

Ordinary Council

MINUTES

FOR THE MEETING HELD
WEDNESDAY 9 NOVEMBER 2011 IN
COUNCIL CHAMBERS, TOWN VIEW TERRACE, MARGARET RIVER
COMMENCING AT 5.30PM

ATTENTION/DISCLAIMER

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

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ABBREVIATIONS/ACRONYMS USED IN REPORTS

TERM	EXPLANATION
AC	Audit Committee
AgVet	Agricultural and Veterinary
AIEH	Australian Institute of Environmental Health
AMPCC	Augusta Maritime Project Coordination Committee
AS	Australian Standard
ATU	Aerobic Treatment Unit
BCA	Building Code of Australia
BFAC	Bush Fire Advisory Committee
C2C	Cape to Cape
CALM	Conservation and Land Management
CBD	Central Business District
CoOL	Country of Origin food Labelling
CPGSF	Country Pathways Grants Scheme Funding
CPI	Consumer Price Index
CSIRO	Commonwealth Research & Industrial Research Organisation
DAP	Detailed Area Plan
DCU	Development Coordinating Unit
DDTPS No1	Draft District Town Planning Scheme No 1
DIA	Department of Indigenous Affairs
DLGRD	Department of Local Government & Regional Development
DLI	Department Land Information
DOCEP	Department of Consumer & Employment Protection
DoE	Department of Environment
DoH	Department of Health
DOLA	Department of Land Administration
DOW	Department of Water
DPI	Department of Planning And Infrastructure
EHO	Environmental Health Officer
EPA	Environmental Protection Authority
EPN	Environmental Protection Notice
FEMO	Fire and Emergency management Officer
FESA	Fire and Emergency Services Authority
FSANZ	Food Standards Australia New Zealand
GRV	Gross Rental Value
GST	Goods and Services Tax
ICT	Information and Communication Technology
IDO	Interim Development Order
IT	Information Technology
LBLCDC	Lower Blackwood Land Conservation District Committee
LEMC	Local Emergency Management Committee
LG	Local Government
LIA	Light Industrial Area
Loc	Location
MDMP	National Disaster Mitigation Programme
MGB	Mobile Garbage Bin
MO	Management Order (used to be called vesting order)
MOU	Memorandum of Understanding
MRAAC	Margaret River Aerodrome Advisory Committee
MRPRLG	Margaret River Perimeter Road Lobby Group
MRWA	Main Roads Western Australia
NHMRC	National Health Medical Research Council
NPI	National Pollutant Inventory
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
OM	Ordinary Meeting of Council

SHIRE OF AUGUSTA-MARGARET RIVER
ORDINARY COUNCIL MEETING MINUTES: 9 November 2011

PAN	Pollution Abatement Notice
PAW	Public Access Way
PE	Council Policy
RADS	Regional Airport Development Scheme
RBFGS	Regional Boating Facilities Grant Scheme
RBM	Road Building Material
RDG	Residential Design Guidelines
RGL	Department of Racing and Gaming
RRGG	Regional Road Group Grant
RSL	Returned Services League
SAT	State Administrative Tribunal
SM	Special Meeting of Council
SRAC	Sports and Recreation Advisory Committee
SW	South West
SWCC	South West Catchments Council
SWDC	South West Development Commission
TIRE	Timber Industry Roads Funding
TME	Thomas McRobert Edgeloe
TPS11	Town Planning Scheme 11
TPS16	Town Planning Scheme 16
TPS17	Town Planning Scheme 17
TPS18	Town Planning Scheme 18
TPS19	Town Planning Scheme 19
VGO	Valuer General's Office
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WATPAT	Western Australian Town Planning Tribunal

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Ordinary Council Meeting

Minutes of the Ordinary Council held on Wednesday, 9 November 2011 in Council Chambers, Town View Terrace, Margaret River commencing at 5.30pm.

1.0 Declaration of Opening

The Chair welcomed all in attendance and declared the meeting open at 5.30pm.

2.0 Disclaimer

N/A

3.0 Attendance

Shire President	:	Cr Ray Colyer	Leeuwin Ward
Councillors	:	Cr Mike Smart	Leeuwin Ward
		Cr John Bell	Town Ward
		Cr Neville Veitch	Town Ward
		Cr Jenny McGregor	North Ward
		Cr Lyn Serventy	North Ward
		Cr Ian Earl	North Ward
Chief Executive Officer	:	Mr Gary Evershed	
Director of Planning & Development	:	Mr Geoff Broad	
Director of Infrastructure	:	Mr Wayne Prangnell	
Director of Corporate & Community Services	:	Ms Annie Riordan	
Manager of Planning & Development Services	:	Mr Iliya Hastings	
Minute Secretary	:	Ms Lisa Taylor	

MEMBERS OF THE PUBLIC

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MEMBERS OF THE PRESS

The Augusta-Margaret River Mail	:	Ms Janine Beacham
Augusta-Margaret River Times	:	Mr Warren Hatley

3.1 Apologies

Nil

3.2 Approved Leave of Absence

Nil

3.3 Applications for Leave of Absence

Nil

4.0 Disclosures of Interest

4.1 Item 12.4.2 Margaret River Library Redevelopment – Construction Tenders

Cr Earl provided notice in writing to the CEO prior to the meeting disclosing that he has a financial interest in this item as his company has given prices to several of the builders that will be providing tender applications.

4.2 Item 12.2.1 Draft Local Planning Policy No.20 – Holiday Houses

Cr Veitch provided notice in writing to the CEO prior to the commencement of the meeting disclosing that he has both a proximity and financial interest in this item as the perimeter road is proposed to pass through his property in Rosabrook and his family also owns a home at 'The Break' in Gnarabup which is utilised as short-term holiday accommodation.

5.0 Public Questions

5.1 Responses to previous public questions taken on notice

Nil

5.2 Public question time

Nil

6.0 Confirmation of Minutes

6.1 Ordinary Council Meeting Minutes 26 October 2011

MOTION / COUNCIL DECISION

CR EARL, CR MCGREGOR OM1111/1

That the minutes of the Ordinary Council Meeting held 26 October 2011 is a true and correct record of the meeting.

CARRIED 7-NIL

7.0 Deputations

7.1 Jacqueline Keller - Item 12.2.1 Draft Local Planning Policy No. 20 – Holiday Houses

Ms Jacqueline Keller, Proprietor & Director of In-House Holidays, Margaret River, addressed the meeting in relation to Item 12.2.1 Draft Local Planning Policy No. 20 – Holiday Houses. A summary of her presentation follows:

The current policy provides that holiday houses are more appropriate in coastal communities or close to major tourist attractions. It is important to note:

- The Margaret River region has more to offer visitors than just the beach. In winter, the township and rural environment in this region are conducive to WA's unique tourism experience. Demand from tourist market for holiday homes in all locations has increased in recent years.
- Coastal communities also include areas zoned "Residential".
- Providing high quality homes is an alternative to traditional accommodation - a specialised service. Location does not always make it an appropriate holiday home. Adherence of minimum standards plus professional management services should be the determining factor, regardless of location.
- Property owners who have invested in expensive homes do not consider long term residential rental as a viable option, because:
 1. Possible mistreatment of the property by tenants
 2. Opportunity for the property owner to make personal use of the home;
 3. Income contributes to on-going costs of maintenance, rates and taxes;
 4. Maintenance to a constant high standard is achievable;
 5. Professional management offers a high level of protection and security;
 6. Property owners whose applications are rejected purely on the basis of location are faced with serious dilemma & may circumvent regulations.

In-House Holidays is a specialist accommodation agency, established for 14 years, dealing exclusively with privately owned holiday homes in this region, we act as both booking agent and managing agent offering all services including 24 hour contact. The Shire would receive considerable benefit by taking advantage of expertise offered, because:

- The agency is usually the first 'port of call' for a property owner seeking information on suitability of holiday house for short term rental.
- Many private properties are not suitable as holiday homes but this opinion is not necessarily based on the physical location of the property.
- Properties that satisfy all requirements should be granted a 1 year approval subject to review before a further extension is granted. The shire's task would be simplified when taking into account recommendation of an accredited holiday accommodation agent.

In consideration of In-House Holidays as an approved agency, our policy objectives include:

- a high level of screening of potential guests to ensure satisfaction and security for property owners, as well as a strict policy rejecting school leavers, students or groups of unrelated people;
- a requirement by all guests to complete a booking form and signed agreement of the booking conditions, plus payment of a significant security bond;
- proper supervision of the use of the dwelling as a holiday house to avoid disturbance to surrounding landowners and residents;
- twenty-four hour, seven days a week contact of In-House Holidays on-call employee in case of emergency or complaint; and
- clearly visible signage erected on the street-facing boundary of the property, stating our contact information.

Cr Colyer thanked Ms Keller for her presentation.

8.0 Petitions

Nil

9.0 Announcements from the Presiding Member

Nil

10.0 Questions of which due notice has been given

Nil

11.0 Questions without notice

Nil

12.0 Reports of Committees and Employee Reports

12.1

Chief Executive Officer

12.1 Chief Executive Officer

12.1.1 APPOINTMENTS TO COUNCIL COMMITTEES

LOCATION/ADDRESS	District
APPLICANT/ LANDOWNER	N/A
FILE REFERENCE	EMS/4, EMS/3, REC/36, LND/115, COR/278
REPORT AUTHOR	Donna Wolter, Executive Assistant
AUTHORISING OFFICER	Gary Evershed

IN BRIEF

- The term of office for members of Council's established committees expired following the 15 October local government elections.
- The Shire advised all members of advisory committees that their term of office would expire following the elections and confirmed that if they desired they could renominate.
- The Shire advertised in mid October calling for nominations for advisory committees; nominations have been received for the five advisory committees in accordance with the Instrument of Appointment and Delegation and the Local Government Act 1995.
- All appointments to committees of Council must be by absolute majority.

RECOMMENDATION

1. That in accordance with the Local Government Act 1995 and the Instrument of Appointment and Delegation of the Bush Fire Advisory Committee the following Fire Control Officers (FCO) be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:
 - Molloy Island Volunteer BFB: John Matten - Delegate
Chris Robertson - Proxy
 - Kudardup Volunteer BFB: Wayne Challis - Delegate
Cassy Challis - Proxy
 - Alexandra Bridge Volunteer BFB: Ray Gilchrist - Delegate
Simon Creagh - Proxy
 - East Augusta BFB: Peter Brindley - Delegate
 - Cowaramup BFB: Shane Ablett - Delegate
Tom Holben - Proxy
 - Karridale BFB: Simon Hanson - Delegate
John Teahan - Proxy
 - Rosa Brook BFB: Barbara Bootsma - Delegate
Nathan Bailey - Proxy
 - Gracetown BFB: Peter Delfs - Delegate
John Taylor - Proxy
 - Wallcliffe BFB: Brett Trunfull - Delegate
Gordon Temby - Proxy
 - Witchcliffe BFB: Diane Holland - Delegate
Richard Nash - Proxy
2. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Augusta-Margaret River Sports and Recreation Advisory Committee, the following representatives of sporting and recreational groups be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:

- Margaret River Tennis Club - Colin Clark
 - Augusta Margaret River Football Club - Fred Yates
 - Agricultural Society - Brian Warbey
 - Margaret River Junior Football - Barry Tate
 - Margaret River Bowling Club - Leith Bussell
 - Margaret River Recreational Surfers - Jim Ross
 - Margaret River Speedway - Jock Williams
 - Arts Margaret River - Bryan Timmons
 - Football Margaret River - Alex Smith
 - Margaret River Netball Association - Rosa Gibbon
 - Margaret River Karate - Paul Creaney
 - Margaret River Underwater Hockey - Gary Gibbon
 - Rosa Brook Halls and Utilities Committee - Jo Cook
 - Hawks Cricket Club - Ryan Nilsson
 - Margaret River & Districts Horseman's Association & Pony Club Inc - Penny Lee
 - Margaret River Little Athletics Club - Martine Keen
 - Augusta Community Recreation Centre Action Group - Sarah Wilson
3. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Local Emergency Management Committee, by absolute majority, the following representatives be appointed committee members for a period of two years, expiring in October 2013:
- Margaret River St John Ambulance - Scott Jones
 - State Emergency Services (SES) Local Manager - Rob Lewis
 - AMR Bush Fire Brigades - CBFCO Rob Bootsma
 - Augusta St John Ambulance - Maurie Inwood
 - Department for Child Protection - Marian Hutton
 - Margaret River Police - S/C Paul Daly
 - Augusta Police Station - Matt Leishman
 - Augusta Fire and Rescue Service - David Dickie
 - Margaret River Fire and Rescue Service - Kevin Cartwright
 - Marine Rescue Service Augusta - Dave Piper
 - Marine Rescue Service Margaret River - David Kelly
 - Margaret River Hospital - Mary Allen
 - Department of Environment & Conservation - Don Boothey
 - Local Emergency Coordinator - Paul Daly
 - Water Corporation - Gary Yates
4. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Sustainability Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring in October 2013:
- Nick Dornan
 - Don Bradshaw
 - Mandy Polley
 - Kim Muste
 - Margaret Moir
5. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Coal Mine Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring on October 2013:
- Simon Ambrose – Augusta Margaret River Tourism Association
 - Mr Steve Brake – Margaret River Chamber of Commerce and Industry
 - Ms Bridget Guiney – Margaret River Wine Industry Association
 - Mr Wayne Tingey – Department of Water
 - Mr Peter Ross – Project Director LD Operations
 - Mr Grant Polwarth – Project Manager Vasse Coal Project

- Mr Nick Dornan – Community Representative
 - Mr Terry Barter – Community Representative
 - Mr Peter Lane – Community Representative
 - Mr Richard Dosser – Community Representative
 - Ms Rachel Wedd – Community Representative
-

BACKGROUND

A review of all membership to advisory committees of Council in accordance with the committees instrument and delegation occurs following the local government elections which are held every two years. The local government elections were held 15 October 2011 and a call for submissions from community groups to the advisory committees occurred in the week of the election. Council, by absolute majority is asked to confirm those nominated as members to each of the committees.

A call for nominations for the AMR Sport and Recreation Advisory Committee and Sustainability Advisory Committee was advertised in the local paper and letters were forwarded to committee members of all reviewed committees noting the expiry of their term of office and calling for nominations to committees of Council.

CONSULTATION AND ADVICE

Bushfire Brigades, Emergency Services, local sporting associations, community representatives

DISCUSSION/OFFICER COMMENTS

Council reviewed the advisory committees in September 2011 and six committees of Council were retained. The following membership structure applies to each individual committee and the appointments outlined in the recommendations meets the requirements of the adopted instruments of Appointment and Delegation.

Bush Fire Advisory Committee (BFAC)

Membership of the Committee shall be:

- a) The President of the Shire of Augusta-Margaret River
- b) The Chief Bush Fire Control Officer
- c) The Deputy Chief Bush Fire Control Officer
- d) One Bush Fire Control Officer (appointed by the Shire in accordance with the Act) from each Brigade
- e) One Councillor nominated by the Council

NOTE: SM1110/2 confirmed that Crs Veitch, Earl and Cr Smart (proxy) were appointed Councillor representatives to the Bush Fire Advisory Committee.

Augusta-Margaret River Sports and Recreation Advisory Committee (SRAC)

Membership of the Committee shall be:

- The President of the Shire of Augusta-Margaret River, if desirous of participating;
- Two Councillors of the AMRSC;
- Up to 20 representatives of sport and recreation clubs operating within and comprising members based in the Shire of Augusta-Margaret River.

Authorised representatives of sport and recreation clubs who are not appointed to the Committee may attend meetings and participate at the discretion of the Presiding Member.

NOTE: SM1110/5 confirmed that Crs Earl and Bell with Cr Veitch (proxy) are appointed Councillor representatives to the AMR Sports and Recreation Advisory Committee

Local Emergency Management Committee (LEMC)

Membership of the Committee shall be:

- The President of the Shire of Augusta-Margaret River, or Deputy Shire President if the Shire President decides not to take up the position
- The Officer in Charge of the Margaret River Police District or delegate(s)
- The Officer in Charge of the Augusta Police District or delegate(s)
- The Officer in Charge of the Fire and Rescue Service in Augusta & Margaret River or their delegates
- The Shire's Chief Bush Fire Control Officer

- The SES Area Manager or delegate
- The Officers in Charge of the St John Ambulance Districts of Augusta & Margaret River or delegate
- The Officers in Charge of the Shire's Marine Rescue Services for both Augusta & Margaret River or their delegates
- A health representative from the Margaret River Hospital
- An officer from the Department for Child Protection
- A representative from the Department of Environment & Conservation
- Representatives from other agencies as required

NOTE: SM1110/4 confirmed that the Shire President, Cr Colyer and Deputy Shire President, Cr Earl (deputy) are appointed Councillor representatives to the LEMC.

Sustainability Advisory Committee (SAC)

Membership of the Committee shall be:

- The President of the Shire of Augusta-Margaret River, if desirous of participating or another Councillor of the Shire.
- A second Councillor of the Shire of Augusta-Margaret River.
- Up to eleven community members with interest and expertise in environmental matters, appointed by the Council

At the time of writing the report only 4 community members had registered their interest to participate on SAC.

NOTE: SM1110/6 confirmed that Crs Serventy, Veitch and Cr Earl (proxy) are appointed Councillor representatives to the Sustainability Advisory Committee.

Audit and Risk Management Committee (ARMC)

At a special meeting of Council held 19 October the following decision (SM1110/1) was made by absolute majority:

That Council, in accordance with the Instrument of Appointment and Delegation of the Audit and Risk Management Committee and ss 5.10 & 5.11A Local Government Act 1995, appoints all Councillors to be members of the Audit and Risk Management Committee.

Coal Mine Advisory Committee (CAC)

Membership of the AMRCAC shall be:

1. The three Northern Ward Councillors of the Shire;
2. Two representatives of LD Operations;
3. Two representatives of a group or groups opposing the mine;
4. A representative from the MRWIA;
5. A representative from the AMRTA;
6. A representative from the MRCCI;
7. A representative of Department Environment and Conservation;
8. A representative from Department State Development;
9. A representative of Department of Water;
10. Five independent community representatives.

NOTE: SM1110/3 confirmed Cr's McGregor, Earl and Serventy as the Councillor representatives to CAC in accordance with the instrument of appointment and delegation.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

All Council Committee meetings are bound by the same Standing Orders as Special and Ordinary Meetings of Council.

Council's are mandated to establish a LEMC in accordance with the Emergency Management Act 1995 and the State Emergency Management Committee guidelines (Policy 2.5)

A BFAC may be appointed by a local government under section Sect 67 (Advisory Committees) of the Bush Fires Act 1954.

Local Government Act 1995

POLICY IMPLICATIONS

In accordance with the adopted Governance and Business Excellence Policy Manual it is Council's responsibility to appoint Delegates and Representatives to Committees of Council.

FINANCIAL IMPLICATIONS

The main costs associated with running committees are staff time and wages involving mostly out of hours work. Other costs include catering in the form of food and beverage. Council needs to be strategic about the use of resources involving staff time to gain the best advantage for the community.

SUSTAINABILITY IMPLICATIONS

Committees should use a triple bottom line assessment process whereby an integrated approach to meeting the needs of current and future generations is utilised.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

1. That in accordance with the Local Government Act 1995 and the Instrument of Appointment and Delegation of the Bush Fire Advisory Committee the following Fire Control Officers (FCO) be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:

- Molloy Island Volunteer BFB: John Matten - Delegate
Chris Robertson - Proxy
- Kudardup Volunteer BFB: Wayne Challis - Delegate
Cassy Challis - Proxy
- Alexandra Bridge Volunteer BFB: Ray Gilchrist - Delegate
Simon Creagh - Proxy
- East Augusta BFB: Peter Brindley - Delegate
- Cowaramup BFB: Shane Ablett - Delegate
Tom Holben - Proxy
- Karridale BFB: Simon Hanson - Delegate
John Teahan - Proxy
- Rosa Brook BFB: Barbara Bootsma - Delegate
Nathan Bailey - Proxy
- Gracetown BFB: Peter Delfs - Delegate
John Taylor - Proxy
- Wallcliffe BFB: Brett Trunfull - Delegate
Gordon Temby - Proxy
- Witchcliffe BFB: Diane Holland - Delegate
Richard Nash - Proxy

2. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Augusta-Margaret River Sports and Recreation Advisory Committee, the following representatives of sporting and recreational groups be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:

- Margaret River Tennis Club - Colin Clark
- Augusta Margaret River Football Club - Fred Yates
- Agricultural Society - Brian Warbey
- Margaret River Junior Football - Barry Tate
- Margaret River Bowling Club - Leith Bussell
- Margaret River Recreational Surfers - Jim Ross
- Margaret River Speedway - Jock Williams
- Arts Margaret River - Bryan Timmons
- Football Margaret River - Alex Smith
- Margaret River Netball Association - Rosa Gibbon
- Margaret River Karate - Paul Creaney
- Margaret River Underwater Hockey - Gary Gibbon
- Rosa Brook Halls and Utilities Committee - Jo Cook

SHIRE OF AUGUSTA-MARGARET RIVER
ORDINARY COUNCIL MEETING MINUTES: 9 November 2011

- Hawks Cricket Club - Ryan Nilsson
 - Margaret River & Districts Horseman's Association & Pony Club Inc - Penny Lee
 - Margaret River Little Athletics Club - Martine Keen
 - Augusta Community Recreation Centre Action Group - Sarah Wilson
3. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Local Emergency Management Committee, by absolute majority, the following representatives be appointed committee members for a period of two years, expiring in October 2013:
- Margaret River St John Ambulance - Scott Jones
 - State Emergency Services (SES) Local Manager - Rob Lewis
 - AMR Bush Fire Brigades - CBFCO Rob Bootsma
 - Augusta St John Ambulance - Maurie Inwood
 - Department for Child Protection - Marian Hutton
 - Margaret River Police - S/C Paul Daly
 - Augusta Police Station - Matt Leishman
 - Augusta Fire and Rescue Service - David Dickie
 - Margaret River Fire and Rescue Service - Kevin Cartwright
 - Marine Rescue Service Augusta - Dave Piper
 - Marine Rescue Service Margaret River - David Kelly
 - Margaret River Hospital - Mary Allen
 - Department of Environment & Conservation - Don Boothey
 - Local Emergency Coordinator - Paul Daly
 - Water Corporation - Gary Yates
4. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Sustainability Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring in October 2013:
- Nick Dornan
 - Don Bradshaw
 - Mandy Polley
 - Kim Muste
 - Margaret Moir
5. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Coal Mine Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring on October 2013:
- Simon Ambrose – Augusta Margaret River Tourism Association
 - Mr Steve Brake – Margaret River Chamber of Commerce and Industry
 - Ms Bridget Guiney – Margaret River Wine Industry Association
 - Mr Wayne Tingey – Department of Water
 - Mr Peter Ross – Project Director LD Operations
 - Mr Grant Polwarth – Project Manager Vasse Coal Project
 - Mr Nick Dornan – Community Representative
 - Mr Terry Barter – Community Representative
 - Mr Peter Lane – Community Representative
 - Mr Richard Dosser – Community Representative
 - Ms Rachel Wedd – Community Representative

ATTACHMENTS

Nil

ADDENDUM

12.1.1 APPOINTMENTS TO COUNCIL COMMITTEES

Two representatives of the Sustainability Advisory Committee (SAC) who missed the deadline to nominate as representatives of the community have contacted the Shire to request that they also be included as committee members for the SAC. Both Bill Castleden and John Lawson have represented the community on the committee in the past two years and would like Council's approval to continue their representation on the committee.

The instrument of appointment and delegation of committee confirms that the following membership is approved:

- Up to eleven community members with interest and expertise in environmental matters, appointed by the Council

Therefore Council are requested to adopt the following amended recommendation 4 which includes the additional committee nominations:

4. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Sustainability Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring in October 2013:
 1. Nick Dornan
 2. Don Bradshaw
 3. Mandy Polley
 4. Kim Muste
 5. Margaret Moir
 6. Bill Castleden
 7. John Lawson

AMENDED RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SERVENTY OM1111/2

1. That in accordance with the Local Government Act 1995 and the Instrument of Appointment and Delegation of the Bush Fire Advisory Committee the following Fire Control Officers (FCO) be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:

- **Molloy Island Volunteer BFB:** John Matten - Delegate
Chris Robertson - Proxy
- **Kударup Volunteer BFB:** Wayne Challis - Delegate
Cassy Challis - Proxy
- **Alexandra Bridge Volunteer BFB:** Ray Gilchrist - Delegate
Simon Creagh - Proxy
- **East Augusta BFB:** Peter Brindley - Delegate
- **Cowaramup BFB:** Shane Ablett - Delegate
Tom Holben - Proxy
- **Karridale BFB:** Simon Hanson - Delegate
John Teahan - Proxy
- **Rosa Brook BFB:** Barbara Bootsma - Delegate
Nathan Bailey - Proxy
- **Gracetown BFB:** Peter Delfs - Delegate
John Taylor - Proxy
- **Wallcliffe BFB:** Brett Trunfull - Delegate
Gordon Temby - Proxy
- **Witchcliffe BFB:** Diane Holland - Delegate
Richard Nash - Proxy

2. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Augusta-Margaret River Sports and Recreation Advisory Committee, the following representatives of sporting and recreational groups be appointed by absolute majority as committee members for a period of two years, expiring with the 2013 local government elections:

- Margaret River Tennis Club - Colin Clark
- Augusta Margaret River Football Club - Fred Yates
- Agricultural Society - Brian Warbey
- Margaret River Junior Football - Barry Tate
- Margaret River Bowling Club - Leith Bussell
- Margaret River Recreational Surfers - Jim Ross
- Margaret River Speedway - Jock Williams
- Arts Margaret River - Bryan Timmons
- Football Margaret River - Alex Smith
- Margaret River Netball Association - Rosa Gibbon
- Margaret River Karate - Paul Creaney
- Margaret River Underwater Hockey - Gary Gibbon
- Rosa Brook Halls and Utilities Committee - Jo Cook
- Hawks Cricket Club - Ryan Nilsson
- Margaret River & Districts Horseman's Association & Pony Club Inc - Penny Lee
- Margaret River Little Athletics Club - Martine Keen
- Augusta Community Recreation Centre Action Group - Sarah Wilson

3. That in accordance with the Local Government Act 1995 and Instrument of Appointment and Delegation of the Local Emergency Management Committee, by absolute majority, the following representatives be appointed committee members for a period of two years, expiring in October 2013:

- Margaret River St John Ambulance - Scott Jones
- State Emergency Services (SES) Local Manager - Rob Lewis
- AMR Bush Fire Brigades - CBFCO Rob Bootsma
- Augusta St John Ambulance - Maurie Inwood
- Department for Child Protection - Marian Hutton
- Margaret River Police - S/C Paul Daly
- Augusta Police Station - Matt Leishman
- Augusta Fire and Rescue Service - David Dickie
- Margaret River Fire and Rescue Service - Kevin Cartwright
- Marine Rescue Service Augusta - Dave Piper
- Marine Rescue Service Margaret River - David Kelly
- Margaret River Hospital - Mary Allen
- Department of Environment & Conservation - Don Boothey
- Local Emergency Coordinator - Paul Daly
- Water Corporation - Gary Yates

4. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Sustainability Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring in October 2013:

1. Nick Dornan
2. Don Bradshaw
3. Mandy Polley
4. Kim Muste
5. Margaret Moir
6. Bill Castleden
7. John Lawson

5. That in accordance with the Local Government Act 1995 and Instrument and Delegation of the Coal Mine Advisory Committee, the following representatives be appointed, by absolute majority, committee members for a period of two years, expiring on October 2013:

- Simon Ambrose – Augusta Margaret River Tourism Association
- Mr Steve Brake – Margaret River Chamber of Commerce and Industry
- Ms Bridget Guiney – Margaret River Wine Industry Association
- Mr Wayne Tingey – Department of Water
- Mr Peter Ross – Project Director LD Operations
- Mr Grant Polwarth – Project Manager Vasse Coal Project
- Mr Nick Dornan – Community Representative
- Mr Terry Barter – Community Representative
- Mr Peter Lane – Community Representative
- Mr Richard Dosser – Community Representative
- Ms Rachel Wedd – Community Representative

CARRIED 7-NIL

REASON: *The two additional representatives of the SAC, who have been previous representatives of the committee for the past two years, missed the deadline to nominate but have since contacted the Shire expressing their interest to continue their representation on the committee.*

Cr Serventy proposed that the Terms of Reference of the Sustainability Advisory Committee (SAC) be amended so that the committee now meets on a quarterly basis. Council was asked to adopt the recommendation as follows:

RECOMMENDATION / COUNCIL DECISION

CR SERVENTY, CR VEITCH OM1111/3

That the Terms of Reference of the Sustainability Advisory Committee (SAC) be amended so that the committee now meets on a quarterly basis instead of two-monthly as previously stated.

**CARRIED 7-NIL
BY ABSOLUTE MAJORITY**

REASON: *There is no longer a need for the SAC to meet more than 4 times per year.*

12.1.2 REVIEW OF EXTERNAL COMMITTEES 2011

LOCATION/ADDRESS	AMRSC
APPLICANT/LANDOWNER	N/A
FILE REFERENCE	GOV/44
REPORT AUTHOR	Donna Wolter, Executive Assistant
AUTHORISING OFFICER	Gary Evershed, Chief Executive Officer

IN BRIEF

- Council is represented on a number of external committees and bodies.
- A review of the external committee representational needs of Council was adopted 14 September with the following external committees confirmed as having continued representation from Council:
 - WALGA South West Zone of Councils
 - Small Business Centre Vasse
 - Margaret River Education Campus Board
 - Augusta-Margaret River Industry Leaders Group
 - CoastSWAP
 - Blackwood Basin Group
 - MRWA Regional Road Group
 - DEC Liaison Committee
 - Whicher Water Resource Management committee
 - Lower Blackwood Land Conservation District Committee
 - Augusta to Busselton Rail Trail Steering Committee
 - Augusta Boat Harbour Stakeholder Group
- Council is also asked to confirm representation to CapeROC (Governance Structure) whose membership in accordance with the Terms of Reference include:
 1. The Presidents of the two Shires;
 2. Two Councillors appointed by each Shire, and
 3. The CEO's of the two Shires.
- Following the Ordinary Local Government Elections held 15 October 2011, Council is asked to appoint delegates to represent Council on the external committees listed above.

RECOMMENDATION

1. That Council:
 - a) appoints Cr Colyer as the Shire of Augusta Margaret River's representative of the WALGA Zone Committee and Cr Earl as deputy;
 - b) appoints Cr _____, Cr _____ to the Margaret River Geographe Tourism Taskforce (pending Council's continued participation following CapeROC meeting) and Cr _____ as deputy;
 - c) appoints Cr _____ as the Shire of Augusta-Margaret River representative to the Small Business Centre Vasse and Cr _____ as deputy;
 - d) appoints Cr _____ as the Shire of Augusta-Margaret River representative to the Margaret River Education Campus Board and Cr _____ as deputy;
 - e) Appoints Cr Colyer as the Shire of Augusta-Margaret River representative to the Augusta-Margaret River Industry Leaders Group and Cr Earl as deputy;

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- f) Appoint Cr Serventy as the Shire of Augusta Margaret River representative to CoastSWAP and Cr _____ as deputy;
 - g) The Cr Colyer be reconfirmed as the appointed Shire of Augusta-Margaret River representative to the Blackwood Basin Group;
 - h) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the MRWA Regional Road Group and Cr _____ as deputy;
 - i) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the DEC Liason Committee and Cr _____ as deputy;
 - j) Appoint Cr Serventy as the Shire of Augusta-Margaret River representative to the Lower Blackwood Land Conservation District Committee;
 - k) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the Augusta to Busselton Rail Trail Steering Committee and Cr _____ as deputy; and
 - l) appoints Cr Colyer as the Shire of Augusta-Margaret River representative to the Augusta Boat Harbour Stakeholders Group.
2. That Council notes the Whicher Water Resource Management Committee is no longer active and no longer requires representation from the Shire; and
 3. That Cr Colyer, Shire President, Cr _____ and Cr _____ be appointed as the Shire of Augusta-Margaret River's representative to CapeROC in accordance with the Terms of Reference and Cr _____ as deputy.
-

BACKGROUND

At the Ordinary Council Meeting of 14 September 2011 Council agreed to nominate delegates for the external committees outlined in the table below. By representing the views of the larger community on the external committees across a broad spectrum of issues, Councillors can continue to provide up to date information on issues to their constituents and to Council.

More recently, on 29 August 2011, the WA Department of Transport invited the Shire to nominate a representative to the Stakeholder Group for Augusta Boat Harbour. The Shire President, speaking on behalf of Council, was nominated as a Leeuwin Ward Councillor.

After consultation with the Bunbury office of the Department of Water it should be noted that the Whicher Water Resource Management Committee is no longer active following the committee's decision to disband. At this stage the Minister for Water has not dissolved the committee but there are no plans for the group or committee to meet and therefore a representative of Council is no longer required for this Ministerial appointment.

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External Committee	Purpose & Status	Current Delegate
WALGA SW Zone	Policy making structure of WALGA representing SW Councils inputting into State Council meetings Ongoing	President CEO (Non Voting)
Margaret River Geographe Tourism Task Force*	Promotion of Tourism leading to increased visitor numbers in the Capes Region Ongoing. Council to further discuss appointment to this committee at CapeROC.	Vacant
Blackwood Basin Group	The BBG is a non-profit, community-based organisation that coordinates environmental management within the Blackwood River catchment area within the South West. Ongoing	Cr Colyer (recently re-appointed as delegate on 13 July 2011)
Margaret River Education Campus Board	Governing Board for the MR Education campus Ongoing.	Vacant
Regional Road Group	One elected member from each shire in the MRWA South West Regional area, meets as required regarding road network Ongoing. Convened quarterly	Vacant
CoastSWAP	South West and Peel Coastal Management Group. Ongoing.	Cr Serventy
DEC Committee	DEC liaison committee meeting on issues of mutual interest. Ongoing. Convened as required	Vacant
Small Business Vasse Management Committee	SBC Vasse assists new business to establish or existing businesses to function better or to expand. The SBC Vasse is part of a state-wide network of SBC's and is community owned and run by a local management committee comprising representatives of the business community and local government including the AMRSC. Ongoing.	Vacant
Industry Leaders Group	MRCCI, AMRTA, Augusta CCI, AMRSC, MRWIA networking forum Ongoing.	President and CEO
Lower Blackwood Land Conservation District Committee	To advise on development and promotion of land use programs in the district under Soil & Land Conservation Act 1945. Appointment by Minister for three years. Ongoing.	Cr Serventy
Stakeholder Group for the Augusta Boat Harbour	Provide guidance to Dept of Transport for the development of new boat harbour in Augusta. Group also includes South West Development Commission, Department of Regional Development, Lands and Transport.	Shire President, Ray Colyer and Director of Infrastructure

**CEO Comment: The bi-monthly MRGTT meetings grew out of a tourism forum involving key stakeholders. Since the inception of the Capes Regional Organisation of Councils (CapeROC) the cost benefit of the Shire's ongoing participation has been discussed between delegates. It is essentially a network of tourism agencies and the CapeROC Shires and the City of Bunbury. It is recommended that the Shires' ongoing participation in the MRGTT be discussed at the next CapeROC Meeting.*

CONSULTATION AND ADVICE

CEO

Department of Water, Bunbury

DISCUSSION/ OFFICER COMMENTS

The local government elections provide an opportunity to reassess the Council's participation in the various committees. Council should review these commitments prior to the Council elections to allow for the smooth transition of the new Council in appointing delegates at the first ordinary meeting following the election.

In accordance with the Shire's Governance Policy, appointments to committees should only be considered where the body/group/organisation:

- represents state or regional interests that are likely to impact upon the Shire of Augusta-Margaret River;
- represents local interests *and* the Council has a direct financial interest in the affairs of that group; or
- represents local interests *and* the group occupies Council property.

In light of the policy, and CEO's previous advice to Council that it is preferable to keep Council and staff participation in committees to a minimum, in order to limit additional pressures upon Council members and staff, Council should consider whether participation in these committees should continue.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The decisions of the committees are not binding upon Council.

POLICY IMPLICATIONS

See consideration of Governance Policy above.

FINANCIAL IMPLICATIONS

Councillors attending meetings and events as a Council appointed delegate are entitled to travel reimbursements and other costs in accordance with Council policy. The wages for staff time (often after hours) for staff attending committees to provide technical or administrative support should also be considered.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

1. That Council:

- a) appoints Cr Colyer as the Shire of Augusta Margaret River's representative of the WALGA Zone Committee and Cr Earl as deputy;
- b) appoints Cr _____, Cr _____ to the Margaret River Geographe Tourism Taskforce (pending Council's continued participation following CapeROC meeting) and Cr _____ as deputy;
- c) appoints Cr _____ as the Shire of Augusta-Margaret River representative to the Small Business Centre Vasse and Cr _____ as deputy;
- d) appoints Cr _____ as the Shire of Augusta-Margaret River representative to the Margaret River Education Campus Board and Cr _____ as deputy;
- e) Appoints Cr _____ as the Shire of Augusta-Margaret River representative to the Augusta-Margaret River Industry Leaders Group and Cr _____ as deputy;
- f) Appoint Cr Serventy as the Shire of Augusta-Margaret River representative to CoastSWAP and Cr _____ as deputy;
- g) The Cr Colyer be reconfirmed as the appointed Shire of Augusta-Margaret River representative to the Blackwood Basin Group;
- h) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the MRWA Regional Road Group and Cr _____ as deputy;
- i) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the DEC Liason Committee and Cr _____ as deputy;
- j) Appoint Cr Serventy as the Shire of Augusta-Margaret River representative to the Lower Blackwood Land Conservation District Committee;

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- k) That Cr _____ be appointed as the Shire of Augusta-Margaret River representative to the Augusta to Busselton Rail Trail Steering Committee and Cr _____ as deputy; and
 - l) appoints Cr Colyer as the Shire of Augusta-Margaret River representative to the Augusta Boat Harbour Stakeholders Group.
2. That Council notes the Whicher Water Resource Management Committee is no longer active and no longer requires representation from the Shire; and
3. That Cr Colyer, Shire President, Cr _____ and Cr _____ be appointed as the Shire of Augusta-Margaret River's representative to CapeROC in accordance with the Terms of Reference and Cr _____ as deputy.

ATTACHMENTS

Nil

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SMART OM1111/4

1. That Council:
- a) appoints Cr Colyer as the Shire of Augusta Margaret River's representative of the WALGA Zone Committee and Cr Earl as deputy;
 - b) That Council declines to appoint any councillors to the Margaret River Geographe Tourism Taskforce;
 - c) appoints Cr Bell as the Shire of Augusta-Margaret River representative to the Small Business Centre Vasse and Cr McGregor as deputy;
 - d) appoints CEO Gary Evershed as the Shire of Augusta-Margaret River representative to the Margaret River Education Campus Board and Cr Smart as deputy;
 - e) Appoints Cr Colyer as the Shire of Augusta-Margaret River representative to the Augusta-Margaret River Industry Leaders Group and Cr Earl as deputy;
 - f) Appoint Cr Serventy as the Shire of Augusta-Margaret River representative to CoastSWAP and Cr Veitch as deputy;
 - g) The Cr Colyer be reconfirmed as the appointed Shire of Augusta-Margaret River representative to the Blackwood Basin Group;
 - h) That Cr Earl be appointed as the Shire of Augusta-Margaret River representative to the MRWA Regional Road Group and Cr Veitch as deputy;
 - i) That Cr Serventy be appointed as the Shire of Augusta-Margaret River representative to the DEC Liason Committee and Cr McGregor as deputy;
 - j) Appoint Cr Serventy as the Shire of Augusta-Margaret River representative to the Lower Blackwood Land Conservation District Committee;
 - k) That Cr Serventy be appointed as the Shire of Augusta-Margaret River representative to the Augusta to Busselton Rail Trail Steering Committee and Cr Earl as deputy; and
 - l) appoints Cr Colyer as the Shire of Augusta-Margaret River representative to the Augusta Boat Harbour Stakeholders Group.
2. That Council notes the Whicher Water Resource Management Committee is no longer active and no longer requires representation from the Shire; and
3. That Cr Colyer, Shire President, Cr Earl and Cr Bell be appointed as the Shire of Augusta-Margaret River's representative to CapeROC in accordance with the Terms of Reference and Cr Smart as deputy.

CARRIED 7-NIL

Cr Smart proposed an alternative motion for the above Item 12.1.2 with the inclusion of an additional point 4 in the recommendation as follows:

4. **That Council writes to the Department of Transport requesting that the Augusta Boat Harbour Stakeholder Group be expanded to include both Leeuwin Ward councillors of the Shire.**

ALTERNATIVE MOTION / COUNCIL DECISION

CR SMART, CR MCGREGOR OM1111/5

4. **That Council writes to the Department of Transport requesting that the Augusta Boat Harbour Stakeholder Group be expanded to include both Leeuwin Ward councillors of the Shire.**

CARRIED 7-NIL

REASON: *Since being on council, Cr Smart states that he has worked solidly on the Boat Harbour proposal, promoting it where possible and working with and lobbying politicians. He lives within sight of the development and has a close friendship with the project manager. He also has a good working relationship with Minister Redman and has continually updated and kept him informed of the progress of the project over the last couple of years. Cr Smart also states that the project is the most significant project to contribute to Augusta's future economic growth and he would like to be as much a part of it as possible.*

12.1.3 ADOPTION OF THE ANNUAL REPORT 10-11

LOCATION/ADDRESS	District
APPLICANT/LANDOWNER	Nil
FILE REFERENCE	COR/38
REPORT AUTHOR	Donna Wolter, Executive Assistant
AUTHORISING OFFICER	Gary Evershed, Chief Executive Officer

IN BRIEF

This report seeks Council approval to adopt the Annual Report and confirm the selection of the date for the Annual Electors Meeting.

RECOMMENDATION

That Council;

1. Adopts the Shire of Augusta-Margaret River Annual Report for the year ending the 30 June 2011 as detailed in *Attachment 1*.
2. Approves the holding of the Annual General Electors Meeting to be held on **Wednesday, 14 December 2011** at Council Chambers, Margaret River commencing at 4.00pm.

LOCATION MAP

Nil

TABLED ITEMS

Nil

BACKGROUND

In accordance with the *Local Government Act 1995*, (the Act) a local government is required to prepare an Annual Report on its operations for the preceding financial year by 31st December.

CONSULTATION AND ADVICE

Section 5.55 of the Act requires that Council give local public notice of the availability of the annual report once adopted by Council. This will be carried out by advertisements in the Augusta-Margaret River Times.

DISCUSSION/ OFFICER COMMENTS

The Annual Report has been prepared by Council's Administration and includes the summarised Financial Report as audited by Council's auditors (**Attachment 1**).

The report has been prepared based on the priorities and direction set in the 10 Year Strategic Plan for the Future. Where available, performance indicators are provided or comparative indicators as appropriate.

Section 5.53 of the Act required Council to prepare an Annual Report which is to contain:

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in

- accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

Admin Regs

19B. Annual report to contain information on payments to employees — s. 5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.

[Regulation 19B inserted in Gazette 31 Mar 2005 p. 1032.]

The adoption of the Annual Report is to include (f) the financial report for the financial year. The *Local Government (Financial Management) Regulations 1996 Regulation 36* set out the type of information that is to be included in the financial report.

In addition to the adoption by the Council of the annual report it is also necessary to set a date for the holding of the Annual Electors Meeting.

Section 5.27 of the Act states that a general meeting of the electors is to be held once every financial year and not more than 56 days after the local government accepts the annual report.

The purpose of the electors meeting is to discuss the contents of the annual report for the previous financial year and then any other general business.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The following sections of the Act detail the requirements and the conduct of Annual Electors Meeting.

Section 5.27 Electors General Meeting to be held once every financial year.

Section 5.54 acceptance of the Annual Report

Section 5.55 requires the local public notice of the availability of the Annual Report has been adopted by Council.

Local Government (Administration Regulations 1996) on Regulation 15.

Local Government (Financial Management) Regulation 1996 Regulation 51.

Local Government (Financial Management) Regulations 1996 Regulation 36 specifies the information that is to be included in the Annual Financial Statements.

Section 5.5, information which should be included in the Annual Report.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed in the Annual Report.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

The Annual Report provides the community with a report on the progress Council has made against the Shire's Strategic Plan.

Economic

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

1. Adopts the Shire of Augusta-Margaret River Annual Report for the year ending the 30 June 2011 as detailed in *Attachment 1*.
2. Approves the holding of the Annual General Electors Meeting to be held on **Wednesday, 14 December 2011** at Council Chambers, Margaret River commencing at 4.00pm.

ATTACHMENTS

1. Shire of Augusta-Margaret River Annual Report 2010/2011

Council voted on the alternative recommendation that was proposed by Cr McGregor and passed at the ARMC Meeting prior to the Ordinary Meeting of Council.

COMMITTEE RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR SERVENTY OM1111/6

That Council;

1. **Adopts the Shire of Augusta-Margaret River Annual Report for the year ending the 30 June 2011 as detailed in *Attachment 1*.**
2. **Approves the holding of the Annual General Electors Meeting to be held on *Wednesday, 14 December 2011* at Council Chambers, Margaret River commencing at 5.00pm.**

**CARRIED 7-NIL
BY ABSOLUTE MAJORITY**

REASON: *The later time of 5.00pm was proposed by Cr McGregor at the ARMC Meeting as a more suitable time to commence the meeting as it would enable more people to attend.*

12.2

Planning and Development Services

12.2 Planning and Development Services

12.2.1 DRAFT LOCAL PLANNING POLICY NO.20 - HOLIDAY HOUSES

Cr Veitch left Council Chambers at 6.02pm due to a proximity and financial interest previously disclosed in writing to the CEO.

LOCATION/ADDRESS	All of Shire
APPLICANT/ LANDOWNER	Shire of Augusta-Margaret River
FILE REFERENCE	LND4
REPORT AUTHOR	Iliya Hastings, Manager Planning Services
AUTHORISING OFFICER	Geoff Broad, Director, Planning & Development Services

IN BRIEF

- A draft Local Planning Policy No.20 on Holiday Houses is presented to Council for the purposes of adoption for public comment.
- The draft policy reflects the definitions and broad directions provided by Local Planning Scheme No.1 with regard to the preferred location and processing of holiday house applications however provides a higher level of interpretation and detailed guidance on these provisions.
- The draft policy identifies three policy areas (Coastal, Lifestyle and Urban) within which various levels of preference and criteria for holiday houses and holiday houses large is recommended.
- Standard development requirements and procedures for approval and renewal are also set out for all holiday houses.
- The draft policy attempts to provide a balance between protecting the primacy, amenity and affordability of the broader residential areas of the Shire whilst acknowledging the role holiday houses play in the tourist accommodation sector.
- It does this by identifying key locations for holiday houses and criteria that ensure that holiday house activities are suitably sited, designed, managed and operated. Contingencies have also been provided in the draft Policy that will aim to restrict renewal of operations that have resulted in adverse impacts on surrounding properties.
- A summary of legal advice received on holiday houses and Councils resolution of 2003 to not require planning approval for holiday houses accommodating 6 or less people (where commenced prior to the resolution) is also provided.
- As a result of this advice the report recommends rescission of the 2003 resolution.

RECOMMENDATION

That Council:

1. Pursuant to reg.10 of the Local Government (Administration) Regulations (1996) rescind Resolution 5 of Council minute 'OM03/03 11' of the Ordinary Council meeting of March 4, 2003 that reads:

To determine that dwellings occupied by more than six unrelated people as holiday houses have been established without appropriate authority under its current Town Planning Schemes and are, therefore, illegal. Enforcement of the matter to be dealt with by way of processing applications through the policy referred to in point 4 and acting on the outcomes.

2. Pursuant to Clause 2.4.1 of Local Planning Scheme No.1, adopts for the purposes of advertising for public comment draft Local Planning Policy No.20 – Holiday Houses.
 3. Resolve that up until final adoption of LPP 20 that the draft LPP20 be utilised in assessing applications for holiday houses and holiday houses (large) pursuant to LPS1 and that where planning approval is issued in an inland settlement of the Shire during this period, that approval shall only be issued for a 12 month period irrespective of whether such application is for renewal.
-

TABLED ITEMS

Nil

BACKGROUND

The use of single dwellings for short stay/holiday purposes has been a long established activity in the Shire of Augusta-Margaret River, this reflecting the popularity of the Shire and its settlements as a holiday destination. Similarly, the issues associated with holiday houses and the legal, policy and procedural approach of the Shire in addressing such issues has also had a varied and extensive background. The key points of reference of this background are summarised below:

2003 (March) – Council (refer minute OM03/03 11) resolved:

1. To determine that the provisions of existing Schemes No. 11, 16, 17, 18 and 19 do extend to effect control over the land use category of holiday houses involving the short term rental of single dwellings and that, as from the date of the resolution by Council on this point, all such proposals for the establishment of holiday houses shall form the subject of applications for planning approval under the Scheme in force over the property and to perpetuate that control under the provisions of proposed District Town Planning Scheme No. 1.
2. To adopt the current fee for change of use applications (currently \$200) as the appropriate fee for applications for planning approval for the establishment of holiday houses with a further fee of \$165.00 to cover the cost of advertising.
3. To adopt the practice of advertising all such applications for planning approval so that neighbouring and nearby property owners have the opportunity to comment on each proposal.
4. To adopt the attached Policy Statement – Holiday Homes Short Stay Use of Residential Dwellings as a guide to those seeking approval to establish holiday houses.
5. To determine that dwellings occupied by more than six unrelated people as holiday houses have been established without appropriate authority under its current Town Planning Schemes and are, therefore, illegal. Enforcement of the matter to be dealt with by way of *processing applications through the policy referred to in point 4 and acting on the outcomes*

This resolution established a position that required planning approval for holiday houses under the then operative schemes, with applications to be processed and assessed in accordance with the adopted policy. Significantly the final resolution (5) made a specific differentiation between holiday houses accommodating more than 6 people by indicating that such use was illegal (without prior approval). This resolution also had the converse effect of determining that dwellings used for holiday houses and accommodating 6 or less people were 'legal' prior to this resolution and as such did not require planning approval. Legal opinion on this resolution and the implications thereof are discussed in the 'Legal Implications' section of this report.

2003 (May) – Council adopted the Holiday House Policy (PE37) after advertising. This policy provided a guide to the assessment of holiday house application in the Shire up until **23 June 2010** when it was revoked (along with various other policies that were in effect superseded in lieu of the imminent gazettal of LPS1). This policy gave broad direction on where holiday houses (and holiday houses large) should be supported. This generally included support for holiday houses in the coastal settlements of the Shire, special rural areas and rural areas west of Caves Road. The policy indicated that holiday houses would generally not be supported in the inland settlements of the Shire and also provided some standard development requirements and general objectives to assist in determining applications.

2008 (July) – Council in considering a staff recommendation to require all holiday houses (including large), irrespective of the date of commencement to gain planning approval, resolved to defer the item to enable Councillors to workshop the matter with staff. The staff recommendation would have effectively changed the direction set by the 2003 resolution notwithstanding that no rescission motion was presented. Workshopping of the matter did not proceed to the point where a new report on the matter was presented to Council.

2010 (September) – Local Planning Scheme No.1 was gazetted. This establishes clear definitions for holiday houses and holiday houses (large) and stipulates which zones such uses are able to be considered for approval or are prohibited. LPS1 also outlines locational objectives for where holiday

houses should be approved in the Shire. The provisions and implications of LPS1 are discussed in detail in the 'Planning Framework' section of this report though it is important to highlight that the primary purpose of the proposed draft Policy is to provide guidance and interpretation on the provisions contained within LPS1.

CONSULTATION AND ADVICE

Given the scope and application of the issue of holiday houses in the Shire, it is recommended that a high level of community consultation be undertaken on the draft Policy consistent with Level F of LPP2 - *Consultation*. This should include standard procedures such as newspaper notices and website exposure in addition to specific referral to relevant stakeholder and industry groups such as the Margaret River Tourism Association, holiday house management agencies, Tourism WA, WA Planning Commission and individual holiday house owners. A media release raising awareness of the issue should also be undertaken.

PLANNING FRAMEWORK

Local Planning Scheme No.1 (LPS1)

LPS1 provides a clear statutory framework for the definition and consideration of holiday houses in the various zones of the Shire. The key provisions of LPS1 in this respect comprise:

Definitions

The scheme makes specific differentiation between holiday houses that can accommodate up to 6 people and those that can accommodate between 7 and 12 through the application of the following definitions:

"holiday house" means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit;

'holiday house (Large)' means premises conforming to the definition of "Holiday House" with the exception that the premises provide short stay accommodation for more than 6 people but not more than 12 at any one time;

The definition importantly limits holiday houses to the use of a single house. A separate report on the short stay use of grouped and multiple dwellings will shortly be presented to Council. The scheme also has various definitions that relate to the use of holiday houses such as 'short stay' that assist in further defining the activity. Where relevant these are incorporated in to the draft policy.

Permissibility

Table No.1 – Zoning Table of the scheme identifies 'Holiday House (incorporating 'Holiday House large') as a discretionary use ('A' – subject to Council approval after notification) in the all 'Residential' zones, 'Conservation' zones and 'Town Centre', 'Village Centre', 'Chalet & Camping' and 'Tourism' zones. It is a prohibited use ('X') in all 'Rural' zones and the 'Service Commercial' and 'Caravan Park' zone.

Provisions

LPS1 provides specific consideration of 'Holiday Houses' through the provisions of Clause 5.26 as follows:

5.26.1 Applications for Planning approval for holiday houses will be required to demonstrate to the satisfaction of the local government that a holiday house activity will be so managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby properties.

5.26.2 The Local government may require the provision of additional parking areas to be provided onsite over and above those required for residential uses under the Residential Design Codes.

5.26.3 Unless the local government determines otherwise, any approval granted for such a development will be granted for a limited period of one year renewable by way of further application towards the expiration of that period. If the local government has received complaints regarding the holiday house activity, a further approval may not be granted.

5.26.4 Holiday houses are generally considered appropriate within coastal communities of the local government area or within close proximity to major tourist attractions but are not considered to be appropriate within the residential districts of inland settlements.

These provisions reflect the key principles of the revoked Holiday House policy (PE 37) in terms of amenity considerations, parking requirements, approval renewals and appropriate locations. Notwithstanding the directions provided by the scheme however, there is an obvious need for a policy to guide interpretation and detailed application of these clauses particularly with respect to location of holiday houses and parameters for siting and design. The need for such interpretation has become particularly acute with a number of applications being received for holiday houses in a range of locations throughout the Shire, to which the scheme provisions do not provide a clear direction.

DRAFT POLICY

Preparation of the Draft policy involved considerable research on the range of issues and information relevant to holiday houses in the Shire, much of which is contained within the working draft of the Shires Tourism Strategy. The policy has been structured and designed to provide guidance and elaboration on provisions provided in LPS1 on the appropriate location, siting and design of holiday houses in the Shire in addition to the various amenity, management and renewal contingencies required to ensure sound planning outcomes for the activity.

The draft policy commences by establishing key objectives. These objectives reflect the strategic various roles for holiday houses in the Shire and the policy response as follows:

1. To provide clear guidelines on the appropriate location of Holiday Houses and Holiday Houses (Large) in the Shire.
2. To ensure that Holiday Houses and Holiday Houses (Large) are appropriately sited, sized and designed to be consistent with the character and amenity of surrounding land uses.
3. To encourage the development of holiday houses in areas of high tourist amenity and attraction and in proximity to relevant services.
4. To ensure that the primacy, affordability and use of the broader residential areas of the Shire for residential purposes are maintained.
5. To acknowledge the complimentary role that holiday houses play in the tourist accommodation sector in the Shire.

The locational direction for holiday houses as provided by LPS1 represents a sound basis upon which to structure the key elements of the policy. The 3 main policy areas are outlined and their rationale discussed below with the full draft Policy shown as Attachment 1.

Policy Area 1 – Coastal

This policy area comprises all of the coastal settlements and areas of the Shire including the various conservation based zones of LPS1. The scheme provides strong direction and preference for holiday houses to be located in these areas. This is recognised by the draft policy where the objective for this policy area is to support holiday houses (including large) subject to various amenity and development standards being met (see Standard Development Requirements). The rationale for this policy area is generally based on:

- Such areas being located within and adjoining areas of high tourist attraction and amenity (i.e. National Park, beaches, coastal villages, Blackwood River etc).
- Holiday houses having long been a part of the residential fabric and character of these areas. This is reflected by a high occurrence of holiday house activity in Gnarabup, Augusta and Prevelly.
- The use of residential land in these areas will have a negligible impact on housing affordability in the Shire given the generally higher land values.

Policy Area 2 - Lifestyle

This policy area comprises all land zoned Rural Residential and Residential R2.5 or R5. These zones are located throughout the Shire and generally have a character epitomised by larger lots and areas with rural and natural character. The policy area objectives highlight the need to protect the amenity and lifestyle attributes of these areas whilst considering appropriate holiday house use.

The key points of rationale for this policy area comprise:

- Such areas generally have natural and rural character attributes and are often close to or within areas of high tourist attraction and amenity that make them desirable for holiday house activity.
- This is reflected by a high to moderate level of holiday houses in such areas.
- The larger size of lots and low density of development in this policy area ensures a much higher capacity to ameliorate any off-site impacts in addition to providing adequate on-site parking.
- Similar to Policy Area 1, most lots in this policy area have a higher land value than the general residential housing stock of the townsites and as such their use as holiday houses is unlikely to impact on residential affordability.

Specific policy provisions for holiday houses 'large' (in addition to the standard development criteria) have been included in this policy area to address visual and other impacts on surrounding properties that often result from larger groups and are often due to the 'open' nature of such areas. This includes limiting holiday houses (large) in the R2.5 and R5 areas to lots that share no more than 3 boundaries with other lots. This will avoid situations where up to 12 people could be occupying a holiday house on a lot that has up to 5 adjoining properties. Amenity issues would be very difficult to address from a design or buffering perspective in these situations and it would minimise the proliferation of large holiday houses in these areas and in most cul-de-sacs where traffic and amenity impacts are often most acute.

Policy Area 3 – Urban

This policy area relates to all of the Shires 'inland settlements' as generally referenced in the holiday house provisions of LPS1. Whilst the scheme is relatively direct in not supporting holiday houses in these settlements (including Margaret River, Cowaramup, Witchcliffe, Karridale), the proliferation of holiday houses in these towns (particularly Margaret River) and proximity to tourist attractions requires a more detailed analysis of the issue.

In this respect it is important to acknowledge that the primary function for the inland settlements is to provide for the housing and servicing of the resident population of the Shire. Of similar importance is the need to acknowledge and protect the residential use and amenity of the residential areas in the towns. On this basis the objective for this policy area reads:

"To protect the residential primacy, affordability and amenity of the broader residential areas of the Shire by only supporting Holiday Houses and Holiday Houses (large) on suitably sized properties and in areas of high tourist amenity and attraction."

The need to protect the primacy of these areas for residential use guides the provisions of this policy, whilst also acknowledging that in particular instances, holiday houses and holiday houses large may be supported in the inland townsites. In this regard the well established history of holiday houses in Margaret River is evidenced by the town accommodating approximately 30% of all approved holiday houses in the Shire. 30 holiday houses have been approved in the town since 2003 in addition to the numerous other holiday houses that commenced operation prior to this.

The approach of this policy area is to:

1. To support holiday houses (including large) in those residential and other zones within or adjacent to areas of significant tourist attraction in the towns. Such areas are defined in the policy and with respect to the Margaret River townsite, a policy plan identifying these areas is provided. This plan identifies the following key strategic attractions:
 - i) Margaret River town centre – this is an integral attraction in the Shire due to the range of services, uses and activities provided for and enjoyed by tourists. A catchment of 300m around the town centre (which is defined by the 'Town Centre' zone of LPS1) is shown on the plan and this represents an area within which a connection and proximity to the town centre may be reasonably experienced.
 - ii) The Margaret River and foreshore environs in addition to the 'Rails to Trails' reserve. These represent areas of high natural and recreational value that are strategic tourist attractors.

2. In the balance of the residential areas of Margaret River and other inland settlements it is still considered reasonable to accommodate holiday houses where it can be clearly determined that there will be minimal potential to impact on residential amenity and at a frequency that would not facilitate a proliferation of the use. As such it is proposed to enable holiday houses that accommodate up to 8 people (i.e. equivalent of a 4 bedroom house) only on lots of 1000m² or greater. This lot size is considered the most appropriate in terms of ameliorating offsite impacts due to the capacity to achieve greater setbacks/buffers and bigger frontages/widths and space for parking. Importantly it also ensures that lots smaller than this, that make up the majority of the land and housing supply in the broader residential areas of the town, are retained for residential use. This ensures that impacts on affordability of housing and residential amenity in these areas is largely unaffected by holiday houses.
3. Within the other inland townsites, holiday houses (including large) will also be considered within 200m of the Town Centre and Village Centre zones regardless of lot size. This acknowledges the specific and individual tourist attraction of these settlements but also the low likelihood that there will be a high level of demand for holiday house use in them.

These provisions attempt to achieve a balance between ensuring the residential areas of the inland settlements and particularly Margaret River are retained for residential use whilst facilitating some holiday house development. Plan 2 (See Attachment 2) shows those areas where holiday houses could be considered in the Margaret River townsite based on the draft policy (including Policy Areas 2 and 3). This clearly shows that the majority of the residential areas would be retained for the permanent residential use and holiday houses would be concentrated in areas adjoining the town centre and river which includes areas of older lot stock which have a higher proliferation of lots greater than 1000m². This is considered a reasonable and balanced outcome for the residential areas of Margaret River and Shire generally.

Standard Development Requirements

The policy details standard requirements that all holiday house applications must satisfy. This includes parking, water supply, emergency response plans, management arrangements and restriction on amplified music in outdoor areas. These are generally consistent with those provisions applied to holiday houses under current approvals with the exception that such information is now required as part of an application rather than for just for compliance once operation commences. Such an approach is likely to increase the awareness of operators and owners to the responsibilities of the activity and hopefully reduce impacts on the surrounding area. A higher level of assessment of holiday houses (large) is also proposed in the draft policy.

Renewal and Approval Period

An important aspect of the policy will be the process and assessment of holiday house renewals and the term of any approval. The scheme requires a 'stepped' approach to approvals whereby an initial 1 year is granted and subject to no complaints being received for the activity that further approval is issued (upon further application). The draft policy extends and details this process by proposing up to a 3 year approval after the initial 1 year where there has been no valid complaint or evidence of amenity impact. This is considered a critical component of the policy as it provides an opportunity for regular monitoring and review of holiday house activity. Over time this has the capacity to ensure that well managed and designed holiday houses continue to contribute to the tourist accommodation supply in the Shire whilst reducing the number of operations that create adverse impacts for neighbours and the surrounding community.

STRATEGIC IMPLICATIONS

Local Planning Strategy

The LPS generally reflects the requirements of LPS1 in terms of the preferred location of holiday houses being in coastal locations and generally unsupportive in the residential districts of inland settlements. The LPS also has similar residential objectives to LPS1 in terms of retaining residential amenity and land supply.

Tourism Strategy (Working Draft)

Preparation of a Tourism Strategy is a key part of the Shires strategic planning program. This strategy will provide in depth analysis of the range of land use, economic and social issues relevant to achieving sustainable tourism in the Shire. Whilst there is a short term need for the holiday house policy, much of the information and principles upon which it is based have been derived from the working draft of the Tourism Strategy. This has included assistance in the definition areas of high

tourist amenity, tourist nodes, areas of tourist demand, breakdown of accommodation types and location and tourism numbers, all of which contribute to the context of the policy. The draft Tourism Strategy is planned to be presented to Council in early 2012 for adoption and is presently undergoing an economic analysis.

WAPC Planning Bulletin 99 – Holiday Homes Guidelines

As one of the key outcomes of the Holiday House Working Group (of which the Shire had membership), the WAPC released Planning Bulletin 99 in September 2009. This bulletin has the purpose of facilitating a consistent, equitable and efficient planning process for the regulation of holiday homes in WA. This is proposed through objectives:

- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

It proposes to achieve this via:

- Introduction of a Model Scheme Text definitions for holiday homes.
- Introduction of holiday homes as a use class in the zoning table of local planning schemes.
- Identification of preferred areas for holiday homes in local planning strategies based on sound planning principles.
- The preparation of local planning policies to deal with the potential issues associated with holiday homes.

The draft Policy, with support of the provisions of LPS1 is consistent with the purpose of this bulletin.

SUSTAINABILITY IMPLICATIONS

Environmental

There will be negligible environmental implications as a result of the draft Policy given the use of holiday houses must occur in a single dwelling which is subject to other planning and building approval processes where environmental issues are considered prior.

Social

The draft policy addresses social issues at a number of levels. Firstly it ensures through various policy and locational controls that the vast majority of residential land in the inland settlements of the Shire is retained for residential purposes. This has the social benefit of ensuring that holiday houses do not overly compete in and encroach on the permanent residential market and therefore impact on housing and land affordability for the broader community. Secondly the policy through the various development and renewal criteria, in addition to the exclusion of holiday houses from the majority of the broader residential areas aims to reduce the level of impact on amenity in residential areas. This is an important social consideration given the level impact the activity often has and which often affects the well being of the surrounding neighbourhood.

Conversely there is some argument to suggest that the concentration of holiday houses in the coastal settlements will have adverse social affects on the basis that:

- a) The large number of holiday houses will result in high levels of impact on amenity and;
- b) The large number of houses used for holiday houses will result (or has resulted) in a significant reduction in the permanent residential population of these settlements which has an adverse impact on the community.

With respect to amenity issues in these areas it is considered that the provisions of the draft Policy and particularly those relating to holiday house renewals will ensure that badly managed and high impacting holiday houses are phased out over time. However forming a policy framework that addresses the concentration of holiday houses is either unworkable or inequitable in that this would imply imposition of ratios, limits or numbers of holiday houses in certain areas. Such 'ceilings' would be very difficult to establish (other than having no holiday houses) and would also undermine the premise of a sound, equitable and robust planning framework which is to assess applications on individual merit. It could also be argued that such matters go beyond the scope of a planning policy. It

should finally be noted that with respect to the reduction in permanent occupancy of the coastal settlements, this is a trend that has been occurring since the founding of these settlements. It is also often the case where houses are owned by people who do not rent them as out holiday houses but rather they use them for their own private/family holiday purposes. In this respect a holiday house policy would have no capacity to influence land use change.

Economic

The draft Policy represents a balance between protecting the residential areas of the Shire from high levels of encroachment of holiday houses and acknowledging that the activity is an important component of the tourist accommodation supply in the Shire.

LEGAL IMPLICATIONS

Recent legal advice has been sought and provided to Shire staff on a number of matters related to holiday houses and in particular the Council resolution of 2003. This resolution (see Background) whilst acknowledging the need for holiday houses to be legitimised through planning approval from the date of the resolution, also indicated that holiday houses accommodating less than 6 people if operating prior to the resolution were in effect 'legal'. This position was made by virtue of resolution 5 which determined that holiday houses accommodating greater than 6 people were 'illegal'. This resolution has created a range of issues in considering holiday house applications and renewals on the basis that there is a lack of clarity over whether holiday houses operating prior to 2003:

- a) Require further renewal
- b) Have non-conforming use rights
- c) Should be approved even if they are not consistent with current planning or other requirements.

This situation has also partly compromised determination of new holiday house applications as the resolution established a perception of legitimisation for holiday houses (without approval) in range of areas. This has created some expectation that other holiday houses will be approved in these areas, notwithstanding the current planning requirements. Whilst the new scheme presents an opportunity to provide a fresh approach to the matter, as part of this it is important to review the previous resolution of Council to enable a clear direction for all holiday houses in the Shire.

In this respect the Shire solicitors were requested to undertake a review of the resolution and various other matters relevant to consideration of holiday houses. This legal advice provided the following conclusions:

1. The short stay use of single dwellings (i.e. holiday houses) required planning approval under previous town planning schemes given such use was outside of the scope of a single dwelling use.
2. It would have been open to Council to require approval for the continuation of all holiday houses (not just 'large') subsequent to the resolution of March 4, 2003.
3. The fact that Council resolved not to require approval in respect of those holiday houses commenced prior to March 2003 (other than for 'large'), cannot alter the legal status and need for approval of such uses under the previous schemes.
4. It is reasonable for the Shire to take the general position that any holiday house use of a dwelling commenced prior to gazettal of LPS1 without approval was not lawfully commenced.
5. As such if a holiday house use was not granted approval under a previous scheme, such use would not have any non-conforming use rights, regardless of Council's policy position to not require approval for those holiday houses commenced prior to the 2003 resolution.
6. It is not considered that Council's 2003 resolution would operate so as to estopp (preclude) the Shire from enforcing the requirement for holiday house uses to gain approval notwithstanding that the use was commenced prior to 2003 even though Council resolved that such uses did not need approval. It was further considered that the public interest associated with the lawful implementation of LPS1 and the Shire's need to properly exercise its statutory discretion under such would outweigh the position taken by Council in 2003.
7. Council should revoke its resolution of 2003 so as to enable conflict between the resolution and the lawful implementation of LPS1 to be removed.

The legal advice is clear on the need for approval for holiday houses under the current and previous schemes. It is therefore recommended in this report to revoke the resolution of 2003. The implications of this are varied. From a legal perspective the advice obtained indicates that there is no legal impediment to Council seeking approval for all holiday houses including those commenced prior to the

2003 resolution. Whilst there may be an argument by owners of such holiday houses that they were acting on the resolution of Council in not obtaining approval, it is clear that such approval is still legally required. Given this, the importance of achieving consistent and effective decision making and policy for holiday houses over the whole Shire and the compromised position the resolution has created over the years, it is reasonable to require that all holiday houses seek approval pursuant to LPS1 in accordance with adopted policy.

FINANCIAL IMPLICATIONS

There are minimal financial implications of this policy other than the need to advertise and consult the draft policy and any resolution of Council on a Shire wide basis. Whilst some legal costs have been incurred in achieving the outcomes presented in this report, it is considered that the adoption of a policy will in the long term reduce the occurrences of non-compliance with LPS1. This would have the resultant positive impact of reducing the amount of time and resources devoted to this issue by Shire staff which has been substantial over many years.

COMMENT

Holiday houses have long been a part of the tourist accommodation sector in the Shire. They represent approximately 9% (694 of 7517* beds – *source draft Shire Tourism Strategy) of approved tourist accommodation beds in the Shire though this is likely to be higher given there are a large number of holiday houses that operate without approval. In addition to this, holiday house owners form the largest 'operator' group in the accommodation sector (46% - 98 of 209* facilities). The popularity of the Shire as a tourist destination has been a driver for holiday house for many years and as the popularity of the Shire increases, so does the demand for this and other forms of accommodation. Given this and the relatively recent gazettal of LPS1 it is considered an appropriate time to establish a policy to provide guidance for property owners, the industry and other stakeholders and decision makers with respect to holiday houses.

The draft Policy as outlined in this report is considered to provide a good balance between the range of strategic residential, tourist and amenity objectives relevant to the holiday house issue. This is achieved by a policy approach that:

- Establishes policy areas with differing levels of preference for the location of holiday houses. This ranges from the more preferred coastal areas and settlements (Policy Area 1), to the low density residential and lifestyle areas (Policy Area 2) and the broader urban areas of the inland settlements (Policy Area 3) where holiday houses will only be supported in preferred location or lots with specific characteristics.
- 'Policy Area 3 – Urban' represents the most challenging component of the policy given it covers the inland towns and particularly Margaret River and Cowaramup where the conflict between permanent residential development and holiday houses has the most potential to impact on residential amenity and affordability outcomes.
- In outlining this it is important to highlight that of the current 98 approved holiday houses in the Shire, 29 (approx 30%) are located in Margaret River with a number of others operating in the town without approval.
- The policy approach for Policy Area 3 has a number of key outcomes:
 - i) Ensures that the majority of the existing and future residential areas of the towns are retained primarily for residential purposes.
 - ii) Guides the location of holiday houses either in proximity to the town/village centres and/or adjoining areas of significant tourist attraction. This ensures that the use of holiday houses for tourist accommodation is directly linked to areas that have tourist attraction rather than broader residential areas.
 - iii) Provides some limited scope for holiday houses to be located in the broader residential areas though only in circumstances where dwellings are appropriately designed and sited on lots that can suitably ameliorate impacts on neighbours (i.e. lots 1000m² or greater).
- The draft policy includes a range of standard development criteria that all holiday house proposals must comply with and that address issues such as amenity, parking, servicing, emergency and fire response and management.

- The approval term and renewal process of the draft policy provides a clear framework for ensuring that holiday house operations that are either poorly managed and/or result in adverse impacts on the surrounding residents of an area do not get subsequent approvals and are phased out over time.

A simulated application of the draft policy has shown that the vast majority of holiday houses (including large) that have been approved in the Shire would generally fall within the locational criteria of one of the policy areas. This includes most of the holiday houses that have been approved in the Margaret River townsite in addition to the majority of unapproved holiday houses that are advertised on various accommodation websites. This analysis provides some validity to the balance sought by the draft policy though it is important to highlight that there are many elements of the policy that would need to be complied with to ensure that holiday houses are not just appropriately located but also sited, designed, operated and managed to ensure consistency with the amenity and character of residential areas.

Finally, as outlined in the 'Legal Implications' section of this report, it is recommended that Council engage with and require all holiday houses operating without approval (including those operating prior to 2003) to require assessment against the statutory discretion and approval processes set out in LPS1 and the draft Policy. The need for the legitimisation of holiday houses is presently being assisted by the Margaret River Tourism Authority who are requiring Shire approval prior to properties being listed and advocated within their letting service. Furthering this approach through consultation with the various holiday house management businesses, owners and other stakeholder groups as part of the advertising of the draft Policy and subsequent to the final adoption of the Policy will therefore be important. To enable this and provide a clear direction for all holiday house determinations it is recommended that the Council resolution of 2003 to waive the need for holiday houses operating prior to this time to seek approval, be rescinded.

VOTING REQUIREMENTS

Absolute & Simple Majority

RECOMMENDATION

That Council:

1. Pursuant to reg.10 of the Local Government (Administration) Regulations (1996) rescind Resolution 5 of Council minute 'OM03/03 11' of the Ordinary Council meeting of March 4, 2003 that reads:

To determine that dwellings occupied by more than six unrelated people as holiday houses have been established without appropriate authority under its current Town Planning Schemes and are, therefore, illegal. Enforcement of the matter to be dealt with by way of processing applications through the policy referred to in point 4 and acting on the outcomes.

ABSOLUTE MAJORITY REQUIRED

2. Pursuant to Clause 2.4.1 of Local Planning Scheme No.1 (LPS1), adopts for the purposes of advertising for public comment draft Local Planning Policy No.20 – Holiday Houses (LPP20).
3. Resolve that up until final adoption of LPP20 that the draft LPP20 be utilised in assessing applications for holiday houses and holiday houses (large) pursuant to LPS1 and that where planning approval is issued in an inland settlement of the Shire during this period, that approval shall only be issued for a 12 month period irrespective of whether such application is for renewal.

SIMPLE MAJORITY REQUIRED

ATTACHMENTS

Draft Local Planning Policy No.20 – Holiday Houses

ADDENDUM

ITEM 12.2.1 DRAFT LOCAL PLANNING POLICY NO.20 – HOLIDAY HOUSES

The attachment, Policy Plan No.1, forms part of the Draft Policy and was not included in the original attachment. It is now provided as this Addendum.

RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR BELL OM1111/7

That Council:

1. Pursuant to reg.10 of the Local Government (Administration) Regulations (1996) rescind Resolution 5 of Council minute 'OM03/03 11' of the Ordinary Council meeting of March 4, 2003 that reads:

To determine that dwellings occupied by more than six unrelated people as holiday houses have been established without appropriate authority under its current Town Planning Schemes and are, therefore, illegal. Enforcement of the matter to be dealt with by way of processing applications through the policy referred to in point 4 and acting on the outcomes.

ABSOLUTE MAJORITY REQUIRED

2. Pursuant to Clause 2.4.1 of Local Planning Scheme No.1 (LPS1), adopts for the purposes of advertising for public comment draft Local Planning Policy No.20 – Holiday Houses (LPP20).
3. Resolve that up until final adoption of LPP20 that the draft LPP20 be utilised in assessing applications for holiday houses and holiday houses (large) pursuant to LPS1 and that where planning approval is issued in an inland settlement of the Shire during this period, that approval shall only be issued for a 12 month period irrespective of whether such application is for renewal.

SIMPLE MAJORITY REQUIRED

CARRIED 6-NIL
AND BY ABSOLUTE MAJORITY

Cr Veitch returned to Council Chambers at 6.11pm.

12.2.2 LOT 1 CAVES ROAD, MARGARET RIVER - SCHEME AMENDMENT NO. 7 TO LPS1 AND STRUCTURE PLAN

LOCATION/ADDRESS	Lot 1 Caves Road, Margaret River
APPLICANT/ LANDOWNER	Halsall and Associates Town Planning Consultants
FILE REFERENCE	LND/1/7, P211311
REPORT AUTHOR	Jenny Tattam, Senior Planning Officer
AUTHORISING OFFICER	Geoff Broad, Director Planning and Development Services

IN BRIEF

- Lot 1 Caves Road (the Site) is zoned Rural Residential under Local Planning Scheme No. 1.
- An application has been received to rezone the Site to introduce special provisions enabling smaller lot sizes and to bring in a Structure Plan to guide future subdivision (two lots) and development of the property.
- The proposal is consistent with the Scheme, Local Planning Strategy and relevant state policy.
- The only issues raised are the size of the building envelope on one of the proposed lots and a requirement for some landscaping.
- It is considered that the application contains sufficient information to proceed with advertising.

RECOMMENDATION

That subject to minor modifications the proposed scheme amendment and structure plan are satisfactory for advertising.

SITE AND SURROUNDS

Lot 1 Caves Road, Margaret River (the Site) is located approximately 5km west of the Margaret River town site on the western side of Caves Road. It has an area of 2.5561 hectares and has been developed with a single dwelling, an approved guesthouse and a number of ancillary outbuildings and associated structures (eg, water tanks). Access is provided from Caves Road to the south east. All structural development is located in the north-west of the property, while an excavated storage pond, that provides an additional water supply to service the Site, is located to the north-east.

The Site includes remnant vegetation along the western boundary and to the north adjacent to the Margaret River foreshore reserve. Individual garden plantings are distributed about the balance of the property, which remains largely parkland cleared.

Adjoining land uses include a cluster development facilitated by an additional use right over Lot 410 to the west and south. This incorporates a rural residential cluster subdivision, an agricultural tourism opportunity, cellar door and farm shop/cafe within an underlying 'General Agricultural' zoning.

Immediately north of the Site is Reserve 4981 reserved for Parks and Recreation incorporating both the Margaret River and riparian zone. This links with a vegetated corridor that runs westward along the Margaret River to the coast.

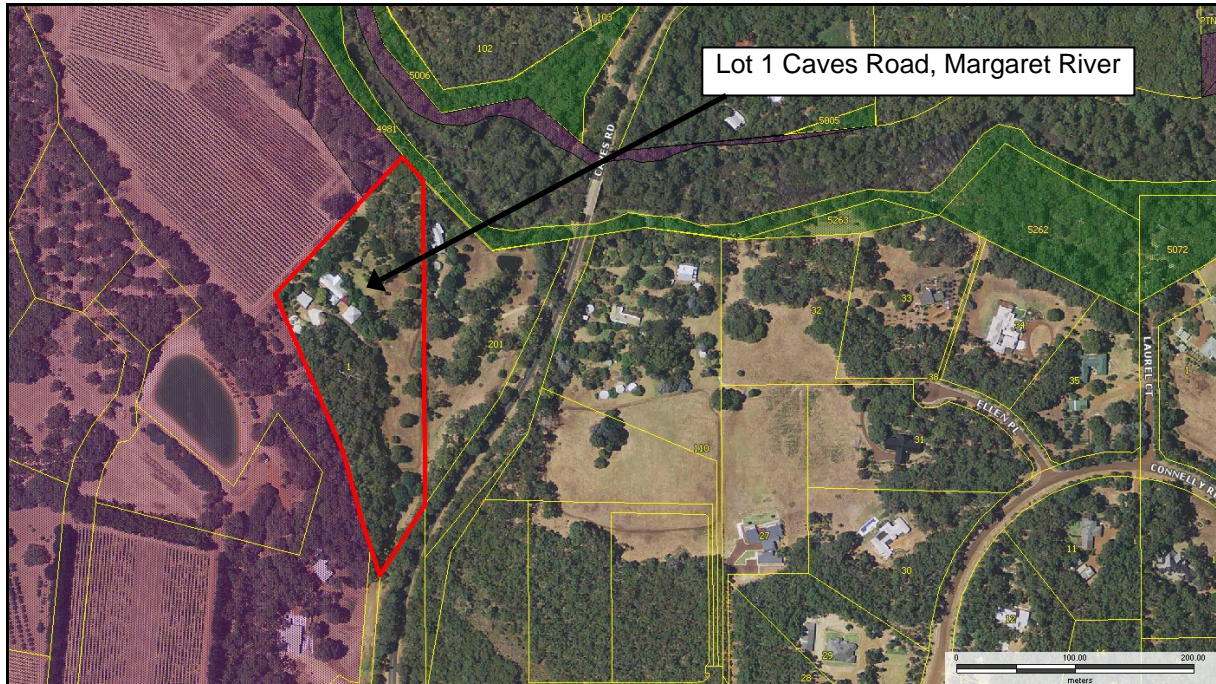
To the east is Lot 201 which is also zoned Rural Residential and which has been developed with a single dwelling and low key tourism (two chalets).

TABLED ITEMS

Planning report including the following:

- Environmental Assessment
- Fire Management Plan

LOCATION MAP



BACKGROUND AND PLANNING HISTORY

Lot 1 Caves Road, Margaret River was zoned 'Rural-Residential' under LPS1 when it was gazetted in September 2010. Prior to this the zoning was 'Rural'.

Under LPS1 the general provisions for the 'Rural Residential' zone state that except as otherwise may have been approved, the minimum lot size for land within the zone is three (3) hectares. An amendment to the Scheme is therefore required to allow smaller lot sizes. Under the Scheme a Structure Plan is also required to guide future subdivision and development of the Site.

PROPOSAL

The proposal comprises an amendment to the Scheme along with consideration of a Structure Plan. The amendment shall introduce new provisions into Schedule 11 and a notation (R-R27) on the relevant Scheme map to link the provisions and Structure Plan to the subject site.

The proposed new provisions are designed to: ensure that subdivision and development are in accordance with the approved structure plan for the land; protect existing vegetation; and provide for a minimum lot size of one hectare.

The proposed Structure Plan includes the following key elements:

- subdivision of the Site into two lots – proposed lot 101 to the rear has an area of 1.38ha, and additional Lot 102 has an area of 1.10ha;
- the one access point will remain in its existing formation, which will be upgraded as required to satisfy Main Roads specifications. The intention is to maintain one access point with a reciprocal rights of access arrangement over proposed Lot 102 to the benefit of Lot 101 to avoid unnecessary replication of construction formation onto Caves Road. Formal road frontage will be provided to Lot 101 to the south west of the site via battleaxe leg however this will remain un-constructed.
- widening of the road reserve along the frontage of the Site
- the existing dwellings and associated outbuildings on proposed Lot 101 are to be contained within a building envelope. A building envelope is shown on proposed Lot 102 in a cleared area;
- the structure plan also indicates the 100m setback line to the river;
- a pedestrian access easement through proposed Lot 101 to link between proposed Lot 102 and the Reserve adjoining the river; and
- existing vegetation is retained.

The proposed Structure Plan Map is included as **Attachment 1**.

ATTACHMENT 1

CONSULTATION

Should the Council decide to initiate the Scheme Amendment for advertising, it will be subject to a 42 day consultation process in accordance with the requirements of the *Town Planning Regulations, 1967*.

LPS1 requires notification of a structure plan for at least 21 days to affected landowners, public authorities and other relevant people.

The scheme amendment and Structure Plan would be advertised concurrently.

PLANNING FRAMEWORK

Relevant policy and strategic documents that apply to this comprise the following:

Leeuwin Naturaliste Ridge Statement of Planning Policy (LNRSP)

The land use strategy plan classifies the land as 'Rural Residential'. Under the LNRSP Rural Residential land is restricted to the areas shown on this plan, and subdivision and development that facilitates better use of land already committed for Rural Residential development will be encouraged. Assessments are to consider provision for clustering, walking and cycling and suitability for small scale tourism and/or small scale intensive agriculture. Consolidation and diversification of existing Rural Residential land to the west of Margaret River will be compatible with regional environmental corridor functions and landscape values.

The Site is also identified within the National Park Influence Area which requires that the land should be compatible with the special values of the National Park and the Leeuwin Naturaliste Ridge.

Local Planning Scheme No. 1 (LPS1)

The Site is zoned 'Rural Residential' under LPS1. The purpose of the Rural Residential zone is to provide and recognise established rural-residential lifestyle development opportunities in strategic rural locations but to confine any further such development to land where such activities are consistent both with the provisions of the LNRSP, the conservation of significant landscape values and environmental attributes and include appropriate fire management strategies.

Local Planning Strategy (LPS)

The subject land is identified as 'Rural Residential' in the LPS. The LPS is a strategic document which sets out strategies for subdivision and development over the next 15 years. The strategy supports rural residential subdivision and development subject to protection of the environmental and landscape values of the site and its locality. Rural residential proposals will only be supported in areas designated as 'Rural Residential' in the LNRSP and the strategy maps.

PLANNING ASSESSMENT

Strategic/Land Use Potential

The Site is identified as 'Rural Residential' under both the LNRSP and the LPS. Both of these documents support the consolidation of land already committed for this purpose, instead of the creation of new Rural Residential areas and consumption of productive agricultural land. In addition, both documents provide that the average size of lots in the Rural Residential zone may be one (1) hectare.

The Site is also zoned 'Rural Residential' in LPS1. However, under the general provisions for this zone the minimum lot size is three (3) hectares. The proposal therefore seeks to amend the Scheme in order to allow for smaller lots than in the general provisions, but still in line with the average sizes and strategic objectives set out in the LNRSP and LPS.

While the proposal is consistent with the strategic intentions for the area, assessment is required in regard to whether the reduction in lot size/greater density is acceptable in terms of the local environment including visual impacts, landscape and amenity and the capacity of infrastructure.

Landscape Amenity

The Site is within Visual Management Zone 'A' of the LPS. Development within this zone should result in in-evident visual alteration to the landscape. Whilst changes may occur, the development or change of use should be of similar form, scale and pattern to the existing landscape. Under the LNRSP development should also have due regard to appropriate siting and design of structures in order to compliment surrounding landscapes and built form, including minimising visual impacts from travel route corridors and adjoining properties.

The scheme amendment documentation does not address landscape amenity through detailed analysis. While it is noted that there are pockets of vegetation around existing buildings and the property boundary, it is recommended that a condition on the structure plan require landscaping/revegetation along the eastern boundary of the Site to protect any visual impacts upon Caves Road.

Natural Environment

One of the key objectives of Rural Residential areas is to provide opportunities for development while at the same time ensuring the conservation and enhancement of the local environment and landscape with appropriate fire management measures.

The Site includes a stand of vegetation along the western boundary and along the north boundary adjacent to the Margaret River. The presence of large trees and location of the property means that it fills an important corridor function for fauna associated with the river. There are no water courses, no declared rare flora and no threatened ecological communities on the Site and the vegetation complex is assessed as being well represented.

One way to ensure the retention of the maximum amount of vegetation is to ensure that building envelopes are not too large and that they are in cleared areas. The proposed building envelopes have an area of 2992sqm (proposed Lot 101) and 880sqm (proposed Lot 102) respectively. While it is acknowledged that the envelope on proposed lot 101 contains existing development it is considered excessive given the smaller (1ha) size of the proposed lot. Accordingly, it is recommended that the proposed building envelope on Lot 101 is reduced to a maximum of 2000sqm consistent with other rural residential lots of this size.

Vegetation across the site is proposed to be retained during the development process and as long as clearing for fire is reduced as much as possible through ensuring the building envelopes are an appropriate size then it is expected that the proposal will result in minimal environmental impacts.

Servicing

The subject land is not connected to a reticulated water supply, as is the case with other rural residential subdivisions recently approved in Heron Drive and Kevill Road to the south and east. There is no practical necessity to connect to mains water and self sufficient water supply otherwise reduces demand on the reticulated supply network. A 135,000 litre rain water tank is proposed and this meets Shire requirements for water supply and fire management purposes.

The subject land is also not provided with a reticulated sewerage service and relies upon onsite effluent disposal systems. No issues are raised by Shire's Health Officers. The scheme requires that all development is set back at least 40 metres away from the banks of Margaret River in this area which is easily achieved given existing and proposed building envelopes are setback more than 100m. The test pits explored as part of the environmental assessment indicate that the proposed building envelope on Lot 102 is capable of managing effluent onsite and recommends use of an aerobic treatment unit as the preferred method. This will be a requirement at development stage.

Access/Infrastructure

The amendment proposes an unconstructed battleaxe leg to the rear Lot 101 and reciprocal rights of access over the existing driveway through Lot 102. This would enable both properties to obtain legal road access to Caves Road while allowing both lots to utilise the same constructed and existing driveway.

In regard to opportunities for walking the proposal seeks to introduce a pedestrian access easement in the north east of proposed Lot 101 for the benefit of Lot 102 so that all owners retain access to the foreshore and future pathway system.

Both of these proposals are supported by Infrastructure.

CONCLUSION

The proposed rezoning and Structure Plan are considered to be generally consistent with the provisions of the Scheme, the Local Planning Strategy and relevant state policies.

Minor modifications to the structure plan in regard to the size of the building envelope on Lot 101, and inclusion of a notation for a landscaping/revegetation plan are recommended. In addition some changes have been made to the suggested scheme amendment text to bring it more in line with recent rezonings of a similar nature.

Sufficient information has been provided to initiate the proposed Scheme Amendment and advertise the Structure Plan. A new report with recommendation/s will be prepared for Council following the consultation period.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council from this process as the costs of processing Scheme Amendments and Structure Plans are borne by the applicant on a cost recovery basis.

SUSTAINABILITY IMPLICATIONS

Environmental

The proposed Structure Plan aims to mitigate any impacts on the river and vegetation through appropriate setbacks and the retention of existing vegetation during the subdivision and development phases. Any development is also required to take place within the designated building envelopes which are located in cleared areas or contain existing development.

Social

The proposed creation of an additional Rural Residential lot contributes towards the vision of the Shire to create a diversity of opportunities in housing. The proposed Structure Plan also attempts to minimise impacts on the environment to safeguard environmental quality for future generations.

Economic

The proposed Structure Plan will facilitate the creation of an additional lot which can be sold to the owner's financial benefit.

VOTING

Simple Majority

RECOMMENDATION

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiates Amendment 7 to Local Planning Scheme No. 1 for the purpose of;
 - 1.1. Amending Map 8 of the Scheme to rezone Lot 1 Caves Road, Margaret River from 'Rural Residential' to 'Rural Residential R-R27'; and
 - 1.2. Inserting the following Scheme Text into Schedule 11: Rural-Residential Zone (R-R27) of the Scheme, for Lot 1 Caves Road, Margaret River:

Scheme Map Ref No.	Site Description	Specific conditions and requirements
R-R 27	Lot 1 Caves Road, Margaret River	<ol style="list-style-type: none">1. Subdivision and development shall be generally in accordance with the adopted Structure Plan for the land;2. The minimum lot size shall be 1ha.

2. Pursuant to clause 6.2.6.7 (a) of the Scheme, determines that the proposed Structure Plan for Lot 1 Caves Road, Margaret River is satisfactory for advertising, subject to a modification to the building envelope on proposed Lot 101 and inclusion of a notification on the Structure Plan requiring the preparation and implementation of a landscaping/revegetation plan at the time of subdivision.

ATTACHMENTS

1. Proposed Structure Plan dated 29 November 2010.

RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR BELL OM1111/8

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiates Amendment 7 to Local Planning Scheme No. 1 for the purpose of;
 - 1.1. Amending Map 8 of the Scheme to rezone Lot 1 Caves Road, Margaret River from 'Rural Residential' to 'Rural Residential R-R27'; and
 - 1.2. Inserting the following Scheme Text into Schedule 11: Rural-Residential Zone (R-R27) of the Scheme, for Lot 1 Caves Road, Margaret River:

Scheme Map Ref No.	Site Description	Specific conditions and requirements
R-R 27	Lot 1 Caves Road, Margaret River	<ol style="list-style-type: none">1. Subdivision and development shall be generally in accordance with the adopted Structure Plan for the land;2. The minimum lot size shall be 1ha.

2. Pursuant to clause 6.2.6.7 (a) of the Scheme, determines that the proposed Structure Plan for Lot 1 Caves Road, Margaret River is satisfactory for advertising, subject to a modification to the building envelope on proposed Lot 101 and inclusion of a notification on the Structure Plan requiring the preparation and implementation of a landscaping/revegetation plan at the time of subdivision.

CARRIED 7-NIL

12.3

Infrastructure Services

12.3 Infrastructure Services

12.3.1 INFRASTRUCTURE SERVICES - BUDGET AMENDMENTS

LOCATION/ADDRESS	Various
APPLICANT/ LANDOWNER	N/A
FILE REFERENCE	FIN/327
REPORT AUTHOR	Wayne Gailey, Manager Works
AUTHORISING OFFICER	Wayne Prangnell, Director Infrastructure Services

IN BRIEF

When adopted, the 2011/12 Infrastructure budget included a number of grant funded projects based on funds requested in grant applications. Advice has subsequently been received from Main Roads WA that additional funding has been allocated to the Shire under its TIRES program for 2011/12. Therefore the 2011/12 budget requires amendment to reflect these changes.

RECOMMENDATION

That Council amends the 2011/12 budget by including TIRES funded allocations to Glenarty Rd, Wilson Rd and Osmington Rd of \$30,000, \$10,000 and \$10,000 respectively.

LOCATION PLAN

N/A

TABLED ITEMS

None

BACKGROUND

The Local Government Act requires a local government to prepare and adopt an annual budget prior to 31 August in each year, or such extended time as the Minister allows. The 2011/12 annual budget was adopted at a special council meeting held on 20 July 2011.

Each year Shire Officers prepare and lodge grant applications for a wide range of state and federal funded programs. The income and expenditure associated with these grants is incorporated into the draft budget. If grant funding is confirmed prior to adoption of the budget, then these outcomes are incorporated into the final budget. However, in some cases, notification is not received until after adoption of the budget. If this occurs and additional project funding is granted, amendment of the Shire's budget is required.

Following adoption of the budget, the Shire has received advice from Main Roads WA that it has been allocated funding under the TIRES program. The Timber Industry Road Evaluation Strategy (TIRES) program funds road repair projects where there has or is predicted to be substantial haulage from timber harvesting. Works to be funded include:

- Glenarty Road repairs - \$30,000
- Wilson Road repairs - \$10,000
- Osmington Road repairs - \$10,000

Works on these roads will include road shoulder repairs, localised patching and some asphalt overlays:

CONSULTATION AND ADVICE

- External Consultation – not required.
- Internal Consultation – the proposed amendments have been discussed with the Manager Works, Director of Infrastructure Services and Manager Finance

DISCUSSION/OFFICER COMMENTS

Heavy haulage on local roads is a significant factor in accelerating road deterioration on the Shires road network. The Timber industry recognises the implications of its harvesting activities and allocates funding into a state wide pool for repairs of roads affected by their activities. This limited funding is administered by Main Roads WA and prioritised based upon the highest predicted tonnages.

TIRES funding does not require a co-contribution from the Shire and therefore has no net effect on the budget bottom line.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

- Section 6.4 of the Local Government Act 1995.
- Local Government (Financial Management) Regulations 1996.

STRATEGIC PLAN / POLICY IMPLICATIONS

Not applicable – administrative/financial matter.

PLANNING FRAMEWORK

Not applicable.

FINANCIAL IMPLICATIONS

TIRES funding does not require a co-contribution from the Shire and therefore has no net effect on the budget bottom line.

The total value of funding of \$50,000 will be allocated to the relevant projects in Council's Construction Budget under Road Preservation.

SUSTAINABILITY IMPLICATIONS

- Environmental – the projects described in this report will help to reduce road noise and dust issues.
- Social – the projects described in this report will provide a safer road network.
- Economic - the projects described in this report will provide better transport links for agricultural produce and tourists.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council amends the 2011/12 budget by including TIRES funded allocations to Glenarty Rd, Wilson Rd and Osmington Rd of \$30,000, \$10,000 and \$10,000 respectively.

ADVICE TO APPLICANT/PROPONENT

Not applicable.

ATTACHMENTS

Nil

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR VEITCH OM1111/9

That Council amends the 2011/12 budget by including TIRES funded allocations to Glenarty Rd, Wilson Rd and Osmington Rd of \$30,000, \$10,000 and \$10,000 respectively.

**CARRIED 7-NIL
BY ABSOLUTE MAJORITY**

Two members of the general public left the meeting at 6.14pm.

12.4

Corporate and Community Services

12.4 Corporate and Community Services

**12.4.1 MINUTES OF SPORTS & RECREATION ADVISORY COMMITTEE MEETING
5 OCTOBER 2011**

LOCATION/ADDRESS	AMRSC
LANDOWNER	AMRSC
FILE REFERENCE	REC/36
REPORT AUTHOR	Annie Riordan, Director Corporate & Community Services
AUTHORISING OFFICER	Annie Riordan, Director Corporate & Community Services

IN BRIEF

- On 5 October 2011 the Sports and Recreation Advisory Committee (SRAC) held its bi-monthly meeting.
- The Margaret River Hawks Cricket Club requested support to install a concrete playing wicket on Nippers Oval
- Margaret River Little Athletics requested support to lay shot put and long jump pits as per the Gloucester Park Master Plan
- Margaret River Cricket requested support to put a proposal to the Shire to provide power to the shed from the north end of Nippers Oval.

RECOMMENDATION

That Council:

- Receives the minutes of the Sports and Recreation Advisory Committee (SRAC) held 5 October 2011
 - Endorses a Shire Officer to prepare a report on the feasibility of the installation and use of a wicket using synthetic turf being placed on Nipper Oval.
 - Endorses the recommendation for Margaret River Little Athletics to install shot put and long jump pits at Gloucester Park Oval, as per the Gloucester Park Master Plan.
 - Endorses the recommendation for the Cricket Club to seek approval to run power from Nippers Oval to their shed.
-

CONSULTATION AND ADVICE

Sports and Recreation SRAC Delegates.

DISCUSSION / OFFICER COMMENTS

Margaret River Hawks Cricket Club requesting support to install a new concrete playing wicket on Nippers Oval

Brad Shehan spoke on behalf of the Margaret River Cricket Club to advise that they had researched products and felt that an IRB rated synthetic turf could be used and satisfy insurance policies. All costs and maintenance involved would be covered by the Cricket Club.

As Nippers is not utilised over the summer period the Cricket Club felt that this was an ideal location for a new wicket to be placed to alleviate the pressure from the extra number of teams.

Jeff Hedstrom and Tristan Moore spoke on behalf of the Rugby Club and advised that Robert Lawson of Gareth Gates Insurance believes that the synthetic turf will negate the insurance and leave the Rugby Club liable and unable to utilise the Oval.

The Rugby Club feels that they are being pushed aside and believe that the two ovals without cricket wickets should be left alone. Although Rugby is modest in the region, it does attract international, first grade games etc and the Club feels that a wicket on the pitch will stop visiting teams from attending Margaret River.

The Chairman suggested that this matter be referred to the Shire's Parks and Gardens to investigate.

Margaret River Little Athletics Club Infrastructure and Facilities.

The Margaret River Little Athletics Club requested that permanent shot put and long jump pits be installed for the coming season 2011/2012 as per the Gloucester Park Master Plan. The Tennis Club had wanted to utilise the same area for further developments, but a motion to install the shot put and long jump pits on a temporary basis failed. The Committee carried a motion to support the Margaret River Little Athletics Club request.

Margaret River Cricket Club Proposal for Power to their Shed at Nippers Oval

The Cricket Club is looking at putting a proposal to the Shire to get power to the Shed from the north end of Nippers Oval, at their cost. The Sport and Recreation Advisory Committee gave in principal support to the Crickets Club to make the request, subject to regularity approval also.

Sporting Groups Updates

Augusta Margaret River Football Club

Concerned over the state of the HACCC toilets.

Augusta Margaret River Football Club

The Football Club are experiencing major issues with drainage on the Main Oval. The subsoil drainage is blocked and no water is draining off the oval, as proved by a dye test currently performed. It requires to be addressed urgently, to determine where the problem lies, preferable by way of a CCTV camera to locate the problem.

Margaret River Bowling Club

Synthetic greens progressing well. One complete, other drainage is complete.

Augusta Community Recreation Centre Action Group

Gathering information for the grant for the feasibility study. Requested information regarding gym memberships, users, equipment and crèche at Augusta.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- Receives the minutes of the Sports and Recreation Advisory Committee (SRAC) held 3 August 2011.
- Endorses a Shire Officer to prepare a report on the feasibility of the installation and use of a wicket using synthetic turf being placed on Nipper Oval.
- Endorses the recommendation for Margaret River Little Athletics to install shot put and long jump pits at Gloucester Park Oval, as per the Gloucester Park Master Plan.
- Endorses the recommendation for the Cricket Club to seek approval to run power from Nippers Oval to their shed.

ADVICE TO APPLICANT/PROPONENT

N/A

ATTACHMENTS

Minutes of the Sports and Recreation Advisory Committee 5 October 2011.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SERVENTY OM1111/10

That Council:

- **Receives the minutes of the Sports and Recreation Advisory Committee (SRAC) held 3 August 2011.**
- **Endorses a Shire Officer to prepare a report on the feasibility of the installation and use of a wicket using synthetic turf being placed on Nipper Oval.**
- **Endorses the recommendation for Margaret River Little Athletics to install shot put and long jump pits at Gloucester Park Oval, as per the Gloucester Park Master Plan.**
- **Endorses the recommendation for the Cricket Club to seek approval to run power from Nippers Oval to their shed.**

CARRIED 7-NIL

12.4.2 MARGARET RIVER LIBRARY REDEVELOPMENT - CONSTRUCTION TENDERS

CONFIDENTIAL MATTER: *The CEO recommends that, should there be a need to discuss the relative merits of the tenderers and the evaluation and ratings undertaken, then the matter should be discussed with members of the public excluded, as it deals with a contract that may be entered into.*

DISCLOSURE OF INTEREST: *Cr Earl left Council Chambers at 6.19pm due to a financial interest in this item as previously disclosed in writing.*

Cr McGregor also declared a financial interest in this item as her husband designed the air conditioning system. Cr McGregor left Council Chambers at 6.19pm.

PROCEDURAL MOTION / COUNCIL DECISION

CR SMART, CR BELL OM1111/11

That Council moves Item 12.4.2 Margaret River Library Redevelopment – Construction Tenders to Confidential Business where it becomes Item 16.2.1.

CARRIED 5-NIL

REASON: *Council resolved to move this item to Confidential Business as it deals with a contract that may be entered into.*

Crs Earl and McGregor returned to Council Chambers at 6.21pm.

12.4.3 INDEPENDENT AUDIT REPORT AND FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2011

LOCATION/ADDRESS	N/A
APPLICANT/ LANDOWNER	N/A
FILE REFERENCE	FIN/7
REPORT AUTHOR	Paul Kilgren – Manager Finance
AUTHORISING OFFICER	Annie Riordan – Corporate and Community Director

IN BRIEF

In accordance with Section 6.4 of the Local Government Act 1995, the Shire's external auditors have audited the Annual Financial Report 2010/2011 and provided an independent Audit Report and Management Report to the Shire President and CEO.

The Audit Report and Annual Financial Report for 2010/2011 were presented to the Audit and Risk Management Committee for examination, and for submission to the Council to be accepted.

RECOMMENDATION

That Council accept the audited Annual Financial Report for 2010/2011 containing an Independent Audit Report from UHY Haines Norton.

BACKGROUND

Section 6.4 of the Local Government Act sets out the requirements for a local government to prepare an Annual Financial Report and to submit both the report and its accounts to its auditor by 30 September each year. The Shire of Augusta Margaret River has met these requirements and the Shire's auditors have completed the audit of the Council's accounts and the Annual Financial Report for the financial year 2010/2011.

The main 'visible' outcome of a financial statement audit is an independent written audit report which includes an opinion on whether the audited financial statements fairly present the financial results of reporting agency in accordance with Australian Accounting Standards and other mandatory reporting requirements.

A concise version of the audited Financial Statements and the Audit Report are included in the Shire's Annual Report to be presented to the Council before 31 December following the end of the financial year, and subsequently to the general meeting of the electors.

OFFICER COMMENTS

Under Australian Auditing Standards, audit opinions/reports may be 'qualified' or 'unqualified'.

An 'unqualified opinion' is issued when the auditor is satisfied, in all material respects, that the financial statements are in accordance with the relevant accounting standards and other mandatory reporting requirements, and fairly reflect the Shire's performance and financial position. If the auditor is unable to present an unqualified audit they may provide a 'qualified' opinion.

The Shires 2010/2011 Independent Audit Report is **unqualified** and states that the auditor does not have any issues relating to non-compliance which needed to be drawn to Council and the community's attention. Attached is a copy of the Independent Audit Report and Annual Financial Report.

The Auditor, Mr David Tomasi from UHY Haines Norton, was available to the ARMC meeting by telephone hook-up to discuss the Audit Report and any other matters that are subject to reports to the Audit and Risk Management Committee.

CONSULTATION

The LG Act requires an Annual General Meeting of Electors to be held and the Shire's Annual Report incorporating the concise financial report to be made available publicly. The full Annual Financial Report will also be publicly available.

FINANCIAL IMPLICATIONS

Whilst there are no direct financial implications in the presentation of the audit report it does have the potential to impact on applications for various financial arrangements in the future.

SUSTAINABILITY IMPLICATIONS

Nil

ENVIRONMENTAL

Nil

SOCIAL

Nil

ECONOMIC

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council accept the audited Annual Financial Report for 2010/2011 containing an Independent Audit Report from UHY Haines Norton.

ATTACHMENTS

1. Independent Audit Report and Annual Financial Report for the year ended 30 June 2011.

RECOMMENDATION / COUNCIL DECISION

CR BELL, CR EARL OM1111/12

That Council accept the audited Annual Financial Report for 2010/2011 containing an Independent Audit Report from UHY Haines Norton.

**CARRIED 7-NIL
BY ABSOLUTE MAJORITY**

12.4.4 AUDITOR'S MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2011

LOCATION/ADDRESS	N/A
APPLICANT/ LANDOWNER	N/A
FILE REFERENCE	FIN/7
REPORT AUTHOR	Paul Kilgren – Manager Finance
AUTHORISING OFFICER	Annie Riordan – Director Corporate and Community Services

IN BRIEF

- The Management Report from UHY Haines Norton (independent external auditor) for the year ended 30 June 2011 is presented to the Audit and Risk Management Committee (ARMC).
- Management acknowledge the issues identified as requiring attention and provide a preliminary response to the ARMC for their consideration.

RECOMMENDATION

1. Receive the Auditor's Management Report for the year ended 30 June 2011.
 2. Receive Management's response to the Management Report.
 3. ARMC to receive an update at their next meeting on the progress of remedial action in relation to Management's response and proposed actions.
-

BACKGROUND

In accordance with the Local Government (Financial Management) Regulations 1996, the Shire has its financial records independently audited at the end of every financial year. In addition to ascertaining whether the books of account are a fair representation of the financial position of the Shire and comply with Australian Accounting Standards, the auditors prepare a Management Report. The Management Report raises other matters identified during the audit that the auditor's wish to bring to Council's attention. A copy of the Audit Report and Management Report are sent directly to the President as is required by the Act in addition to the CEO and were received on 20 October 2011.

Matters reported in the Management Report are not generally publicly reported to the community unless the matter is serious (for example, significant legislative breach or fraud) or systemic (for example, major weaknesses in control) in which case public reporting in these cases is warranted to facilitate an appropriate level of accountability to the wider community.

One of the responsibilities of the ARMC is to review the Management Report and recommend to Council any matters which require actions to ensure that implementation of correct processes and practices occurs. It is incumbent on the Shire's officers to recommend actions to the ARMC and the audit committee should then establish a process whereby there are regular reports to them on the progress of rectifying the issues.

It was pleasing to read favourable comments from UHY with regards to our improved financial position however there are two outstanding issues raised previously still requiring Management attention. A new issue was raised concerning the change of treatment for Bonds where there is a requirement to transfer the bonds to trust. The issues raised in the Auditor's Management Report and Shire Management's response to these issues are in the DISCUSSION/OFFICER COMMENTS section.

CONSULTATION AND ADVICE

UHY Haines Norton

DISCUSSION/OFFICER COMMENTS

Issues Raised by the external Auditor and Management Response

Issue 1 Accumulation of Annual Leave and Long Service Leave					
Large accumulation of leave should be discouraged as the eventual cost to Council increases with each wage increase given to employees.					
	2011 \$	2010 \$	2009 \$	2008 \$	2007 \$
Annual	717,038	629,545	575,254	541,489	453,294
Long Service	635,903	794,896	641,261	535,786	431,641
	1,352,941	1,424,441	1,216,515	1,077,275	884,935
Action					
Multiple staff leave reduction strategies have been put in place due to the operational need to balance service provision with staff leave absences that has included the following: <ul style="list-style-type: none"> • Staff are provided with LSL notices advising of the need to take LSL and enforcement of current staff LSL entitlement being paid at the pay rate applicable to their anniversary date plus 6 months; • Minor instances of approved deferment of staff taking LSL due to operational needs, • Staff packaged leave options has become popular by staff with limited service with the Shire; • Staff having LSL provisions paid out within multiple financial years and • Staff accessing pro-rata LSL. <p>With respect to long service leave the internal plan has driven the reduction in the long service leave entitlement down significantly by 20%. Whilst this has reduced the \$ amount owing for LSL it means staff have not been taking their Annual Leave which has shown an increase of 14%. The overall \$ change being a reduction of 5%.</p> <p>Further targeting of Long Service Leave employees will continue and employees with high annual leave entitlements will also be encouraged to reduce them to acceptable levels. Given the current employment agreement allows 8 weeks of annual leave to accumulate and staff can purchase up to three weeks annual leave in any one year it does make it more difficult to reduce the annual leave provision.</p> <p>In order to effectively reduce the level of entitlements and not increase operating costs by introducing replacements whilst staff are on leave it must be noted that large scale reductions in employee entitlements will cause pressure on service levels.</p>					

Issue 2 Depreciation of Road Infrastructure	
Calculation of depreciation of roads uses a weighted average methodology, as was the case in previous years. The Auditor is satisfied that the depreciation expense arrived at is reasonable, however, the Auditor will prefer the implementation of a system that will allow each road to be dissected into its component parts.	
Proposed Action	
The Infrastructure Directorate has created the Asset Management Working Group "AMWG" which includes the Finance Manager. Whilst the predominant purpose of the group is operational it provides valuable insight into the detail that can be extracted and used as a basis to break down the historical costs into components as required by AASB 116.	
A listing of all Infrastructure assets out of ROMAN's (Infrastructure database) will form the basis for allocating the historical accounting costs in the general ledger. It is expected that the historical assets will be recorded into their components for the 2011/2012 accounts, however a final methodology has not been prepared and has not been reviewed by our auditors.	
A new set of cost centre codes have been created so that all new infrastructure assets will be capitalised into their components in 2011/12.	

Issue 3 Bonds Reconciliation and Review
After discussions with our Auditors Bonds have been transferred to trust funds. They were previously treated as creditors.
Proposed Action
Currently bonds are reconciled on a excel spreadsheet and all funds are processed through the general bank account. Finance officers are to set up a separate bank account for trust funds and use the Synergy trust module to administer bonds. It is expected the system will be fully operational by 30 June 2012.
Furthermore Planning and Infrastructure are writing a developer contribution policy which will form the basis for dealing with bonds and the interest on funds held.

Corrected Misstatement

Nil

Uncorrected Misstatement

Nil

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The *Local Government Act 1995* S7.1A, requires that all Councils establish an audit committee to provide independent oversight of the financial systems of the local government.

STRATEGIC PLAN / POLICY IMPLICATIONS

N/A

PLANNING FRAMEWORK

N/A

FINANCIAL IMPLICATIONS

N/A

SUSTAINABILITY IMPLICATIONS

- Environmental – N/A
- Social – N/A
- Economic – N/A

VOTING REQUIREMENTS

Simple majority - *Local Government Act 1995* S7.1C

RECOMMENDATION

1. Receive the Auditor's Management Report for the year ended 30 June 2011.
2. Receive Management's response to the Management Report.
3. ARMC to receive an update at their next meeting on the progress of remedial action in relation to Management's response and proposed actions.

ATTACHMENTS

1. UHY Haines Norton's Management Report for the Year Ended 30th June 2011.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR VEITCH OM1111/13

1. Receive the Auditor's Management Report for the year ended 30 June 2011.
2. Receive Management's response to the Management Report.
3. ARMC to receive an update at their next meeting on the progress of remedial action in relation to Management's response and proposed actions.

CARRIED 7-NIL

13.0 Motions of which previous notice has been given

Nil

14.0 Notices of Motion given at the meeting for consideration at the next meeting

Nil

15.0 New Business of an urgent nature introduced by decision of meeting

15.1 Members

Nil

15.2 CEO

15.2.1 CONSIDERATION OF PROPOSAL FROM SUNSET EVENTS

URGENT BUSINESS: *The CEO is requesting that this item be considered "New Business of an Urgent Nature" as Sunset Events are meeting with the SWDC at the end of November and were hoping to have a position from Council prior to that event to take to the SWDC.*

PROCEDURAL MOTION / COUNCIL DECISION

CR SMART, CR BELL OM1111/14

That Council accepts Item 15.2.1 Consideration of Proposal from Sunset Events as New Business of an urgent nature.

CARRIED 7-NIL

REASON: *Council resolved to accept this item as New Business of an urgent nature as per the CEO's request above.*

CONFIDENTIAL MATTER: *The CEO recommends that the council meeting be closed to members of the public in accordance with s5.23(2) of the Local Government Act 1995 as the item contains information of a commercial nature.*

PROCEDURAL MOTION / COUNCIL DECISION

CR BELL, CR MCGREGOR OM1111/15

That Council moves Item 15.2.1 Consideration of Proposal from Sunset Events to Confidential Business where it becomes Item 16.1.1.

CARRIED 7-NIL

REASON: *Council resolved to move this item to Confidential Business and close the council meeting to the general public as the item contains information about the business, professional, commercial or financial affairs of a person.*

Members of the public left Council Chambers at 6.27pm.

16.0 Confidential Business

16.1 CEO

16.1.1 CONSIDERATION OF PROPOSAL FROM SUNSET EVENTS

The CEO provided Councillors with a handout.

LOCATION/ADDRESS AMRS

APPLICANT/ LANDOWNER AMRS

FILE REFERENCE PTY/6604

REPORT AUTHOR Gary Evershed, Chief Executive Officer

AUTHORISING OFFICER Gary Evershed, Chief Executive Officer

IN BRIEF

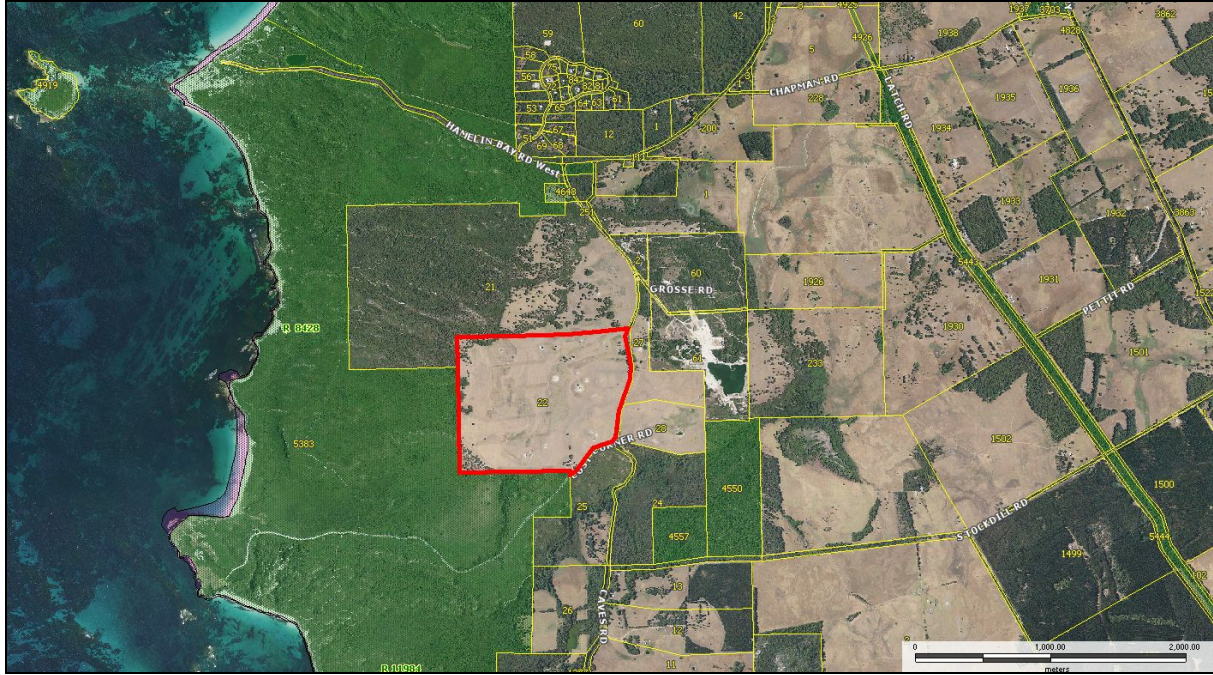
- **Sunset Events have approached Council about the possibility of conducting future major concerts at a privately owned property at Cosy Corner within the Shire**
- **They are seeking Council's "in principle" support and financial commitment to the proposal in order to seek further potential funding from the State Government.**

RECOMMENDATION

That Council advises Sunset Events that it would be prepared to consider funding for a three year period of up to \$50,000 per annum for the conducting of a major musical event at Cosy Corner subject to:

1. Matching or greater funding being approved by both the SWDC and Eventscorp for the three year timeframe;
 2. Further detailed information being provided about the proposal and what measures would be put in place to mitigate any negative impacts on the local community and to further clarify what economic benefits would accrue to Augusta and the Shire, and
 3. Supportive feedback being received from community and relevant stakeholders as an initial community consultation process.
-

LOCATION PLAN



BACKGROUND

Andrew Cernov representing Sunset Events has met with staff to discuss a proposal to host a major music festival at a privately owned property at Cosy Corner. A Councillor Briefing is also planned for the Wednesday 9 November, 2011. The case supporting the proposal is included in the confidential attachments. To establish infrastructure for such an event would be extremely costly venture. Sunset Events are seeking Council sponsorship over three years at \$75,000 per annum to initiate the project.

Mr Chernov is seeking Council's "in principle" support to the concept and to a funding commitment as they are approaching the SWDC through its Board's meeting at the end of this month and they would like to know Council's position prior to the meeting. The next SWDC Board Meeting is to be held on Friday, 25th November 2011 at 12.30pm.

This request is a bit unreasonable in terms of the timeframe however the CEO believes that a non binding decision can be made which will not compromise the Council's future decision making ability.

CONSULTATION AND ADVICE

Any major proposal such as this should be subjected to wide community and stakeholder consultation. This has not occurred and the recommendation requires that this be done prior to any firm decision making occurring.

DISCUSSION/OFFICER COMMENTS

Council needs to weigh up the potential economic benefits of such an event as opposed to the negative impacts if any on the community from such an event. The economic benefits of South Bound are itemised in the attachments and amount to \$3.8 million. Would these benefits flow to an event at Cosy Corner in a different context? Would the spend on accommodation, food and beverage etc be as high for a camping event on a private property?

Potential negative impacts include increased traffic, fire risk, noise emissions although the property is more isolated, emergency services being stretched, potential anti-social behaviour en route and exiting the venue and others.

Sunset Events however has a reputation for running well organised and supervised events where a minimum of anti-social behaviour and problems are associated. Further detailed information is required at a future date to ensure that all contingencies are in place to minimise any potential impacts. As with the Anaconda a significant event close to Augusta has the potential to further revitalise Augusta by increasing economic development and vibrancy.

On balance it is recommended to consider supporting the venture "in principle" subject to the State Government providing financial support. In other words one in all in or not at all ie we don't commit until the State Government has committed. The recommendation is not binding and states that it will be considered if the other two funding bodies agree to funding over three years and that we receive more detailed information and conduct extensive community and stakeholder consultation prior to a final decision.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Any major event will require all Council approvals and the consultation with emergency services and other stakeholders such as the DEC who are in control of the adjoining properties.

STRATEGIC PLAN / POLICY IMPLICATIONS

The Shire's strategic plan allows for the sponsorship of iconic events which support and foster economic growth.

PLANNING FRAMEWORK

The site would have to meet Planning approvals to host an event of this scale and nature.

FINANCIAL IMPLICATIONS

Councillors need to be aware that an inquiry is currently underway into the operation and performance of the WA Tourism Commission's involvement and support for the One Movement for Music Festival, held in Perth in March 2010. The Inquiry will be conducted by the Parliament's Estimates and Financial Operations Committee. The Inquiry will seek to establish whether the Tourism Commission is delivering value for money for the West Australian Taxpayer.

One movement is conducted by Sunset Events. The findings from the enquiry are due to be released 24 November. Despite \$1.58 million in Eventscorp funding over its first two years, organisers One Movement Pty Ltd had incurred losses of more than \$2 million. Organisers and Eventscorp agreed to discontinue the event after failing to find an alternative model that would be financially sustainable. One Movement Director David Chitty said that he had overestimated the public's interest in the outdoor festival. Mr Chitty's company Sunset Events, which promotes concerts such as Southbound and West Coast Blues and Roots, had taken the commercial risks on the festival. See news article in the attachments.

It would be prudent in ensuring the commercial viability of the event that the promoters can sustain a continued investment alongside any investment that the state government or other stakeholders may make. The Shire does not want to be in a position of investing ratepayers money in any ill conceived events which are unviable or are cancelled due to lack of interest. We need a more detailed proposal and need the proponent to demonstrate the proposed event model, provide examples of where it works, and their modelling of the intended outcomes for this particular site in particular the proven benefits for our region and the return on investment for the Shire. As it stands, the idea of bussing people in and out to the event using Sues road through to Cosy Corner, and having the event on a completely self sufficient site may reduce the economic benefit to Marg River/Augusta townships.

Significant income is accrued and at the same time significant costs are borne by the Shire when a major event is held in the Shire. Here is a list of income and costs estimated for an event of this kind.

Costs to organisation for Large Event Application Processing and relevant Fees & charges

Assumptions:

Event 3 days, 2 nights on private property, 20 000 patrons

Shire fees for Event Application		
Application for public building Major Risk	\$500	\$500
Application for temporary camping facility	\$100	\$100
Non conforming Noise event application (Reg 18)	\$550 + Noise monitoring fee \$1000	\$1550
Temporary food stall registration Approx 25 stalls	25 x \$50	\$1250
Food stall inspection fees (per stall per occasion)	\$125 x 25 x 3	\$9375
Trading in Public Place fee Per stall per day	25 stalls x \$52 x3 days	\$3900
Building Licence App fee	Temporary Stages, temporary structures etc	\$2500
Planning Approval	Change of use for event only	\$300
	TOTAL	\$19475

Shire costs for Event Processing		
Environmental Health Event Application processing 3 months full time includes: Attending Event briefings, liaison promoter, liaison stakeholders, liaison with internal staff, processing application	12 weeks(38hrs) @ approx \$80 - \$100 per hour (NB: costs to employ external contractor to either process application or backfill eho position)	Approx \$40K (NB: does not include staff costs from other BU involved in processing application e.g. fire management plan, Parking management, traffic management, Building Licence assessment for temp structures, planning approval if required? etc)

Event inspection & compliance costs		
<p>Environmental Health Officer time for event compliance with conditions of approval:</p> <p>Pre event inspection day preceding event: 3 hours x 2 officers</p> <p>Day one event inspections and ongoing compliance: (usually Friday) <u>10 am – 12 midnight</u> (10 – 6 standard) (6-8pm time and ½) (8-12 double time) X2 officers</p> <p>Day two event inspections and ongoing compliance: (usually Saturday) <u>12 noon – 12 midnight</u> 12 hours double time) X2 officers</p> <p>Day three event inspections and ongoing compliance: (usually Sunday) Nil</p>	<p>$\\$40 + \\$12 \times 2 = \\$104$</p> <p>$\\$52 \times 8\text{hrs} \times 2 \text{ officers} = \\832 $\\$72 \times 2\text{hrs} \times 2 \text{ officers} = \\288 $\\$92 \times 4\text{hrs} \times 2 \text{ officers} = \\736 Total day one = \$1856</p> <p>$\\$92 \times 12\text{hours} \times 2 \text{ officers} = \\2208</p> <p>Officer costs to organisation: (level 8.5) \$40 per hour + 30% (\$12) overheads + after hours loadings when required</p>	<p>Approx \$4168 (not including any day 3 inspections Nor any officer time for Ranger patrols etc)</p> <p>Note: There is currently no fee in our fees and charges for public building event inspections and compliance. This needs to be reviewed for next year's Budget.</p>

Council at present only commits funding of up to \$25,000 as a rule so the \$75,000 for three years is excessive and a \$50,000 sponsorship with qualifications is recommended.

SUSTAINABILITY IMPLICATIONS

All sustainability indicators need to be addressed in an integrated approach.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council advises Sunset Events that it would be prepared to consider funding for a three year period of up to \$50,000 per annum for the conducting of a major musical event at Cosy Corner subject to:

1. Matching or greater funding being approved by both the SWDC and Eventscorp for the three year timeframe;
2. Further detailed information being provided about the proposal and what measures would be put in place to mitigate any negative impacts on the local community and to further clarify what economic benefits would accrue to Augusta and the Shire, and
3. Supportive feedback being received from community and relevant stakeholders as an initial community consultation process.

ATTACHMENTS

1. Sunset Events Supporting material (Confidential)
2. Parliament's Estimates and Financial Operations Committee Website
3. News article on One Movement Project

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SMART OM1111/16

That Council advises Sunset Events that it would be prepared to consider funding for a three year period of up to \$50,000 per annum for the conducting of a major musical event at Cosy Corner subject to:

1. Matching or greater funding being approved by both the SWDC and Eventscorp for the three year timeframe;
2. Further detailed information being provided about the proposal and what measures would be put in place to mitigate any negative impacts on the local community and to further clarification of what economic benefits would accrue to Augusta and the Shire in general as part of a full application process, and
3. Supportive feedback being received from the community and relevant stakeholders as part of the assessment process.

CARRIED 5-2

CR SERVENTY AND CR MCGREGOR VOTED AGAINST

16.2 Corporate and Community Services

16.2.1 MARGARET RIVER LIBRARY REDEVELOPMENT - CONSTRUCTION TENDERS

DISCLOSURE OF INTEREST: *Cr Earl left Council Chambers at 7.03pm due to a financial interest in this item as previously disclosed in writing.*

Cr McGregor also declared a financial interest in this item as her husband designed the air conditioning system. Cr McGregor left Council Chambers at 7.03pm.

LOCATION/ADDRESS Fearn Ave, Margaret River

APPLICANT/ LANDOWNER Shire of Augusta Margaret River

FILE REFERENCE COR/323, COR/233

REPORT AUTHOR Annie Riordan, Director Corporate & Community Services

AUTHORISING OFFICER Gary Evershed, Chief Executive Officer

IN BRIEF

- Tenders for the Margaret River Regional Library Extensions and Redevelopment have been called with five tenders received. The tender panel has assessed the tenders and recommend Perkins Builders as the preferred tenderer.
- Council is requested to advise Perkins Builders that they are the preferred tenderer and authorise the CEO to award the contract for a price of \$747,670 GST inclusive subject to the conditions of financing for the project which include confirmation of funding from the Department of Regional Development and Lands for Country Local Government Funds for 2011/12.

RECOMMENDATION

That Council:

1. Advises Perkins Builders that they are the preferred tenderer for the construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11.
2. Delegates authority to the CEO to award the contract for construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11 to Perkins Builders for a price of \$747,670 GST inclusive subject to the approval of funding from the Country Local Government Fund 2011/12 from the Department of Regional Development and Lands.
3. Make the following adjustments to the 2011/12 budget:
 - Increase budget line CBS50 Library Extension to \$1,337,000 to provide for the project budget
 - Increase budget line HIG04 R4R Margaret River Library (Income) to \$636,778 to account for increase in Country Local Government Fund Individual allocation for 2011/12.
 - Reduce budget line GDG01 R4R 11/12 Old Settlement (Income) to \$0 to account for reallocation of funding to the HIG04 R4R Margaret River Library (Income).

LOCATION PLAN

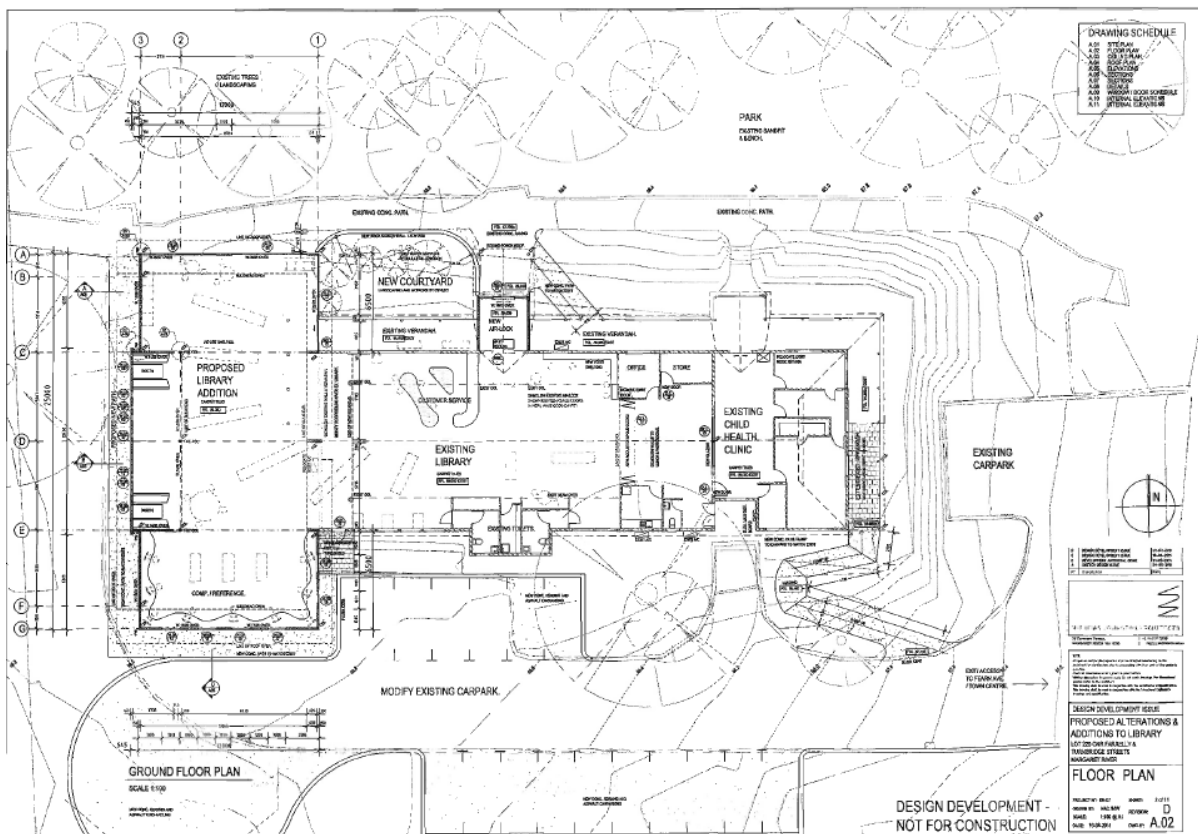


TABLED ITEMS

Nil

BACKGROUND

Architectural design and tender documentation for construction has been completed by the Architect, Mathews Johnston Architects.



Tenders were advertised in the Augusta-Margaret River Times on 16 September 2011 and the West Australian Newspaper on the 17 September 2011, closing 2pm on 11 October 2011 with a site meeting held on 28 September 2011.

A tender assessment panel was convened to review the tender submissions and prepare a recommendation. A summary of the tender assessment is provided below in the Discussion.

CONSULTATION AND ADVICE

Significant public consultation has taken place in planning and progressing the Margaret River Library Redevelopment which is identified by Council as a strategic project in the Shire's Strategic Community Plan for the Future including:

Business Plan for a Major Land Transaction

In August 2010 Council advertised a business plan for six weeks in accordance with the Local Government Act, comprehensively outlining Council's intent to dispose of Lots 25 & 26 Le Souef St Margaret River and use the proceeds in part to finance the Margaret River Library Extension. No submissions were received.

Strategic Community Plan for the Future and Business Improvement Plan 2011/12 to 2021/22 (SCPF) and 10 Year Strategic Financial Management Plan 2009/10 to 2019/20 (SFMP)

Both the SCPF and the SFMP were advertised to the community and included the Margaret River Library Redevelopment in the forward estimates of projects and expenditure.

Forward Capital Works Plan

The Shire was required to prepare a five year Forward Capital Works Plan as part of the Royalties for Regions Country Local Government Funding application process. This Plan was adopted at the Special Council meeting of 22 December 2010 and provided details of the Margaret River Library Redevelopment in the Plan.

DISCUSSION/OFFICER COMMENTS

Tender Evaluation Panel

A Tender Evaluation Panel comprising Rob Lewis (Project Manager/Consultant), Annie Riordan (Director Corporate and Community Services), Heather Auld (Manager Library Services), Grant Johnston (Mathews Johnston Architects, Architect) assessed tender submissions. Tenders were assessed on compliance criteria, qualitative criteria and price.

The panel evaluated tenders for the following qualitative criteria: Relevant Experience; Key Personnel, Skills and Experience; Tenderer's Resources and Demonstrated Understanding. Details of the weightings and guidelines for scoring qualitative criteria and the summary of scoring are attached in Confidential Attachment 1. Pricing details of tenders and price scores are also provided in Confidential Attachment 1.

Factors Affecting Award of Contract

The Shire is required to provide justification through business cases and an application process to the Department Regional Development and Lands to access Royalties for Regions funding in the 2010-11 and 2011-12 financial years. A Financial Assistance Agreement for the 2010-11 Regional Group Country Local Government Fund was signed and the Shire received funds of \$90,299 on 25 August 2011. The CLGF allocations for funding have been allocated for 2011/12 with the Shire to receive funding of \$622,479 for each of the Regional Group Allocations and the Individual Allocations.

A report OM1110/10 from the Chief Executive Officer was provided at the Ordinary Council meeting of the 12 October 2011 which in light of the new Royalties for Regions Country Local Government Fund (CLGF) Guidelines for 2011/12 adopted by Cabinet reallocated the Regional Group allocation to the Surfers Point Upgrade and the Individual allocation to the Margaret River Library Redevelopment. The guidelines also require a Financial Assistance Agreement, relevant supporting documentation and written notification of changes to CLGF projects in the Forward Capital Works Plan. The Officer has been unable to obtain written confirmation from the Department of Regional Development and Lands as to whether the project can commence with the 2010/11 component of the funding confirmed. It is a requirement of CLGF that projects cannot commence until funding is received and therefore the awarding of the contract for the construction of the Margaret River Library Redevelopment will require confirmation of the 2011/12 funding to proceed.

Preferred Tenderer

Failure to identify a preferred tenderer at the present time after close of tenders and completion of tender assessments will potentially delay the commencement of construction once funding is approved.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Council has complied with its statutory obligations to advertise and adopt a business plan for a major land transaction and has complied with the Act in relation to the sale of land choosing to sell by private treaty.

POLICY IMPLICATIONS

STRATEGIC PLAN

Sustainable Development:

1.5 Accessible Community Facilities

1.5.2 Construct new and upgrade existing facilities to meet the needs of future generations – construct an extension to the Margaret River Library

PLANNING FRAMEWORK

FINANCIAL IMPLICATIONS

The project budget approved by Council in the 2011/12 budget was \$1,371,000 however the carry forward figure for project management was incorrect (with an actual underspend of \$37K in 10/11) with the total budget for the project estimated at \$1,408,000 for 2011/12. The 2011/12 budget had allocated a total of \$528,000 of CLGF Funding for the Library Redevelopment Project and the Reactivation of the Old Settlement. These figures were an estimation of the 2011/12 CLGF Funding to be received and allocated to the two projects. With confirmation of the Individual CLGF allocation of \$622,479 there is a corresponding increase in income of \$94,479 which will be allocated to the income budget line HIG04 R4R Margaret River Library. Therefore with the additional funding provided, the Library Redevelopment Project Budget is increased to \$1,502,000 for 2011/12. A breakdown of the project budget is provided in the following table.

All figures reported are exclusive of GST.

Expenditure Item	10/11	11/12	\$(000's)
Construction costs		680	680
Increase in Provisional Sum (Customer Service Desk)		30	30
Increase in Contingency		145	145
Consultants' Fees	18	57	75
Project Management		25	25
Fit out costs		163	163
Outdoor library (included in construction costs and contingency)		0	0
Carpark (as is in budget)		110	110
Landscaping, art work etc		5	5
Fire Service		120	120
Additional exterior painting to existing building		17	17
RFID system		120	120
Stock/Equipment		30	30
Total	18	1502	1520

The project will be funded by the following income items:

Income Item	\$(000's)
Proceeds of Sale of Lot 25 Le Souef Street	587
Royalties for Regions Regional CLGF (\$90k 2010-11 & \$622k 2011-12)	712
Royalty for Regions Outdoor Garden Grant already received	40
Cash-in-Lieu of Parking	34
Municipal Funds	147
Total	\$1520

The Chief Executive Officer's report OM1110/10 to the Ordinary Council meeting of 12 October 2011 reallocated the Regional Group CLGF funding from the Margaret River Library Redevelopment to the Surfers Point Upgrade to comply with the recently provided CLGF Guidelines. The report also reallocates \$250,000 from municipal funds earmarked in the 2011/12 budget for the Library Redevelopment to the Old Settlement project to compensate for the reallocation of funds from the CLGF to the Library Extension from the Old Settlement project.

Regional Group 2011/12 Funding

Project	Category	Regional CLGF \$ 000's
Extension to the Margaret River Library	Regional Cultural Facilities	372
Reactivation of the Old Settlement	Regional Cultural Facilities	250
		622

Changed to: Individual 2011/12 Funding

Project	Category	Regional CLGF \$ 000's
Extension to the Margaret River Library	Cultural Facilities	622
		622

SUSTAINABILITY IMPLICATIONS

- **Environmental**

The Library design has incorporated extensive use of energy conservation technologies in design and function and will provide improved functionality and safety for library users through the enhanced layout and design. Retaining the Margaret River Library on its current site will ensure that the ambiance of the location and mature vegetation on site will benefit the community.

- **Social**

The redevelopment of the Margaret River Library will enhance sustainable social, capacity building, engagement and learning outcomes for the benefit of the whole community. The objective of the project is to increase floor space to provide staff and customers with a safer, more accessible service that takes into account all user groups of the library. An outdoor library in conjunction with a Community Art Project will provide special people places to increase the feeling of wellbeing in the community and 'create a strong link between the interior functional part of the library and the outside'. There will be an opportunity to celebrate the indigenous culture of the Shire by engaging indigenous artists to display artwork, supporting the principles of the Shire's Cultural Policy.

- **Economic**

The construction project will provide opportunities for local subcontractors and tradespersons to gain employment.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Advises Perkins Builders that they are the preferred tenderer for the construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11.
2. Delegates authority to the CEO to award the contract for construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11 to Perkins Builders for a price of \$747,670 GST inclusive subject to the approval of funding from the Country Local Government Fund 2011/12 from the Department of Regional Development and Lands.

3. Make the following adjustments to the 2011/12 budget:
 - Increase budget line CBS50 Library Extension to \$1,337,000 to provide for the project budget
 - Increase budget line HIG04 R4R Margaret River Library (Income) to \$636,778 to account for increase in Country Local Government Fund Individual allocation for 2011/12.
 - Reduce budget line GDG01 R4R 11/12 Old Settlement (Income) to \$0 to account for reallocation of funding to the HIG04 R4R Margaret River Library (Income).

ADVICE TO APPLICANT/PROPONENT

ATTACHMENTS

Confidential Attachment 1: Tender Evaluation Report

RECOMMENDATION / COUNCIL DECISION

CR SERVENTY, CR BELL OM1111/17

That Council:

1. **Advises Perkins Builders that they are the preferred tenderer for the construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11.**
2. **Delegates authority to the CEO to award the contract for construction of the Margaret River Regional Library Extensions and Redevelopment RFT 01/11 to Perkins Builders for a price of \$747,670 GST inclusive subject to the approval of funding from the Country Local Government Fund 2011/12 from the Department of Regional Development and Lands.**
3. **Make the following adjustments to the 2011/12 budget:**
 - **Increase budget line CBS50 Library Extension to \$1,337,000 to provide for the project budget**
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 - **Reduce budget line GDG01 R4R 11/12 Old Settlement (Income) to \$0 to account for reallocation of funding to the HIG04 R4R Margaret River Library (Income).**

**CARRIED 5-NIL
AND BY ABSOLUTE MAJORITY**

Crs Earl and McGregor returned to Council Chambers at 7.15pm.

Members of the public returned to Council Chambers at 7.15pm.

17.0 Closure of Meeting

The Shire President declared the meeting closed at 7.16pm.