

# Ordinary Council

# MINUTES

FOR THE MEETING HELD  
WEDNESDAY, 23 JANUARY 2019  
IN COUNCIL CHAMBERS,  
WALLCLIFFE ROAD, MARGARET RIVER  
COMMENCING AT 5:30PM

# Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River on Wednesday 23 January 2019, commencing at 5:30pm.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Putland', with a stylized flourish at the end.

**DALE PUTLAND**  
**ACTING CHIEF EXECUTIVE OFFICER**

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# TABLE OF CONTENTS

ITEM NO. NO.	SUBJECT	PAGE
1.	DECLARATION OF OPENING .....	4
2.	ATTENDANCE .....	4
3.	DISCLOSURES OF INTEREST .....	5
4.	PUBLIC QUESTIONS .....	5
4.1.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	5
4.2.	PUBLIC QUESTION TIME .....	7
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	7
6.1	ORDINARY COUNCIL MEETING HELD 12 DECEMBER 2018.....	7
7.	DEPUTATIONS .....	7
8.	PETITIONS .....	7
9.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER.....	7
10.	QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	8
11.	REPORTS OF COMMITTEES AND EMPLOYEE REPORTS.....	8
11.1.	CHIEF EXECUTIVE OFFICER.....	9
11.1.1	LOCAL GOVERNMENT ELECTIONS.....	10
11.1.2	AUSTRALIAN TOURISM COUNCILS ADVOCACY GROUP .....	14
11.1.3	ACTING CEO - CONTINUATION UNTIL APPOINTMENT OF PERMANENT CEO .....	18
11.2.	SUSTAINABLE DEVELOPMENT.....	21
11.2.1	PROPOSED GROUP DWELLING - 31 (LOT113) STEWART STREET MARGARET RIVER .....	22
11.2.2	SUBMISSION TO THE ENQUIRY INTO SHORT STAY ACCOMMODATION.....	29
11.3.	INFRASTRUCTURE SERVICES .....	36
11.3.1	ADVERTISING OF DRAFT LOWER MARGARET RIVER FORESHORE RESERVE ACTION PLAN .....	37
11.3.2	MARGARET RIVER PRECINCT MASTER PLAN .....	44
11.4.	CORPORATE AND COMMUNITY SERVICES .....	49
11.4.1	LIST OF PAYMENTS FOR NOVEMBER 2018 .....	50
11.4.2	FINANCIAL ACTIVITY STATEMENT REPORT - NOVEMBER 2018.....	53
11.4.3	LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES 13 NOVEMBER 2018 .....	63
11.4.4	BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES 21 NOVEMBER 2018.....	67
11.4.5	SPORTS AND RECREATION ADVISORY COMMITTEE MEETING MINUTES 6 DECEMBER 2018.....	70
12.	MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	73
13.	MOTIONS FOR CONSIDERATION AT NEXT MEETING .....	73
14.	NEW BUSINESS OF AN URGENT NATURE .....	73
14.1	MEMBERS.....	73
14.2	CEO .....	73
15.	CONFIDENTIAL BUSINESS.....	73
16.	CLOSURE OF MEETING.....	73

Minutes of the Ordinary Council Meeting held on Wednesday 23 January 2019, in Council Chambers,  
41 Wallcliffe Road, Margaret River, commencing at 5.30pm

# Ordinary Council Meeting

## 1. DECLARATION OF OPENING

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

*The Shire President gave an Acknowledgement of Country:*

*'I acknowledge this meeting is being held on Wadandi country and acknowledge the Wadandi elders who are the traditional custodians and are on country and working with the land every day.'*

## 2. ATTENDANCE

Shire President : Cr Pam Townshend

Councillors : Cr Ian Earl  
Cr Naomi Godden  
Cr Peter Lane  
Cr Pauline McLeod  
Cr Julia Meldrum  
Cr Mike Smart

Acting Chief Executive Officer : Dr Dale Putland

Director Infrastructure Services : Mr Markus Botte

Acting Director Corporate and  
Community Services : Mr Andrew Ross

Acting Director Sustainable  
Development : Mr Nick Logan

Manager Asset Services : Mr David Nicholson

Governance / Council Support  
Officer : Ms Megan Smith

**MEMBERS OF THE PUBLIC** : Four members of the public were present

### **MEMBERS OF THE PRESS**

Augusta Margaret River Times : Warren Hately

### 3. DISCLOSURES OF INTEREST

#### 3.1 Item 11.1.3 Acting Ceo – Continuation Until Appoinment of Permanent CEO

The acting CEO, Dr Dale Putland disclosed a financial interest in item 11.1.3 as the item relates to his employment as acting CEO

#### 3.2 Item 11.3.1 Advertising of Draft Lower Margaret River Foreshore Reserve Action Plan

The Coordinator, Land Care and Environment Services, John McKinney disclosed an impartiality interest in item 11.3.1 as he was a board member of Nature Conservation Margaret River Region (NCMRR) throughout their contract to develop the foreshore action plan. 'This association has not affected my ability to provide advice to council.'

#### 3.3 Item 11.2.2 Cr McLeod 11.2.1 Proposed Group Dwelling – 31 (Lot 113) Stewart Street Margaret River

Councillor Pauline McLeod disclosed an impartiality interest in item 11.2.1 due to a family relationship

### 4. PUBLIC QUESTIONS

#### 4.1. Response to Previous Public Questions Taken on Notice

##### 4.1.1 Mr Ken John, Latch Road, Karridale

#### Question:

In 2013 the Shire made an administration or operational error in the interpretation of the access into Sussex Location 3947, by making the decision to change a government approved road called Pettit Road that is clearly marked on Shire and government maps, to a private crossover without consulting the owner. Then the Shire wanted to hand the maintenance over to the landowner, which the landowner strongly protested on because the road was constructed and maintained by the Shire for over 50 years. To resolve this issue the Shire said they would maintain this approved road access, which has not taken place, but now after 5 years the Shire still haven't resolved this matter so that the landowner has a safe and approved road that is maintained by the Shire, even after the landowner asking the shire to resolve this matter without further delay.

Why hasn't the Council after lots of emails to the CEO, Shire President, Councillors' and Operation Staff that this access dispute is still not resolved? This matter has taken its toll in considerable time wasted and financial hardship in that we cannot forward plan our farming future.

#### Response:

1. Pettit Road. The portion of road reserve named Pettit Rd has not been altered since it was originally named, which is long before Mr John owned land in this area. .



2. Sussex Location 3947 has never had frontage to Pettit Road. The portion of road that abuts the frontage of this land is an un-named, unbuilt road reserve.
3. Pettit Road does run along a portion of Mr John's southern boundary.
4. The historic access to this property Mr John is referring to is via an informal track across reserve 47049.



5. There is no historical evidence indicating who made this access across the reserve.
6. This access over reserve 47049 to Location 3947 has never been part of a gazetted road and has never been referred to as Pettit Road.
7. At the request of Mr John to have a formal road connecting his two properties that are dissected by reserve 47079, the Shire at their cost, instigated the excising of land reserve 47049 and have the same land dedicated as a public road. This process is currently being completed by Landgate.
8. The Shire has no records that suggest that such an agreement was ever entered into by the Shire.
9. There is no dispute from the Shire regarding the current access to Location 3947 from Latch Rd or the road names, or the extent of road names in this area.
  - a. The access has always been via an informal track across reserve 47049
  - b. The Shire has never agreed to maintain this informal track
  - c. The Shire has never agreed to improve this informal track.
  - d. The Shire has agreed to create a dedicated road reserve across reserve 47049 at the location of the existing informal track.
  - e. The Shire agreed to pay all fees to create this new road reserve.
  - f. The Shire has never agreed to build a road at their cost, within this new road reserve (now formerly named Angus Rd).
  - g. The Shire has never named or change the name of the unnamed road that abuts Location 3947
  - h. The Shire has never altered the extent of Pettit Rd.
  - i. The informal track across reserve 47049 has never been named or referred to as 'Pettit Rd'.

## **4.2. Public Question Time**

### **4.2.1 Mr Ken John, Latch Road, Karridale**

#### **Question:**

We have requested for the Shire to resolve the access issue into location 3947 on many occasions – emails and site meetings since 2013 but are still waiting for this to proceed so that we may plan our farming future and as you can see our concerns have not been resolved – the CEO, Shire President and operational staff have not resolved any of our concerns. This matter has wasted valuable time and has taken a heavy toll on my future and health. This matter is now costing us over \$800 per week in lost revenue – can the Shire resolve this matter without further delay.

The Shire response to our question at the Council meeting on 12 December 2018 is incorrect with their answer stated in 5.6 part 7 and 8 and also 9b, 9c and 9f

The Shire President advised Mr John that this was a public question forum and not a forum for debate. She said that she was aware of the situation and that the Director Infrastructure would provide a further update.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE**

### **5.1 Cr Townshend – 13 February 2019**

Cr Townshend requested that Council grant her leave of absence for the 13 February 2019 Ordinary Meeting of Council.

#### **MOTION / COUNCIL DECISION**

**CR EARL, CR GODDEN OM2019/1**

**That Council grant Cr Townshend leave of absence for the 13 February 2019 Ordinary Meeting of Council**

**CARRIED 7/0**

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **6.1 Ordinary Council Meeting held 12 December 2018**

#### **MOTION / COUNCIL DECISION**

**CR EARL, CR MCLEOD OM2019/2**

**That Council confirms the minutes of the Ordinary Council Meeting held on 12 December 2018 to be a true and correct record of the meeting.**

**CARRIED 7/0**

## **7. DEPUTATIONS**

Nil

## **8. PETITIONS**

Nil

## **9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

### **9.1 Matter which has come before the Standards Panel regarding Cr Smart**

Cr Townshend advised that Cr Smart would be addressing Council on a matter which has come before and been decided by the Standards Panel.

*Cr Smart made the following apology:*

*I advise this meeting that:*

*i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened two provisions of the Local Government (Rules of Conduct) Regulations 2007*



*when I publicly quoted information from confidential documents at the Council Meeting on 28 February 2018.*

*ii. The Panel found that by behaving in this manner I made improper use of my office as Councillor with the intention of damaging my fellow councillors, the Shire, the CEO and council staff, the SW Boojarah Working Party and Brad Goode & Associates thereby committing one breach of regulation 6(2)(a) and one breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007.*

*iii. I accept that I should not have acted in such a manner towards my fellow councillors, the Shire, the CEO and council staff, the SW Boojarah Working Party and Brad Goode & Associates and I apologise to the parties concerned for having done so."*

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

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

# 11.1. Chief Executive Officer

### 11.1.1 LOCAL GOVERNMENT ELECTIONS 2019

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	GOV/56
<b>REPORT AUTHOR</b>	Megan Smith, Executive Assistant
<b>AUTHORISING OFFICER</b>	Dale Putland, Acting Chief Executive Officer

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#### IN BRIEF

- The next Ordinary Elections will be held on 19 October 2019, on which the terms of three Councillors will expire.
- Council has previously appointed the WA Electoral Commissioner (WAEC) to be responsible for conducting the Ordinary Elections by the postal voting method.
- Council is required to determine whether to conduct the Ordinary Election as a postal or voting in-person election and the role of the WAEC.

#### RECOMMENDATION

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act (1995)*, the Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections, together with any other elections or polls which may also be required; and
  2. Decides, in accordance with section 4.61(2) of the *Local Government Act (1995)*, that the method of conducting the election will be as a postal election.
- 

#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

Council Ordinary Elections are held every two years and the next ordinary elections will be held on 19 October 2019.

On 19 October 2019, the terms of the three following Councillors' will expire:

- Councillor Pam Townshend (Shire President)
- Councillor Peter Lane
- Councillor Michael Smart

*The Local Government Act 1995* provides that the Council may decide to conduct a 'postal election' or hold a 'voting in person election'.

If Council decides to conduct a postal election then the decision to do so only has effect if it is made after or in conjunction with a declaration that the Western Australian Electoral Commissioner is to be responsible for the conduct of the postal election (s4.61(4) LGA). Written agreement by the Electoral Commissioner must first be obtained before the vote by Council is taken (s4.20(4) LGA). The Commissioner has provided this approval in writing.

A returning officer runs each local government election. The Returning Officer may be the CEO or Council may, with the approval of the Electoral Commissioner appoint another person. If the election is to be a full postal election, then the Electoral Commissioner will conduct the election and appoint a returning officer.

Unless a Council resolution to conduct the election as a postal election has effect (has been made in conjunction with or after the declaration that the Electoral Commissioner is to be responsible to conduct the election, and made prior to the 80<sup>th</sup> day before election day), the election is to be conducted as a voting in person election.

## **CONSULTATION AND ADVICE**

### **External Consultation**

WAEC

### **Internal Consultation**

CEO

## **DISCUSSION / OFFICER COMMENTS**

Council can opt to conduct the election as an in-person or postal vote election.

In the past, the Shire of Augusta Margaret River Council elections have been administered by the Electoral Commissioner and conducted by postal ballot.

For the 2017 ordinary elections, a total of 4,572 voting packages were received by the postal voting method, giving an overall participation rate of 44.30%. The Shire's participation rate was higher than the state average for local governments at 34.50% in 2017.

For the 2015 ordinary elections, a total of 3,721 voting packages were received by the postal voting method, giving an overall rate of 40.40%. The Shire's participation rate was higher than the state average for local governments at 27.50% in 2015.

For the 2013 ordinary elections, a total of 3,771 voting packages were received by the postal voting method, giving an overall participation rate of 42.15%. The Shire's participation rate was higher than the state average for local governments at 27.76% in 2013.

In the 2011 ordinary elections, the two Councillors for the Margaret River and North Wards were elected unopposed, and the election for the Leeuwin Ward elicited a 53.9% participation rate, higher than the state average for local governments at 30.96%.

In the 2009 ordinary elections, the Councillor in the Leeuwin Ward was elected unopposed with the North Ward receiving a 45.65% participation rate and the Margaret River Ward a 42.18% participation rate.

Postal elections for local government were first trialled by four local governments in 1995, this increased to 76 local governments in 2013. Postal elections are more convenient for many electors and typically result in a higher rate of voter participation than in person ballots. Appointing the Electoral Commissioner responsible for the election ensures that the elections are conducted independently and with impartiality.

In accordance with section 4.20(4) of the *Local Government Act 1995*, written agreement that the Electoral Commissioner be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls that may also be required for the Shire of Augusta Margaret River has been received by the Shire. The agreement is subject to the proviso that Council decides to have the election undertaken by the Western Australian Electoral Commission as a postal election. In order to achieve this, the required recommendation is that Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act (1995)*, the Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections, together with any other elections or polls which may also be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act (1995)*, that the method of conducting the election will be as a postal election.

Occasionally a Council conducts a referendum on certain issues and incorporates that into the elections. That is why the WAEC recommends the resolution to also enable them to conduct other elections and polls to cover these contingencies.

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Local Government Act (1995) s4.20(2) and s4.61(2)

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2033 (CSP)***

***Corporate Business Plan 2016-2020***

Goal 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 5.1.1.1: Partner with the Western Australian Electoral Commission to conduct the biennial election by postal voting

## **PLANNING FRAMEWORK**

Nil

## **FINANCIAL IMPLICATIONS**

Provision can be made within Council's 2019 -20 annual budget for the conduct of the election. The cost of the last election in 2017 was \$39,930. The estimated cost from the WAEC for the 2017 elections was \$45,000. The estimated cost for the WAEC to conduct their part of the process is \$50,000 for 2019. The reason for the cost increase is that the cost of printing is increasing and there will be more electors. This estimate does not include:

- Non-statutory advertising (i.e. any additional advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns;
- The employment of staff at the polling place on Election Day; and
- Any additional postage rate increases by Australia Post.

An additional amount of \$2,130 will be incurred if the Shire decides to opt for the Australia Post Priority Service for the lodgement of election packages. The Commission is of the view that the regular service is adequate for outgoing mail for most local governments, particularly in the metropolitan area, however, as the Shire is not in the metropolitan area, the priority service would assist with mitigating the risk of election packages not arriving in time to be included in the count. The fact that the Shire has a high number of non-resident landowners is also a point for consideration.

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Nil

### **Social**

Nil

### **Economic**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act (1995)*, the Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections, together with any other elections or polls which may also be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act (1995)*, that the method of conducting the election will be as a postal election.

3. Approves the use of the Australia Post Priority Service for lodgement of election packages

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION / COUNCIL DECISION**

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**CR LANE, CR GODDEN OM2019/3**

**That Council:**

1. Declares, in accordance with section 4.20(4) of the *Local Government Act (1995)*, the Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections, together with any other elections or polls which may also be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act (1995)*, that the method of conducting the election will be as a postal election.
3. Approves the use of the Australia Post Priority Service for lodgement of election packages

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**CARRIED 7/0**

### 11.1.2 AUSTRALIAN TOURISM COUNCILS ADVOCACY GROUP

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	ECD/26
<b>REPORT AUTHOR</b>	Megan Smith, Executive Assistant
<b>AUTHORISING OFFICER</b>	Dale Putland, Acting CEO

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#### IN BRIEF

- The Shire have been approached by the Australian Tourism Councils Advocacy Group (ATCAG) to ask if the Shire interested in becoming a member.
- The ATCAG is an action based group with a focus on research and advocacy. It meets bi-annually
- The ATCAG held an initial meeting in December 2017 with 70 councils attending
- The cost to join the Group will be an initial \$1,100 membership charge, and then an ongoing subscription of \$1,100. If these funds aren't sufficient to cover adhoc expenses ie consultants, project work, additional funds may be requested from the members of the Group.

#### RECOMMENDATION

That Council:

1. Approve the Shire's application for membership of the Australian Tourism Councils Advocacy Group (ATCAG)
2. Nominate Cr \_\_\_\_\_ to represent the Shire, along with one member of staff

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

In December 2017, more than 70 councils attended the inaugural meeting of the Australian Tourism Councils Advocacy Group (ATCAG). What was evident from the meeting was that there was a significant interest in an advocacy group to assist when it comes to managing issues around tourism that are impacted by other levels of government. LGA's across Australia share many of the same challenges including growth in holiday letting, peak season traffic and congestion, and impacts on infrastructure. These challenges impact on achieving manageable visitor numbers across destinations, such as declining visitor numbers in some locations, an over popularity leading to an increase in visitors in others.

On 1 November 2018, the ATCAG wrote to the Shire inviting it to join the Group. The criteria which they set out for consideration when assessing the benefit of joining the Group were as follows:

- *Your LGA would benefit from learning how to manage tourism more sustainability, or you would be willing to share your insights and thinking on sustainable tourism practises.*
- *You have high growth (or peaks) in visitor numbers and lack of resources and funding to maintain basic infrastructure*
- *You are looking to attract and retain visitor numbers*
- *You see inequities in the Financial Assistance Grants criteria*
- *Your LGA is being 'loved to death' and you are looking for ways to balance the needs of tourism with the needs of the local community, and*
- *Agritourism is now an area you wish to expand and explore within your region*

## CONSULTATION AND ADVICE

- Executive Leadership Team

## DISCUSSION / OFFICER COMMENTS

The Shire appears to meet all of the criteria put forward by the Group.

*Your LGA would benefit from learning how to manage tourism more sustainability, or you would be willing to share your insights and thinking on sustainable tourism practises.*

The Shire's sustainable economy framework is built on natural environment, tourism, viticulture, agriculture, retail, knowledge and creative sectors, that provide a sustainable range of business and job opportunities

*You have high growth (or peaks) in visitor numbers and lack of resources and funding to maintain basic infrastructure*

This is relevant in terms of having a summer or holiday peak visitation.

*You are looking to attract and retain visitor numbers*

While the Shire is not actively involved in the attraction and retention of visitors, the Corporate Business Plan (CBP) states that the Shire will work collaboratively with the tourism sector to increase visitor spend and length of stay in the Shire.

The Shire is also aware that many accommodation providers have suffered a downturn in visitor numbers and that some are experiencing financial hardship as a result

*You see inequities in the Financial Assistance Grants criteria*

The Shire has previously provided a submission to the WA Local Government Grant Commission requesting the impact of tourism be considered as a factor in local government costs.

*Your LGA is being 'loved to death' and you are looking for ways to balance the needs of tourism with the needs of the local community*

This has become apparent through the concerns regarding the spread of holiday houses in the shire.

*Agritourism is now an area you wish to expand and explore within your region*

The CBP also sets out that the Shire is to work with the tourism sector to further promote and develop ecologically sustainable, cultural and agricultural tourism.

The Shire is currently a member of the Australian Coastal Councils Association (ACCA), whose priority issues include *"Infrastructure – Coastal councils face Infrastructure gaps across a broad range of areas and lack the capacity to finance shortfalls through existing revenue sources."* This priority addresses the infrastructure aspects which the ATCAG see as critical to some extent. The ACCA also has an advocacy role, but this is more focussed on the environmental issues faced by coastal councils, rather than the need to build resilience for communities in coastal destinations

## POLICY IMPLICATIONS

Nil

## PLANNING FRAMEWORK

**Corporate Business Plan 2017-2021**

Goal 4: Vibrant and diverse economy

Outcome 2. Sustainable tourism and other local industries



### **FINANCIAL IMPLICATIONS**

An initial membership fee of \$1,100, with an ongoing annual fee of the same amount, with occasional contributions for adhoc projects or other activities.

### **SUSTAINABILITY IMPLICATIONS**

Membership of the ATCAG would assist the Shire in looking at strategies to create sustainable tourism opportunities, including Agritourism.

### **VOTING REQUIREMENTS**

SIMPLE MAJORITY

### **RECOMMENDATION**

That Council:

1. Approve the Shire's application for membership of the Australian Tourism Councils Advocacy Group (ATCAG)
2. Nominate Cr \_\_\_\_\_ to represent the Shire, along with one member of staff

### **ADVICE TO APPLICANT / PROPONENT**

Nil

### **ATTACHMENTS**

1. Australian Tourism Council's Advocacy Group Fact Sheet.
2. Email from the Australian Tourism Council Advocacy Group

### **RECOMMENDATION / COUNCIL DECISION**

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That Council:

1. Approve the Shire's application for membership of the Australian Tourism Councils Advocacy Group (ATCAG)
2. Nominate Cr \_\_\_\_\_ to represent the Shire, along with one member of staff

---

*Cr Smart put forward the following amended recommendation*

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

---

**CR SMART, CR EARL**

That Council:

1. Approve the Shire's application for membership of the Australian Tourism Councils Advocacy Group (ATCAG)
2. Nominate Cr Earle to represent the Shire, along with one member of staff
3. Nominate Cr McLeod as a proxy to represent the Shire

**LOST 5/2**

**CRS Earl and Smart voted against**

*Cr Earl then withdrew his nomination*

*Cr Lane then put forward the following amended recommendation*

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

---

**CR LANE, CR GODDEN 2019/04**

That Council:

1. Approve the Shire's application for membership of the Australian Tourism Councils Advocacy Group (ATCAG)
2. Nominate Cr Townshend to represent the Shire, along with one member of staff
3. Nominate Cr McLeod as a proxy to represent the Shire

**CARRIED 7/0**

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*The Acting CEO, Dale Putland left Chambers at 5.50*

### **11.1.3 ACTING CEO - CONTINUATION UNTIL APPOINTMENT OF PERMANENT CEO FINALISED**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	GOV/61
<b>REPORT AUTHOR</b>	Megan Smith, Executive Assistant
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director, Corporate and Community Services

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#### **IN BRIEF**

- The initial acting CEO appointment was recommended to be from 3 November to Monday 17 February 2019 as by the first meeting in February the start date of a new permanent CEO was expected to have been known.
- The recruitment process has commenced and is still ongoing, with the appointment of a permanent CEO now unlikely to be finalised by the 17<sup>th</sup> of February.

#### **RECOMMENDATION**

That Council endorse the continuation of Dale Putland as acting CEO from Monday 17 February 2019 until such time as the permanent CEO commences in the role.

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#### **LOCATION PLAN**

Nil

#### **TABLED ITEMS**

Nil

#### **BACKGROUND**

At the Council meeting of 10 October 2018, Council made the following decision

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

**CR SMART, CR MCLEOD OM2018/258**

**That Council appoints Dale Putland as Acting CEO from 3 November 2018 until Monday 17 February 2019 inclusive for the remuneration package as recommended in the confidential addendum.**

**CARRIED 6/0**

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This period was established as being sufficient for the recruitment process for the permanent CEO to have been finalised and for that person to have been appointed and have commenced in the role. However, the process has taken longer than estimated and it is unlikely that the final decision will have been made in time for the preferred applicant to be able to give a sufficient notice period to their current employer (if necessary) and for the completion of the required paperwork for the appointment to have been finalised.

Council has adopted the following Policy on Acting CEO positions:

*“The Council will appoint an Acting Chief Executive Officer to fulfil the duties and exercise the powers of the Chief Executive Officer in periods of annual leave and during periods of unforeseen prolonged absence of the Chief Executive Officer for more than four weeks. The appointment will be made from the Executive Officers of the Council on a rotational basis in accordance with the length of service in the Shire’s employment. For absences of up to four weeks the CEO has legislative authority to appoint an Acting CEO under section 5.44 of the Local Government Act 1995.”*

There are two options for filling the acting CEO role for the period from 18 February until such time as a permanent CEO can be appointed and can commence in the role.

1. That Dale Putland, the Director Sustainable Development, continue in the acting CEO role, or
2. That consideration be given to appointing one of the directors as acting CEO.

Currently staff are acting in the roles of the Director Sustainable Development and the Director Corporate and Community Services and the Director Infrastructure Services has been with the Shire for a relatively short period of time (from October 2017) and has had no previous acting CEO experience.

In accordance with section 5.39 1(a) of the Act an employee can act in the position of CEO for a period not exceeding one year without a written contract. A list of KPIs to be adopted will guide the role plus section 5.41 of the Act which outlines the legal requirements of the CEO position.

## **CONSULTATION AND ADVICE**

### **External Consultation**

NA

### **Internal Consultation**

## **DISCUSSION / OFFICER COMMENTS**

Nil

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

*Local Government Act 1995 s5.44*

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section

#### **(1a) Despite subsection (1) –**

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract

#### **(2) A contract under this section –**

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
- (b) in every other case, cannot be for a term exceeding 5 years

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

**Community Strategic Plan 2033 (CSP)**

**Corporate Business Plan 2016-2020**

Goal 5: Effective governance and corporate leadership

Community Outcome 5.1.2: Develop staff leadership through the organisation to assist with accountable decision making

## **PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

An internal Acting CEO is paid a percentage of the CEO's wages. No leave reserves will be required to fill the acting requirements which will be absorbed into the operating budget.

**SUSTAINABILITY IMPLICATIONS****Environmental**

Nil

**Social**

Nil

**Economic**

Nil

**VOTING REQUIREMENTS**

SIMPLE MAJORITY

**RECOMMENDATION**

That Council endorse the continuation of Dale Putland as acting CEO from Monday 17 February 2019 until such time as the permanent CEO commences in the role.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION / COUNCIL DECISION**

**CR EARL, CR SMART OM2019/5**

That Council endorse the continuation of Dale Putland as acting CEO from Monday 17 February 2019 until such time as the permanent CEO commences in the role.

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**CARRIED 7/0**

*The Acting CEO, Dale Putland, returned to Chambers at 5.51*

## 11.2. Sustainable Development

### 11.2.1 PROPOSED GROUPED DWELLING - 31 (LOT 113) STEWART STREET, MARGARET RIVER

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<b>LOCATION/ADDRESS</b>	31 (Lot 113) Stewart Street Margaret River
<b>APPLICANT/LANDOWNER</b>	Lurie M
<b>FILE REFERENCE</b>	PTY/12165, P218680
<b>REPORT AUTHOR</b>	Angela Satre, Acting Coordinator Statutory Planning
<b>AUTHORISING OFFICER</b>	Nick Logan, Acting Director Sustainable Development

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#### IN BRIEF

- A planning application has been lodged for a two storey grouped dwelling at 31 Stewart Street, Margaret River.
- The application involves a minor variation (200mm) to the setback of the bathroom wall along the western elevation. With the exception of the proposed setback variation, all other aspects of the development meet the deemed to comply standards of the Residential Design Codes (R'Codes).
- Due to the variation, the proposal was referred to neighbours for comments and one submission was received. Concern was raised to the overshadowing calculation, overlooking potential and the extent of the building footprint.
- In response to the concern raised regarding overlooking, the proponent modified the proposal despite compliance with the R'Code requirements.
- The wall setback variation has been assessed and is found to meet the design principles of the R'Codes. Given the development otherwise meets the deemed to comply standards of the R'Codes, no further modification to the proposal is required.
- The application is considered acceptable and was recommended for conditional approval under delegation through the Shire's Development Assessment Unit. The application was subsequently called in for consideration by Council.

#### RECOMMENDATION

That Council grants approval to the grouped dwelling at 31 (Lot 113) Stewart Street, Margaret River subject to conditions.

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#### LOCATION PLAN

The Shire is in receipt of a planning application for a two storey grouped dwelling at 31 Stewart Street (the Site) (refer to Figure 1 below).

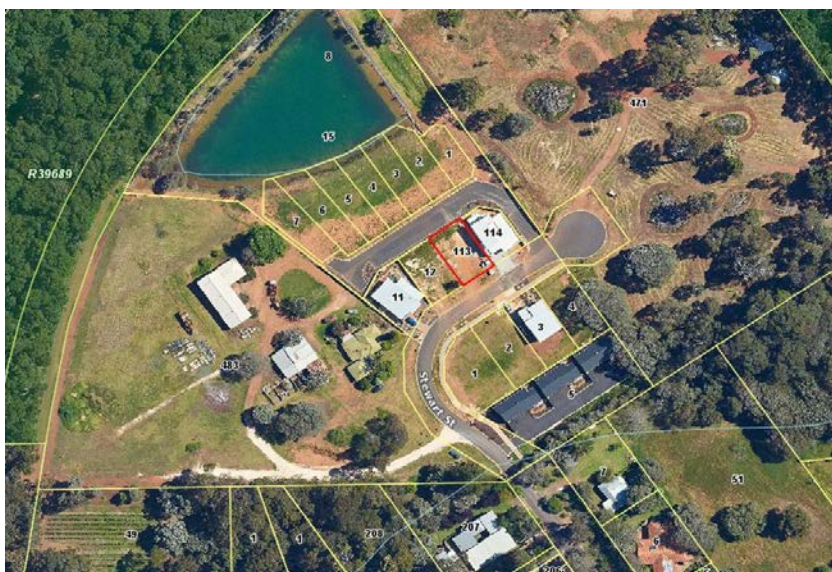


Figure 1: Site Plan

## BACKGROUND

The Site is 358m<sup>2</sup>, is zoned Future Development under *Local Planning Scheme No. 1* (the Scheme) and has a density code of R30/40 under the R'Codes.

Development of a grouped dwelling in the Future Development zone is a 'D' discretionary land use which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Furthermore, the proposal generates a requirement for planning approval for a minor variation to the setback of the bathroom wall along the western elevation. The wall is proposed to be setback 1.0m in lieu of the 1.2m setback guideline under Table 2a of the R'Codes.

## CONSULTATION AND ADVICE

### External Consultation

The application was referred for comment to affected neighbours for 14 days due to the proposed setback variation. The referral period was extended a further 8 days with receipt of one late submission from an adjoining land owner. Concerns raised include queries regarding calculating the overshadowing of the proposal, potential views into the neighbouring outdoor living area from the proposed upper floor bedroom window and an excessive building footprint. The concerns are discussed as follows:

#### Overshadowing

Concern was raised that it is not possible to verify the overshadowing based on the information provided and that the plans were not dimensioned, did not locate a second storey and were not in accordance with Part 7 of the R'Codes.

#### Privacy and Overlooking

Concern was raised that the proposal did not meet the provisions of Part 7.4.1 of the R'Codes and that a view would be provided into the outdoor living area (alfresco) of the neighbouring western property.

#### Building Footprint

Concern was raised that the ground floor footprint is 203.4m<sup>2</sup>, which is greater than the allowable 198m<sup>2</sup> and therefore not in accordance with clause 6.1.1 (building size) of the R'Codes.

## DISCUSSION / OFFICER COMMENTS

While concerns were raised as an outcome of the notification period, the issues raised relate to aspects of the proposal that meet the acceptable development standards of the R'Codes.

#### Overshadowing

Concern has been raised about the accuracy of the plans provided in order to assess the future overshadowing caused by the development. The plans submitted with the application are to scale and measurable, have been prepared in accordance with the requirements of the Scheme and are adequate



The site plan for Lot 113 (358 m²) shows a proposed residence with an outdoor living area and a garage/store. The plan includes various setbacks and landscaping areas. Key features include:

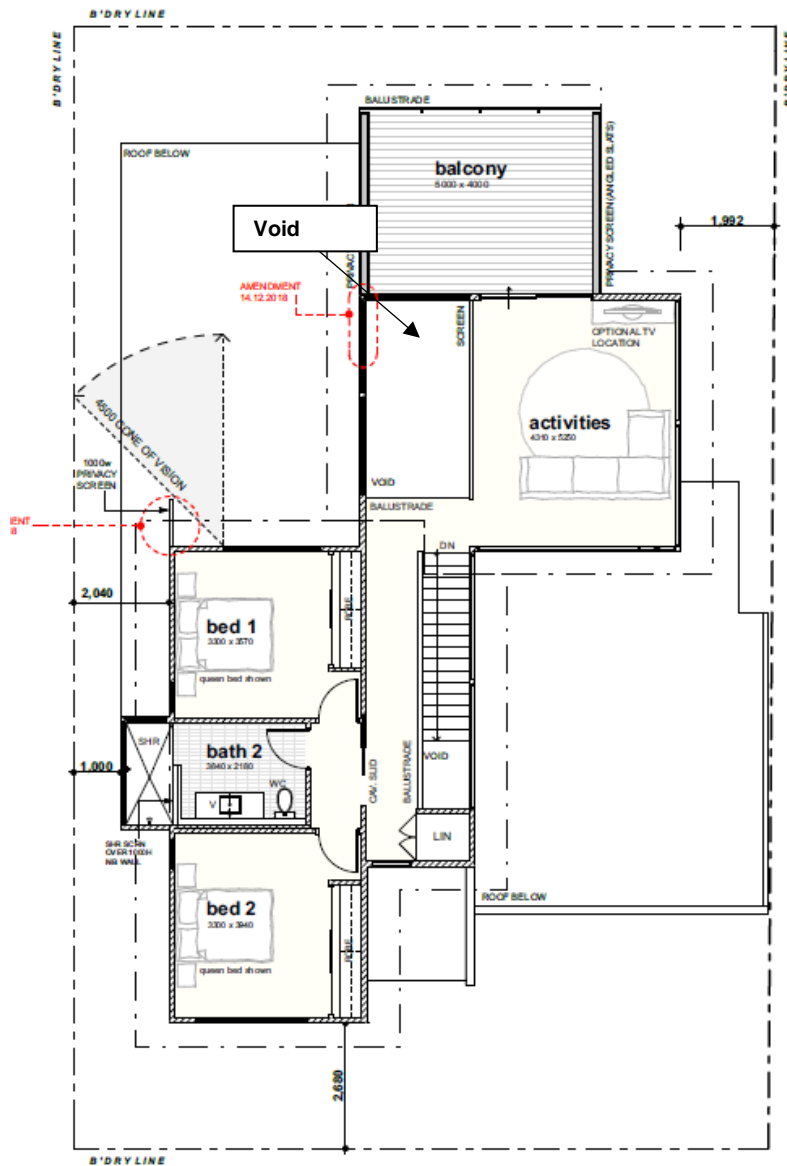
- Proposed Residence:** Located in the center-left, with a footprint of 14.5m by 14.5m. It includes a porch (PFL 74.3, FL 100) and a meter box.
- Outdoor Living:** Located in the top-right, with a footprint of 15m by 15m. It includes a heat pump and a path.
- Garage/Store:** Located in the bottom-right, with a footprint of 14.3m by 14.3m. It includes a 5000w driveway & crossover to local street regs.
- Setbacks:** Various setbacks are indicated, including a 2.0m high timber slat fence, a 1.740m setback, a 1.300m setback, a 1.500m setback, a 2.000m setback, a 2.800m setback, and a 5.000m setback.
- Landscaping:** Areas are marked with 'LANDSCAPING' and 'Peg Not Found'.
- Other Features:** A shadow cast 12noon winter solstice is shown, and a red dashed line indicates 'OVER SHADOW FROM BATHROOM PROJECTION (RY CODE VARIATION)'. A street tree is located near the bottom center.
- Adjacent Lots:** Lot 12 is to the west, Lot 14 is to the east, and Lot 15 is to the north.
- Street:** Stewart Street is at the bottom, with a road centerline and edge of bitumen.
- Utilities:** Water meter, power dome, and Telstra pit are indicated.
- Topography:** Elevation points are shown, including 73.4, 73.6, 73.7, 73.8, 73.9, 74.0, 74.1, 74.2, 74.3, 74.4, 74.5, 74.6, 74.7, 74.8, 74.9, 75.0, 75.1, 75.2, 75.3, 75.4, 75.5, 75.6, 75.7, 75.8, 75.9, 76.0, 76.1, 76.2, 76.3, 76.4, 76.5, 76.6, 76.7, 76.8, 76.9, 77.0, 77.1, 77.2, 77.3, 77.4, 77.5, 77.6, 77.7, 77.8, 77.9, 78.0, 78.1, 78.2, 78.3, 78.4, 78.5, 78.6, 78.7, 78.8, 78.9, 79.0, 79.1, 79.2, 79.3, 79.4, 79.5, 79.6, 79.7, 79.8, 79.9, 80.0, 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 81.0, 81.1, 81.2, 81.3, 81.4, 81.5, 81.6, 81.7, 81.8, 81.9, 82.0, 82.1, 82.2, 82.3, 82.4, 82.5, 82.6, 82.7, 82.8, 82.9, 83.0, 83.1, 83.2, 83.3, 83.4, 83.5, 83.6, 83.7, 83.8, 83.9, 84.0, 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 84.7, 84.8, 84.9, 85.0, 85.1, 85.2, 85.3, 85.4, 85.5, 85.6, 85.7, 85.8, 85.9, 86.0, 86.1, 86.2, 86.3, 86.4, 86.5, 86.6, 86.7, 86.8, 86.9, 87.0, 87.1, 87.2, 87.3, 87.4, 87.5, 87.6, 87.7, 87.8, 87.9, 88.0, 88.1, 88.2, 88.3, 88.4, 88.5, 88.6, 88.7, 88.8, 88.9, 89.0, 89.1, 89.2, 89.3, 89.4, 89.5, 89.6, 89.7, 89.8, 89.9, 90.0, 90.1, 90.2, 90.3, 90.4, 90.5, 90.6, 90.7, 90.8, 90.9, 91.0, 91.1, 91.2, 91.3, 91.4, 91.5, 91.6, 91.7, 91.8, 91.9, 92.0, 92.1, 92.2, 92.3, 92.4, 92.5, 92.6, 92.7, 92.8, 92.9, 93.0, 93.1, 93.2, 93.3, 93.4, 93.5, 93.6, 93.7, 93.8, 93.9, 94.0, 94.1, 94.2, 94.3, 94.4, 94.5, 94.6, 94.7, 94.8, 94.9, 95.0, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7, 95.8, 95.9, 96.0, 96.1, 96.2, 96.3, 96.4, 96.5, 96.6, 96.7, 96.8, 96.9, 97.0, 97.1, 97.2, 97.3, 97.4, 97.5, 97.6, 97.7, 97.8, 97.9, 98.0, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6, 98.7, 98.8, 98.9, 99.0, 99.1, 99.2, 99.3, 99.4, 99.5, 99.6, 99.7, 99.8, 99.9, 100.0.

The R'Codes, at clause 5.4.2, provide a deemed to comply standard by which to assess overshadowing impacts to any other adjoining property. A maximum of 35% of the site area of the adjoining property is permitted to be cast in shade. In this case, the plans submitted demonstrate that the proposal would generate overshadowing of up to 14.8% of the adjoining property. The development therefore meets the deemed to comply standards under the R'Codes.

## Privacy and Overlooking

The plans provided with the application demonstrate that the bedroom one window on the north elevation would be setback a minimum of 4.5m within the cone of vision and therefore meet the deemed to comply standards of the R'Codes in relation to privacy and overlooking. Notwithstanding, concern was raised during the notification period about potential views from the bedroom one window to the

outdoor living area on the adjoining western site. In response to the concern, the applicant voluntarily, and despite the window already complying, proposes to install an external privacy wall to prevent any direct line of sight from the bedroom one window into the adjoining property (refer to 'privacy screen' in Figure 3).



**Figure 3: Upper Floor Plan**

In this regard, the design of the proposal has been modified to increase the privacy between the two adjoining properties, to ensure there is no overlooking to the adjoining outdoor living area (refer to Figure 4 below), whilst maintaining compliance with the R'Codes acceptable development standards.

Further to this, the applicant has voluntarily amended the window on the 'void' of the first floor activities room to include 'highlight windows' to further increase privacy between the two adjoining properties (refer to Figure 3 'Amendment 14.12.2018'). This amendment has been made in response to the privacy concerns raised.

It is therefore considered that the applicant has made every additional and reasonable step possible to increase privacy between the two adjoining properties. Even when considering the proposed development is compliant with the visual privacy provisions of the R'Codes, they have undertaken further changes to address the concerns raised.

The applicant has also prepared an overlay of the proposed dwelling alongside the site plan of the adjoining property (refer to Figure 4). The plan demonstrates that the view would not compromise the ability of the adjoining neighbour to use their 'outdoor living area' (refer to 'cone of vision' on Figure 4). This is because the view would be extended to 'ensuite 2' of the adjoining property, which is a non-habitable room rather than the outdoor living area.

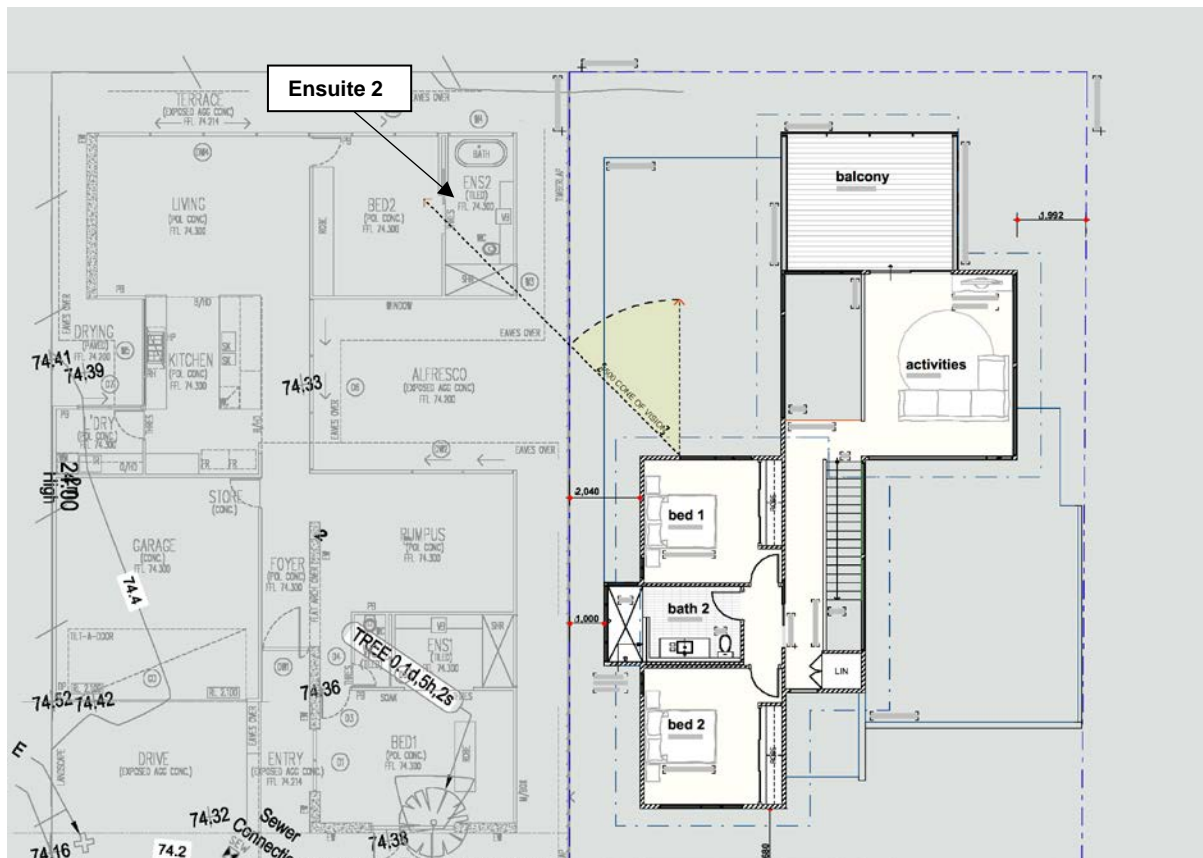


Figure 4: Site Plan

The applicant has made every effort to increase the privacy between the adjoining properties whilst still maintaining compliance. The concerns raised regarding overlooking have been addressed.

#### Building Footprint

While concern was raised regarding the ground floor footprint, the proposal meets the 45% open space requirement under Table 1 of the R'Codes and demonstrates that 48.8% of the site would be open space.

Reference has been made in the submission to noncompliance of the proposal with a number of R'Code clauses (part 7.4.1 and clause 6.1.1). These parts of the R'Codes either do not exist or are not relevant to the proposal.

The application has also been assessed in relation to the proposed 200mm wall setback variation sought. The variation arises due to the location of the bathroom two wall on the western elevation proposed to be setback one metre from the boundary. The variation has been assessed against the design principles of the R'Codes and is acceptable. The variation is minor and will not result in an adverse impacts of building bulk to the adjoining site. No overlooking or loss of privacy will be experienced given the wall does not contain major openings and abuts the ensuite of the adjoining property (see Figure 4). The proposed variation does not compromise the solar access of the site or the adjoining site. Overshadowing meets the acceptable development standards of the R'Codes and will largely impact the front setback area of the adjoining property. For these reasons the proposed setback variation meets the design principles and is recommended to be supported.

The proposed design has demonstrated compliance with the majority of the deemed to comply standards of the R'Codes. The design of the dwelling demonstrates a multidimensional front façade which is anticipated to positively contribute to the street scape.

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

The site is zoned Future Development under the Scheme. The proposal is classified as a grouped dwelling, which is a 'D' discretionary land use in the zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

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

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

***Corporate Business Plan 2018-2022***

Key Result Area 3: Managing Growth Sustainably

Community Outcome 3.1: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme No. 1

Service level strategy/plan: Provide planning services

#### **FINANCIAL IMPLICATIONS**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

##### **Environmental**

The development proposal will not have an impact to native vegetation given the site is cleared.

##### **Social**

The proposal meets the acceptable standards for residential development.

##### **Economic**

The development may be considered to create economic activity with construction works as a result of the proposal.

#### **VOTING REQUIREMENTS**

Simple majority

#### **RECOMMENDATION**

That Council grants development consent for a Grouped Dwelling at 31 (Lot 113) Stewart Street, Margaret River subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.  
  
Plans and Specifications P1 – P5 received at the Shire's offices on 13 December 2018.
2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
4. Clearing or pruning of roadside vegetation is prohibited without the prior written approval of the Shire.
5. The wall on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute, to the satisfaction of the Shire.

## **ADVICE NOTES**

- a) You are advised of the need to comply with the requirements of the following other legislation:
- (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
  - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
  - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Where a street tree requires removal and or pruning for this development, a separate application shall be made to the Shire, which will be determined in accordance with the Street Tree Removal Policy and Consultation Policy.

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

Nil

## **RECOMMENDATION / COUNCIL DECISION**

**CR EARL, CR GODDEN 2019/6**

**That Council grants development consent for a Grouped Dwelling at 31 (Lot 113) Stewart Street, Margaret River subject to the following conditions:**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.  
  
Plans and Specifications P1 – P5 received at the Shire's offices on 13 December 2018.
2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
4. Clearing or pruning of roadside vegetation is prohibited without the prior written approval of the Shire.
5. The wall on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute, to the satisfaction of the Shire.

**CARRIED 6/0**

*Cr Pauline McLeod returned to Chambers at 5.53*

## 11.2.2 SUBMISSION TO THE INQUIRY INTO SHORT STAY ACCOMMODATION

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<b>LOCATION/ADDRESS</b>	Shire Wide
<b>APPLICANT/LANDOWNER</b>	Economics And Industry Standing Committee
<b>FILE REFERENCE</b>	LND/114
<b>REPORT AUTHOR</b>	Nick LoganNick Logan, Acting Director Sustainable Development
<b>AUTHORISING OFFICER</b>	Dale Putland, Acting Chief Executive Officer

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### IN BRIEF

- The State Government has commenced an Inquiry into Short Stay Accommodation, focused on the use of dwellings for short stay purposes.
- The Shire regulates this form of accommodation through the planning process, with decisions guided by Local Planning Scheme No. 1 and Local Planning Policy 7 – Short Stay Accommodation, which has recently been reviewed.
- There are several further actions occurring as a result of the review of LPP7, including enhanced compliance, further research and the potential to include outcomes from these processes and the Inquiry into the review of the Scheme.
- The Inquiry is assisted by the discussion of some potential options set out in a draft 'Options Paper' produced by the Department of Planning Lands and Heritage.
- Consideration of issues known to the Shire, together with the Options Paper, identifies that there are several key matters that the State should consider when making findings through the Inquiry process.

### RECOMMENDATION

That Council makes the submission included as Attachment 2 to the Economics and Industry Standing Committee Inquiry into Short Stay Accommodation.

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### LOCATION PLAN

Nil

### TABLED ITEMS

Draft submission

### BACKGROUND

On 1 November 2018 the Economics and Industry Standing Committee (EISC) of the State Government commenced an 'Inquiry into Short-Stay Accommodation'. The Chair of the EISC, Ms J.J. Shaw MLA, subsequently invited the Shire to make submission to the Inquiry. The submission period closes on 25 January 2019.

The EISC has identified the inquiry will *'inquire and report on matters related to the regulation of short stay accommodation in Western Australia, with particular reference to:*

- *The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities;*
- *The changing market and social dynamics in the short-stay accommodation sector;*
- *Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms; and*
- *Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.'*

The EISC is undertaking formal consultation and intend to report the findings of the Inquiry to Parliament by 27 June 2019.

### **THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE INFORMAL OPTIONS PAPER**

In a presentation to the EISC, representatives of the Department of Planning Lands and Heritage (DPLH) have provided a draft (not endorsed by the WAPC) 'options paper' (August 2018), included as Attachment 1 and setting out:

- The policy challenge, noted as:
  - An inequality in regulation between tourism operators (traditional versus hosted or un-hosted accommodation in dwellings) and between different local government areas.
  - Inequality in the application of building standard requirements between traditional forms of tourism accommodation and the use of dwellings for short stay purposes.
  - Environmental and amenity impacts; typically the external effects of the short stay use of dwellings such as amenity and the use of infrastructure (parking, rubbish etc).
  - Enforcement burden and the ability for local government to regulate non-compliance.
- A description of approaches in other jurisdictions including that recently adopted following a similar inquiry in NSW where:
  - If the host is present on-site overnight 'short term holiday lets' will be allowed as exempted development (no approval required).
  - Where the host is not present short term lets will be allowed as exempt development with a limit of 180 days within greater Sydney and 365 days in all other areas of NSW. The ability for 'other areas of NSW' to further restrict the use from 365 days to not less than 180 is also provided.
- The description of a number of options for a state level response including:
  - No change from the current situation leaving control at the discretion of individual local authorities.
  - Regulatory guidance delineating between hosted and un-hosted situations, similar to the NSW approach but leaving implementation to local authorities.
  - A clear policy framework set by the State that directs amendments to local planning schemes with detail left to local authorities.
  - Recommended introduction of a local law.
  - Using restrictions available under the Strata Titles Act.
  - Self-regulated industry accreditation.
  - An enforceable standardised code of conduct administered at a state level.
  - Time limited self-regulation, whereby properties aren't advertised on a particular platform where a certain threshold of days rented has been reached.

## **PLANNING FRAMEWORK**

### **Incorporating Inquiry Outcomes Locally**

A number of approaches are available under the planning framework and will be considered through the Inquiry process. Relevant for the Shire is that the review of the Local Planning Scheme and Local Planning Strategy has commenced. An appropriate course of action for the local framework is to await the findings of the EISC, undertake the further compliance and research directed by previous Council decision and incorporate the findings into the Scheme review process.

### **Local Planning Policy 7**

The EISC Inquiry follows a process of the Shire reviewing Local Planning Policy 7 – Short Stay Accommodation, which was initiated by the Shire Council on 9 May 2018, and concluded with adoption of a revised LPP7 on 12 September 2018. The review of LPP7 made several modifications to previous policy, most notably:

- LPP7 previously only addressed the 'Holiday House' use, which is the un-hosted letting of a residential dwelling. The review incorporated other forms of tourist accommodation such as the hosted 'Guesthouse' and 'Bed and Breakfast' forms of accommodation.
- Imposing greater restrictions on un-hosted Holiday Houses in the residential areas of the Shire by increasing the minimum lots size from 1,000m<sup>2</sup> to 1ha (effectively ruling out *new* holiday houses in residential zones).
- Removing the criteria for 'proximity to areas of tourist attraction' as a qualification for the location of a Holiday House, further limiting the potential for Holiday Houses in the residential areas of the Shire.

- Providing Bed and Breakfasts, as limited hosted accommodation, as not subject to the same location restrictions as Holiday Houses.
- Addressing the impacts of subsidiary forms of accommodation (ancillary accommodation, single bedroom dwellings) by setting a presumption against their use for short stay accommodation.

As a consequence of endorsing a revised LPP7 the following further actions were also directed by Council:

- The allocation of \$15,000 for further compliance efforts against unauthorised accommodation providers. A temporary appointment has been identified for this position.
- An allocation of \$10,000 for the preparation of qualitative and quantitative data on the impacts of short stay accommodation. The Shire has been investigating collaboration with a University Research department in this regard.
- The provision of a report to investigate options for mechanisms to tighten controls over the holiday house use. A report has been independently prepared and a draft version provided to Council.

## CONSULTATION

Through the process of review of LPP7 consultation was held with key interest groups and 73 submissions received on the proposed modifications. It was evident that there were varying perspectives on the issue of short stay accommodation, including:

- Observation from existing tourism providers that occupancy rates were declining in traditional forms of accommodation due to growth in the number of holiday homes.
- A desire from existing tourism providers for a more restrictive approach to holiday house use, together with a call for a 'level playing field' in terms of regulatory requirements.
- The acceptance of a degree of regulation of the use from existing registered and unregistered accommodation providers.

Consultation occurred through the LPP7 review process using two methods. The first was a series of three public workshops which were held with groups holding differing perspectives on the topic of holiday homes, being concerned residents, current operators and the traditional tourism industry (MRBTA members). The workshops provided an opportunity for Shire staff to explain the proposed changes to the policy and for attendees to ask questions. A separate and fourth workshop was independently chaired and held amongst unauthorised holiday home operators. The second means of consultation was by way of a call for written 'submissions'.

With respect to the EISC Inquiry, individuals, groups and other organisations will now be able to make their independent submissions directly to the Inquiry.

In addition, discussions were held with officers of the City of Busselton regarding the EISC Inquiry and possible responses.

## DISCUSSION

The final form of a submission will be at the discretion of the Council however, some relevant observations in relation to the issues raised and methods discussed in the DPLH options report are described below.

### Options for Regulatory Control

The options for regulatory control have several different elements:

The need for a regulatory response	The substantial growth in the Shire in the use of hosted and un-hosted dwellings for short stay purposes follows a global trend partly facilitated by online booking platforms. It is clear that there is significant demand globally and locally for hosted and un-hosted short stay accommodation, generally accepted as a consequence of efficiency in the transaction and the alternative nature of the product. Responses have varied significantly from a highly permissive approach with no intervention to more restrictive approaches. The need for a response is partly relevant to the effects of the short stay use of homes in a given environment and the following:
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	<ul style="list-style-type: none"> <li>• The proliferation of the use has the potential to impact housing affordability, the availability of rental housing and the existing tourism sector.</li> <li>• Taking a protectionist approach by seeking to prohibit the use is unlikely to be either appropriate or successful however, intervention and control can establish the 'level playing field' sought by traditional tourism operators.</li> <li>• Limitations on the proliferation of the use is relevant to impacts on housing. It is likely that further analysis would show that the extent of short stay listings in the Shire would be, in specific locations, at levels that have been identified elsewhere as impacting rental availability/price and higher short term rental returns possibly capitalised into housing values. In that respect the correct level of control can be informed by the further analysis directed by Council. This will assist to determine a specific level of intervention and tailor any additional response appropriate to the extent of the issue in a particular context.</li> <li>• To achieve these outcomes the correct methods or tools for intervention need to remain available and supported by the State.</li> </ul>
The 180 day limit and the NSW approach	<p>The approach of limiting short stay accommodation using a limit on the time a particular dwelling can be rented is an approach taken in NSW and reflective of other jurisdictions overseas. This approach of a time limit seeks to address the issue of housing supply by making long term rental more profitable than short term rental, with the 180 day threshold equating roughly to weekends and public holidays.</p> <p>In NSW an essentially permissive approach is taken, with short stay use 'exempt development'. This is likely to make enforcement and compliance with the 180 day limit problematic. Where this approach has been used elsewhere it is typically supported by further regulation of online advertising that compliments (but doesn't ensure) compliance with the 180 day limit.</p> <p>In addition, the 180 day limit approach is unlikely to address the issue that it seeks to (the availability and price of rental accommodation) as the financial trigger point for the decision of long term versus short stay rental varies significantly from dwelling to dwelling and between individuals financial circumstances.</p> <p>The 180 day limit also fails to address externalities arising from the use, such as inadequate infrastructure (parking etc) or the management of guests. NSW seeks to address these externalities with a supplementary 'mandatory code of conduct'.</p>
Local Laws or Planning Control	<p>The DPLH options paper also notes the various approaches taken in WA, which include registration under a Local Law at the City of Fremantle, an initial planning approval followed by ongoing licensing at the City of Busselton and the Shire's approach of using time limited planning approvals as a type of licensing regime.</p> <p>These different approaches can be considered as listed above from more to less permissive. While a Local Law can be effective, the Shire's approach has been to prefer to use the planning system given the greater potential for enforcement and compliance available through the planning system. In addition, the planning process enables the use to be restricted in certain areas, whether guided by policy or provisions of the Scheme.</p>
The Strata Titles Act	<p>A further option set out by the DPLH is the use of 'restrictions of use' provisions in by-laws for strata title properties. This approach is unlikely to be effective as:</p> <ul style="list-style-type: none"> <li>• It only provides for regulation of properties coming under strata title, which are the significant minority.</li> <li>• Most strata titled properties exist making the application of restrictions only prospective.</li> <li>• The restrictions may conflict with other statutory methods used by a particular local authority.</li> </ul>
Flexibility	<p>The impacts of hosted and un-hosted use of dwellings as short stay accommodation will vary significantly in different areas throughout the state. In</p>

	addition, there are likely to be varying perspectives on the need for intervention and the scope of intervention. While State Government policy and response on the issue may well be appropriate, it would also be important to have flexibility in any approach taken to respond to different circumstances.
Bushfire Risk	The ability to determine that the short stay use of a dwelling may be unacceptable due to the significance of bushfire risk in a particular circumstance requires the ability to assess acceptability through an approval process. Currently Shire and State Policy state a general presumption against this type of use where risk is deemed too high.

### **Enforcement and Compliance**

A common issue that arises with the short stay use of dwellings, and particularly so with the use of online booking platforms, is the difficulty with undertaking enforcement and compliance. This arises from the problems associated with identifying, on a large scale, dwellings being advertised for short stay rental, proving actual transaction has occurred, and resourcing those investigations and subsequent compliance actions.

Any regulation needs to be enforceable to be meaningful, particularly in this case where there is a financial incentive to avoid compliance with the regulatory framework. The most effective way for this issue to be resolved would be for the State to prevent the advertising of illegal short stay rentals on digital booking platforms. This could potentially be achieved through State level intervention such as restrictions on advertising administered by the Department of Mines, Industry Regulations and Safety.

This is an issue that is unlikely to be resolved by individual local authorities. Conversely, the State has the potential to have far greater influence on the advertising practices of digital marketing platforms. Whether by agreement with the operators of these platforms or by regulation (such as the ordinances of San Francisco), ceasing or preventing the practice of advertising illegal land use would greatly assist in the field of enforcement and compliance.

### **A 'Level Playing Field'**

An issue consistently raised by traditional accommodation providers is the need for a 'level playing field'. This arises due to:

- Illegal operators avoiding approval requirements and associated fees, charges and tax.
- The change in use from a dwelling to short stay use of a dwelling not requiring building standards applicable to traditional commercial operators.

The Shire has sought to bring greater equity to the charges imposed on tourism operators through charging, since 2013, an additional rate above the standard residential charge to bring these fees into alignment with commercial charges. Those operating without approval are unlikely to be subject to this charge and may potentially avoid other taxes (including GST and Capital Gains) that could be payable.

Compliance with building standards is a matter for the State to resolve, with either the similar application of requirements of the National Construction Code to dwellings used for short stay accommodation, or alternatively a relaxation of the standards for traditional accommodation providers.

The more complicated issue is that of universal access, with a proportion of commercial accommodation units needing to provide for universal access features such as parking for wheelchair accessible vehicles and accessible buildings. There is no similar requirement for operators of individual properties to make a similar provision and this would require this to be addressed at the level of the collective body marketing a group of properties and requiring a certain proportion to comply with similar requirements. While this may be difficult to enforce, it is a matter to which the State could give further consideration.

### **Addressing Amenity**

An issue with the use of dwellings for short stay purposes is the potential external effects caused by noise, parking and the social impacts of short stay use in traditionally residential areas. In the Shire's experience these are best resolved through ensuring appropriate infrastructure is in place, ensuring appropriate management arrangements are upheld and being able to preserve residential amenity in particular areas. All of these actions require an approvals process. The alternative approach of a 'code of conduct' is likely to be difficult to enforce at a state level.

## Conclusion

The Inquiry of the EISC provides an opportunity to address broader issues associated with the short stay use of dwellings that are either outside the power or the scope of influence of individual local authorities. The DPLH options paper presents some starting points for discussion purposes. A review of these options and issues known to the Shire, including those highlighted through the recent review of LPP7 suggest that:

- The suggested option of limiting short stay use of dwellings to 180 days in broad areas of the State is unlikely to represent an appropriate response to the actual issues of a particular location.
- Approval requirements are necessary to ensure compliance with other legislation and address issue of residential dwelling supply, bushfire risk, residential amenity and consistent charging of fees, charges, rates and taxes across the tourism sector.
- Using a strata title mechanism is unlikely to address the issues associated with the short stay use of dwellings.
- A number of issues can only be addressed effectively at a State level and the review should specifically consider:
  - A State enforceable restriction on advertising short stay dwellings on digital marketing platforms without relevant approvals.
  - Equity in the application of the requirements of the National Construction Code.
- It would be beneficial to have state level guidance on how to address the issue, however there should be flexibility to tailor this approach to local circumstances as the effects of short stay use vary significantly between different jurisdictions.

This issue is highly relevant to the Shire and the submission of Council would be appropriate to highlight issues that can be resolved at a State level and to inform the EISC Inquiry process.

## STRATEGIC PLAN / POLICY IMPLICATIONS

**Community Strategic Plan 2036 (CSP)**

**Corporate Business Plan 2018-2022**

Goal 3: Managing Growth Sustainably

Community Outcome: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme No. 1 (LPS1)

Service Level Strategy/Plan: Provide Planning Services

## FINANCIAL IMPLICATIONS

The ability to ensure all approved dwellings are captured would provide for equity in charging rates that are applied to these uses.

## SUSTAINABILITY IMPLICATIONS

### Environmental

Holiday houses can generate the need for land clearing to be undertaken around existing dwellings to reduce the fire risk to an acceptable level. Holiday houses may also generate negative external effects.

### Social

If not managed properly, holiday homes can have a negative impact on surrounding residents. Conversely the use of otherwise unoccupied dwellings can contribute to a sense of community and vitality.

### Economic

There are both costs and potential benefits of the short stay use of dwellings. There also needs to be appropriate mechanisms in place to ensure that costs are fair between different providers.

The short stay use of dwellings has the potential to affect residential dwellings supply and costs and may be more or less significant in particular locations.

## VOTING REQUIREMENTS

Simple Majority

**RECOMMENDATION**

That Council makes the submission included as Attachment 2 to the Economics and Industry Standing Committee Inquiry into Short Stay Accommodation.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. DPLH Options Paper for regulating sharing economy short term accommodation in WA.
2. Draft submission

**RECOMMENDATION / COUNCIL DECISION**

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**CR MELDRUM, CR LANE 2019/7**

**That Council makes the submission as tabled at the meeting to the Economics and Industry Standing Committee Inquiry into Short Stay Accommodation.**

**CARRIED 7/0**

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## 11.3. Infrastructure Services

### 11.3.1 ADVERTISING OF DRAFT LOWER MARGARET RIVER FORESHORE RESERVE ACTION PLAN

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<b>LOCATION/ADDRESS</b>	Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	COR/123
<b>REPORT AUTHOR</b>	Merryn Delaney, Coordinator Environment and Landcare Services
<b>AUTHORISING OFFICER</b>	David Nicholson, A/Director Infrastructure Services

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#### IN BRIEF

- In 2017, Council commissioned the preparation of the Lower Margaret River Foreshore Action Plan to provide a detailed description of the current condition of the foreshore reserves and recommendations on the management required to ensure the values, attributes and functions of the Margaret River reserves are protected and conserved.
- Significant community consultation has been undertaken throughout the development of the plan, including individual and group sessions during the plan preparation and a further community meeting to present draft findings prior to a draft plan being prepared and released for comment.
- The revised plan is now presented to Council for approval to be released for public comment for a period of 21 days prior to formal adoption by Council.
- The plan includes a series of prioritised recommendations to protect and enhance the ecological, social and cultural values of the river including strategic actions, and on-ground actions such as weed and erosion control, revegetation and management of recreation access and sites.
- The draft Plan includes a recommendation regarding acknowledgement of high 'wildness value' areas. It is recommended that this be further considered following advertising.
- The plan includes a recommendation to remove private water harvesting infrastructure from foreshore reserves. It is recommended that this be advertised as a separate item to allow directly affected property owners an opportunity to provide comment.

#### RECOMMENDATION

That Council:

1. Endorses the advertising of the Lower Margaret River Foreshore Action Plan for a period of 28 Days.
  2. Provides separate notice to affected property owners of the recommendation to remove infrastructure for water harvesting from the foreshore reserves.
  3. Receives a report outlining the results of the community consultation on items 1 and 2.
  4. Receives a further report regarding the proposed wildness zones
-

## LOCATION PLAN



## TABLED ITEMS

### BACKGROUND

The lower Margaret River foreshore reserves are recognised for their very high ecological, social and cultural values. In 2017, the Shire commissioned the development of the Lower Margaret River Foreshore Action Plan (Plan). Nature Conservation Margaret River Region (NCMRR) was appointed to prepare the plan on behalf of the Shire following a competitive Request for Quotation process.

The Plan provides a detailed description of the current condition of the foreshore reserves and recommendations on the management required to ensure the values, attributes and functions of the Margaret River reserves are protected and conserved.

The plan considers how to manage recreational pressure as population increases, whilst protecting the important environmental and cultural values of the area.

### CONSULTATION AND ADVICE

#### External Consultation

Community consultation was a key requirement during preparation of the plan. This included 11 key stakeholder meetings and five open community meetings at various sites along the river. A draft plan was then prepared on the basis of the field investigations and community consultation sessions.

NCMRR presented a draft plan to the community on 26 June 2018. The draft plan was made available for comment on the NCMRR website for a period of 21 days and a media article further encouraged comment. Additionally stakeholders and landholders along the river were emailed and encouraged to comment. NCMRR provided a copy of the draft report to the South West Aboriginal Land and Sea Council. Two community submissions were received by NCMRR. The submissions essentially referred to two discreet issues: landholder access to river water and the reserve for pumps, piping and infrastructure; and cycle access between town and coast along the river and to key cycling nodes. NCMRR met with Shire staff to discuss the submissions and subsequently prepared a revised draft, which was presented to the South West Boojarah Working Party on 24 October 2018. No feedback has been received from SWALSC or the SWB Working Party.

The draft plan is now ready for release for broad community consultation.

#### Internal Consultation



An internal Reference Group was established at the commencement of the project comprising staff from Environment and Landcare Services, Asset Services, Planning and Development Services, Community Emergency Services and Works. The group met several times with the consultants during the development of the plan to discuss key issues and assist with the information required by the consultants.

## DISCUSSION / OFFICER COMMENTS

The draft plan provides a comprehensive analysis of the condition and threats to the river and a suite of prioritised management recommendations to protect and enhance the ecological, social and cultural values of the river including strategic actions; and on ground actions such weed and erosion control, revegetation and management of recreation access and sites.

Significant community consultation was undertaken during development of the plan and the plan is considered to reflect community values and the intent of the contract. The Plan will provide significant guidance and direction for the Shire to better manage the River and associated foreshore areas. The plan has broken the study area into four areas and undertook both foreshore and upland condition assessment, detailed weed mapping and developed and prioritised recommendations for implementation across all areas, and within each of the four zones. The plan considers recreational access including walk and cycle trails and recreational sites. The Plan recommends greater community consultation and collaboration, particular with Indigenous custodians. It also details intensive revegetation in 16 priority areas, priority weed control including high priority early intervention targets along with strategic and ongoing containment control.

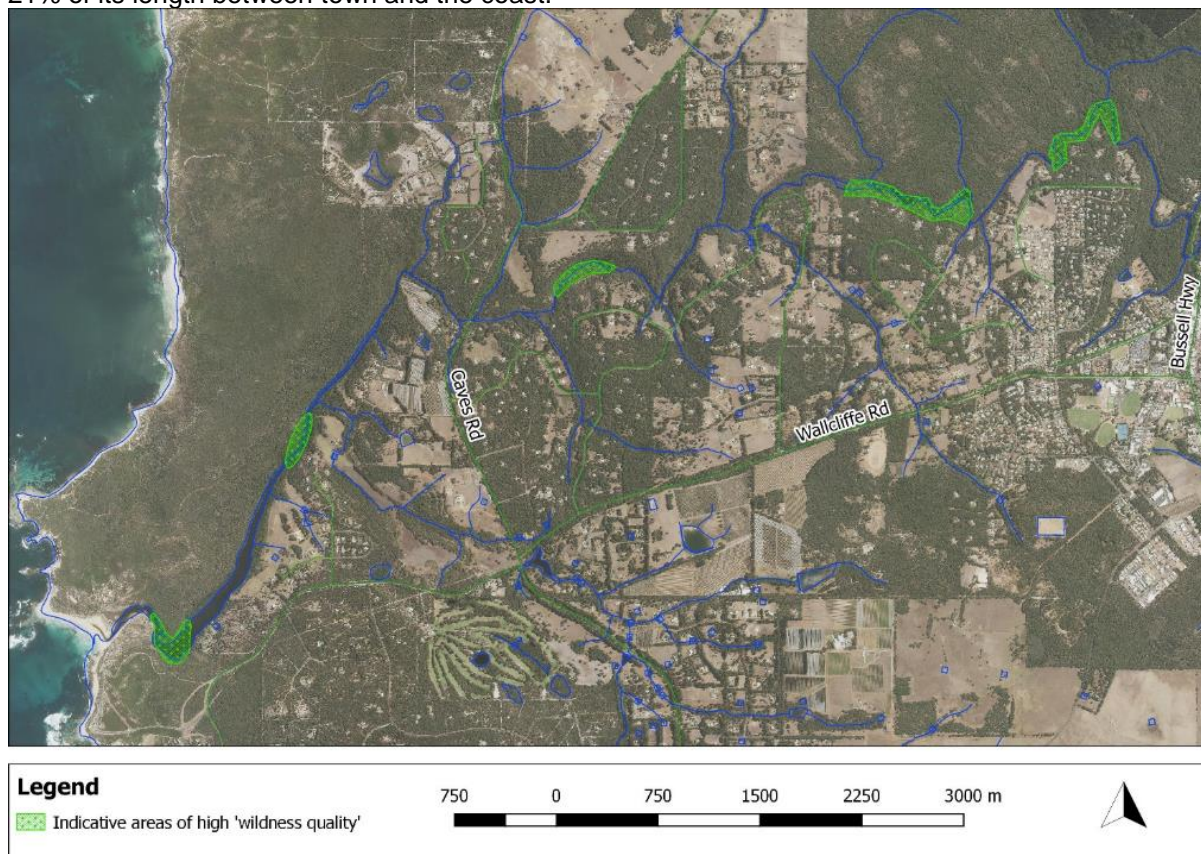
Two items however warrant specific consideration when considering endorsement of the plan for community consultation.

### Wildness Zones

A key recommendation is the identification of 'wildness' zones along the river in response to values identified during the field assessments and community consultation. The Plan states these are:

*areas that, for lack of a better descriptor, retain a 'wildness quality'. These areas remain in excellent natural condition, are relatively free of infrastructure and retain a feeling of remoteness due to the perceived distance from human elements such as houses, roads, developed access, noise and other infrastructure.*

Five 'wildness quality' areas were identified, together making up approximately 3 km of the river, about 21% of its length between town and the coast.





*Figure 1: Indicative areas identified as having high 'wildness quality'*

The draft Plan makes the following recommendations for those areas with high 'wildness quality':

- The human footprint in areas with high 'wildness quality' to be restricted. This includes constructed walking/cycling/vehicle tracks, signs or other infrastructure.
- Rehabilitation to be undertaken where appropriate to protect and restore areas with high 'wildness quality'.
- Wherever possible, ground-disturbing activities required for fire management should not be conducted within areas of high 'wildness quality'. This includes construction and maintenance of access tracks, firebreaks, fuel-reduced buffers and water points.
- Activities, including services and infrastructure, adjacent to areas of high 'wildness quality' that may impact on landscape values and/or otherwise degrade the quality of such areas should be avoided where possible. Such activities should not be permitted within areas of high 'wildness quality'.
- Management activities considered beneficial to the protection of areas of high 'wildness quality' should be carried out on adjoining lands where possible.

The recognition of Wildness areas while noted in the draft Plan requires further consideration prior to endorsement. Previously, when considering the Winter Diversion Trail Working Group Report at the Special Council Meeting on 5 June 2018, Council resolved in relation to Wildness Zones to:

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**RECOMMENDATION / COUNCIL DECISION**

**CR MELDRUM, CR LANE SM2018/2**

***That Council:***

1. ***Receives the report "A Way Forward prepared by the Working Group to formed to identify conservation, Aboriginal cultural heritage and other measures necessary to guide the successful and culturally safe implementation of the Winter Diversion Track along the river;***
2. ***Sincerely thanks the Working Group Chair, Mr Stuart Hicks OA, and all of the Working Group members for their dedication and valuable input into the report***
3. ***Adopts recommendations 1-15 of the report for immediate implementation and inclusion into strategic documents;***
4. ***In relation to Recommendation 16, resolves to consider funding in the 2018-19 budget to protect and enhance the Margaret River and to include an annual amount in the 10 Year Financial Plan for ongoing programs, but notes that any funding arrangements for the delivery of programs would need to comply with the Shire Procurement Processes which may require a tender or competitive quotations to be called;***
5. ***In relation to Recommendation 17, notes that it has already resolved (OM2018/73) for no further developments to occur along the River Foreshore from Rotary Park to the Rivermouth until the Nature Conservation Margaret River Margaret River Foreshore Reserve Action Plan report is received in full and endorsed by Council, but resolves to remove the reference to a the trail from the Corporate Plan until the Margaret River Protection Strategy has been developed and adopted for the whole Margaret River.***
6. ***In relation to recommendation 18, receives a further report on any financial, legal, land tenure, community and stakeholder consultation requirements before proclaiming the proposed five Wild-ness Zones along the Lower Margaret River.***

**CARRIED 7/0**

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***And***

**SUPPLEMENTARY MOTION 4 / COUNCIL DECISION**

**CR GODDEN, CR MCLEOD SM2018/6**

10. ***Council reinforces the desire of the working party to fully investigate the opportunity for Wild-ness Zones and bring them to fulfilment.***

**CARRIED 7/0**

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Public advertising of the Plan is considered essential to progress initial consideration of Wildness Zones as required by the above Council resolutions. The future Council report would consider any financial, legal and access implications of the designation of any areas as Wildness Zones.

Private water harvesting infrastructure

A key recommendation within the Plan is the removal of private water harvesting infrastructure, such as pumps and pipes, from the Shire Reserves. 38 structures exist within the study area that allow

people to remove water from the river and tributaries comprised of 29 structures on the main channel of the Margaret River and further 10 located on the Yalgardup Brook tributary. This includes twenty-four pumps and pipes located within the foreshore reserves plus an additional fourteen pipes, which presumably have pumps located within private land.

The Department of Water and Environmental Regulation have advised that there is a single surface water licence for commercial use in place in the study area. This licence facilitates the watering of a commercial vineyard.

It is commonly believed that landholders adjoining a watercourse may extract water for stock and domestic purposes. Landholders adjoining the river but separated from the high water mark by a foreshore reserve do not have Riparian Rights to extract water for stock and domestic use under Section 9 of the Rights in Water and Irrigation Act (RiWI Act). These landholders might have “other rights” under s10 of the Act:

*(1) Any person may take water for domestic and ordinary use, and for watering cattle or other stock, other than those being raised under intensive conditions as defined in section 21(4), from any watercourse or wetland vested in the Crown and to which there is access by a public road or reserve at the point at which the water is taken.*

However such rights under the Act are subject to s11 which states:

*(1) Section 10 does not authorise a person for the purpose of taking water under that section*

*— (a) to do anything, or install any works or object, that causes obstruction of or interference to a watercourse or wetland or its bed or banks, unless the person holds a permit granted by the Commission authorising the person to do so; or*

*(b) to do anything, or install any works or object, that causes obstruction or disturbance of or interference with a road or reserve, unless the person is authorised to do so by the body in which the control and management of the road or reserve is vested.*

On this basis, landholders’ “other rights” are essentially extinguished unless the Shire specifically authorises the placement of private infrastructure within the foreshore reserve.

The Shire’s Property Local Law prohibits the installation of such infrastructure without a permit. The Shire does not have any records authorising the infrastructure for any of the domestic users or the sole commercial user.

The Shire Reference Group met to discuss the issues relating to water harvesting infrastructure. The Reference Group endorsed the recommendation in the draft Plan to remove the infrastructure from the reserve on the basis of concerns relating to:

- Health, safety, fire and liability concerns (of unregulated fuel, electricity outlets and pump placement within publicly managed and accessed land);
- Ecological impacts of summer pumping on small refuge pools (especially considering the Margaret River no longer flows in summer through this reach);
- Amenity, aesthetic and noise pollution impacts of old pumps and pump houses some of which are within or adjoining ‘Wildness’ zones.

Options for management of pumps and pipes could include:

a) restrict/prohibit their use; or

b) formalise their use, which could involve licencing of equipment and/or staged relocation of equipment to within private property boundaries.

Consideration needs to be given to determining if the use will have a detrimental effect on the river, along with fire and safety considerations including use of petrol or poorly maintained electrical pumps, liabilities and insurances.

The Reference Group acknowledges that some landholders may have a long history of pumping from the river and might have invested significantly in infrastructure to facilitate water abstraction and that the removal of this infrastructure will have adverse effects.

In order to be open and transparent about this matter, and to allow the community an opportunity to adequately consider and comment, it is recommended that separate notice be made, including writing to all landholders potentially affected, to invite the community to comment on this matter.

Following the public advertising period, a report will be presented to Council recommending a proposed management action(s).

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

The Shire of Augusta Margaret River *Local Government Property Local Law* (2013) states:

3.13 (1) *A person shall not without a permit—*

*(n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;*

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

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

***Corporate Business Plan 2018-2022***

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

Community Outcome 2: Healthy waterways and their foreshores

Strategy1: Develop partnerships to maintain, improve and measure the quality and ecological values of waterways, rivers and wetlands and ensure environmental flows through urban and rural catchments

Action 1.2.1.3: Finalise and commence implementation of the Margaret River Foreshore Action Plan.

## **PLANNING FRAMEWORK**

The *Shire of Augusta Margaret River Local Planning Scheme No. 1* states

3.4.1 A person must not

(b) Commence or carry out development on a Local Reserve, without having first obtained Planning Approval under Part 10 of the Scheme.

## **FINANCIAL IMPLICATIONS**

This report is seeking approval to release the draft plan for public comment. There will be financial implications associated with the implementation of the plan following its adoption, which will be identified in the report to Council following community consultation.

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

The Margaret River is an important environmental asset. The Plan will guide future actions to protect the health of the Margaret River. The plan will help to prioritise works and provide resources to where they are most required.

### **Social**

The River is socially and culturally important place to the Margaret River community. Currently the River provides opportunity for low-key recreational activities such as walking, cycling, swimming and kayaking and the Plan will provide for these activities to continue in a sustainable manner.

### **Economic**

The town takes its name from the River and the health of the river and the natural environment is acknowledged as key elements of the Shire's economic well-being.

## **VOTING REQUIREMENTS**

SIMPLE MAJORITY

## **RECOMMENDATION**

That Council:

1. Endorses the advertising of the Lower Margaret River Foreshore Action Plan for a period of 28 Days.
2. Provides separate notice to affected property owners of the recommendation to remove infrastructure for water harvesting from the foreshore reserves.
3. Receives a report outlining the results of the community consultation on items 1 and 2.
4. Receives a further report regarding the proposed wildness zones

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

1. Draft Lower Margaret River Foreshore Action Plan

**RECOMMENDATION / COUNCIL DECISION**

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**CR TOWNSHEND, CR GODDEN OM2019/8**

**That Council:**

- 1. Endorses the advertising of the Lower Margaret River Foreshore Action Plan for a period of 28 Days.**
- 2. Provides separate notice to affected property owners of the recommendation to remove infrastructure for water harvesting from the foreshore reserves.**
- 3. Receives a report outlining the results of the community consultation on items 1 and 2.**
- 4. Receives a further report regarding the proposed wildness zones**

**CARRIED 7/0**

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### 11.3.2 MARGARET RIVER PRECINCT MASTERPLAN

<b>LOCATION/ADDRESS</b>	Margaret River & environs
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	ENV/138
<b>REPORT AUTHOR</b>	David Nicholson, Acting Director Infrastructure Services
<b>AUTHORISING OFFICER</b>	Dale Putland, Acting Chief Executive Officer

#### IN BRIEF

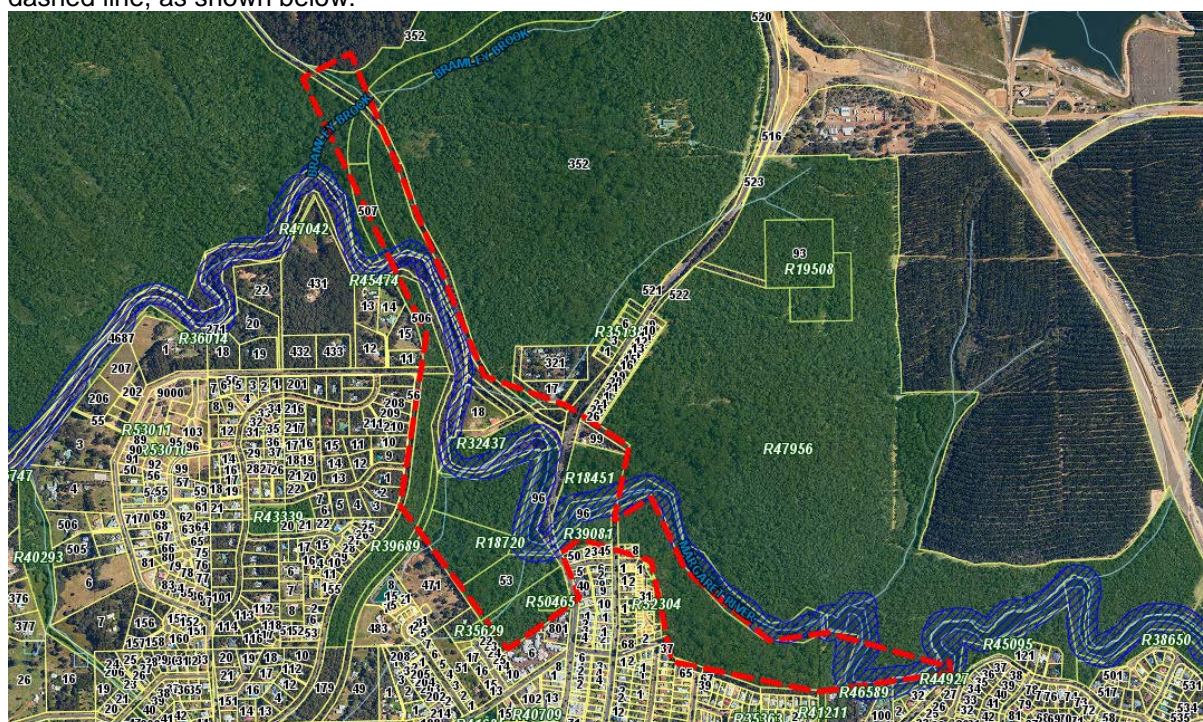
- A priority project in the 2018-19 Operational Plan is the preparation of a Masterplan for the Margaret River Precinct.
- The Masterplan is required to include Rotary Park, bridge, the weirs and traffic management strategies for Carters Road and the wider precinct.
- The project has synergies with the Walk and Off-road Cycle Trails Strategy, for which a Community Reference Group (CRG) is established.
- Rather than establish a separate CRG, amend the terms of reference of the existing CRG to include preparation of the precinct masterplan.
- Revised Terms of Reference and membership of the expanded CRG are recommended.
- The Project Plan for the Walk and Off-road Cycle Trails Strategy can be amended in consultation with the new CRG, to refine the scope, process and community engagement strategy for the project.

#### RECOMMENDATION

That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1.

#### LOCATION PLAN

The proposed Margaret River Precinct Masterplan study area is within the area bounded by the red dashed line, as shown below:



## **TABLED ITEMS**

Nil

## **BACKGROUND**

The 2018-19 Operational Plan includes the following two actions:

- 3.6.1.3 Finalise the Walking and Off Road Cycling Strategy for Margaret River and commence implementation; and
- 3.6.2.2 (Priority Project) Develop a Margaret River Precinct Masterplan, to include Rotary Park, bridge, the weirs and traffic management strategies for Carters Road and the wider precinct.

Preparation of the Walk and Off Road Cycle Trails Strategy commenced in February 2018, after Council approved the Community Reference Group's terms of reference and membership on 13 December 2017. The CRG met on three occasions during 2018 and key issues raised during the second meeting were the inter-relationship of the project with the proposed Margaret River Precinct Masterplan, which many CRG members stated should proceed first, and the need for a masterplan for the Old Settlement.

## **CONSULTATION AND ADVICE**

### **External Consultation**

To be conducted during the project.

### **Internal Consultation**

Executive Leadership Team

## **DISCUSSION / OFFICER COMMENTS**

A Council Concept Forum was conducted on 28 November 2018 to discuss how the two projects could proceed, terms of reference, membership of Community Reference Groups and possible community engagement strategies.

The key objectives of the Precinct masterplan were agreed:

- Prepare a long term management plan with focus on safety, amenity & environmental values;
- Create an attractive natural gateway entry to town;
- Improve safety for all road users, particularly pedestrians and cyclists;
- Increase the supply of parking in appropriate locations;
- Provide heritage interpretation (indigenous & European);
- Improve wayfinding signage; and
- Integrate with other strategies.

. Review of a number of existing plans and strategies will be required as part of the project, including:

- Margaret River Foreshore Precinct Plan (2014)
- Townsite Pathways Plan (2016)
- Leeuwin Naturaliste 2050 Cycling Strategy (2018)
- Margaret River Protection Strategy (in preparation)
- Lower Margaret River Foreshore Action Plan (in preparation)
- Walk & Off Road Cycle Trails Strategy (in preparation)
- Rotary Park renewal plan (2017)
- Nature Play plan (2016)
- Main street upgrade (tender process underway)
- Cape Region Parks and Reserves Management Plan (DBCA)

Options explored for the conduct of the project were to either (i) progress the two projects separately, establishing a new CRG for the Margaret River Precinct Masterplan, or (ii) expand the scope of the exiting CRG to include the Precinct Masterplan. Option (ii) was favoured due to the inter-relationship between the two projects and because there would be a number of the same stakeholders represented on both groups. The Walk and Off Road Cycle Trails Strategy Community Reference Group met on 19 December 2018 and supported this option.

The existing CRG comprises:

- Two (2) elected members;
- Eight (8) primary stakeholder groups (Shire, DBCA, Friends of Reserves, Margaret River Busselton Tourism Association, Margaret River Regional Environment Centre, Margaret River Off Road Cycling Association, Nature Conservation Margaret River Region and a locally based walking group), and
- Three (3) individuals who are not related to or affiliated with any of the above stakeholder groups, generated from a call for expressions of interest process. Two of these positions are filled.

Following discussions with Council and with the existing CRG, Officers recommend that CRG membership expand to include the following additional representatives:

- Rotary Club of Margaret River;
- Youth Advisory Council - Shire Community Development Trainee to be invited to participate and to take minutes;
- 1 or 2 additional community representatives – to be appointed through an expression of interest process;
- Friends of the Margaret River; and
- Transition Margaret River.

Revised Terms for Reference for the proposed expanded Community Reference Group are attached (Attachment 1) and the Project Plan for the Walk and Off Road Cycle Trails Strategy (Attachment 2). The first task of the expanded CRG would be to update the Project Plan to encompass the broader terms of reference.

It is envisaged that both projects would be completed in 2019-20.

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Not applicable

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

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

### ***Corporate Business Plan 2018-2022***

Key Result Area 3: Ensuring sustainable development

Community Outcome 6: Connected and safe transport network

Strategic Response: 3.6.1: Develop and maintain a high quality road, cycleway and footpath network throughout the shire in partnership with all levels of government

Service level strategy/plan: Action 3.6.1.3 Finalise the Walking and Off Road Cycling Strategy for Margaret River and commence implementation

Strategic Response 3.6.2: Manage traffic flows, parking and pedestrian safety in town and village centre

Service level strategy/plan: Action 3.6.2.2 (Priority Project) ) Develop a Margaret River Precinct Masterplan, to include Rotary Park, bridge, the weirs and traffic management strategies for Carters Road and the wider precinct

## **PLANNING FRAMEWORK**

Not applicable

## **FINANCIAL IMPLICATIONS**

The Asset Services budget has two budget that can be utilised to fund these projects:

- Annual allocation for trails planning (TYA34 - \$60,000); and
- Specific allocation for Margaret River Precinct Masterplan (TYA51 - \$20,000).

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

The Precinct Masterplan will identify actions to improve environmental management of the Margaret River and environs.

A well-planned trails network, once implemented, provides the opportunity to showcase environmental and heritage assets and may encourage users to become custodians of these assets.



**Social**

Trails may provide health and fitness benefits resulting from aerobic activity associated with their use. Improved recreational nodes, signage and heritage interpretation.

**Economic**

Improvements to and better management of the project area and environs will enhance resident and visitor experiences, which can contribute to the local economy.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1.

**ADVICE TO APPLICANT / PROPONENT**

Not applicable

**ATTACHMENTS**

1. Terms of Reference for Community Reference Group
2. Project Plan for Walk and Off Road Cycle Trails Strategy

**RECOMMENDATION / COUNCIL DECISION**

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**CR CR**

**That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1**

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*Cr Godden moved the following amendment:*

**AMENDMENT / COUNCIL DECISION**

---

**CR Godden, CR McLeod**

That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1, subject to the following changes to the objectives of the Margaret River Masterplan:

- Review scope and process for conduct of the project.
- Review previous plans and strategies for the precinct.
- Prepare a long-term management plan for the precinct with a focus on safety, amenity and environmental and cultural values.
- Create an attractive natural gateway to the Margaret River town centre
- Improve safety for all road users, particularly pedestrians and cyclists, including (but not limited to) the Bussell Highway/Carters Road intersection.
- If feasible, identify low impact locations where the supply of car parking could be increased (with little or no clearing of endemic vegetation).
- Include heritage interpretation opportunities, both Indigenous and non-Indigenous.
- Improve wayfinding signage for pedestrians and cyclists.
- Inform management of the Old Settlement site.
- Integrate the masterplan with adopted plans and strategies in the precinct, including the main street upgrade.

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**CARRIED 5/2**

**CRs Earl and Smart voted against**

*Cr McLeod moved the following amendment*



## **AMENDMENT / COUNCIL DECISION**

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### **CR McLeod, CR Lane**

That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1, subject to the following vision statement to be placed prior to the Objectives of the Master Plan in the document:

Vision:

Create a natural, cultural welcome statement to the Margaret River town centre and a long-term management plan for the river precinct that reflects the aspirations of the community, celebrates the river precinct's unique environmental, Indigenous and non-Indigenous heritage and strengthens the connectedness between Margaret River's town centre and the river precinct environs, with a focus on safety, amenity and the environment.

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**CARRIED 7/0**

*This then became the primary motion*

## **PRIMARY MOTION / COUNCIL DECISION**

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### **CR GODDEN, CR MCLEOD 2019/9**

That Council approve the expanded Terms of Reference of the Community Reference Group, as set out in Attachment 1, subject to the following vision statement to be placed prior to the Objectives of the Master Plan in the document, and then to the following changes to the objectives of the Margaret River Masterplan:

Vision:

Create a natural, cultural welcome statement to the Margaret River town centre and a long-term management plan for the river precinct that reflects the aspirations of the community, celebrates the river precinct's unique environmental, indigenous and non-indigenous heritage and strengthens the connectedness between Margaret River's town centre and the river precinct environs, with a focus on safety, amenity and the environment.

- Review scope and process for conduct of the project.
- Review previous plans and strategies for the precinct.
- Prepare a long-term management plan for the precinct with a focus on safety, amenity and environmental and cultural values.
- Create an attractive natural gateway to the Margaret River town centre
- Improve safety for all road users, particularly pedestrians and cyclists, including (but not limited to) the Bussell Highway/Carters Road intersection.
- If feasible, identify low impact locations where the supply of car parking could be increased (with little or no clearing of endemic vegetation).
- Include heritage interpretation opportunities, both Indigenous and non-Indigenous.
- Improve wayfinding signage for pedestrians and cyclists.
- Inform management of the Old Settlement site.
- Integrate the masterplan with adopted plans and strategies in the precinct, including the main street upgrade.

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**CARRIED 7/0**

## 11.4. Corporate and Community Services

#### 11.4.1 LIST OF PAYMENTS FOR NOVEMBER 2018

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	FIN/42
<b>REPORT AUTHOR</b>	Anja Gerganoff, Finance Officer
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director Corporate and Community Services

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#### **IN BRIEF**

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

#### **RECOMMENDATION**

That Council notes the November 2018 List of Payments for \$4,532,504.68 as certified correct by the Acting Chief Executive Officer.

#### **LOCATION PLAN**

N/A

#### **TABLED ITEMS**

N/A

#### **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 2017-18 and 2018-19 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 NOVEMBER 2018**

<b>MODE OF PAYMENT</b>	<b>CHEQUE / EFT NUMBERS</b>	<b>SUB-TOTAL</b>	<b>AMOUNT</b>
Cheques (includes reimbursement of credit cards)	42358-42376	\$ 18,922.59	\$ 18,922.59
EFT	67702-68165	\$3,520,834.01	
Direct Debits		\$ 992,748.08	\$4,513,582.09
<b>TOTAL</b>			<b>\$4,532,504.68</b>

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

<b>MONTH</b>	<b>CHEQUES</b>	<b>EFT/DD</b>	<b>TOTAL PMTS</b>	<b>CUMULATIVE</b>	<b>CHEQUES</b>	<b>EFT/DD</b>	<b>TOTAL PMTS</b>	<b>CUMULATIVE</b>
	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>PAYMENTS</b>	<b>2018-19</b>	<b>2018-19</b>	<b>2018-19</b>	<b>PAYMENTS</b>
<b>JULY</b>	11,911.90	4,058,767.09	<b>4,070,678.99</b>	<b>3,693,703.78</b>	26,103.88	5,421,569.55	<b>5,447,673.43</b>	<b>5,447,673.43</b>
<b>AUGUST</b>	12,189.23	3,345,515.25	<b>3,357,704.48</b>	<b>7,417,044.16</b>	24,324.24	3,479,792.07	<b>3,504,116.31</b>	<b>8,951,789.74</b>
<b>SEPTEMBER</b>	22,462.49	9,460,770.44	<b>9,483,232.93</b>	<b>15,746,398.37</b>	12,292.40	3,829,327.80	<b>3,841,620.20</b>	<b>12,793,409.94</b>
<b>OCTOBER</b>	14,248.57	6,213,632.69	<b>6,227,881.26</b>	<b>20,776,246.78</b>	16,100.80	12,583,756.59	<b>12,599,857.39</b>	<b>25,393,267.33</b>
<b>NOVEMBER</b>	16,796.25	3,002,051.85	<b>3,018,848.10</b>	<b>23,314,937.30</b>	18,922.59	4,513,582.09	<b>4,532,504.68</b>	<b>29,925,772.01</b>
<b>DECEMBER</b>	16,784.55	3,486,311.03	<b>3,503,095.58</b>	<b>26,037,639.47</b>				
<b>FEBRUARY</b>	23,253.79	3,016,860.48	<b>3,040,114.27</b>	<b>28,570,044.69</b>				
<b>FEBRUARY</b>	8,323.20	3,158,631.14	<b>3,166,954.34</b>	<b>31,081,914.60</b>				
<b>MARCH</b>	13,755.44	3,754,347.57	<b>3,768,103.01</b>	<b>33,900,567.24</b>				
<b>APRIL</b>	21,948.61	3,759,184.07	<b>3,781,132.68</b>	<b>38,890,752.20</b>				
<b>MAY</b>	12,777.70	4,065,100.21	<b>4,077,877.91</b>	<b>41,953,695.96</b>				
<b>JULY</b>	63,421.26	7,100,844.90	<b>7,164,266.16</b>	<b>46,063,662.23</b>				
	237,872.99	54,422,016.72	<b>54,659,889.71</b>	<b>54,659,889.71</b>				

**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 2017-2021***

Goal 5: Effective leadership and governance

Community Outcome 2: Effective and integrated strategy, planning,  
financial and asset management

Strategic Response: Ensure the Shire's financial performance is well managed and leads to a strong  
financial position

Service level strategy/plan: Continue to monitor and analyse monthly, year to date and annual financial  
performance.

**PLANNING FRAMEWORK**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

N/A

**Social**

N/A

**Economic**

N/A

**VOTING REQUIREMENTS**

SIMPLE MAJORITY

**RECOMMENDATION**

That Council notes the November 2018 List of Payments for \$4,532,504.68 as certified correct by the  
Acting Chief Executive Officer.

**ADVICE TO APPLICANT / PROPONENT**

N/A

**ATTACHMENTS**

1. List of Payments for November 2018

**RECOMMENDATION / COUNCIL DECISION**

**CR MELDRUM, CR EARL 2019/10**

**That Council notes the November 2018 List of Payments for \$4,532,504.68 as certified correct  
by the Acting Chief Executive Officer.**

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**CARRIED 7/0**

#### 11.4.2 FINANCIAL ACTIVITY STATEMENT REPORT - NOVEMBER 2018

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LOCATION/ADDRESS	N/A
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	FIN/14
REPORT AUTHOR	Andrew Ross, Acting Director Corporate and Community Services
AUTHORISING OFFICER	Dale Putland, Acting Chief Executive Officer

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#### IN BRIEF

- The monthly financial activity statement report is a standard financial reporting item prepared in accordance with the provisions of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.
- Council is to consider the financial results for the period ending 30 November 2018.

#### RECOMMENDATION

That Council receives the Monthly Financial Report – November 2018 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

In accordance with Financial Management Regulation 34 the Shire is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under Financial Management Regulation 22(1), 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 25 July 2018 (**OM2018/186**) 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 30 November of \$17.574 million (\$2.860 million lower than last month's result of \$20.434 million). This result was higher than the expected year to date budgeted position of \$16.041 million. The following details the main reasons for this favourable variation to Budget.

Operating revenue is \$0.504 million or 1.8% above budget (last month \$0.428 million or 1.5% above budget). The main contributors to this favourable result are higher than budget operating grants of \$0.284 million (last month \$0.253 million) primarily due to the receipt of the Mitigation Activity Funding grant of \$0.162 million, fees and charges of \$0.159 million (last month \$0.172 million) with the main over budget variation being in the Waste Services area and interest received on investments of \$0.073 million (last month \$0.063 million). Income from rates is currently under budget by \$0.092 million (last month \$0.127 million) due to lower than expected interim and back rates.

Operating expenditure on a year to date basis is \$0.998 million or 6.1% below budget (last month \$0.952 million or 7% below budget). The main contributing factors are employee expenses being \$0.095 million or 1.5% under budget (last month \$0.101 million or 2% under budget), materials and contracts are \$0.688 million or 15.1% below budget (last month \$0.553 million or 14.3% below budget) and other expenses are \$0.191 million or 36.6% under budget (last month \$0.257 million or 59% below budget).

Timing of staff recruitment has contributed to employee expenses being under budget for a number of areas including CEO, Community Buildings, Planning and Waste Services. Training and seasonal labour requirements have also contributed to under budget employee expenses in other areas such as caravan parks. The timing of various operating projects has contributed to materials and contracts being under budget and areas with under budget variations greater than \$0.050 million include Asset Services, CEO, Child Care, Community Buildings, Information Technology, Plant Operating Costs, Rangers, Planning Waste Services, Landcare and Community Planning and Development. Over budget materials and contracts expenditure for the Maintenance area partly offsets the above. Variation in the budget profile compared to the actual disbursement of donations, grants and subsidies is the reason other expenses is under budget for the Corporate and Community Services, Members of Council and Landcare areas.

Grants for capital works are \$1.485 million or 56.6% under budget (last month \$0.888 million or 46% under budget). A combination of higher than budgeted developer contributions, proceeds from sale of land held for resale and the first instalment of the Community Sport and Recreation Facilities Fund grant received for the Lower Western Oval project have offset the impact of grants not yet being claimed for the HEART project.

Capital expenditure of \$1.722 million during the month compared to the budget for the month of \$3.084 million. On a year to date basis capital expenditure is \$1.789 million or 23.4% under budget (last month \$0.598 million or 12.6% under budget). The major causes of this variation are:

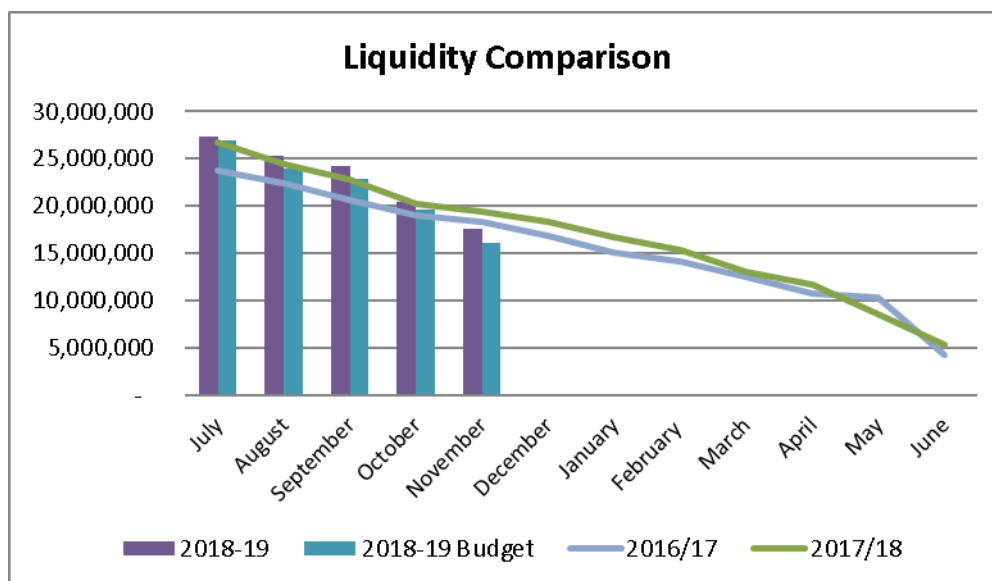
- the timing of works for buildings at the Margaret River Youth Precinct;
- the extension for the Wallcliffe Bushfire Brigade shed hasn't commenced;
- various projects for the Rangers have not commenced as was profiled;
- quotes for shelving for the Augusta Library are being obtained with delivery expected in March;
- a number of major projects for waste services projects have been delayed including landfill fencing, construction of a new landfill cell and the leachate pond;
- community buildings expenditure is \$1.505 million under budget projections with the main reason being the cash flow forecast for the Cultural Centre project has been revised and now varies to the budget profile;
- some projects for the Margaret River Recreation Centre and Augusta recreation have been delayed to 2019 although procurement activities for some have commenced;
- \$0.018 million upgrade of the Cowaramup BMX club budgeted for July is now anticipated for December and the replacement of the fence for the Western Oval has been delayed to March;
- parks and gardens expenditure exceeded budget by \$0.453 million as the second instalment of \$0.320 million for the shared use oval at Rapids Landing primary school was processed earlier than budgeted, the playground equipment replacement program, John Archibald Drive landscaping project and Lower Western Oval project have progressed greater than budget expectations;

- the Gnarabup coastal erosion project has been delayed and is \$0.045 million under budget, the land purchase process for the Margaret River trail has commenced and quotes are being sought for shelters as part of the Augusta interpretation plan;
- road and related projects are only \$0.070 million under budget;
- plant and equipment purchases are \$0.221 million over budget as the previously leased grader has been delivered ahead of schedule; and
- an outstanding invoice for the power upgrade at Turner Caravan Park is the main reason for caravan parks expenditure being \$0.169 million under budget.

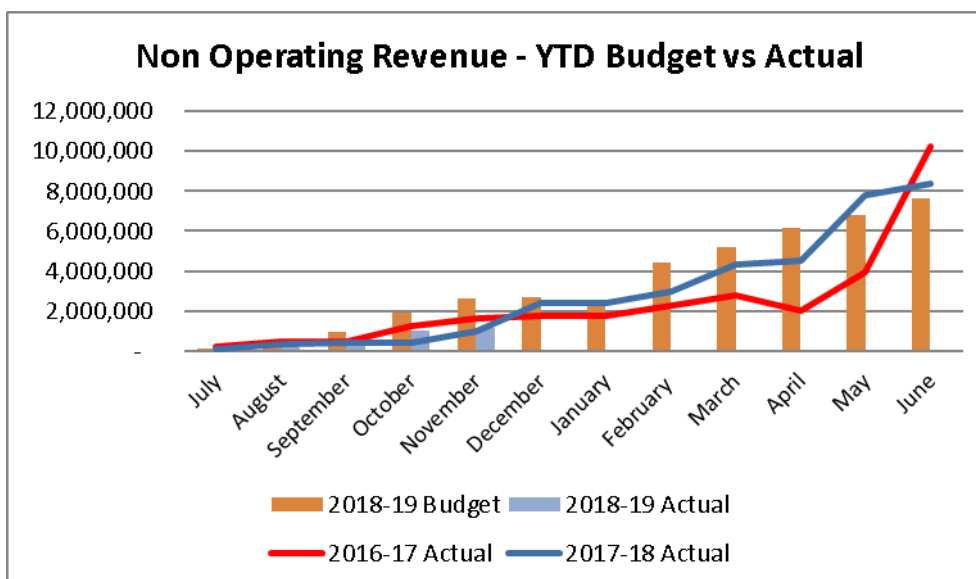
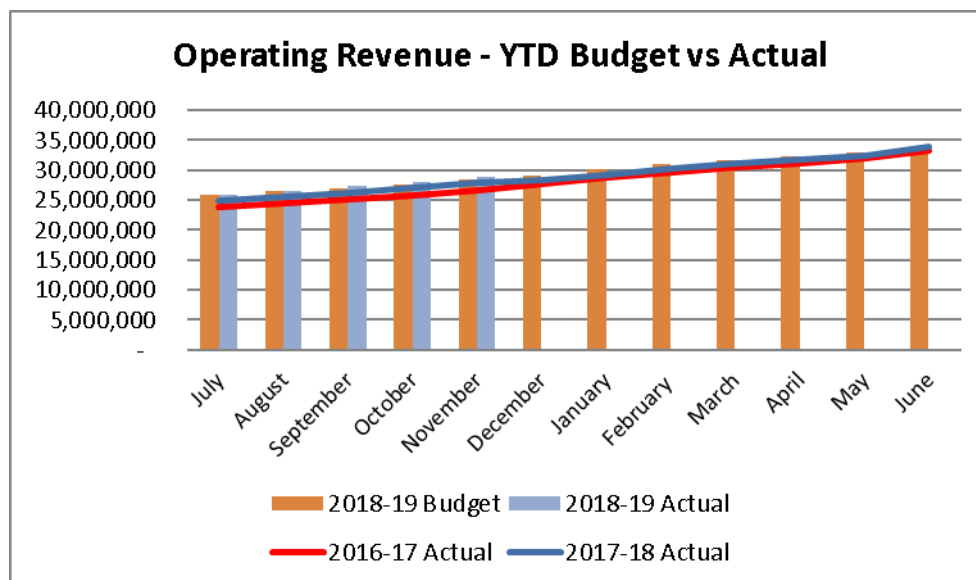
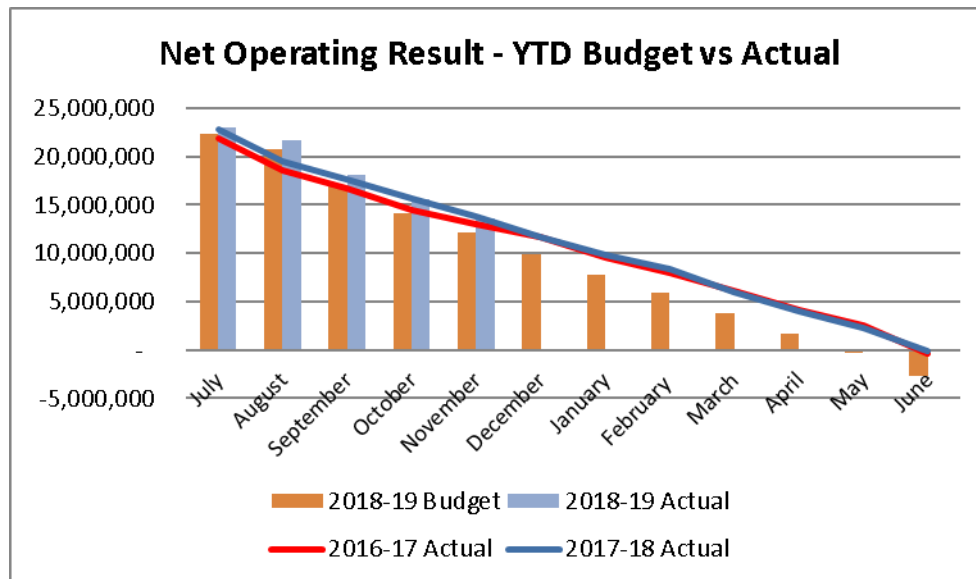
Capital expenditure for the month included the following.

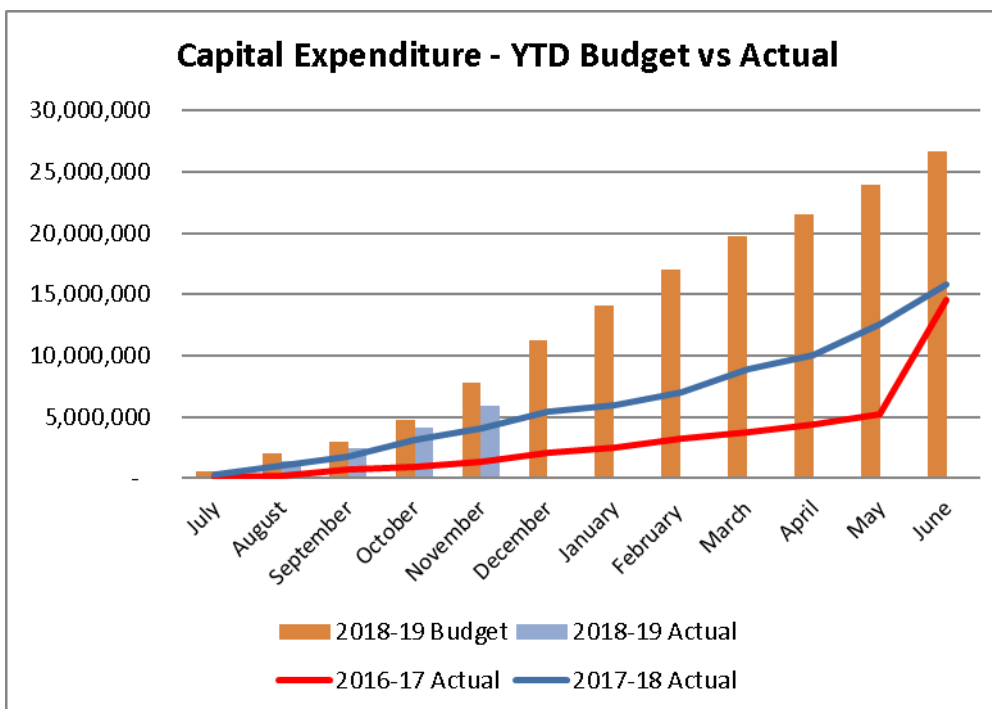
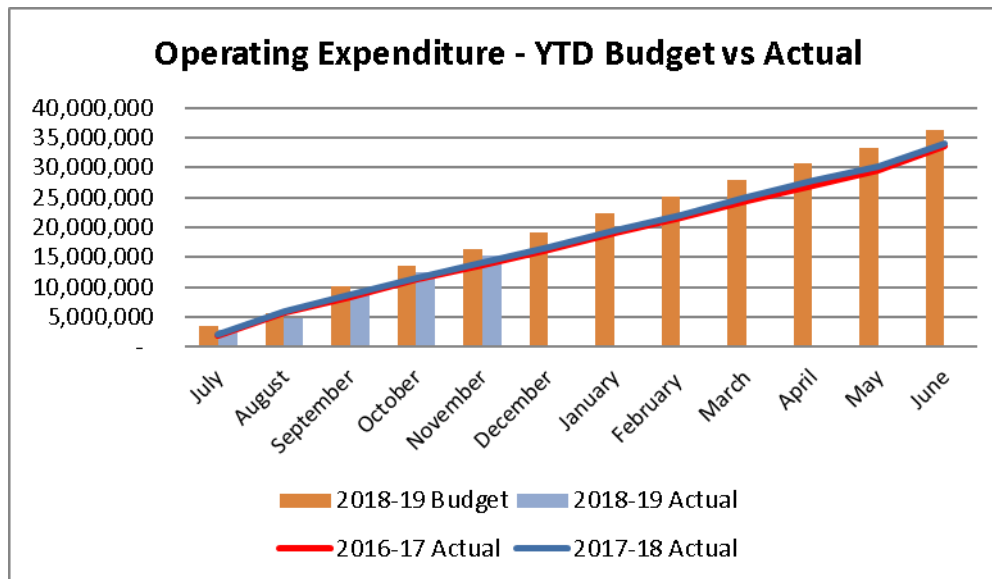
- \$0.015 million on works to the Zone room building;
- \$0.031 million the Cowaramup Bushfire Brigade shed extension;
- \$0.007 million on waste management projects including the design of the leachate pond;
- \$0.718 million for various community building projects including works for the Cultural Centre project, Margaret River river mouth toilet block and the Augusta buildings asbestos removal and reinstatement projects;
- \$0.508 million on various Parks and Gardens projects with the majority of expenditure being incurred for the development of the Lower Western Oval and the Rapids Landing School POS development;
- \$0.429 million on road related projects of which \$0.099 million was spent on infrastructure upgrade projects and \$0.331 million was spent on infrastructure renewal projects. Drainage projects, the Margaret River main street upgrade project, Ellis Street boat ramp finger jetty, asphalt overlays, various road reconstruction projects, gravel re-sheeting and works on the Gnarabup finger jetty were the main areas of expenditure.

Financial performance against budget are shown in the following charts.









Following is the Statement of Financial Activity for the year ending 30 November 2018.

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 23 JANUARY 2019

SHIRE OF AUGUSTA MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 November 2018							
BUSINESS UNITS	2017-18 Last Year Actual	2018-19 Approved Budget	2018-19 Month of Nov	2018-19 YTD Budget	2018-19 YTD Actual	YTD Variance >10% & >\$10,000	Comments
	\$	\$	\$	\$	\$		
Net Current Assets at 1 July surplus/(deficit)	4,331,506	5,103,678		5,103,678	5,254,476		Includes advance payment of FAGs for 2018-19
<b>Revenue from Operating Activities</b>							
Rates	20,943,450	21,769,660	92,295	21,590,410	21,536,465	0	
General Financing	2,274,065	1,492,719	257,911	674,710	760,809	86,099	Perm: FAGs grant and interest earned on investments
Members of Council	179	500	0	250	32	0	
Chief Executive Officer	75,226	0	0	0	3,000	0	
Director Corporate & Community	14,010	27,500	0	23,000	2,033	(20,967)	Timing/Perm: grants for Scott River project
Director Sustainable Development	1,000	0	0	0	1,386	0	
Director Infrastructure	0	0	0	0	0	0	
Finance	73,146	15,941	7,030	2,200	9,299	0	
Records	920	0	160	0	280	0	
Corporate Services	2,158	1,500	60	1,500	493	0	
Customer Relations	198,836	193,800	24,701	87,750	79,985	0	
Information Comm. Technology	10,024	0	0	0	764	0	
Human Resources	39,000	20,000	0	0	0	0	
Community Planning & Development	37,910	43,917	1,080	17,214	7,891	0	
Emergency and Fire Services	621,007	305,449	38,957	96,817	302,357	205,540	Perm: 50% of Bushfire Mitigation Activities Fund grant
Rangers	207,086	211,700	14,559	74,150	83,276	0	
Libraries	39,913	38,700	2,978	17,000	19,472	0	
Environmental Health	121,961	123,915	11,402	87,847	101,910	14,063	Timing: annual fees
Outside School Hours Care	456,838	463,300	33,203	196,550	239,651	43,101	Perm: school holidays care, new subsidies & grants
Waste Services	4,890,517	4,927,040	53,976	4,444,862	4,542,155	0	
Town Planning	281,277	318,360	25,895	132,650	122,007	0	
Community Buildings	16,611	0	214	0	1,065	0	
MR Recreation Centre	802,510	829,900	76,064	333,800	362,973	0	
Cultural Centre	8,280	1,300	3,500	0	3,500	0	
Augusta Recreation Centre	29,460	41,500	2,560	18,000	13,505	0	
Gloucester Park	73,174	74,500	3,986	48,750	41,521	0	
Parks and Gardens	5,835	4,400	0	4,400	3,517	0	
Asset Services	129,897	105,600	2,336	25,500	49,103	23,603	Timing: invoicing of annual fees
Landcare	1,950	25,000	0	0	20,348	20,348	Perm: grant for beach emergency numbering signs
Maintenance	20,893	0	0	0	0	0	
Plant Program	47,511	2,000	0	2,000	28,481	26,481	Timing: items to be auctioned
Caravan Parks	2,046,017	2,176,194	150,898	427,400	413,148	0	
Building Control	260,398	248,200	16,231	104,325	90,479	(13,846)	Timing: pool inspection fees
Works Overheads	328	0	0	0	0	0	
Plant Operation Costs	9,081	0	820	0	820	0	
Other Property and Services	127,766	20,000	3,372	8,000	81,112	73,112	Perm: limesand royalties and profit on sale of land
	33,868,235	33,482,595	824,187	28,419,085	28,922,835	503,750	
<b>Expenditure from Operating Activities</b>							
Revenue	(459,373)	(319,444)	(21,154)	(126,204)	(119,956)	0	
General Financing	(559,612)	(604,642)	(24,741)	(258,062)	(166,614)	91,448	Timing: loan interest accrual reversal
Members of Council	(329,429)	(393,224)	(22,657)	(197,760)	(106,473)	91,287	Timing: CEO performance review, training
Chief Executive Officer	(996,984)	(1,356,786)	(119,724)	(516,803)	(436,200)	80,603	Timing: employee costs & projects
Director Corporate & Community	(410,508)	(498,770)	(74,180)	(305,920)	(213,715)	92,205	Timing: projects (community infrastructure, Scott River)
Director Sustainable Development	(677,279)	(686,350)	(43,035)	(286,657)	(254,695)	31,962	Timing: employee costs & legal fees
Director Infrastructure	(242,171)	(385,540)	(24,138)	(155,388)	(132,092)	23,296	Timing: employee costs
Finance	(916,635)	(966,222)	(56,632)	(683,253)	(686,296)	0	
Records	(176,219)	(194,632)	(13,858)	(82,271)	(76,572)	0	
Corporate Services	(253,867)	(272,840)	(24,652)	(110,725)	(100,031)	10,694	Timing: stationery, equipment, vehicle costs
Customer Relations	(517,871)	(727,932)	(39,600)	(226,256)	(216,750)	0	
Information Comm. Technology	(1,056,950)	(1,158,039)	(37,739)	(673,509)	(540,126)	133,383	Timing: software licences, special projects
Human Resources	(606,178)	(665,960)	(42,833)	(288,137)	(260,769)	27,368	Timing: OSH initiatives, organisation development
Community Planning & Development	(594,080)	(727,906)	(36,853)	(319,529)	(238,963)	80,566	Timing: various projects
Emergency and Fire Services	(1,190,120)	(1,112,859)	(128,715)	(504,095)	(521,339)	0	
Rangers	(667,645)	(702,644)	(54,894)	(325,922)	(261,993)	63,929	Timing: contract services & burials
Beach Lifeguards	(88,010)	(126,220)	(173)	(15,920)	(1,208)	14,712	Timing: preparation for lifeguard season
Libraries	(952,077)	(987,441)	(75,764)	(423,307)	(388,600)	0	
Environmental Health	(499,847)	(570,020)	(42,497)	(247,793)	(214,296)	33,497	Timing: employee costs
Outside School Hours Care	(443,311)	(438,968)	(27,188)	(189,712)	(177,370)	0	
Waste Services	(2,944,241)	(2,811,796)	(180,298)	(1,191,662)	(976,423)	215,239	Timing: projects, waste collection & disposal, tfr stns
Town Planning	(947,132)	(1,087,572)	(68,289)	(475,815)	(379,572)	96,243	Timing: projects
Landcare	(434,887)	(668,198)	(16,170)	(295,901)	(135,458)	160,443	Timing: projects
Community Buildings	(1,877,839)	(1,954,385)	(157,329)	(828,317)	(733,035)	95,282	Timing: building maintenance & cleaning
MR Recreation Centre	(2,368,501)	(2,265,198)	(182,915)	(992,382)	(917,556)	0	
Cultural Centre	(1,753,337)	(478,307)	(22,060)	(336,507)	(337,714)	0	
Augusta Recreation Centre	(144,593)	(167,514)	(6,793)	(81,158)	(45,446)	35,712	Timing: works scheduled for later in the year
Gloucester Park	(256,965)	(234,304)	(14,024)	(98,835)	(74,416)	24,419	Timing: projects
Parks and Gardens	(3,932,611)	(2,554,964)	(273,537)	(1,072,419)	(1,132,725)	0	
Asset Services	(916,344)	(1,136,808)	(75,373)	(517,939)	(379,700)	138,239	Timing: projects
Construction	0	0	0	0	0	0	
Maintenance	(8,554,748)	(8,508,587)	(725,897)	(3,585,003)	(4,143,180)	(558,177)	Timing/Perm: Storm damage works, drainage
Plant Program	(52,314)	(169,042)	0	(69,837)	(27,743)	42,094	Timing: Items to be auctioned later in the year
Caravan Parks	(1,392,722)	(1,386,056)	58 (89,428)	(558,768)	(412,811)	145,957	Timing: employee costs, maintenance
Building Control	(160,526)	(175,620)	(20,757)	(80,601)	(80,550)	0	
Works Overheads	(158,890)	(75,018)	(35,002)	(157,956)	(287,499)	(129,543)	Timing: under recovery -costs to be allocated to jobs
Plant Operation Costs	149,843	209,208	27,480	(10,330)	15,734	26,064	Timing: over recovery, actual costs lower & no depn
Other Property and Services	(78,087)	(51,000)	1,451	(23,000)	(153,719)	(130,719)	Perm: write down of land inventory sold
	(37,462,056)	(36,231,600)	(2,749,967)	(16,313,653)	(15,315,874)	997,779	

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 23 JANUARY 2019

SHIRE OF AUGUSTA - MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 November 2018						
BUSINESS UNITS	2016-17 Last Year Actual \$	2018-19 Approved Budget \$	2018-19 Month of Nov \$	2018-19 YTD Budget \$	2018-19 YTD Actual \$	YTD Variance >10% & >\$10,000
<b>Operating activities excluded from Budget</b>						
Depreciation on assets	9,114,195	9,146,640	772,396	3,811,100	3,934,283	0
(Profit)/Loss Asset Disposal	1,550,599	147,042	10,471	57,837	(31,619)	(89,456) Timing: asset disposals still to occur
Movement in deferred pensioner rates	(5,295)	0	0	0	0	0
Movement in employee benefit provisions (non-current)	(24,592)	0	0	0	0	0
Loss on revaluation of land held for resale	61,000	0	0	0	0	0
Loss on revaluation of fixed assets	1,854,315	0	0	0	0	0
	12,550,222	9,293,682	782,867	3,868,937	3,902,664	33,727
<b>Amount attributable to operating activities</b>	<b>13,287,907</b>	<b>11,648,355</b>	<b>(1,142,913)</b>	<b>21,078,047</b>	<b>22,764,101</b>	
<b>INVESTING ACTIVITIES</b>						
<b>Non Operating Grants &amp; Contributions</b>						
Community Planning & Development	1,435,323	0	0	0	0	0
Emergency and Fire Services	746,412	818,078	0	72,478	0	(72,478) Timing: grants for BFB shed extensions
Waste Services	(26,450)	0	0	0	0	0
Town Planning	435,459	200,000	12,317	75,000	206,594	131,594 Timing: developer contributions received
Community Buildings	2,500,000	4,155,268	0	1,600,000	0	(1,600,000) Timing: grant claims for HEART project
Gloucester Park	13,030	0	0	0	0	0
Parks and Gardens	24,000	332,207	83,052	0	91,252	91,252 Timing: part of CSRFF grant for LWO received
Asset Services	8,450	45,000	0	0	0	0
Construction	3,238,427	2,114,039	0	874,902	712,263	(162,639) Timing/Perm: grant claims/MRWA direct grant higher
Other Property & Services	0	0	0	0	127,273	127,273 Perm: proceeds from sale of land held for resale
	8,374,650	7,664,592	95,369	2,622,380	1,137,382	(1,484,998)
<b>Capital Investment</b>						
Purchase Land Held for Resale	0	0	0	0	0	0
Purchase Land and Buildings	(3,226,406)	(11,279,595)	(749,742)	(3,714,423)	(2,085,276)	1,629,147 Timing: Cultural Ctr & Augusta Rec Ctr
Purchase Infrastructure Assets - Other	(3,960,237)	(4,528,639)	(514,866)	(1,563,819)	(1,350,453)	213,366 Timing: Rapids Landing PS Oval instalment to DoE
Purchase Infrastructure Assets - Roads	(5,787,854)	(8,273,574)	(429,394)	(1,430,667)	(1,360,563)	0
Purchase Plant and Equipment	(2,749,965)	(2,204,690)	(18,813)	(707,090)	(928,048)	(220,958) Timing: grader delivered earlier than scheduled
Purchase Furniture and Equipment	(80,425)	(341,500)	(9,367)	(228,500)	(130,708)	97,792 Timing: Library, waste & recreation equipment
Proceeds from Disposal of Assets	583,960	1,457,182	0	842,182	883,881	0
	(15,220,926)	(25,170,816)	(1,722,182)	(6,802,317)	(4,971,167)	1,719,347
<b>Amount attributable to investing activities</b>	<b>(6,846,275)</b>	<b>(17,506,224)</b>	<b>(1,626,813)</b>	<b>(4,179,937)</b>	<b>(3,833,785)</b>	
<b>FINANCING ACTIVITIES</b>						
Repayment of Debentures	(578,281)	(853,730)	(43,715)	(368,723)	(368,723)	0
Advances to Community Groups	(18,815)	0	0	0	0	0
Proceeds from Self-Supporting & IF Loans	12,701	11,317	723	6,817	8,155	0
Proceeds from New Loan	2,450,000	500,000	0	500,000	0	(500,000) Timing: Cultural Centre loan drawn down on 5/12
Transfers to Cash Reserves	(5,715,268)	(3,044,815)	(47,240)	(995,398)	(995,398)	0
Transfers from Cash Reserves	2,662,506	9,245,097	0	0	0	0
<b>Amount attributable to financing activities</b>	<b>(1,187,156)</b>	<b>5,857,869</b>	<b>(90,232)</b>	<b>(857,304)</b>	<b>(1,355,965)</b>	<b>(500,000)</b>
<b>Net Current Assets Surplus (Deficit)</b>	<b>5,254,476</b>	<b>0</b>	<b>(2,859,958)</b>	<b>16,040,807</b>	<b>17,574,350</b>	

### Investments

At 30 November 2018 the Shire's cash on hand, deposits and investments totalled \$38,768,601 (a decrease of \$168,298 to last month's total of \$38,936,899) and total investment interest earned for the year was \$351,636 and exceeded the budget of \$303,500.

### Term Deposits – Cash Management

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

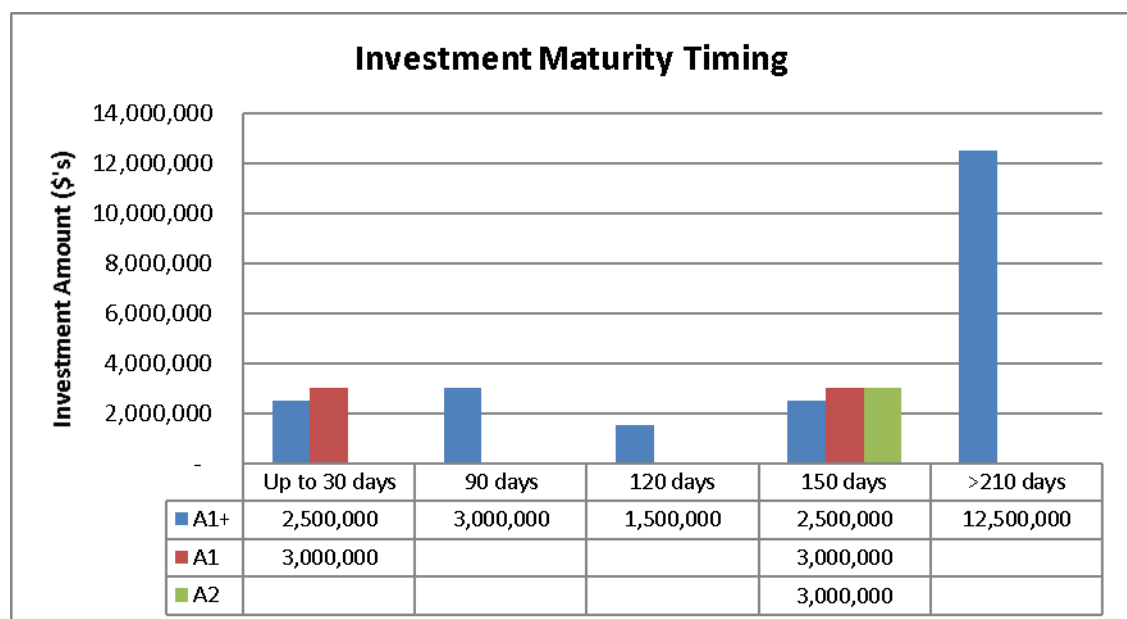
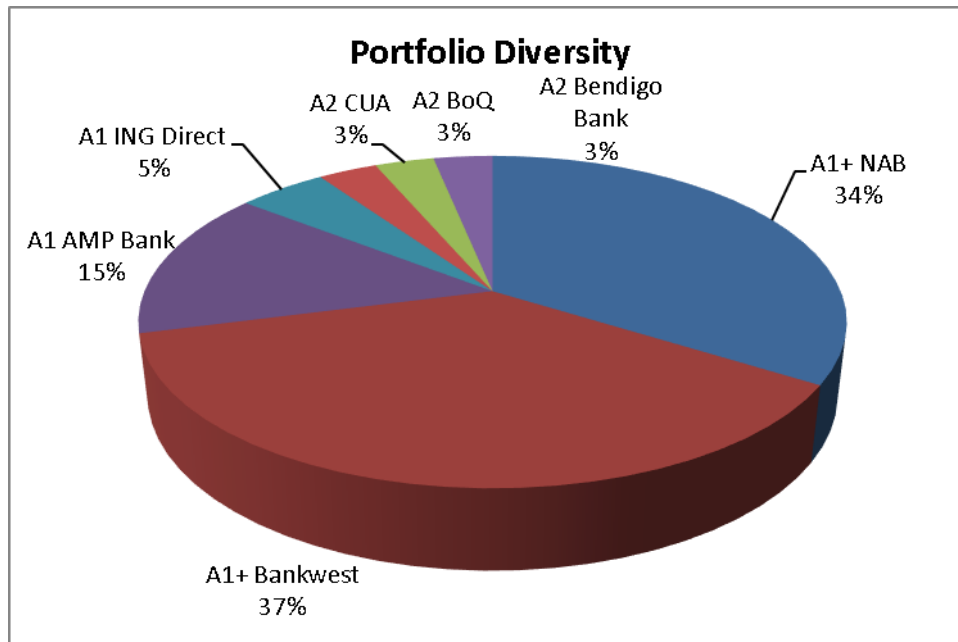
Term Days	Maturity	Institution (ADI)	Principal \$	Interest Rate	Interest \$
182	2/4/19	Bendigo Bank	1,000,000	2.55%	12,715
183	5/12/18	AMP	1,500,000	2.75%	20,681
182	20/12/18	Bankwest	2,500,000	2.80%	34,904
175	21/12/18	ING	1,500,000	2.55%	18,339
364	15/3/19	Bankwest	1,500,000	2.50%	37,397
365	11/4/19	National Australia Bank	2,500,000	2.62%	65,500
365	18/7/19	NAB	1,500,000	2.74%	41,100
365	16/8/19	Bankwest	4,000,000	2.76%	110,400
365	6/9/19	Bankwest	2,000,000	2.70%	54,000
265	13/9/19	National Australia Bank	5,000,000	2.70%	135,500

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 23 JANUARY 2019

182	2/4/19	Credit Union Australia	1,000,000	2.65%	13,214
183	9/4/19	Bank of Queensland	1,000,000	2.65%	13,286
183	9/4/19	AMP Bank	3,000,000	2.75%	41,363
123	8/2/19	National Australia Bank	1,500,000	2.66%	13,446
123	8/2/19	Bankwest	1,500,000	2.67%	13,496
			31,000,000		625,341

During the month no changes occurred to term deposits. Three term deposits are to mature in December. Two will be redeemed to meet cash flow requirements and one will be rolled over for three months.

The average rate of interest to be paid on all of the term deposits is 2.67%.



The Shire also has an Overnight Cash Deposit Facility (OCDF) with WA Treasury Corporation (WATC) which is used to hold the Royalties for Regions funds allocated for the main street redevelopment project. The South West Development Commission are a joint signatory for this facility. During the month interest of \$6,526 was earned and the current balance of the

investment, including this interest, is \$5.483 million. The current rate of interest earned on this facility is 1.45% and is set at 5 basis points lower than the Reserve Bank's cash reference rate.

#### **In-Kind Support**

At 30 November 2018 fee waivers, donations and financial assistance sponsorships totalled \$11,887 and included \$4,300 of sporting sponsorships, \$7,137 of fee waivers and a \$450 donation.

#### **Reserves**

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

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

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

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

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

##### ***Corporate Business Plan 2018-2022***

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**

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

#### **SUSTAINABILITY IMPLICATIONS**

##### **Environmental**

Nil

##### **Social**

Nil

##### **Economic**

As stated in the report.

#### **VOTING REQUIREMENTS**

SIMPLE MAJORITY

#### **RECOMMENDATION**

That Council receives the Monthly Financial Report – November 2018 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

#### **ADVICE TO APPLICANT / PROPONENT**

Nil

#### **ATTACHMENTS**

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

**RECOMMENDATION / COUNCIL DECISION**

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**CR EARL, CR LANE 2019/11**

**That Council receives the Monthly Financial Report – November 2018 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996.**

**CARRIED 7/0**

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**11.4.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES - 13 NOVEMBER 2018**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	EMS/3
<b>REPORT AUTHOR</b>	Chris Lloyd, Community Emergency Services Manager
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director Corporate and Community Services

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**IN BRIEF**

- On 13 November 2018, the Local Emergency Management Committee (LEMC) held its quarterly meeting.
- Delegates presented their reports for the period 14 August 2018 to 13 November 2018.
- Funding from Round 2 of the 2018 Mitigation Activity Fund has been received and works have commenced in line with the Shire's Bushfire Risk Management Plan 2017-2022
- The Department of Fire and Emergency Services (DFES) notified the committee that the Minister for Emergency Services, Francis Logan MLA has announced the re-appointment of Mr Darren Klemm AFSM as the Fire and Emergency Services Commissioner for another five years.
- At the meeting, DFES ran a desktop exercise on power outages and the capability of each agency/organisation to deal with the outage.
- Courts 1 and 2 at the Margaret River Recreation Centre have been nominated as the Margaret River Evacuation Centre while the Cultural Centre is under construction.
- A Draft Local Risk Profile November 2018 was presented to the committee by the Shire's Community Emergency Services Manager for review and comment by the delegates.
- There is an opportunity to access Natural Disaster Resilience Program 2018-19 grants to address the high priority risks identified in the Draft Local Risk Profile November 2018 (State Risk Project).

**RECOMMENDATION**

That Council:

1. Receives the unconfirmed minutes of the November Margaret River Local Emergency Management Committee meeting held 13 November 2018.
2. Notes the LEMC's Draft Local Risk Profile November 2018.

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**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 of Corporate and Community Services



- Manager of Human and Community Services (Shire Recovery Coordinator)
- Shire of Augusta Margaret River Community Emergency Services Manager
- Ranger Services

## **DISCUSSION / OFFICER COMMENTS**

### **Mitigation Activity Funding Round 2 - 2018**

\$322,800 of Round 2 Mitigation Activity Funding has been received and works have commenced around the Shire as per the Bushfire Risk Management Plan 2017-2022. DFES has confirmed that the grant funding can be utilised to employ casual staff in order to complete the agreed on ground works. Positions will be fulfilled by January 2019.

### **Re-Appointment of Commissioner Darren Klemm AFSM**

The Minister for Emergency Services Francis Logan MLA has announced the re-appointment of Mr Darren Klemm AFSM as the Fire and Emergency Services Commissioner. Mr Klemm's re-appointment will be for five years beginning on 20 March 2019, and it will provide important continuity in the work he is undertaking with the public sector reform, including the best outcomes for DFES whilst delivering the necessary efficiencies.

### **Desktop Exercise Power Outage**

Nathan Hall from DFES ran a desktop exercise with committee members to identify and discuss capabilities of each agency/organisation if a power outage situation occurs in the Shire. It was to identify how it would affect business continuity and what or if there are current arrangements in place to deal with the situation. Members were requested to send through findings after the committee meeting to Nathan Hall so that working arrangements can be implemented into the Shire's Local Emergency Management Arrangements in future.

### **Margaret River Evacuation Centre Fire Season 2018-19**

Courts 1 and 2 at the Margaret River Recreation Centre is the Evacuation Centre for Margaret River as per previous temporary notification until further notice while the Cultural Centre redevelopment is underway. The Shire is waiting on confirmation from the Football Club as a potential community briefing area. The facilities of the Football Club have all the technology, amenities and space to set a briefing up properly, and it is away from the courts where evacuees are congregating. There is clear rear access to Football Club and BGC will clear access to the site.

### **Draft Local Risk Profile November 2018 (State Risk Project)**

The Draft Local Risk Profile November 2018 has been developed following completion of the Shire's top five hazard workshops completed through the State Risk Project initiative. The report identifies the risk priorities, which informs LEMC and Council on where to focus efforts in terms of risk treatments and decision making. Moving forward the LMEC will be reviewing the Local Risk Profile and developing proposed treatment plans.

### **Natural Disaster Resilience Program 2018-19 Grants**

The Natural Disaster Resilience Program 2018-19 (NDRP) grant relates directly to the above Local Risk Assessment Summary and treatment of risks.

- Applications are being sought from eligible organisations with projects that will reduce identified risks and close capability gaps, in an effort to reduce future post-disaster funding needs.
- Funds allocated to projects in the competitive grants round must be addressing at least one Commonwealth priority as outlined in the National Strategy for Disaster Resilience, with projects to be evidence-based.
- Applications must also be requesting funds for projects that address the direct and indirect costs of disasters in an effort to reduce the future response and/or recovery spend. These projects should:
  - Address extreme, high and medium risks identified as part of the State Emergency Management Committee's (SEMC) State Risk Project and/or
  - Address capability gaps identified through the SEMC's Emergency Preparedness reporting and/or
  - Build resilience by delivering projects that are informed by other objective, scientifically validated and documented analysis.

- Applicants can request NDRP funding between \$10,000 and \$250,000 (no GST applied), with NDRP to account for no more than 50% total project cost. All other eligibility criteria can be found in the Quick Eligibility Check on the SEMC website.
- For further information please refer to the Guidelines for Applicants and other documentation on the SEMC website: [www.semc.wa.gov.au/funding](http://www.semc.wa.gov.au/funding), or email [ndrp@dfes.wa.gov.au](mailto:ndrp@dfes.wa.gov.au).
- There is an opportunity for the Shire to have access to these funds in order to address some of the identified risks resulting from the State Risk Project workshops.

The Community Emergency Services Manager requested delegates to send through ideas, treatment options or projects that may qualify for this funding to [clloyd@amrshire.wa.gov.au](mailto:clloyd@amrshire.wa.gov.au) by COB 18 January 2018.

#### **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 2018-2022***

Goal 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**

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.

#### **VOTING REQUIREMENTS**

SIMPLE MAJORITY

#### **RECOMMENDATION**

That Council:

1. Receives the unconfirmed minutes of the November Margaret River Local Emergency Management Committee meeting held 13 November 2018.
2. Notes the LEMC's Draft Local Risk Profile November 2018.

#### **ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Unconfirmed Local Emergency Management Committee meeting minutes and attachments – 13 November 2018.
2. LEMC's Draft Local Risk Profile November 2018.

**RECOMMENDATION / COUNCIL DECISION**

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**CR TOWNSHEND, CR EARL 2019/12**

**That Council:**

1. **Receives the unconfirmed minutes of the November Margaret River Local Emergency Management Committee meeting held 13 November 2018.**
2. **Notes the LEMC's Draft Local Risk Profile November 2018.**

**CARRIED 7/0**

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*Cr Lane requested that the Draft proposal come back to council – this will occur through the LEMC*

#### 11.4.4 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES - 21 NOVEMBER 2018

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	EMS/4
<b>REPORT AUTHOR</b>	Chris Lloyd, Community Emergency Services Manager
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director Corporate and Community Services

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##### **IN BRIEF**

- On 21 November 2018, the Bush Fire Advisory Committee (BFAC) held its final quarterly meeting of the year.
- The Department of Biodiversity Conservation and Attractions (DBCA) presented a summary of their 2018 Planned Burn achievements along with plans for autumn 2019.
- Brigades were asked to note the BFAC meetings dates, times and locations for 2019.
- An update was given on the distribution of the 2018/19 Bush Fire Management Notice.
- The Shire's Chief Bush Fire Control Officer (CBFCO) reported on the progress of the re-formation of the Transition Steering Committee in regards to the transition of the Shire's Bush Fire Brigades to DFES. A final report on this item will be presented at the first BFAC meeting of the year to be held in February 2019.
- The Shire's Community Emergency Services Manager (CESM) gave an update on the current status of the Casual Bush Fire Mitigation Officer position(s) and encouraged all to apply should they meet the relevant criteria.
- The DBCA provided an update on the firebreak requirements in the Prevelly and Gnarabup areas.
- The Shire's CBFCO led a discussion on the availability of alternative power arrangements in the case of a prolonged power outage during an emergency situation.
- Information regarding the Mental Health and Wellbeing Research sessions being held in the Augusta Margaret River area during November/December 2018 was provided at the meeting and via email to Brigades.
- Further discussions were held on various brigade operational matters.

##### **RECOMMENDATION**

That Council receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 November 2018.

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##### **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**

Nil

## **DISCUSSION / OFFICER COMMENTS**

### **Department of Biodiversity Conservation and Attractions – Planned Burning Activities**

Ed Hatherley gave a PowerPoint presentation summarising their 2018 Planned Burn achievements along with plans for autumn 2019. Due to inclement weather the spring burn program saw only small windows of opportunity. Almost 8,000ha of burns were completed along with a number of smaller pockets. Local Brigades were thanked and plans for autumn burning are underway. The DBCA is now finished for the season.

### **2019 BFAC Meeting Dates**

Brigades were asked to note the following BFAC meeting dates, times and locations for 2019:

<b>Date</b>	<b>Time and Location</b>
Wednesday, 20 February 2019	6.00pm Margaret River Council Chambers
Wednesday, 15 May 2019	6.00pm <b>Augusta</b> Council Chambers
Wednesday, 21 August 2019	6.00pm Margaret River Council Chambers
Wednesday, 20 November 2019	6.00pm Margaret River Council Chambers

### **Update on the Distribution of the Shire of Augusta Margaret River 2018/19 Bush Fire Management Notice**

The 2018/19 Bush Fire Management Notice was printed and then lodged with Australia Post for distribution to Shire of Augusta Margaret River owner-occupiers on Wednesday, 24 October 2018. The Notice was uploaded onto the Shire website on Friday, 12 October 2018 and Brigades were then sent a link to the Notice on the Shire website. The Notice was also advertised on page 10 of the Augusta Margaret River Times, edition Friday, 19 October 2018. Bundles of the Notice have also been distributed via other avenues such as the local Real Estate Agents, Bunnings, Home Timber and Hardware and other businesses that have a large traffic flow of locals coming through.

### **Report from Chief Bush Fire Control Officer as requested by Council re Transition of BFB to DFES**

The CBFCO provided the meeting with an update on the progress of re-starting the Steering Committee. Most Brigades have advised of their representatives for this committee. The CBFCO, the DCBFCO and the CESM have had a meeting with the Lower South West Acting Superintendent to confirm what the current status is within DFES concerning the proposal. Information will be collated and brought to the Steering Committee to discuss and further information will then be presented to the Brigades for their consideration and feedback. A final report will be presented at the February BFAC meeting.

### **Shire of Augusta Margaret River Casual Bush Fire Mitigation Officers**

The CESM provided the meeting with information on the position(s) and encouraged everyone to apply if they meet the criteria. Positions will be funded by the Mitigation Activity Fund to implement those works only and a brief position description of what tasks would be involved was given. The role(s) are non-permanent, on a casual as needed basis and funding for the position(s) is available until 30 June 2019.

### **Update on Firebreaks in the Prevelly/Gnarabup area**

Ed Hatherley met with the CESM, CBFCO and Robert Barnett to assess the firebreak requirements at the back of Gnarabup following concerns about the state of the firebreaks that abut the National Park and Wilderness area. Some existing firebreaks are just overgrown so will be reinstated and given a larger buffer. There will be ongoing maintenance and the CESM circulated a map of what strategic firebreaks DBCA is maintaining on an annual basis.

### **Power Outage Hypothetical**

The CBFCO held a discussion on what alternate power arrangements the Shire or Brigades have available to function during a prolonged power outage. The meeting discussed various scenarios and

resources that would be available in the case of a prolonged power outage during an emergency situation.

**Mental Health and Wellbeing Research Augusta Margaret River**

Prior to the meeting, the CESM distributed an email to all Brigades, CBFCO, DCBFCO and relevant DFES staff, regarding the Mental Health and Wellbeing Community Sessions, to be held in the Augusta Margaret River area in late November, early December. He encouraged Brigade representatives to attend in their local area.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Section 38(1) *Bush Fire Act 1954*

*Local Government Act 1995*

**STRATEGIC PLAN / POLICY IMPLICATIONS**

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

***Corporate Business Plan 2018-2022***

Goal 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**

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 the environment.

**Economic**

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

**VOTING REQUIREMENTS**

SIMPLE MAJORITY

**RECOMMENDATION**

That Council receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 November 2018.

**ADVICE TO APPLICANT / PROPONENT**

N/A

**ATTACHMENTS**

1. Unconfirmed Bush Fire Advisory Committee meeting minutes and attachments – 21 November 2018.

**RECOMMENDATION / COUNCIL DECISION**

**CR EARL, CR MCLEOD 2019/13**

That Council receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 November 2018.

**CARRIED 7/0**

**11.4.5 SPORTS AND RECREATION ADVISORY COMMITTEE MEETING MINUTES - 6 DECEMBER 2018**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	REC/36
<b>REPORT AUTHOR</b>	Hannah Waters, Executive Assistant Corporate and Community Services
<b>AUTHORISING OFFICER</b>	Andrew Ross, Acting Director Corporate and Community Services

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**IN BRIEF**

- On the 6 December 2018, the Sports and Recreation Advisory Committee (SRAC) held its bi-monthly meeting.
- Delegates were invited to participate in information sessions exploring mental health and wellbeing approaches in Augusta Margaret River.
- The committee were advised the Shire had secured a Socially Inclusive Communities WA grant and clubs were asked to submit an expression of interest if they wished to participate.
- Committee meeting dates were confirmed for 2019.
- The Arts Margaret River delegate submitted a leave of absence notice.
- The SRAC provided support for the Margaret River Bowling Club to apply for an Interest Free Loan.
- Delegates provided updates on their clubs.

**RECOMMENDATION**

That Council:

1. Receives the unconfirmed minutes of the Sport and Recreation Advisory Committee meeting held 6 December 2018.
2. Notes the retention of Arts Margaret River membership on the Sports and Recreation Advisory Committee.
3. Notes the Sports and Recreation Advisory Committees' support for the Margaret River Bowling Club to apply for an Interest Free Loan through the Shire.

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**LOCATION PLAN**

Nil

**TABLED ITEMS**

Nil

**BACKGROUND**

Sports and Recreation Advisory Committee meetings are held bi-monthly on the first Wednesday of the month.

**CONSULTATION AND ADVICE**

**External Consultation**

SRAC delegates

**Internal Consultation**

Nil

## **DISCUSSION / OFFICER COMMENTS**

### **Retention of SRAC membership**

Notification was received from the Arts Margaret River delegate that their absences from the past four meetings was due to a series of eye surgeries. This advice satisfied the notification requirements for Arts Margaret River to remain an active, voting committee member.

### **Interest Free Loan request from the Margaret River Bowling Club**

The Margaret River Bowling Club advised the committee that they were interested in seeking an interest free loan through the Shire to assist with clubhouse maintenance. The estimated figure for maintenance is around \$45,000. The delegate was advised that interest free loans were capped at \$20,000 under the terms of the current Financial Assistance Policy and that any requests over and above \$20,000 would need to be considered and approved by Council. The committee provided support for the Margaret River Bowling Club to submit interest free loan application to the Shire.

### **Updates from the Clubs**

The delegates provided updates on their clubs/associations.

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Nil

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

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

### ***Corporate Business Plan 2018-2022***

Key Result Area 5: Effective leadership and governance

Community Outcome 5.1: Effective governance and corporate leadership

Strategic Response 5.1.5: Develop effective partnerships and strategic alliances to maximise community benefits

Service level strategy/plan 5.1.5.2: Hold regular meetings with the Sport and Recreation Advisory Committee

## **PLANNING FRAMEWORK**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Nil

### **Social**

Sporting groups provide members of the community the opportunity for physical fitness and socialisation.

### **Economic**

Nil

## **VOTING REQUIREMENTS**

SIMPLE MAJORITY

## **RECOMMENDATION**

That Council:

1. Receives the unconfirmed minutes of the Sport and Recreation Advisory Committee meeting held 6 December 2018.
2. Notes the retention of Arts Margaret River membership on the Sports and Recreation Advisory Committee.
3. Notes the Sports and Recreation Advisory Committees' support for the Margaret River Bowling Club to apply for an Interest Free Loan through the Shire.



**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Unconfirmed Sports and Recreation Advisory Committee meeting minutes – 6 December 2018.

**RECOMMENDATION / COUNCIL DECISION**

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**CR MELDRUM, CR EARL 2019/14**

**That Council:**

1. **Receives the unconfirmed minutes of the Sport and Recreation Advisory Committee meeting held 6 December 2018.**
2. **Notes the retention of Arts Margaret River membership on the Sports and Recreation Advisory Committee.**
3. **Notes the Sports and Recreation Advisory Committees' support for the Margaret River Bowling Club to apply for an Interest Free Loan through the Shire.**

**CARRIED 7/0**

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

Nil

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

Nil

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

**14.1. Members**

Nil

**14.2. CEO**

Nil

**15. CONFIDENTIAL BUSINESS**

Nil

**16. CLOSURE OF MEETING 6.24**

*The Shire President thanked all in attendance and declared the meeting closed at 6.24*