- Policy was sent to shed building companies who initially provided feedback on the first draft.
- Letters sent to all 904 Residential R5 and lower coded properties in the Shire to ensure they were aware of the proposed change to the side setback requirements specific to these properties.
- Details posted on the Shire's website and in a local newspaper.

At the conclusion of the consultation process, 11 submissions were received. The submissions are outlined in a schedule of submissions which can be found at Attachment 2.

A summary of the 9 responses to the survey are provided below:



Of the responses received, the majority of submitters supported the proposed changes to the policy requirements. With regard to the 5m side setback there were also several submissions opposing the change which is discussed in more detail below.

DISCUSSION / OFFICER COMMENTS

Side Setback

A key objective of the Shires draft Local Planning Strategy is to redirect the Shire's resources away from lower risk forms of development such as outbuildings, allowing greater emphasis to be put on landscape protection and environmental outcomes.

An application for a reduced side setback generally translates to a 90-day application process, including a two-week consultation period and assessment through the development assessment unit process if objections are received. It is estimated an outbuilding application would take approximately 8 hours of combined officer time, which includes receiving/receipting the applications, preliminary assessments, advertising referrals, assessment reporting, reviewing and issuing final approvals.

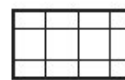
Of the 45 outbuilding applications determined for R5 coded properties between 2018 and 2020, 28 or 62% were due to a variation to the side setback requirement. It is estimated this would translate to 224 hours of officer time.

While the side setback requirement is considered to be important in maintaining a sense of open space when viewing private property from the street, a relaxation of the setback behind the dwelling is considered to strike a balance between maintaining existing streetscapes and reducing the number of applications received by the Shire.

Consultation occurred with all 904 R5 and lower coded properties on this issue, to which 4 objections were received (0.4%), which demonstrates limited concern with this change.

Notwithstanding the above, two small changes are proposed to the policy to clarify its implementation, summarised as follows:

- Clarify that the relaxation to the 5m setback standard coding applies only to R5 (2000m²) coded properties. A side setback of 7.5m applies to R2.5 (4000m²+) coded properties, and the Scheme requirement provides relaxation of this down to 5m. Further relaxation of this requirement is not considered to be necessary.
- Include a Figure 2 to explain the where the setback can be relaxed behind the rear of the dwelling in response to submissions received, as depicted below:



Area behind rear elevation of dwelling



Setback as per tables 2a and 2b

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Goal 3: Ensuring Sustainable Development

Community Outcome: Clearly defined areas for growth, renewal and protection

Strategic Response: Implement Local Planning Scheme.

Service level strategy/plan: Provide Planning Services.

PLANNING FRAMEWORK

Draft Local Planning Strategy 2036

Of relevance to LPP1 are the following actions contained in the Shire's Draft Local Planning Strategy 2036:

AF5

- i. Modify Local Planning Policy 1 to remove approval requirement for low risk Farm Building/Outbuilding development and increase the size of shed allowable without need for a development approval.

CT15

- iv. Amend 'LPP1 Outbuilding, Farm Buildings and Swimming Pools', to provide an increase in the allowable outbuilding size depending on lot size.

Local Planning Scheme No.1

Division 2 of the Deemed Provisions of Local Planning Scheme No.1 (LPS1) allows Council to prepare Local Planning Policy in response to any matter related to the Planning and Development of the Scheme area and sets out the process for amendments.

Clause 61 of the Deemed provisions determines the types of development that are exempt from the need for planning approval, and allows for additional exemptions to be applied through a local planning policy.

Clause 4.21.2(d) of LPS1 mandates a 5m side setback for Residential lots coded R5 and lower.

FINANCIAL IMPLICATIONS

Implications

The proposal will have a minor impact on the amount of fees collected for development applications.

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

There are no direct impacts on the natural environment arising from the policy changes.

Social

The proposal addresses a concern from some members of the community that development is 'over regulated'.

Economic

The policy will reduce the number of applications received and determined by the Shire, reducing delays for proponents and providing greater efficiency in the Shires development assessment processes.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Council has the option of not progressing with the proposed changes to the existing policy framework.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Adopts the amended Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools; included in Attachment 1 pursuant to clause 4(3)(ii) of the Deemed Provisions of Local Planning Scheme No.1.
2. Publishes a notice in accordance with 4(4) of the Deemed Provisions of Local Planning Scheme No.1.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Amended Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools
2. Schedule of Submissions

RECOMMENDATION / COUNCIL DECISION

CR MELDRUM, CR KENNAUGH OM2021/89

That Council:

1. **Adopts the amended Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools; included in Attachment 1 pursuant to clause 4(3)(ii) of the Deemed Provisions of Local Planning Scheme No.1.**
2. **Publishes a notice in accordance with 4(4) of the Deemed Provisions of Local Planning Scheme No.1.**

CARRIED 6/0

11.3. Corporate and Community Services

11.3.1 COUNCILLOR FEES AND ALLOWANCES FOR 2021-22

LOCATION/ADDRESS	N/A
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	FIN/358
REPORT AUTHOR	Andrew Ross, Manager Corporate Services
AUTHORISING OFFICER	James Shepherd, Director Corporate and Community Services

IN BRIEF

- Councillors are entitled to fees and allowances for meeting attendance and associated expenses.
- The parameters for fees and allowances are established by legislation and an annual determination by the Salaries and Allowances Tribunal.
- Each year Council are required to determine the fees and allowances to be included within the Budget.

RECOMMENDATION

That Council adopts the following elected members' fees and allowances to be included in the Annual Budget 2021-22, in accordance with the April 2021 Determination of the Salaries and Allowances Tribunal, sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* and regulations 30 to 32 of the *Local Government (Administration) Regulations 1996*.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	39,754	24,287	3,500
Deputy President	9,938	18,768	3,500
Councillors	0	18,768	3,500

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

Allowances and fees for elected members are considered each year as part of the process of developing the budget. Amendments to the *Local Government Act 1995* in July 2013 transferred the responsibility of setting elected members' fees, allowances and expenses to the Salaries and Allowances Tribunal (Tribunal). Local Governments must now use the parameters determined by the Tribunal.

In brief, the Tribunal have categorised local governments into four bands. Each band has minimum and maximum amounts for fees and allowances. The Shire of Augusta Margaret River is classified as band 2. Band ranges for 2021-22 have been considered by the Tribunal, who released their determination on 8 April 2021. This determination concluded at point 12 that, "The Tribunal has determined that remuneration, fees, expenses and allowance ranges provided to CEOs and elected members will be maintained at current levels. The ranges remain appropriate within the wider framework of senior public offices and the current economic climate."

CONSULTATION AND ADVICE

External Consultation

Nil

Internal Consultation

Nil

DISCUSSION / OFFICER COMMENTS

The Tribunal determined that from 1 July 2013 the banding structure for local governments provides for:

- Meeting fees within a range of \$3,500 to \$30,000 per annum for Councillors and \$3,500 to \$40,000 per annum for Mayors and Presidents;
- Annual allowance for Mayors and Presidents will extend from \$500 to \$85,000 per annum within the 4 band structure; and
- To combine the separate Information Technology and Telephone allowances into an Information and Communication Technology allowance with the maximum payable being \$3,500 per annum.

The minimum and maximum amounts applicable to band 2 were originally:

	Minimum	Maximum
Meeting Fee for Councillors	\$14,500	\$22,000
Meeting Fee for Mayor or President	\$14,500	\$31,149
Allowance for Mayor or President	\$15,000	\$60,000

The last time the Tribunal determined a change to the fees and allowances for elected members was 9 April 2019 when a 1% increase would apply. As a result the minimum and maximum amounts applying to the Shire for 2019-20 onwards are:

	Minimum	Maximum
Meeting Fee for Councillors	\$14,865	\$23,230
Meeting Fee for Mayor or President	\$14,865	\$31,149
Allowance for Mayor or President	\$15,377	\$63,354

The following fees and allowances were budgeted for 2019-20 and were based on applying the 1% increase consistent with the April 2019 determination of the Tribunal. No change was made for 2020-21 which was consistent with the Tribunal's April 2020 determination.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	39,754	24,287	3,500
Deputy President	9,938	18,768	3,500
Councillors		18,768	3,500

Fees and allowances budgeted for 2019-20 and 2020-21 totalled \$211,087.

At this stage, it is proposed no increase be made to elected members' fees and allowances. No increase is consistent with the April 2021 determination of the Tribunal. The proposed fees and allowances are shown in the following table. However, as meeting fees and allowances are below the upper limit of the ranges for band 2, Council have the opportunity to amend these meeting fees and allowances.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance

SHIRE OF AUGUSTA MARGARET RIVER
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			\$
President	39,754	24,287	3,500
Deputy President	9,938	18,768	3,500
Councillors		18,768	3,500

Should no change be made, fees and allowances to be budgeted for 2021-22 will total \$211,087.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The following sections of the *Local Government Act 1995* are relevant:

- Section 5.98 Fees, etc for Council Members
- Section 5.98A Allowance for deputy mayor or deputy president
- Section 5.99 Annual fees for council members in lieu of fees for attending members
- Section 5.99A Allowances for council members in lieu of reimbursement of expenses

Under Section 5.63 of the *Local Government Act 1995* the financial interest and disclosure requirements of the Act do not apply to a fee, reimbursement of expense or allowance to which the above sections refer.

The following sections of the *Local Government (Administration) Regulations 1996* are relevant:

- Regulation 30 Meeting attendance fees (Act s. 5.98(1) and (2A))
- Regulation 31 Expenses to be reimbursed (Act s. 5.98(2)(a) and (3)) 32
- Regulation 32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 5: Effective leadership and governance

Community Outcome 1: Responsible ownership of outcomes

Strategy 1: Attract and develop diverse and high quality Councillors that are able to lead and articulate the community's aspirations.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Implications

The proposed budget of \$211,087 for elected members' fees and allowances represents no increase compared to the amount budgeted for 2020-21.

Long Term Financial Plan

Elected members fees and allowances are an expenditure item included in the Long Term Financial Plan with annual increases in line with the forecast escalation rate.

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Nil

Economic

Nil

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts the following elected members' fees and allowances to be included in the Annual Budget 2021-22, in accordance with the April 2021 Determination of the Salaries and Allowances Tribunal, sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* and regulations 30 to 32 of the *Local Government (Administration) Regulations 1996*.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	39,754	24,287	3,500
Deputy President	9,938	18,768	3,500
Councillors	0	18,768	3,500

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

Nil

RECOMMENDATION

CR EARL, CR MELDRUM

That Council adopts the following elected members' fees and allowances to be included in the Annual Budget 2021-22, in accordance with the April 2021 Determination of the Salaries and Allowances Tribunal, sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* and regulations 30 to 32 of the *Local Government (Administration) Regulations 1996*.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	39,754	24,287	3,500
Deputy President	9,938	18,768	3,500
Councillors	0	18,768	3,500

0/0

Cr Earl moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR EARL, CR GODDEN OM2021/89

That the Annual Allowance and Meeting Fees be amended as follows:

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	39,754 40,549	24,287 24,773	3,500
Deputy President	9,938 10,137	18,768 19,143	3,500
Councillors		18,768 19,143	3,500

CARRIED 6/0

This then became the primary motion.

During debate, Cr Godden moved the following amendment:

AMENDMENT

CR GODDEN, CR MELDRUM

That the following wording be added:

'That Council receives an annual increase in line with the Shire's staff EBA.'

0/0

With consent of the seconder, Cr Godden withdrew the amendment.

Debate continued on the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR EARL, CR MELDRUM OM2021/

That Council adopts the following elected members' fees and allowances to be included in the Annual Budget 2021-22, in accordance with the April 2021 Determination of the Salaries and Allowances Tribunal, sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* and regulations 30 to 32 of the *Local Government (Administration) Regulations 1996*.

	Annual Allowance \$	Meeting Fees \$	Information Technology & Communications Allowance \$
President	40,549	24,773	3,500
Deputy President	40,137	19,143	3,500
Councillors		19,143	3,500

CARRIED 6/0

11.3.2 2021-22 PROPOSED FEES AND CHARGES FOR PUBLIC COMMENT

LOCATION/ADDRESS	N/A
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	FIN/357
REPORT AUTHOR	Andrew Ross, Manager Corporate Services
AUTHORISING OFFICER	James Shepherd, Director Corporate and Community Services

An addendum issuing a revised attachment was published on 26 May 2021.

IN BRIEF

- Council is to consider adopting the 2021-22 draft fees and charges for advertising.
- As the Shire is intending to impose updated fees and charges for 2021-22 before the adoption of the 2021-22 budget the *Local Government Act 1995* (LG Act) requires the Shire to give a minimum of 14 days local public notice of its intention to impose the 2021-22 fees and charges to become effective on 1 July 2021.

RECOMMENDATION

That Council:

1. Approves the draft fees and charges as per attachment 1 that are proposed to be imposed from 1 July 2021 to 30 June 2022; and
 2. Advertises the draft fees and charges for 2021-22 for a minimum of 14 days locally.
-

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

The fees and charges are set prior to the adoption of the annual budget so implementation is effective from 1 July, the beginning of the financial year to match the timing of cost increases with revenue.

The Shire imposes fees and charges for any goods or service it provides or proposes to provide, and when setting the level of a fee or charge considers the following factors:

- (a) cost to the local government of providing the service or goods;
- (b) importance of the service or goods to the community; and
- (c) price at which the service or goods could be provided by an alternative provider;

Where the Shire is required to amend the adopted Schedule of Fees and Charges, the Schedule is presented to Council for adoption by absolute majority.

CCSP3 Setting of Fees and Charges Policy (OM2017/296), allows for the establishment of a fair and equitable fee structure which reflects actual reasonable costs for services and goods provided by the Shire.

In keeping with the requirements of the LG Act, the Shire gives public notice for a minimum period of 14 days of the proposed 2021-22 fees and charges before adoption of the annual budget.

CONSULTATION AND ADVICE

External Consultation

Community are invited to provide public comment.

Internal Consultation

Business Unit Managers and Coordinators

DISCUSSION / OFFICER COMMENTS

To assist with financial and budget reporting, revenue income codes consisting of Account, Job or Work Order numbers are included in the Schedule for each Business Unit.

Fee and Charge Type descriptive of 'Statutory', 'Regulatory' or 'Shire' are included as follows:

- 'Statutory' charges are levied by the Shire under a legislative Act, and are not determined by Council;
- 'Regulatory' charges are levied by the Shire under a legislative Act, regulatory body or Australian Law including Shire Local Laws and are determined by Council; and
- 'Shire' fees and charges are set by the Local Government.

The Shire adopts a 'user contributes' approach to the provision of services and goods in order that the cost burden is fairly set and spread more equitably amongst customers. The basic principles considered in establishing Shire fees and charges are:

- Charges reflect the true cost of providing a facility;
- Compliance with the LG Act and Regulations;
- Fees for a service on a cost recovery basis;
- Importance of the service to the Community; and
- Compliance with Goods and Services Tax (GST).

When considering possible fees and charges increases, the increase in the Perth Consumer Price Index (CPI) is used as a guide. For the 12 months from March 2020 to March 2021 the increase in the Perth CPI was 1.0%. The Shire's Long Term Financial Plan (LTFP) allowed for an escalation rate of 1.75% for fees and charges in 2021-22. In order to be consistent the majority of Fees and Charges for 2021-22 have been increased by this percentage.

Directorates have completed the review of the 2021-22 fees and charges with the following changes noted to specific Business Units:

HEART

The fees and charges were first implemented for 12 months from 1 July 2020 and the venue's operations were significantly impacted by the COVID-19 pandemic which reduced opening hours, attendance, events and revenue. Consequently, business operations have had to be reviewed and business models reconsidered.

No increase to current rates will be welcomed by both commercial and community hirers (particularly due to continued uncertainty around COVID-19). Although standard community venue hire rates are minimal, costs are high and need to be recovered and this can be onerous for community groups. In order to facilitate community use, groups make application for HEART Grants, or receive fee waivers.

Corporate Services

New administration fee for the management of special arrangements that are to be processed by Shire initiated direct debit rather than a customer initiated payment option.

Human and Community Services

Fees and charges for holiday parks have generally increased by the LTFP escalation rate.

Libraries

Removal of administration fees and bonds for memberships.

Generally, no increase to library costs as the revenue stream is sustainable at the current charges and also provides reasonably priced photocopying and facsimile services.

Sport and Recreational Services

New direct debit membership fees for the Aquatic Centre. Changes to personal training sessions. New lawnmowing and ground maintenance fee for cost recovery of maintenance of leased and other facilities. This fee can be applied to facilities in the Augusta Civic Park precinct as well as other areas.

Discounts apply to Emergency Service Volunteers, extended term memberships, multiple entry purchases, educational institutions, students and sporting associations.

Concessions apply for Seniors, Pensioners and Disability card holders.

Where any increases are proposed for Margaret River Aquatic Centre, Fitness, Indoor Recreation Centre and Child Care fees and charges they have generally been increased by the LTFP escalation rate.

Asset Services

Increases to Shire fees for items such as signs, banners, local law permits, etc are similar to the LTFP forecast escalation rate and in dollar terms are minimal.

Planning and Development Services

Generally relate to strategic planning and statutory planning regulatory fees under WA Planning Commission Guideline 93/2011 and no increases have been advised at this time. Increases to Shire fees are lower than the LTFP escalation rate.

Health, Waste and Ranger Services

Permits for Local Government property and activities in thoroughfares and public places has moved from the Governance to the Environmental Health business unit.

Food business fees and public building fees increased to reflect time and resources for premise assessment, although the fees are less than that charged by other Local Governments.

Residential kerbside waste collection charges for weekly food and organics, fortnightly recycling and fortnightly general waste are to increase from \$318 to \$323. Charges for additional waste collection services have also increased. The Waste Facility Maintenance Rate of \$180 has not increased from 2019-20. Charges for disposal of waste at the Davis Road landfill site have been increased marginally.

Fees for Ranger Services have not increased.

As it is the Shire's intention to impose the Fees and Charges prior to adoption of the 2021-22 budget, the Shire is required to provide local public notice for a minimum of 14 days in accordance with the LG Act. In accordance with legislation the Fees and Charges will also need to be adopted with the 2021-22 Budget.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

LG Act section 6.16 – Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

- (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* *Absolute majority required.*

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

LG Act section 6.19 refers to Local government to give notice of fees and charges.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 5: Effective Leadership and Governance.

Community Outcome 2: Effective strategy, planning and asset management.

Strategy 4: Ensure information is managed in accordance with statutory requirements and is available for decision making.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Implications

Revenue from fees and charges is a major component of the overall 2021-22 budget.

Long Term Financial Plan

Revenue from fees and charges represents the second largest operating revenue item for the Shire and is a key item forecast in the LTFP as well as being a major item of own source operating revenue.

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

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

Social

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

Economic

Revenue generated from fees and charges are a vital component of the overall 2021-22 budget without them the Shire would be financially unviable.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Approves the draft fees and charges as per attachment 1 that are proposed to be imposed from 1 July 2021 to 30 June 2022; and
2. Advertises the draft fees and charges for 2021-22 for a minimum of 14 days locally.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. 2021-22 Draft Schedule of Fees and Charges.

RECOMMENDATION / COUNCIL DECISION

CR CRISTOFFANINI, CR KENNAUGH OM2021/91

That Council:

1. Approves the draft fees and charges as per attachment 1 that are proposed to be imposed from 1 July 2021 to 30 June 2022; and
2. Advertises the draft fees and charges for 2021-22 for a minimum of 14 days locally.

CARRIED 6/0

11.3.3 LIST OF PAYMENTS APRIL 2021

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	FIN/42
REPORT AUTHOR	Simone Meyer, Finance Officer – Accounts Payable
AUTHORISING OFFICER	James Shepherd, Director Corporate & Community Services

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 April 2021 List of Payments for \$3,272,471.97.

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 2019-20 and 2020-21 financial years.

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

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

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

SHIRE OF AUGUSTA MARGARET RIVER
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TABLE 1 – SUMMARY OF PAYMENTS MADE IN THE MONTH APRIL 2021

MODE OF PAYMENT	CHEQUE / EFT NUMBERS	AMOUNT
Cheques	-	
EFT	81212 - 81622	\$2,184,392.83
Direct Debits		\$1,088,079.14
TOTAL		\$3,272,471.97

TABLE 2 – COMPARISON WITH PRIOR YEAR OF PAYMENTS

MONTH	CHEQUES	EFT/DD	TOTAL PMTS	CUMULATIVE PAYMENTS	CHEQUES	EFT/DD	TOTAL PMTS	CUMULATIVE PAYMENTS
	2019-20	2019-20	2019-20		2020-21	2020-21	2020-21	
JULY	4,869.95	5,279,604.72	5,284,474.67	5,284,474.67	\$844.95	\$5,660,184.57	\$5,661,029.52	\$5,661,029.52
AUGUST	0.00	2,813,479.48	2,813,479.48	8,097,954.15	\$22.00	\$3,530,859.62	\$3,530,881.62	\$9,191,911.14
SEPTEMBER	1,460.04	3,838,673.94	3,840,133.98	11,938,088.13	\$169.90	\$4,782,225.23	\$4,782,395.13	\$13,974,306.27
OCTOBER	593.05	11,323,915.09	11,324,508.14	23,262,596.27	-	\$8,681,038.68	\$8,681,038.68	\$22,655,344.95
NOVEMBER	776.75	3,284,744.97	3,285,521.72	26,540,418.20	\$933.95	\$5,310,967.86	\$5,311,901.81	\$27,967,246.76
DECEMBER	1,379.75	4,879,911.54	4,881,291.29	31,420,329.74	\$344.00	\$7,048,587.28	\$7,048,931.28	\$35,016,178.04
JANUARY	2,231.00	3,600,470.14	3,602,701.14	35,020,799.88	\$640.50	\$3,903,051.96	\$3,903,692.46	\$38,919,870.50
FEBRUARY	3,726.00	9,042,817.14	9,046,543.14	44,063,617.02	\$200.00	\$2,630,058.27	\$2,630,258.27	\$41,550,128.77
MARCH	511.47	8,516,753.22	8,517,264.69	52,580,370.24	\$76.50	\$5,547,671.56	\$5,547,748.06	\$47,097,876.83
APRIL	0.00	4,797,857.32	4,797,857.32	57,378,227.56	-	\$3,272,471.97	\$3,272,471.97	\$50,370,348.80
MAY	306.10	5,042,761.42	5,043,067.52	62,436,843.09				
JUNE	34,193.25	4,293,711.23	4,327,904.48	66,764,747.57				
	50,047.36	66,714,700.21	66,764,747.57					

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 2020-2024

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

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the April 2021 List of Payments for \$3,272,471.97.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. List of Payments for April 2021

RECOMMENDATION / COUNCIL DECISION

CR KENNAUGH, CR MELDRUM OM2021/92

That Council notes the April 2021 List of Payments for \$3,272,471.97.

CARRIED 6/0

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

Nil

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING

Nil

14. NEW BUSINESS OF AN URGENT NATURE

14.1. Members

Nil

14.2. CEO

**14.2.1 PROPOSED WINERY, RESTAURANT AND CELLAR DOOR, AND SPECIAL
EVENTS - RECOMMENDATION TO THE REGIONAL JOINT
DEVELOPMENT ASSESSMENT PANEL**

This Item was brought forward for consideration, page 7.

15. CONFIDENTIAL BUSINESS

**15.1 AUGUSTA COMMUNITY CHILDCARE FACILITY UPGRADE FUNDING AND
LEASE**

ITEM WITHDRAWN

The following addendum was issued on 21 May 2021:

ADDENDUM

15.1 AUGUSTA COMMUNITY CHILDCARE FACILITY UPGRADE FUNDING AND LEASE

LOCATION/ADDRESS	67 Allnut Terrace, Augusta
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	RES/20761
REPORT AUTHOR	James Shepherd, Director Corporate and Community Services
AUTHORISING OFFICER	Stephanie Addison-Brown, Chief Executive Officer

This Item has been withdrawn from the 26 May 2021 Ordinary Council Meeting agenda.

16. CLOSURE OF MEETING

The Shire President thanked all in attendance and declared the meeting closed at 6.14pm