

Special Council

MINUTES

FOR THE MEETING HELD
WEDNESDAY, 30 NOVEMBER 2011 IN
COUNCIL CHAMBERS, WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 5.30PM

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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

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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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Special Council Meeting

Minutes of the Special Council Meeting held on Wednesday, 30 November 2011 in Council Chambers, Wallcliffe Road, Margaret River commencing at 5.30pm

1.0 Declaration of Opening

The Chair welcomed all in attendance to the new Council Chambers and declared the meeting open at 5.34pm.

2.0 Attendance

Shire President	:	Cr Ray Colyer	Leeuwin Ward
Councillors	:	Cr Mike Smart	Leeuwin Ward
		Cr John Bell	Margaret River Ward
		Cr Neville Veitch	Margaret River 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 Corporate & Community Services	:	Ms Annie Riordan	
Manager of Planning & Development Services	:	Mr Iliya Hastings	
Manager of Works	:	Mr Wayne Gailey	
Manager of Community Development & Safety	:	Mr Paul Gravett	
Coordinator of Ranger Services	:	Mr Gavin Jennion	(5.34pm to 7.09pm)
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

2.1 Apologies

Cr Lyn Serventy and Mr Wayne Prangnell

2.2 Approved leave of absence

Nil

3.0 Disclosures of Interest

3.1 Item 9.2.2 Adoption of Scheme Amendment No. 1 (Omnibus Amendment) - Local Planning Scheme No. 1

Cr Earl provided notice in writing to the CEO prior to the meeting disclosing that he has a proximity interest in this item as his brother owns a neighbouring property, the boundaries of which will be adjusted in the amendment.

4.0 Public Questions

4.1 Responses to public questions taken on notice
Nil

4.2 Public Question Time
Nil

5.0 Applications for Leave

Nil

6.0 Confirmation of Minutes

6.1 Ordinary Council Meeting Minutes 9 November 2011

MOTION / COUNCIL DECISION

CR EARL, CR MCGREGOR SM1111/1

That the minutes of the Ordinary Council Meeting held 9 November 2011 is a true and correct record of the meeting.

CARRIED 6-NIL

7.0 Deputations and Petitions

7.1 Deputation: Richard Tattum – Item 9.2.5 5 (Lot 101) Waverley Place, Cowaramup – Increase in Capacity of Child Care Premises

Mr Richard Tattum of 3 Waverley Road, Cowaramup, addressed the meeting in relation to Item 9.2.5 5 (Lot 101) Waverley Place, Cowaramup – Increase in Capacity of Child Care Premises. A summary of his presentation follows:

- Mr Tattum reiterated concerns outlined by the Shire planning officer's report
- He communicated the issue of privacy between his house and the child care centre
- Mr Tattum requested the instalment of a privacy screen be a condition of the recommendation

Cr Colyer asked the Councillors if they had any questions then thanked Mr Tattum for his presentation.

7.2 Deputation: Serena Lewis – Item 9.2.5 5 (Lot 101) Waverley Place, Cowaramup – Increase in Capacity of Child Care Premises

Ms Serena Lewis of 247 Wildwood Road, Cowaramup and owner of the Cowaramup Child Care Centre, addressed the meeting in relation to Item 9.2.5 5 (Lot 101) Waverley Place, Cowaramup – Increase in Capacity of Child Care Premises. A summary of her presentation follows:

The child care centre has now been established for 12 months. It is at full capacity with a waiting list so it is a much needed facility.

The centre is currently only running on a break even basis. The 3-year delay in obtaining the initial approval, the unexpected \$150,000 cost of a private sewer pump station and the 5-month delay in getting this current application considered have all combined to threaten the future of this much needed facility.

We have therefore lodged the application for additional children so that we can optimise the use of the existing facilities without major expense or impact and to ensure the long term future of the centre.

However, if the approval is subject to onerous conditions, then we may not be able to proceed with the proposal for additional children. That will mean that nothing changes in relation to the fencing arrangement and that the future of the child care centre remains under threat.

We consider that proposed condition no. 5 to be overkill given the way that the centre operates and are asking Council to delete this condition in regards to the screen fence which we believe to be unnecessary. If the condition is imposed the capital costs will not be viable.

We currently have a screen of native plants alongside the western boundary which are starting to establish at a rapid rate and grow quicker than the report suggests. Currently most plants are the height of the fence and some higher and will provide a natural screen in a short time. These plants will grow 3-7 metres tall and 2-3 metres wide and will provide the neighbours to the west with more than adequate screening.

Ms Lewis tabled some photographs of the native plants that have been used to screen the child care premises from public view.

The primary activity at the centre occurs during business hours when parents and neighbours are at work and even then it is a quiet facility and the additional children will not change this. Councillors are more than welcome to view security footage of the day-to-day movements at the centre.

Cr Colyer asked the Councillors if they had any questions then thanked Ms Lewis for her presentation.

7.3 Deputation: Rick Ensley – Item 10.0 Margaret River Fires Report

Mr Rick Ensley of 3 Merchant Street, Margaret River, addressed the meeting in relation to Item 10.0 Margaret River Fires Report. A summary of his presentation follows:

- Mr Ensley discussed the future communication and information to the community regarding the Margaret River bushfire
- He stated that the community meetings held during the emergency were hard to hear and understand
- He noted the problems and challenges that were to be faced in the restoration of the coast post fire and the need to implement a coastal management plan including erosion and weed management and control
- Mr Ensley made suggestions on ways this could be carried out through the community with the Shire ultimately being responsible for the management and rehabilitation of the fire-affected areas

Cr Colyer asked the Councillors if there were any questions.

The CEO commented on Mr Ensley's suggestion that the Shire be responsible for the rehabilitation of the coastal areas affected and stated that this was in fact the responsibility of the incident controllers such as FESA and DEC. Mr Ensley suggested that the Shire work together with these bodies.

Cr Colyer thanked Mr Ensley for his presentation.

8.0 Announcements from the Presiding Member

Cr Colyer spoke about Remembrance Day and the cancellation of events due to the Margaret River bushfire. He also mentioned the proposal to widen the 'Thank A Volunteer' event, scheduled to be held on Monday evening, by opening it up to the whole community and reiterated that more information on this event will be discussed in Item 10.0 Margaret River Fires Report later in the meeting.

9.0 Agenda from cancelled Ordinary Meeting of Council 23 November 2011

9.1

Chief Executive Officer

9.1 Chief Executive Officer

9.1.1 REGIONAL DEVELOPMENT AUSTRALIA FUNDING APPLICATION FOR SURFERS POINT

LOCATION/ADDRESS	Surfers Point Road and Margaret River Mouth Roads
APPLICANT/ LANDOWNER	AMRS
FILE REFERENCE	LND/135
REPORT AUTHOR	Gary Evershed, Chief Executive Officer
AUTHORISING OFFICER	Gary Evershed, Chief Executive Officer

IN BRIEF

- Round 2 of the Regional Development Australia Fund (RDAF) of \$200 Million has opened with expressions of interest due by 1 December 2011.
- Matching funding is available for infrastructure projects from \$500,000 to \$15 million.
- Projects must be listed as having regional significance on the RDA's Regional Plan.
- The Surfers Point Precinct is listed on the Plan so it is proposed to seek funding for infrastructure upgrading.
- The CEO proposes a funding application for \$1,244,000 from the RDAF with matching funding from the 2011-12 and 2012-13 allocations under the Country Local Government Fund (CLGF).

RECOMMENDATION

That Council lodges an Expression of Interest for funding of \$1,244,000 from the Regional Development Australia Fund and seeks matching funding from Council's 2011-12 and 2012-13 allocations under the Country Local Government Fund (CLGF) or alternatively funding under the Regional Centres (SuperTown) Program if available.

LOCATION PLAN

N/A

BACKGROUND

The Surfers Point Precinct complemented by the adjacent Riflebutts and River Mouth sites is of regional significance and is listed in the Regional Development Australia South West Regional Plan. Council has adopted concept plans for the three precincts and detailed design work and Aboriginal consultation is shortly to commence utilising SuperTown planning funds.

Round 2 of the Regional Development Australia Fund of \$200 Million has opened with expressions of interest due by 1 December 2011. Matching funding is available for infrastructure projects from \$500,000 to \$15 million and the RDAF is identified as an opportunity to attract funding to implement the Surfers Point Precinct Plan. As Surfers point cannot be considered in isolation of Riflebutts and the River Mouth particularly during peak tourist season and during the Telstra Margaret River Drug Aware Pro the Surfers Point Precinct will include these two associated sites for the purpose of the funding application.

The importance of Surfers Point can be summarised in the following dot points:

- The Surfers Point precinct at Margaret River is internationally recognised as a prime Australian surfing destination.
 - The location is home to the annual Telstra Drug Aware Pro surfing event, a six-star Prime Tour Event run under the auspices of the Association of Surfing Professionals under the ASP One World Tour Format.
 - At the March 2011 Pro, 26 of the top 32 surfers in the world competed.
 - The live web streamed event was watched by 570,000 globally including 144,000 one-day unique user sessions, a record for an ASP Australasian event. Total page views of 1.38 million were recorded despite relatively poor capacity internet.
 - Figures indicate that major international interest was generated in the USA, Brazil and Japan.
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- The event is a major \$1.5 million Western Australian sporting event run by Surfing WA and sponsored by the WA Government through Eventscorp, Healthway and the Department of Sport and Recreation along with the Shire of Augusta-Margaret River.
- Private company sponsorship includes Telstra, Mambo, Lexus, Air Asia, Health Insurance Fund, Augusta-Margaret River Tourism Association, Brownes Chill, Xanadu Winery and a range of others.
- The total TV and Webcast value of the event was \$5,022,654 (Source - Repucom). The direct economic benefit of this event in 2010 was \$1.5 million which is trending upwards. The event promotes interstate and international visitation to the Margaret River Region throughout the year.
- The precinct's ageing infrastructure and poor internet capacity inhibit the Telstra Drug Aware Pro from reaching its full international marketing potential.
- Poor access and egress and visitor management detracts from the amenity of the area in peak periods as a tourist destination and fragile coastal limestone ridges are also under pressure and need to be protected and rehabilitated. Without improvements the area will come under further pressure and will suffer from the impacts of future population growth and increased visitation.
- Infrastructure needs to be addressed in the project include upgraded broadband, provision of electrical power, improved access and egress and traffic flow for vehicles, parking management, provision of pedestrian pathways, fencing of environmentally sensitive limestone coastal precincts and flora, replacement of the ageing ablution block, replacement of the access stairs, replacement of retaining walls, public artworks, passive recreational facilities such as BBQs and the installation of interpretive signage.
- The Shire has undertaken extensive planning and community consultation and has adopted a plan for the area which has wide community support and which is close to "shovel ready" for implementation.

CONSULTATION AND ADVICE

Comprehensive community consultation has been undertaken as follows:

1. A number of stakeholders were identified (approximately 26) which was categorised in 5 broad categories i.e. Licence Holders, Businesses, Sport and Recreation groups, Emergency Services, Environmental Groups and Concept Plan Working Groups (members).

Licence Holders	Mobile Food Van Permit (McKie's Icecream) Bushtucker Tours Craft Hire or School Permits Josh Palmateer Surf Academy Kite Surfing and Wind Surfing School
Businesses	Sea Gardens Prevelly Store (same as Caravan Park) Prevelly Caravan Park Gnarabup Café (White Elephant) Margaret River Surf School (Gnarabup Surf Shop) Gnarabup Beach Resort
Emergency Services & Sport and Recreation Groups	Sea, Search & Rescue Margaret River Volunteer Marine Rescue (under the same banner as Sea Search and Rescue) Margaret River Surf Lifesaving Club Margaret River Board Riders Association Recreational Surfers Wallcliffe Bushfire Brigade Margaret River Rowing Club
Environmental Groups	Cape to Cape Catchment Leeuwin Environment Group Margaret River Coastal Residents Association. Southwest Land and Sea Council (Indigenous representatives) Southwest Catchment Council Coastal Facilitator (Dunsborough office) Surfrider Foundation, Margaret River Branch

Concept Plan Working Groups (members)	Riflebutts Working Group Surfers Point/Rivermouth Working Group
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2. Three stakeholder workshops on the continued relevance of the concept plan proposals for Riflebutts, Surfers Point and River Mouth as well as identifying additional opportunities for these precincts and other identified precincts in the foreshore reserve were held.
3. A Draft Development Concept Plan was prepared following the stakeholder meetings and was advertised for 21 days. The consultation included a public information day which was attended by 8 people.
4. Thirty one (31) submissions were received which include advice from the DEC, DoW and Department of Indigenous Affairs. There was no outright objection to the proposed Development Concept Plan. The plan was generally accepted due to its minimalistic approach and the focus of development in already disturbed/cleared areas. The plan was adjusted in relation to some development concepts to address the submissions.
5. The Surfers Point focus area was readvertised due to a proposal to introduce a one way traffic movement system through the area. The Development Concept was advertised for 21 days and eleven (11) submissions were received. The majority of the submissions supported the proposed one way traffic movement system provided geotechnical advice is followed.
6. DEC, DoW and Department of Indigenous Affairs provided general advice. The DEC indicated that coordinated development in Shire reserves will reduce recreational use pressures on national parks. DEC further indicate that clearing permits may be required if any clearing is proposed. DoW required stormwater to be appropriately managed and those alternative treatment units be installed for the management of wastewater. The Department of Indigenous Affairs indicated that most of the foreshore area is in close proximity of registered sites that needs protection and urged the shire to commission a heritage study of the whole area.
7. Surfing WA were involved in discussions with Shire staff and made a presentation to Councillors in a Council Briefing.
8. Curtin University has been involved in the process. Seven Curtin University architecture students recently unveiled their visions for a major sporting event at Margaret River. The vision was part of university assessment for the second-year students to create facilities and infrastructure for a world-class surfing event, the Drug Aware Pro, Margaret River. Professor Marian Tye, Director for the Centre for Sport and Recreation Research (CSRR), said the aim was to bring the students together to experience the decision making process by the Western Australian Government when it comes to commissioning new sporting facilities. The project was supervised by Dr Stephen Neille, Curtin's Department of Architecture and Interior Architecture, and Dr Beth George, Curtin's School of Built Environment.

DISCUSSION/OFFICER COMMENTS

Margaret River has been identified by the WA Government as one of nine SuperTowns. The Regional Centres (SuperTowns) Planning Framework outlines that planning for population growth and addressing associated issues will result in economic, social and environmental benefits such as increased employment and economic diversity through to greater community resilience and environmental custodianship.

The Surfers Point Precinct including the Margaret River mouth is the closest coastal foreshore area to the Town and is massively impacted in peak tourist season by local residents and visitors seeking to access the foreshore. Managing the impacts of visitor numbers which will increase by natural population growth of 22% from 2011 to 2021 (ABS) plus expected increased visitor numbers from expanding regional population growth plus additional intrastate, interstate and national tourism will result in improved liveability for local residents, enhanced tourism experiences and reduced environmental degradation of fragile foreshore areas.

Improved access and egress and improved management of visitors will allow the Margaret River Pro to continue to develop as one of Australia's biggest international surfing events and improved broadband access will allow for better international marketing of the Region to potential international visitors.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Round 2 of the Regional Development Australia Fund of \$200 Million has opened with expressions of interest due by 1 December 2011. Three projects will be selected from each of Australia's RDA Regions. The RDA SW contains 12 Shires plus some larger non-profit organisations so it is expected that from 10-15 EOI's will be lodged. Only three will be selected to be developed into full applications by 15 February 2012. Under Round 1 only 35 projects were successful so the chance of success is limited in a highly competitive environment. Nevertheless, any staff time and effort contributed will also assist the SuperTown application process and will not therefore be wasted in the event of an unsuccessful application.

The project is listed as having regional significance on the RDA's Regional Plan and so is eligible to be considered for funding. Matching funding is required so the CEO proposes a funding application for \$1,244,000 from the RDAF with matching funding being accessed from the 2011-12 and 2012-13 allocations under the Country Local Government Fund (CLGF). Access to these funds is dependent on SWDC and the Shire of Busselton's approval. The DRDL will release the funds once a funding agreement is finalised. Should accessing the second year of CLGF be problematic then SuperTown funds could also be requested as an alternative.

STRATEGIC PLAN / POLICY IMPLICATIONS

The development of a concept plan for Cape Mentelle to Gas Bay has been developed and adopted by Council following extensive community consultation. Funding is now being sought to implement the plan.

PLANNING FRAMEWORK

The Shire of Augusta-Margaret River has a proven track record in delivering high quality infrastructure projects that include planning, design, and construction of transport, stormwater, water, building, environmental and landscaping projects.

Examples include the Shire of Augusta-Margaret River Civic and Administration Project \$13.2 million, delivered on time and on budget, the Margaret River Water Recycling Project and the Margaret River Rain Garden. In addition, the Department of Transport has chosen to partner with the Shire to deliver the first stage (road access) of the \$25 million Augusta Boat Harbour project.

The Shire has experienced engineering and technical staff including project management, survey, design and construction staff and has procurement arrangements in place including annual material supply and plant hire contracts. The Shire also regularly engages consultants and contract labour to provide specialist expertise and assist in provision of resources for the timely delivery of community projects.

Stakeholder Group

The Surfers Point Project will be coordinated by a Project Stakeholder Group that will provide direction and ensure delivery of key project outcomes. Major decisions relating to the project will be referred to the Stakeholder Group. The group will comprise internal (Shire) and external representatives including representatives from planning, engineering, environment, community services (internal) and tourism and Surfing WA (external).

A project manager will be appointed by the CEO with overall responsibility for the delivery of the project. The project manager will be responsible for delivery of objectives and outcomes identified in the project plan and will report to the Stakeholder Group. The Project Manager will be responsible for completing reports to RDA and the Department of Regional Development and Lands.

The project manager will coordinate the project delivery team comprising planning, survey, civil design, landscape design, documentation, procurement and construction resources.

The Shire will utilise internal resources and consultant resources. A proposed schedule for project resourcing is provided below, but will be subject to change depending on availability of resources and final scope of works.

FINANCIAL IMPLICATIONS

Council has already resolved that the 2011-12 CLGF regional allocation of \$622k is to be spent on the Surfers Point project. Additional funds from the 2012-13 year will try to be accessed "in principle" which will hopefully enable the Shire to apply for the matching RDA funds of \$1,244,000.

SUSTAINABILITY IMPLICATIONS

The project aims to increase economic activity in Australia's South West Region through increased interstate and international tourist visitation and an increased duration of visitor stays.

Australia's South West has been identified as one of Australia's top seven tourist destinations based on the size and economic importance of its tourist industry and is the only region on the west coast. (Ref: Tourism Research Australia – Economic Importance of Tourism in Australia's Regions 2011).

Being located on the west coast makes Australia's South West a desirable location for visitors from the UK, Europe, Singapore and Malaysia which constitute 29%, 22%, 10% and 6% of the international visitors to the SW Region respectively. (Ref: Tourism Research Australia – Economic Importance of Tourism in Australia's Regions 2011).

Two of the South West's 12 Shires, Busselton and Augusta-Margaret River, annually account for 55% of the Region's total annual average overnight tourist stays. Augusta-Margaret River attracts the greatest number of interstate (32.4%) and international (30%) tourist stays in the SW Region. (Ref: TWA Australia's South West - Tourism Development Priorities March 2010).

The Margaret River Region shared with the Shire of Busselton is second to Perth as the most visited part of Western Australia. Well over 1 million visitors come to the Region annually and spend an estimated \$29.9 million annually (ACIL Tasman, 2009). This constituted 21.8% of the total gross Capes Shires regional product in 2005-06, thereby providing significant wider employment and economic benefits to the whole SW Region and the State.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council lodges an Expression of Interest for funding of \$1,244,000 from the Regional Development Australia Fund and seeks matching funding from Council's 2011-12 and 2012-13 allocations under the Country Local Government Fund (CLGF) or alternatively funding under the Regional Centres (SuperTown) Program if available.

ATTACHMENT

Q&A Fact Sheet for RDAF

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR BELL SM1111/2

That Council lodges an Expression of Interest for funding of \$1,244,000 from the Regional Development Australia Fund and seeks matching funding from Council's 2011-12 and 2012-13 allocations under the Country Local Government Fund (CLGF) or alternatively funding under the Regional Centres (SuperTown) Program if available.

CARRIED 6-NIL

9.2

Planning and Development Services

9.2 Planning And Development Services

9.2.1 ADOPTION OF ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2011

LOCATION/ADDRESS	Shire wide
APPLICANT/ LANDOWNER	Shire of Augusta-Margaret River
FILE REFERENCE	ENF/22
REPORT AUTHOR	Elizabeth Lumsden, Town Planning Compliance and Land Assets Coordinator
AUTHORISING OFFICER	Geoff Broad, Director Planning and Development Services

IN BRIEF

- At its Ordinary Meeting on 10 August 2011, Council resolved to make the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2011*.
- This Local Law amends the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2010*.
- In accordance with the *Local Government Act 1995* (the Act) Council advertised the proposed amendment local law for 42 days in local and State-wide newspapers. No submissions were received.
- This report recommends that Council now adopts the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011* in accordance with the procedure set out by section 3.12 of the Act.

RECOMMENDATION

That Council, having noted that no public submissions were received following State-wide and local advertising and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011* in accordance with section 3.12(4) of the Local Government Act 1995.

LOCATION PLAN

N/A

TABLED ITEMS

Nil

BACKGROUND

Under clause 3.2(3) of the local law Council cannot give permission to a person to erect or place a sign that is:

- (a) On a footpath;
- (b) Over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
- (c) On or within 3m of a carriageway;
- (d) In any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
- (e) On any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

In considering the compliance of signs under the local law it became apparent that the local law provisions did not allow Council to grant permits for signs on footpaths or within 3m from a carriageway. The reality of clauses 3.2(3)(a) and 3.2(3)(c) meant that many businesses in the Town Centres of Augusta, Karridale, Witchcliffe, Margaret River and Cowaramup would have been affected by the inability to display a portable advertising sign. These provisions were not appropriate within the Shire of Augusta-Margaret River and Council consequently resolved to make the amendment local law to delete these clauses 3.2(3)(a) and 3.2(c). These deletions thereby allow Council to grant permits to place advertising signs on the footpath or within 3m from the carriage way. Council's Local Planning Policy 10 Signs and Advertising will control the placement of portable advertising signs. It must be noted that all other aspects of the local law will remain in place and therefore conditions of such permits granted may require public liability insurance and indemnity for Council.

CONSULTATION AND ADVICE

The proposed *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2011* was advertised for 42 days in accordance with s3.12(3)(a) and s3.12(3)(c) of the Act. No submissions were received.

The proposed local law was also sent to the Minister for Local Government in accordance with s3.12(3)(b) of the Act. The department of Local Government made minor formatting amendments to the proposed local law. These amendments were grammatical and formatting related only and have now been incorporated.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The procedure for making Local Laws is prescribed by clause 3.12 of the *Local Government Act*.

Clause 3.12 subsections (2) and (3) have been completed including –

- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local Government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local Government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

Council is now to complete s3.12(4) of the procedure.

- (4) After the last day for submissions, the local Government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
*Absolute majority required.

PLANNING FRAMEWORK

There were some other minor inconsistencies between the conditions and provisions under the local law and the LPP10. Local Planning Policy 10 Signs and Advertising has been amended to be consistent with the local law.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

The amendment to the local law should have a minimal impact on the natural environment but may have some impact on the built environment by allowing advertising signs to be considered on footpaths within the Shire. This could potentially add to the vibrancy of town and should be considered in light with relevant provisions that ensures that the signage still provides for the safe use of pathways for pedestrians and doesn't impact on sightlines for motorists.

Social

There should be limited social impacts with regards to the signage.

Economic

Public liability insurances will be required from each shop/business holder for the sign. This is a requirement under the local law and is intended to remain along with a requirement from the shop owner to indemnify the Shire from any potential injury or damages. This should not be a major economic impediment for the business but will require the owner to amend the insurance policy.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, having noted that no public submissions were received following State-wide and local advertising and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011* in accordance with section 3.12(4) of the Local Government Act 1995.

ATTACHMENTS

1. Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011

RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR VEITCH SM1111/3

That Council, having noted that no public submissions were received following State-wide and local advertising and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011* in accordance with section 3.12(4) of the Local Government Act 1995.

**CARRIED 6-NIL
BY ABSOLUTE MAJORITY**

**9.2.2 ADOPTION OF SCHEME AMENDMENT NO. 1 (OMNIBUS AMENDMENT) -
LOCAL PLANNING SCHEME NO. 1**

LOCATION/ADDRESS	N/A
APPLICANT/ LANDOWNER	Directorate of Planning and Development Services
FILE REFERENCE	LND/1/1
REPORT AUTHOR	Iliya Hastings – Manager Planning Services
CONTRIBUTING AUTHOR	Nick Logan - Co-ordinator of Strategic Planning and Sustainability
AUTHORISING OFFICER	Geoff Broad – Director of Planning and Development Services

DISCLOSURE OF INTEREST: *Cr Earl left Council Chambers at 6.03pm due to a proximity interest in this item as previously disclosed in writing to the CEO.*

IN BRIEF

- This report presents Scheme Amendment No.1 to Council for final adoption following initiation and advertising.
- Amendment No.1 is an 'omnibus' amendment that proposes a series of modifications to Local Planning Scheme No. 1 (LPS1). This is often used to rectify anomalies in a new scheme such as LPS1 following initial examination and operation.
- The amendment is generally limited to rectifying anomalies such as technical errors and omissions, internal inconsistencies, or inappropriate components and zonings of the Scheme. The scope of Amendment No.1 is not to reconsider broader zoning and development issues that were fully evaluated through the preparation of the Scheme.
- 15 submissions were received on the amendment during the advertising process with a Schedule of Submissions provided as an Attachment to this report.
- The report also includes a number of additional minor modifications to the amendment as a result of internal assessment by staff as a result of the ongoing implementation of LPS1.

RECOMMENDATION

That Council adopts Amendment No.1 to the Scheme subject to various modifications being undertaken to the scheme text and scheme maps (details in the complete Officer Recommendation).

TABLED ITEMS

1. Scheme Amendment No.1 (as initiated and advertised)

BACKGROUND

24 September 2010

The Scheme was gazetted following an extensive period of consideration and evaluation by successive Council's, staff and State Government authorities. Application of the Scheme since gazettal has provided the means to assess its practical operation. This process has resulted in the identification of a number of modifications that are required to improve the operation of the Scheme.

25 May 2011

Amendment No.1 was initiated by Council.

SCOPE OF THE AMENDMENT

Typically an amendment to the Scheme is confined in scope by the nature of the subject matter; such as the rezoning of a particular area of land. The 'omnibus amendment' process considers a broad range of matters and it needs to be clear that the purpose of Amendment 1 is only to address certain matters. The following criteria have therefore been utilised to guide inclusion of matters to be included within Amendment 1:

- A clear technical anomaly that results in an inconsistency in the Scheme;
- An error through incorrect referencing or omissions;
- Modifications that would improve legibility or understanding of the Scheme; or
- Resolve inappropriate provisions and zonings that would lead to undesirable planning outcomes.

CONSULTATION

In accordance with the *Town Planning Regulations (1967)*, Amendment No.1 was advertised for a 42-day period closing on October 6, 2011. This was subsequent to a level of assessment being determined by the Environmental Protection Authority. Consultation included signage onsite and letters to affected landowners (where relevant) in addition to standard notification procedures.

A total of 15 submissions were received. Of these 10 had no objection or supported the amendment. The remaining 5 submissions raised specific issues/requests which are detailed in the Schedule of Submissions which is shown as Attachment 1 and also discussed in the Planning Assessment section of this report.

ATTACHMENT 1

PLANNING FRAMEWORK

The consideration of what constitutes an appropriate change to the Scheme is guided by:

- The recently endorsed Local Planning Strategy which sets the strategic framework for the content of the Scheme;
- Planning Bulletins and Development Control Policies of the Department of Planning which detail accepted standard approaches to development issues;
- The Model Scheme Text as set out in the Regulations which sets a standard approach to the format, layout and general content of schemes;
- State Planning Policy, which under the *Planning and Development Act (2005)* must be given 'due regard' when amending the Local Planning Scheme. These SPP's include the Leeuwin Naturaliste Ridge Statement of Planning Policy; and
- Various Council Policies and strategic direction embodied within the Strategic Plan.

PLANNING ASSESSMENT

The complete Amendment No.1 document as initiated and advertised is a Tabled Item to this report. This document details all proposals contained within the amendment. The two most substantial components of the amendment comprised:

Bush Fire Prone Areas

The identification of the Shire (outside of Townsites unless otherwise identified in an Endorsed Fire management Plan) as being a 'Bush Fire Prone Area'. The purpose of so doing is to enable the application of the building standard – Australian Standard 3959 *Building in Bushfire prone Areas*. The Building Code of Australia (BCA) requires that an area is designated a 'bush fire prone area' in legislation (such as the Scheme) before AS3959 can be applied. The Scheme currently includes requirements for AS3959 to be applied but this is not set out to enable consideration through the most appropriate process – the building consent process. It is the building consent process where the standard of construction can best be evaluated. The practical implications are that where a building may be at risk in the 'bush fire prone area' by being located on a significant slope and/or in close proximity to significant vegetation, an assessment would need to be undertaken to determine the appropriate standard of construction.

Exemptions from Planning Approval

The 'exemptions from planning approval' set out in clause 8.2 of LPS1 require revision for both clarity, and to make it clear that where a use does not comply with Council planning policy, that an application for planning approval will be required. Planning approval is the only mechanism to address variation from Council Policy and determine an appropriate outcome.

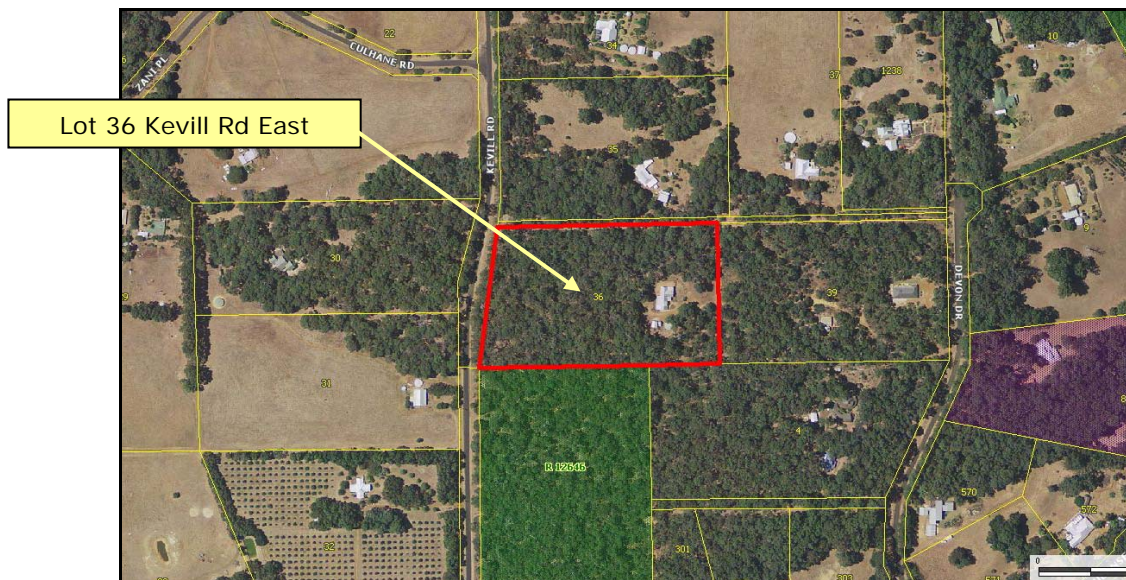
Submissions

During the advertising process a number of submissions were received. Whilst these are listed, commented on and determined in the attached Schedule of Submissions, those that resulted in recommended changes to the amendment comprise:

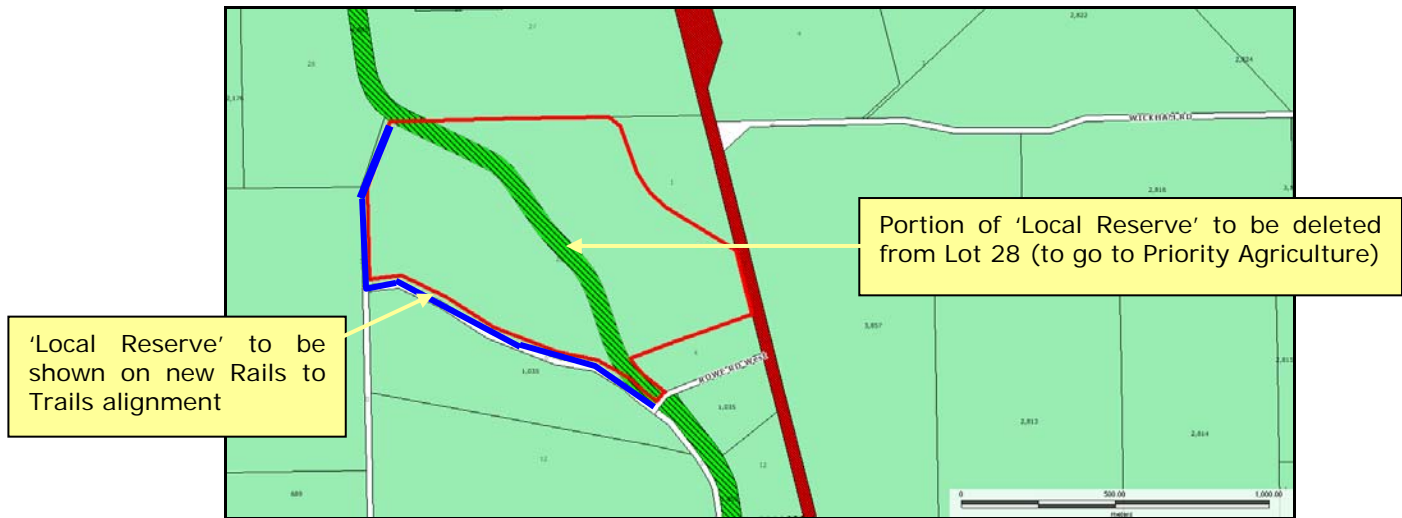
- A small portion of Lot 103 Miamup Road, Cowaramup being included in the Residential (R15) zone. This comprises an area of approximately 630m² being rezoned from 'General Agriculture' and represents part of the yard of the residence on Lot 14 O'Brien Street. This will enable the subject portion of Lot 103 to be amalgamated with Lot 14 (same owner) to enable the owner to retain their yard and remove it from future consideration for urban structure planning purposes. This can only be facilitated if it is in the same zone as Lot 14 and is only a minor and ineffectual change to the zoning alignment. The submission also requested that the portion of Lot 103 to the north of Lot 14 be included in the 'Tourism' zone. This is not supported on the basis that a number of issues relevant to the site will need to be addressed as part of a specific scheme amendment process.



- Including Lot 36 Kevill Road East, Margaret River in Rural Residential Zone 17. The land is presently zoned 'Rural Residential' however by inclusion within RR17 it will enable consideration for further subdivision consistent with surrounding lots.



- Including Reserve 47049 (Lot 300) Rowe Road, Witchcliffe in a 'Local Reserve' and portion of Lot 28 in 'Priority Agriculture' to reflect the revised alignment of the Rails to Trails reserve.



Internal Review

Given the relatively recent commencement of LPS1 and the extensive nature of provisions contained therein, a number of additional matters have been raised by staff as part of ongoing internal review. These are listed and discussed following:

Building Height

'Height' is presently defined in Schedule 1 of LPS1 as:

when used in relation to a building that is used for —

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or*
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above.*

This definition is considered appropriate for residential development '(a)' where the R Codes define height to be measured from natural ground level. However the lack of reference to 'natural' ground level for other buildings (i.e. in sub-clause (b)) creates a level of ambiguity that may result in misinterpretation. It is therefore recommended that the word 'natural' be included before 'ground' in the clause to clarify this issue.

Car Parking

- '*Small Bar*', '*Brewery*' and '*Hotel/Tavern*' – The use classes of 'Small Bar' and 'Brewery' have been introduced in to LPS1 via Amendment No.1. They do not however have car parking requirements in accordance with Schedule 12. Given the nature of the uses, it is reasonable to apply the same parking requirements as applied to 'Taverns' and 'Hotels'. Schedule 12 presently requires 1 space per 6m² of bar space (areas occupied by customers and excluding servery areas) plus 1 space per unit of accommodation where appropriate for these uses.

In addition it also recommended that the parking requirement for these uses be modified to enable the option for parking to be linked to the 'capacity' of a proposed development rather than to the 'floorspace'. This would establish a more equitable alternative for parking provision in that premises that have approval and liquor licenses for the same number of persons would have the same parking requirement. Under the current floorspace scenario in LPS1, premises may have the same capacity, though one, by virtue of having a larger floorspace will have a different car parking requirement. In some instances this disproportion can be quite significant. This is not considered a rationale or equitable outcome that would be rectified by Council having the option to use the approved capacity of premises as the car parking determinant. The parking ratio in this instance is proposed to be 1 bay per 6 persons of capacity. This is considered appropriate on the basis that it is closely aligned to the current 1 bay per 6m² of floorspace requirement and that capacity is often determined at the liquor license stage based on 1 person per 1m². This ensures that those developments that have car parking assessed based on capacity have the same parking requirement as those assessed on floorspace albeit that these would have a lower 'person to floorspace' ratio. Notwithstanding this it is still considered reasonable to retain the option for parking to be linked to floorspace as this may be applicable to some development. The additional parking requirement for accommodation units as part of 'Hotels' will still also be retained.

- *'Guest House' and 'Residential Building'* – These uses presently have a parking requirement of 1 bay per 4 beds plus one additional bay for every 4 beds for visitors. This in effect results in a 1 bay per 2 beds requirement. It is recommended that the standard be modified to simplify and reflect the actual requirement rather than the current standard which is confusing.

With respect to 'Guesthouse' this is currently included under the use type "Residential Uses" in Schedule 12 of LPS1. As a "Guest House" is a tourist use for short stay purposes it is recommended that:

- It be moved to the "Tourist Uses" use type in Schedule 12; and
 - The parking requirement for a "Guest House" be similar to that of a "Bed and Breakfast" in that there be one bay for every accommodation room plus one for dwelling use. This is considered rationale approach on the basis that a guesthouse is essentially the same use as a Bed & Breakfast other than they have more rooms for accommodation.
- *'Holiday House'* – It is proposed to modify and simplify the parking standard to request 1 bay per room used for accommodation. The current standard is confusing and ambiguous in that it asks for 2 bays as per the RCodes plus 1 additional bay per bedroom for houses with more than 2 bedrooms. This could be interpreted to require 6 car parking bays for a 4 bedroom holiday house when a 2 bedroom holiday house only requires 2 bays.

Conclusion

The proposed modifications to the Scheme are considered to provide for a more efficient and effective planning framework for the Shire.

RECOMMENDATION

That Council resolves:

- In pursuance of Part V of the Planning and Development Act (2005) to grant final adoption to Amendment No.1 to the Shire of Augusta Margaret River Local Planning Scheme No.1 which proposes to:
 - Amending the Scheme Text as follows: (Note: text to be deleted shown in ~~strikethrough~~, additional text underlined and amendments made to the advertised scheme amendment document shown in **bold**):

Provision	Modification
4.2.2.2(d)	Delete the second 'sustainable' in clause 4.2.2.2(d).
4.2.3.1	Amend clause 4.2.3.1 to read: ...accommodation and associated uses in areas that are generally compatible with the surrounding area.
4.16.2	Amend clause 4.16.2 to read: Intensive Agriculture Cluster Cluster Farm proposals...
4.16.6(b)	Amend clause 4.16.6(b) to: Separate Residential Residential development unrelated to any agricultural component will not be supported in this zone...
4.17.8(c)	Amend clause 4.17.8(c) to: ...shall be of a design and scale that is clearly is subsidiary...
4.21.5	Amend the reference in clause 4.21.5 from ' specific approval ' to ' <u>planning approval</u> '.
4.27.2(d)	Amend clause 4.27.2(d) by deleting reference to the Shire's Signs and Bill Posting Local Law 1983.
4.32.2	Amend clause 4.32.2 by modifying the last sentence as follows: Notwithstanding the above, the local government shall not approve a setback which is below will have specific regard to the minimum setback prescribed for the applicable zone in Schedule 13.
6.2.6.4(c)	Amend the reference in clause 6.2.6.4(c) from 6.2.6.4(e) to <u>6.2.6.4(b)(iii)</u> .
6.2.8.1(a)	Include text in 6.2.8.1(a) as: ' <u>A detailed area plan may be prepared where:</u> '
6.2.10.1(c)	Amend the reference in clause 6.2.10.1(c) from clause 6.2.6.4(e) to <u>6.2.6.4(d)</u> .
6.4.2.1	Amend clause 6.4.2.1 by deleting the prior approval of the local government and insert the term <u>planning approval...</u>

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Schedule 11 – RR6	<p>Amend the reference in Schedule 11 for RR6 (Lot 1 Kilcarnup Road) from: ...approved subdivision plan dated 22/8/05 Ref 129191 to <u>approved plan of subdivision dated 26 October 2009, WAPC Ref: 140450, any subsequent approval generally consistent with that approval, or...;</u> and</p> <p>Amend Provision 2 of RR6 from: Building Envelopes identified in the Subdivision Guide Plan dated August 1995 forming part of Amendment 78 of revoked Scheme No. 11 shall apply to: <u>Building envelopes shall be as identified in the approved plan of subdivision or a subsequent structure plan...;</u> and</p> <p>Amend Provision 5 of RR6 as follows: Effluent disposal systems are to be 100 metres from and any water source. This may be reduced to <u>50</u> metres in the event that a nutrient retention system is to be installed.</p>
Schedule 13	Amend schedule 13 to delete the reference to clause 9.14 and replace with reference to <u>clause 4.15.</u>
Schedule 16 - T16	Amend the reference in Schedule 16 (T16) from Amendment 41 to <u>Amendment 51.</u>
Schedule 11 – RR11	Amend the reference in Schedule 11 for RR11 from the plan dated <u>2004</u> to the plan dated <u>2003.</u>
Schedule 11 – RR17	Amend the reference in Schedule 11 for RR17 to include <u>Lot 36 Kevill Road East.</u>
Schedule 16 – T4	Amend T4 in Schedule 16 of the Scheme to change the reference from <u>4039</u> to <u>1309 Cowaramup Bay Road.</u>
Schedule 16 – T14	Amend T14 in Schedule 16 of the Scheme as follows: ...the uses permitted in this Special Use Zone <u>Tourism Zone.</u>
5.13(g).	Remove the specific maximum 3.5 metre building height for outbuildings by deleting clause 5.13(g).
6.2.6.1	Amend clause 6.2.6.1 to add the following: <u>A Structure Plan may, at the discretion of the local government, be considered concurrently with a relevant amendment to this Scheme, or alternatively, follow the process set out as follows.</u>
4.20.3(b)(iv) and 4.20.4(b)(iv)	Amend provisions 4.20.3(b)(iv) and 4.20.4(b)(iv) to read: where screen fencing and retaining walls or any combination thereof are to be provided along boundaries with streets, rights-of-way or pedestrian access ways, <u>and do not comply with the acceptable development criteria of the Residential Design Codes, it they shall should not exceed a height of 2.4 metres above natural ground level.</u>
Schedule 17	<p>The following structure plans should also be identified in Schedule 17:</p> <p><u>15. Lot 10 Hillview Road, Augusta dated 8 September 2010.</u></p> <p><u>16. Lot 1032 Redgate Road, Witchcliffe dated 27 July 2010, endorsed by WAPC 24 September 2010.</u></p> <p><u>17. Lot 2 Redgate Road and Location 2183 Bussell Highway, Witchcliffe dated September 2009.</u></p> <p><u>18. Lot 1 Redgate Road, Witchcliffe dated March 2010.</u></p> <p><u>19. Lots 101 and 102 Bussell Highway, Cowaramup (Revision 6) dated 16 April 2008.</u></p> <p><u>20. Lot 302 and 4800 Treeton and Waverley Roads, Cowaramup dated 17 June 2010.</u></p> <p>Deleting reference to clause 6.2.10. and instead referring to refer to clause <u>6.2.11</u></p>
6.2.8.1	<p>Add additional provisions to clause 6.2.8.1 as follows:</p> <p><u>(d) The local government may elect to give notice of a detailed area plan following the procedure set out at clause 9.4 of the Scheme.</u></p> <p>(e)<u>(e) If within 60 days of receiving a detailed area plan under clause 6.2.8.1(a) or 90 days where notice has been given under clause 6.2.8.1(d), or such longer period...</u></p>

SHIRE OF AUGUSTA-MARGARET RIVER
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	Renumber the balance of clause 6.2.8.1 accordingly.
Table 1	Amend the permissibility of grouped dwellings from an 'A' to a 'D' use in the Residential Zone as identified in Table 1 of the Scheme.
4.21.2(a) and 5.10.1	Amend provisions for the Rural Residential zone (4.21.2(a)(i)) and for building envelopes (5.10.1) to ensure that the ability to establish rural production, dams etc is recognised as not being constrained by building envelopes as follows: 4.21.1(a)(i) all development buildings on any lot created pursuant... 4.21.1(a)(ii) development buildings for the purpose of the foregoing clause... 5.10.1...all development buildings shall be contained within the prescribed building envelope.
Schedule 1	Introduce the following definitions of permanent and intermittent streams and watercourses to Schedule 1 of the Scheme: <u>Permanent Streams and Watercourses: means a watercourse as defined in the Rights in Water and Irrigation Act (1914) that contains permanently flowing water.</u> <u>Intermittent Streams and Watercourses: means a watercourse as defined in the Rights in Water and Irrigation Act (1914) that is not a permanent stream or watercourse.</u>
Table 1	Amend the permissibility of a rural industry from an 'X' to a 'D' use in the Service Commercial zone as identified in Table 1 of the Scheme.
Schedule 1 and Table 1	Introduce the following definition of a Laundromat/Drycleaner: <u>Laundromat/Drycleaner: means an outlet providing for the commercial washing of clothes and laundry either in a self service or serviced manner.</u> Amend Table 1. Zoning Table of the Scheme to identify a Laundromat/Drycleaner as a 'D' use in the following zones: <ul style="list-style-type: none"> • Future Development; • Service Commercial; • Town Centre; • Village Centre; • Industry; and Composite Industry. And identify the use as an 'X' use in all other zones.
Schedule 1	Move the following definitions to the 'general definitions' section of Schedule 1: Silviculture Plan; Strategic Tourism Locations; Non-Strategic Tourism Sites; Rural Residential Use; and Strategic Tourism Sites.
Table 1 and Schedule 1	Delete the 'factory unit' use class from Table 1 and the definition of that use in Schedule 1.
Schedule 1	Introduce the following definition of a small bar: <u>Small Bar: Small bar: means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120.</u> Introduce the 'small bar' use to Table 1 Zoning Table of LPS 1, and identify the use to have a corresponding level of permissibility as the 'Tavern'
4.20.2(f)	Delete clause 4.20.2(f) and renumber provisions accordingly.
4.24	Add an additional clause 4.24.2 as follows: <u>4.24.2 Where development or redevelopment of properties in the Village Centre Zone is envisaged, the incorporation of residential uses up to a density of R60 will be considered, in an effort to create greater diversity of use, increased security and to stimulate additional life and vitality within the centre of the village. Any such residential development shall comply with the Mixed Use provisions of the R Codes.</u>
Schedule 1	Amend the definition of 'lunch bar' as follows:

	<p>lunch bar means premises or part of premises used for sale of take away food (in a form ready to be consumed without further preparation) within commercial or industrial areas, but does not include premises servicing evening meals or premises with drive through facilities.</p>
<p>Schedule 1 and Table 1</p>	<p>Amend the definition of ‘tavern’ as follows: Tavern means premises licensed as a tavern under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises of breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises.</p> <p>Introduce the following definition in Schedule 1 of the Scheme: Brewery means breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises.</p> <p>Introduce the ‘brewery’ use class to Table No. 1 of the Scheme as a ‘D’ use in the following zones:</p> <ul style="list-style-type: none"> • Priority Agriculture; • General Agriculture; • Tourism; • Industry; • Service Commercial; <p>And as an ‘X’ use in all other zones.</p>
<p>Table 1</p>	<p>1) Amend the permissibility of the following uses from an ‘X’ to an ‘A’ use in the Priority and General Agriculture Zones:</p> <ul style="list-style-type: none"> • Cinema/Theatre; • Exhibition Centre; • Markets; • Reception Centre. <p>1) Amending the permissibility of Child Care Premises as an ‘A’ use within the Rural Residential Zone.</p>
<p>5.19</p>	<p>Delete clause 5.19.1 and 5.19.2, introduce a new clause 5.19 5.19.1 In areas determined by the local government to be high or extreme bush fire hazard areas as shown in the “Bush Fire Hazard Areas” mapping contained in the Local Planning Strategy (as amended from time to time), all habitable buildings whether or not they require planning approval pursuant to the Scheme shall be constructed so as to comply with the requirements of Australian Standard 3959 (as amended from time to time). 5.19.2 In areas determined by the local government to be a medium bush fire hazard area having regard to “Bush Fire Hazard Areas” mapping prepared from time to time, the local government may require any proposed new building to comply with the requirements of Australian Standard 3959 (as amended from time to time).</p> <p><u>5.19.1 Areas outside of a gazetted Townsite, or areas identified by the Scheme, including in an endorsed Fire Management Plan referenced by the Scheme, as being at the threat of fire warranting application of Australian Standard 3959, shall be considered a <i>Designated Bush Fire Prone Area</i> for the purpose of the application of Australian Standard 3959 through the Building Code of Australia. For the purpose of the Scheme, Australian Standard 3959 means the 2009 version, and any updates or amendments thereto.</u></p>
<p>8.2</p>	<p>Modify clause 8.2 of the Scheme as follows:</p> <p>Except as otherwise provided in the Scheme or any relevant Local Planning</p>

	<p>Policy adopted under Part 2 of the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government:</p> <p>(a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is:</p> <ul style="list-style-type: none"> (i) located in a place that has been entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>; (ii) the subject of an order under Part 6 of the <i>Heritage of Western Australia Act 1990</i>; or (iii) included on the Heritage List under clause 7.1 of the Scheme; <p>(b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —</p> <ul style="list-style-type: none"> (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions <u>consider a proposal under the Performance Criteria</u> of the Residential Design Codes; or (ii) the development will be located in a heritage area designated under the Scheme; (iii) the development otherwise requires planning approval including single houses in the Leeuwin Naturaliste Ridge Conservation and Leeuwin Naturaliste Ridge Landscape Amenity Zones, and single houses in any Special Control Area identified at Part 6 of the Scheme;
<p>Schedule 3 – RU2</p>	<p>Modify the ‘Restricted Use’ provision for RU2 as follows: Description of Land: Lots 1-14 and 101-117 (inclusive) Orchid Ramble, Wooditch Road, Margaret River.</p> <p><u>Restricted Use: Single dwelling, ancillary accommodation and associated outbuildings. Residential development and associated uses in accordance with Table 1 of the Scheme, subject to the conditions of this Restricted Use classification.</u></p>
<p>Schedule 2</p>	<p>Add an additional use right for Lot 1 Rosa Brook Road, Margaret River, as ‘A55’ with the additional use: 3 Chalets.</p> <p>Add the conditions: Development shall be considered with due regard to the long term urban expansion of the Margaret River Townsite.</p>
<p>Schedule 2</p>	<p>Add an additional use right for Lot 4 Sebbes Road as ‘A56’ with the additional use ‘Holiday House’. There are no associated conditions.</p>
<p>Schedule 12</p>	<p>Modify Schedule 12 – ‘Car Parking and related requirements’ as follows:</p> <ul style="list-style-type: none"> a) Under ‘Residential Uses’ – ‘Guest House, Residential Building’, delete ‘Guesthouse’ and modify the parking requirement by deleting “1 space for every 4 beds, plus 1 additional space for every 4 beds for visitor parking” and replacing with “<u>1 bay for every 2 beds</u>” b) Under ‘Commercial Uses’ add the use types of ‘<u>Small Bar</u>’ and ‘<u>Brewery</u>’ to ‘Hotel/Tavern’ and modify the parking requirement to read: “1 unit of accommodation where appropriate and 1 Bay per 6m² of bar space (areas occupied by customers, excluding servery areas) <u>or where determined by the local government - 1 space per 6 patrons.</u>” c) Under ‘Tourist Uses’: <ul style="list-style-type: none"> i) add ‘<u>Guesthouse</u>’ to the ‘Bed and Breakfast’ use type.

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	<p>ii) delete the parking requirement and 'qualifications' relating to 'Holiday House' use type that reads:</p> <p>As per RCodes plus 1 additional space per bedroom for houses with more than 2 bedrooms and</p> <p>2 bays provided on site as per the RCodes plus capability of parking additional vehicles on site.</p> <p>and replace with the following parking requirement:</p> <p><u>'1 space per room used for accommodation'</u></p>
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- B. Amending the Scheme Maps as follows: (note amendments made to the advertised scheme amendment are shown in **bold**) :
- a. Identify Lots 72 and 73 Bussell Highway, Cowaramup within the Residential Zone with a density code of R15;
 - b. Identify Lot 60 Station Road, Margaret River within the Service Commercial zone;
 - c. Identify Unallocated Crown Land west of the junction of Bussell Highway and Donovan Street, Augusta, as a Local Purpose Reserve – Parks and Recreation;
 - d. Identify Lots 101 to 117 (inclusive) Orchid Ramble, Margaret River, within the Residential Zone with a density code of R2.5;
 - e. Identify Locations 1597 and 4395 Osmington Road, Margaret River, within the Priority Agriculture zone;
 - f. Identify an additional use right notation A55 at Lot 1 Rosa Brook Road, Margaret River;
 - g. Identify an additional use right notation A56 at Lot 4 Sebbes Road;
 - h. Identifying all lots described in the RR-15 reference in Schedule 11 of the Scheme Text with an 'RR15' designation;
 - i. **Identify that portion of Lot 103 Miamup Road, Cowaramup immediately to the west of the Lot 14 O'Brien Street and comprising the residential yard of the dwelling on Lot 14 within the 'Residential (R15) zone';**
 - j. **Identify Lot 36 Kevill Road East, Margaret River in the RR17 Area;**
 - k. **Identify that portion of Lot 28 Rowe Road, Witchcliffe presently reserved as 'Local Reserve' within the 'Priority Agriculture' zone; and**
 - l. **Identify Reserve 47049 (Lot 300) Rowe Road, Witchcliffe in 'Local Reserve'.**
2. To endorse the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No.1.
3. That Amendment 1 to Local Planning Scheme No.1 be referred to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

ATTACHMENTS

1. Schedule of Submissions

Cr Smart proposed an alternative recommendation as follows:

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION

CR SMART, CR VEITCH SM1111/4

That Council resolves:

1. In pursuance of Part V of the Planning and Development Act (2005) to grant final adoption to Amendment No.1 to the Shire of Augusta Margaret River Local Planning Scheme No.1 which proposes to:

A. Amending the Scheme Text as follows: (Note: text to be deleted shown in ~~strikethrough~~, additional text underlined and amendments made to the advertised scheme amendment document shown in **bold**):

Provision	Modification
4.2.2.2(d)	Delete the second 'sustainable' in clause 4.2.2.2(d).
4.2.3.1	Amend clause 4.2.3.1 to read: ...accommodation and associated uses in areas that are generally compatible with the surrounding area.
4.16.2	Amend clause 4.16.2 to read: Intensive Agriculture Cluster Cluster Farm proposals...
4.16.6(b)	Amend clause 4.16.6(b) to: Separate Residential <u>Residential development unrelated to any agricultural component will not be supported in this zone...</u>
4.17.8(c)	Amend clause 4.17.8(c) to: ...shall be of a design and scale that is clearly is subsidiary...
4.21.5	Amend the reference in clause 4.21.5 from ' specific approval ' to ' <u>planning approval</u> '.
4.27.2(d)	Amend clause 4.27.2(d) by deleting reference to the Shire's Signs and Bill Posting Local Law 1983.
4.32.2	Amend clause 4.32.2 by modifying the last sentence as follows: Notwithstanding the above, the local government shall not approve a setback which is below <u>will have specific regard to the minimum setback</u> prescribed for the applicable zone in Schedule 13.
6.2.6.4(c)	Amend the reference in clause 6.2.6.4(c) from 6.2.6.4(c) to <u>6.2.6.4(b)(iii)</u> .
6.2.8.1(a)	Include text in 6.2.8.1(a) as: ' <u>A detailed area plan may be prepared where:</u> '
6.2.10.1(c)	Amend the reference in clause 6.2.10.1(c) from clause 6.2.6.4(e) to <u>6.2.6.4(d)</u> .
6.4.2.1	Amend clause 6.4.2.1 by deleting the prior approval of the local government and insert the term <u>planning approval...</u>
Schedule 11 – RR6	Amend the reference in Schedule 11 for RR6 (Lot 1 Kilcarnup Road) from: ...approved subdivision plan dated 22/8/05 Ref 129191 to <u>approved plan of subdivision dated 26 October 2009, WAPC Ref: 140450, any subsequent approval generally consistent with that approval, or...;</u> and Amend Provision 2 of RR6 from: Building Envelopes identified in the Subdivision Guide Plan dated August 1995 forming part of Amendment 78 of revoked Scheme No. 11 shall apply to: <u>Building envelopes shall be as identified in the approved plan of subdivision or a subsequent structure plan...;</u> and Amend Provision 5 of RR6 as follows: Effluent disposal systems are to be 100 metres from and any <u>water source</u> . This may be reduced to <u>50</u> metres in the event that a nutrient retention system is to be installed.
Schedule 13	Amend schedule 13 to delete the reference to clause 9.14 and replace with reference to <u>clause 4.15</u> .
Schedule 16 – T16	Amend the reference in Schedule 16 (T16) from Amendment 41 to <u>Amendment 51</u> .
Schedule 11 – RR11	Amend the reference in Schedule 11 for RR11 from the plan dated <u>2004</u> to the plan dated 2003 .

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Schedule 11 – RR17	Amend the reference in Schedule 11 for RR17 to include <u>Lot 36 Kevill Road East.</u>
Schedule 16 – T4	Amend T4 in Schedule 16 of the Scheme to change the reference from 1039 to <u>1309 Cowaramup Bay Road.</u>
Schedule 16 – T14	Amend T14 in Schedule 16 of the Scheme as follows: ...the uses permitted in this Special Use Zone <u>Tourism Zone.</u>
5.13(g).	Remove the specific maximum 3.5 metre building height for outbuildings by deleting clause 5.13(g).
6.2.6.1	Amend clause 6.2.6.1 to add the following: <u>A Structure Plan may, at the discretion of the local government, be considered concurrently with a relevant amendment to this Scheme, or alternatively, follow the process set out as follows.</u>
4.20.3(b)(iv) and 4.20.4(b)(iv)	Amend provisions 4.20.3(b)(iv) and 4.20.4(b)(iv) to read: where screen fencing and retaining walls or any combination thereof are to be provided along boundaries with streets, rights-of-way or pedestrian access ways, and do not comply with the acceptable development criteria of the Residential Design Codes, it they shall should not exceed a height of 2.4 metres above natural ground level.
Schedule 17	The following structure plans should also be identified in Schedule 17: <u>15. Lot 10 Hillview Road, Augusta dated 8 September 2010.</u> <u>16. Lot 1032 Redgate Road, Witchcliffe dated 27 July 2010, endorsed by WAPC 24 September 2010.</u> <u>17. Lot 2 Redgate Road and Location 2183 Bussell Highway, Witchcliffe dated September 2009.</u> <u>18. Lot 1 Redgate Road, Witchcliffe dated March 2010.</u> <u>19. Lots 101 and 102 Bussell Highway, Cowaramup (Revision 6) dated 16 April 2008.</u> <u>20. Lot 302 and 4800 Treeton and Waverley Roads, Cowaramup dated 17 June 2010.</u> Deleting reference to clause 6.2.10. and instead referring to refer to clause <u>6.2.11</u>
6.2.8.1	Add additional provisions to clause 6.2.8.1 as follows: <u>(d) The local government may elect to give notice of a detailed area plan following the procedure set out at clause 9.4 of the Scheme.</u> (e) <u>(e) If within 60 days of receiving a detailed area plan under clause 6.2.8.1(a) or 90 days where notice has been given under clause 6.2.8.1(d), or such longer period...</u> Renumber the balance of clause 6.2.8.1 accordingly.
Table 1	Amend the permissibility of grouped dwellings from an 'A' to a 'D' use in the Residential Zone as identified in Table 1 of the Scheme.
4.21.2(a) and 5.10.1	Amend provisions for the Rural Residential zone (4.21.2(a)(i)) and for building envelopes (5.10.1) to ensure that the ability to establish rural production, dams etc is recognised as not being constrained by building envelopes as follows: 4.21.1(a)(i) all development buildings on any lot created pursuant... 4.21.1(a)(ii) development <u>buildings</u> for the purpose of the foregoing clause... 5.10.1...all development buildings shall be contained within the prescribed building envelope.
Schedule 1	Introduce the following definitions of permanent and intermittent streams and watercourses to Schedule 1 of the Scheme: Permanent Streams and Watercourses: <u>means a watercourse as defined in the Rights in Water and Irrigation Act (1914) that contains permanently flowing water.</u> Intermittent Streams and Watercourses: <u>means a watercourse as defined in the</u>

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	<u>Rights in Water and Irrigation Act (1914) that is not a permanent stream or watercourse.</u>
Table 1	Amend the permissibility of a rural industry from an 'X' to a 'D' use in the Service Commercial zone as identified in Table 1 of the Scheme.
Schedule 1 and Table 1	<p>Introduce the following definition of a Laundromat/Drycleaner: <u>Laundromat/Drycleaner: means an outlet providing for the commercial washing of clothes and laundry either in a self service or serviced manner.</u></p> <p>Amend Table 1. Zoning Table of the Scheme to identify a Laundromat/Drycleaner as a 'D' use in the following zones:</p> <ul style="list-style-type: none"> • Future Development; • Service Commercial; • Town Centre; • Village Centre; • Industry; and Composite Industry. <p>And identify the use as an 'X' use in all other zones.</p>
Schedule 1	Move the following definitions to the 'general definitions' section of Schedule 1: Silviculture Plan; Strategic Tourism Locations; Non-Strategic Tourism Sites; Rural Residential Use; and Strategic Tourism Sites.
Table 1 and Schedule 1	Delete the 'factory unit' use class from Table 1 and the definition of that use in Schedule 1.
Schedule 1	<p>Introduce the following definition of a small bar: <u>Small Bar: Small bar: means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120.</u></p> <p>Introduce the 'small bar' use to Table 1 Zoning Table of LPS 1, and identify the use to have a corresponding level of permissibility as the 'Tavern'</p>
4.20.2(f)	Delete clause 4.20.2(f) and renumber provisions accordingly.
4.24	<p>Add an additional clause 4.24.2 as follows: <u>4.24.2 Where development or redevelopment of properties in the Village Centre Zone is envisaged, the incorporation of residential uses up to a density of R60 will be considered, in an effort to create greater diversity of use, increased security and to stimulate additional life and vitality within the centre of the village. Any such residential development shall comply with the Mixed Use provisions of the R Codes.</u></p>
Schedule 1	<p>Amend the definition of 'lunch bar' as follows: <u>lunch bar means premises or part of premises used for sale of take away food (in a form ready to be consumed without further preparation) within commercial or industrial areas, but does not include premises servicing evening meals or premises with drive through facilities.</u></p>
Schedule 1 and Table 1	<p>Amend the definition of 'tavern' as follows: <u>Tavern means premises licensed as a tavern under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises of breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises.</u></p> <p>Introduce the following definition in Schedule 1 of the Scheme: <u>Brewery means breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises.</u></p>

	<p>Introduce the 'brewery' use class to Table No. 1 of the Scheme as a 'D' use in the following zones:</p> <ul style="list-style-type: none"> • Priority Agriculture; • General Agriculture; • Tourism; • Industry; • Service Commercial; <p>And as an 'X' use in all other zones.</p>
<p>Table 1</p>	<p>1) Amend the permissibility of the following uses from an 'X' to an 'A' use in the Priority and General Agriculture Zones:</p> <ul style="list-style-type: none"> • Cinema/Theatre; • Exhibition Centre; • Markets; • Reception Centre. <p>2) Amending the permissibility of Child Care Premises as an 'A' use within the Rural Residential Zone.</p>
<p>5.19</p>	<p>Delete clause 5.19.1 and 5.19.2, introduce a new clause 5.19</p> <p>5.19.1 In areas determined by the local government to be high or extreme bush fire hazard areas as shown in the "Bush Fire Hazard Areas" mapping contained in the Local Planning Strategy (as amended from time to time), all habitable buildings whether or not they require planning approval pursuant to the Scheme shall be constructed so as to comply with the requirements of Australian Standard 3959 (as amended from time to time).</p> <p>5.19.2 In areas determined by the local government to be a medium bush fire hazard area having regard to "Bush Fire Hazard Areas" mapping prepared from time to time, the local government may require any proposed new building to comply with the requirements of Australian Standard 3959 (as amended from time to time).</p> <p><u>5.19.1 Areas outside of a gazetted Townsite, or areas identified by the Scheme, including in an endorsed Fire Management Plan referenced by the Scheme, as being at the threat of fire warranting application of Australian Standard 3959, shall be considered a <i>Designated Bush Fire Prone Area</i> for the purpose of the application of Australian Standard 3959 through the Building Code of Australia. For the purpose of the Scheme, Australian Standard 3959 means the 2009 version, and any updates or amendments thereto.</u></p>
<p>8.2</p>	<p>Modify clause 8.2 of the Scheme as follows:</p> <p>Except as otherwise provided in the Scheme <u>or any relevant Local Planning Policy adopted under Part 2 of the Scheme</u>, for the purposes of the Scheme the following development does not require the planning approval of local government:</p> <p>(a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is:</p> <ul style="list-style-type: none"> (i) located in a place that has been entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>; (ii) the subject of an order under Part 6 of the <i>Heritage of Western Australia Act 1990</i>; or (iii) included on the Heritage List under clause 7.1 of the Scheme;

	<p>(b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —</p> <p>(i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions <u>consider a proposal under the Performance Criteria</u> of the Residential Design Codes; or</p> <p>(ii) the development will be located in a heritage area designated under the Scheme;</p> <p>(iii) the development otherwise requires planning approval including single houses in the Leeuwin Naturaliste Ridge Conservation and Leeuwin Naturaliste Ridge Landscape Amenity Zones, and single houses in any Special Control Area identified at Part 6 of the Scheme;</p>
<p>Schedule 3 – RU2</p>	<p>Modify the ‘Restricted Use’ provision for RU2 as follows:</p> <p>Description of Land: Lots 1-14 and 101-117 (inclusive) Orchid Ramble, Wooditch Road, Margaret River.</p> <p><u>Restricted Use: Single dwelling, ancillary accommodation and associated outbuildings. Residential development and associated uses in accordance with Table 1 of the Scheme, subject to the conditions of this Restricted Use classification.</u></p>
<p>Schedule 2</p>	<p>Add an additional use right for Lot 1 Rosa Brook Road, Margaret River, as ‘A55’ with the additional use: 3 Chalets.</p> <p>Add the conditions:</p> <p>Development shall be considered with due regard to the long term urban expansion of the Margaret River Townsite.</p>
<p>Schedule 2</p>	<p>Add an additional use right for Lot 4 Sebbes Road as ‘A56’ with the additional use ‘Holiday House’. There are no associated conditions.</p>
<p>Schedule 12</p>	<p>Modify Schedule 12 – ‘Car Parking and related requirements’ as follows:</p> <p>a) Under ‘Residential Uses’ – ‘Guest House, Residential Building’, delete ‘Guesthouse’ and modify the parking requirement by deleting “1 space for every 4 beds, plus 1 additional space for every 4 beds for visitor parking” and replacing with “<u>1 bay for every 2 beds</u>”</p> <p>b) Under ‘Commercial Uses’ add the use types of ‘Small Bar’ and ‘Brewery’ to ‘Hotel/Tavern’ and modify the parking requirement to read:</p> <p style="padding-left: 40px;">“1 unit of accommodation where appropriate and 1 Bay per 6m² of bar space (areas occupied by customers, excluding servery areas) <u>or where determined by the local government - 1 space per 6 patrons.</u>”</p> <p>c) Under ‘Tourist Uses’:</p> <p>i) add ‘<u>Guesthouse</u>’ to the ‘Bed and Breakfast’ use type.</p> <p>ii) delete the parking requirement and ‘qualifications’ relating to ‘Holiday House’ use type that reads:</p> <p style="padding-left: 40px;">As per RCodes plus 1 additional space per bedroom for houses with more than 2 bedrooms and 2 bays provided on site as per the RCodes plus capability of parking additional vehicles on site.</p> <p style="padding-left: 40px;">and replace with the following parking requirement: <u>‘1 space per room used for accommodation’</u></p>

- B. Amending the Scheme Maps as follows: (note amendments made to the advertised scheme amendment are shown in **bold**) :
- a. Identify Lots 72 and 73 Bussell Highway, Cowaramup within the Residential Zone with a density code of R15;
 - b. Identify Lot 60 Station Road, Margaret River within the Service Commercial zone;
 - c. Identify Unallocated Crown Land west of the junction of Bussell Highway and Donovan Street, Augusta, as a Local Purpose Reserve – Parks and Recreation;
 - d. Identify Lots 101 to 117 (inclusive) Orchid Ramble, Margaret River, within the Residential Zone with a density code of R2.5;
 - e. Identify Locations 1597 and 4395 Osmington Road, Margaret River, within the Priority Agriculture zone;
 - f. Identify an additional use right notation A55 at Lot 1 Rosa Brook Road, Margaret River;
 - g. Identify an additional use right notation A56 at Lot 4 Sebbes Road;
 - h. Identifying all lots described in the RR-15 reference in Schedule 11 of the Scheme Text with an 'RR15' designation;
 - i. **Identify that portion of Lot 103 Miamup Road, Cowaramup immediately to the west of the Lot 14 O'Brien Street and comprising the residential yard of the dwelling on Lot 14 within the 'Residential (R15) zone';**
 - j. **Identify Lot 36 Kevill Road East, Margaret River in the RR17 Area;**
 - k. **Identify that portion of Lot 28 Rowe Road, Witchcliffe presently reserved as 'Local Reserve' within the 'Priority Agriculture' zone; and**
 - l. **Identify Reserve 47049 (Lot 300) Rowe Road, Witchcliffe in 'Local Reserve'.**
2. **To endorse the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No.1.**
3. **That Amendment 1 to Local Planning Scheme No.1 be referred to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.**
4. **That Council delegates to the CEO the power to make minor changes and amendments as required to correct any errors or omissions.**

**CARRIED 4-1
BY ABSOLUTE MAJORITY
CR MCGREGOR VOTED AGAINST**

REASON: *Cr Smart proposed the above alternative recommendation as he detected some minor errors within the scheme text and asked that these be amended. Council decided the best way to make any amendments without having to bring the item back to Council would be to delegate power to the CEO to make these changes. Therefore point 4 was added to the recommendation and voted on by Council.*

Cr Earl returned to Council Chambers at 6.32pm.

9.2.3 LOTS 104 AND 105 BUSSELL HIGHWAY, MARGARET RIVER - STRUCTURE PLAN

LOCATION/ADDRESS	Lots 104 and 105 Bussell Highway, Margaret River
APPLICANT/ LANDOWNER	Halsall and Associates Town Planning Consultants
FILE REFERENCE	LND/90SP, P211213
REPORT AUTHOR	Jenny Tattam, Senior Planning Officer
AUTHORISING OFFICER	Geoff Broad, Director Planning and Development Services

IN BRIEF

- This report considers a Structure Plan to enable residential development of Lots 104 and 105 Bussell Highway, Margaret River.
- The proposed Structure Plan shows the creation of 78 strata lots for residential development with a minimum lot size of 320m².
- The proposal has been assessed against relevant state and local policy, the Scheme and Liveable Neighbourhoods.

RECOMMENDATION

That subject to making a number of modifications, it is recommended that the Structure Plan is determined to be sufficient for the purpose of advertising.

TABLED ITEMS

1. Planning Report

SITE AND SURROUNDS

Lots 104-105 Bussell Highway, Margaret River (the Site) are located approximately 2.5km south of Margaret River town centre on the western side of Bussell Highway, opposite the entrance to Brookfield Estate. In total the two lots comprise an area of 6.1283 hectares. Lot 104 is 3.1186ha and has a mix of vegetation covering approximately 50% of the lot. A dwelling and associated outbuildings also exist on the property. Lot 105 is 3.0097ha and also has a mix of vegetation covering approximately 50% of the lot. There is a minor creek running east-west through this property, two outbuildings and three soaks. A study of the natural features and vegetation has been carried out with the conclusion that there is no declared rare flora or threatened ecological communities. The topography is generally flat over Lot 104 and gently undulating from south west to north east on Lot 105.

The Site is bounded on the western and southern sides by unconstructed road reserves and to the east have frontage to Bussell Highway. Effectively the land has vehicular access onto Bussell Highway and pedestrian and cycleway access is available across the unconstructed road reserve to the west to the Rails to Trails dual use path leading northwards to the centre of town and southwards to Gnaraway Road.

The subject lots are central to a group of four that share the same ('Future Development') zoning. Lot 103 at the northern end of the group of lots contains a dwelling with outbuildings where a small boarding kennel activity has been established. Lot 106 to the south contains a small number of chalets managed from an established residence on the land.

The land on the opposite (eastern) side of Bussell Highway has been largely developed for residential purposes and is known as "Brookfield Estate". Land on the western side, beyond the Rails to Trails is vegetated and lies within a large area of unallocated crown land (UCL) for which there is presently no potential for development.



Figure 1: Aerial Photo of the Proposed Structure Plan Area.

BACKGROUND

In January 2010 the Minister for Planning endorsed final approval to Scheme Amendment No. 30 to Town Planning Scheme No. 17 which rezoned Lots 103-106 Bussell Highway, Margaret River from Rural to Development Zone. The zoning has been updated under the LPS1 to 'Future Development' and the four lot precinct is identified as Structure Plan Area No. 20 (SPA20) with relevant provisions to guide subdivision and development contained within Schedule 15. Accordingly, prior to any subdivision or development of the land a Structure Plan is required to be prepared and adopted.

PROPOSAL

The proponents submitted the proposed Structure Plan with an accompanying planning report. In addition, the following technical reports were submitted:

- Aboriginal Heritage Search;
- Vegetation Assessment – Onshore Environmental Consultants;
- Communities Facilities Needs Plan – Creating Communities Australia;
- Local Water Management Strategy – JDA;
- Foreshore Management Plan – Eco Logic Environmental Services South West;
- Traffic Management Plan – Transcore;
- Fire Management Plan – FirePlan WA; and
- Acoustic Report – ND Engineering.

The proposed Structure Plan applies to Lots 104 and 105 Bussell Highway, Margaret River and is included as Attachment 1. The main components of the Structure Plan are:

- 78 strata lots for residential development, with one large lot (943m²) and others ranging in area from 320m² to 523m². Existing buildings are to be retained within the larger lot;
- Lots 9-18 have also been provided with a minimum lot size to qualify for duplex development with single bedroom or aged and dependent persons dwellings;
- A public road reserve connecting lots 103 and 106 to the subject Site;
- Internal road and path network is to be included within common property;
- A section of public open space adjacent to the creek line system and incorporating a pedestrian connection between the Rails to Trails to the west and public open space corridors within the Brookfield subdivision to the east;
- Primary access to the Site will be via a single intersection from Bussell Highway in the north of the Site;
- The proposal will be connected to reticulated water and sewerage;

- Substantial areas of common property to provide internal vehicle and pedestrian uses, parking and protection of remnant vegetation; and
- The concept is to provide a 'lifestyle village' providing a form of living accommodation distinctly different from conventional freehold lot subdivision by creating smaller, strata titled eco sustainable forest lots within a conserved, but enhanced natural setting all managed by the Strata Company under the provisions of a Management Statement as required under the *Strata Titles Act*.

ATTACHMENT 1

PLANNING FRAMEWORK

Leeuwin Naturaliste Ridge Statement of Planning Policy 1998 (LNRSP)

The subject land is identified as part of the Margaret River town site development investigation area in the LNRSP and can be seen as a logical extension of the town.

Local Planning Scheme No. 1

Under the Scheme the Site is zoned 'Future Development' and identified within 'Structure Plan Area 20 (SPA 20)'. The Scheme requires preparation of a structure plan prior to approval of any subdivision and development of the land. Clause 6.2 sets out the process for the preparation and adoption of Structure Plans. Once a proposed Structure Plan has been received, the local Government shall either:

- Determine that it is satisfactory for advertising;
- Determine that it should not be advertised until further details have been provided or modifications undertaken; or
- Determine that it is not satisfactory for advertising, giving reasons to the proponent.

The purpose of this report is to consider whether or not the proposal is appropriate for advertising.

Clause 6.2.5 sets out a list of information that may be required at the Structure Plan stage. It is considered that these requirements have generally been met. In addition Schedule 15 provides specific provisions for the subject land in relation to land use expectations and matters to be addressed.

The land use expectation for the Site is 'residential'. The Structure Plan is consistent with this expectation in that it principally relates to residential land use with supporting open space and community opportunities.

The matters to be addressed include a range of issues and required reports including, but not limited to, the following:

- Requirement for subdivision and development to be at a density of R20, with the exception that the minimum lot size may be reduced to 320m² to facilitate the protection of remnant vegetation – the Structure Plan shows a total of 78 residential lots. This equates to an average site area per dwelling of 684sqm and a net density of 14.6 dw/ha. Accordingly, the proposed density is closer to R15 than R20 and therefore complies;
- Appropriate setbacks to creek-lines – a Foreshore Management Plan has been produced and comment will be sought from the Department of Water in relation to appropriate buffer distances during the advertising period;
- Preliminary site assessment which includes potential acid sulphate soils, and an examination of groundwater levels – investigation of these matters undertaken as part of preparation of the Local Water Management Strategy;
- Traffic Management Plan – this plan has been produced but needs to be revised to reflect new access arrangements – i.e. one main intersection instead of two;
- Fire Management Plan – Fire Management Plan has been produced but also needs minor changes to be made;
- Community Facilities Needs Plan and developer contributions – required report has been prepared and changes recently made to developer contributions in line with discussions with Shire officers;
- Provision for rainwater harvesting and reuse – under the Local Water Management Strategy mandatory rain water tanks will be integrated as part of the domestic water supplies;
- All application for residential development shall be assessed in accordance with the R25 provisions of the Residential Design Codes – a planning policy statement on the Structure Plan shall confirm this requirement; and

- No subdivision or development shall be undertaken until land use conflicts with adjoining kennel operation is reconciled – landowners have entered into an agreement to ensure that kennel operations will cease prior to development of the Site.

Local Planning Strategy

The land is identified as a Future Development Area (M4) in the LPS. Future development areas are the priority urban development areas in the Shire and assessment of structure plans should address a number of key elements including a range of considerations under settlement strategies (section 3.1), best practice water resource management (3.5), community facilities and public open space (3.9), planning for bushfires (3.10), sustainable servicing (3.12) and movement networks (3.13).

Assessment against these key elements is included in the 'planning assessment' section of this report. It is considered the proposed structure plan generally complies with the requirements of the LPS.

Liveable Neighbourhoods

DPI's Liveable Neighbourhoods is the most relevant State Policy document against which to assess Structure Plans. Liveable Neighbourhoods is a policy document from DPI and WAPC that addresses both the strategic and operational aspects of structure planning and subdivision development in a code framework. Liveable Neighbourhoods addresses eight elements and provides objectives and requirements in relation to each, the elements are as follows:

- Element 1: Community Design
- Element 2: Movement Network
- Element 3: Lot Layout
- Element 4: Public Parkland
- Element 5: Urban Water Management
- Element 6: Utilities
- Element 7: Activity Centres and Employment
- Element 8: Schools

An assessment of the Structure plan in relation to all the elements of Liveable Neighbourhoods has been undertaken. A number of recommendations fall from the assessment and these are described as:

- Requirement to prepare a Detailed Area Plan for lots in the subdivision;
- Noise buffering for lots adjoining Bussell Highway; and
- The need for a POS schedule detailing the amount, distribution and staging of the delivery of open space.

CONSULTATION

The proposal is considered as a 'Structure Plan' under LPS1 and clause 6.2 sets out the provisions in regard to structure plan areas. Where deemed appropriate the structure plan shall be advertised in the local newspaper, and referred to nearby landowners and relevant agencies for a minimum of 14 days.

PLANNING ASSESSMENT

Strategic/Land Use Potential

The Site is identified for residential development in LPS1 and therefore the principle of the land changing to this land use has already been decided. The relevant Scheme provisions require that a detailed structure plan is prepared and adopted prior to subdivision and development.

The report accompanying the Structure Plan provides the following vision for the project:

"to provide clustered residential living targeted at both the over 55's market and the general market requiring smaller, more affordable residences utilising strata title format, enabling protection of vegetation, incorporating strategic pedestrian links and giving due attention to sustainable principles."

This vision is consistent with the strategic framework for the Site set out in the Scheme and the LPS.

The concept is that future development on the Site will be in the form of an 'eco-lifestyle village' which will be strata titled and aimed primarily at older persons. One of the outcomes of the rezoning process was to insert a provision into the Scheme to enable smaller lot sizes to create a more clustered development that can more easily facilitate the protection of vegetation and achieve adequate buffer distances from creek lines.

One of the driving factors for the strata arrangement was to be able to manage and control common property and to provide more flexibility during the construction phase than that available for green title lots. For example, it would enable a more flexible approach to running services through the estate (e.g. sewerage) to protect vegetation.

In regards to density, the proposed Structure Plan delivers a lower density than that envisaged by LPS1 (i.e., R15 versus R20) and a number of the lots (lots 9 to 18) have been sized to qualify for duplex development with single bedroom or aged and dependent persons dwellings thereby providing a range of accommodation types and affordable housing alternatives.

Under the R20 code a frontage of 10m is required. However some of the lots (lots 2 to 9) do not meet this requirement and fall slightly short (i.e. frontage of 9m). It is considered that this is in keeping with the objectives of the Structure Plan as smaller lot sizes were promoted to allow protection of vegetation. The smaller lot size (320sqm) is consistent with the R25 density code and the minimum frontage for lots at this density is 8 metres.

Given that lots 104 and 105 are part of an overall precinct, consideration of future development will need to take account of the overall area. Lots 103 and 106 are also earmarked for residential development and the application suggest that these lots may ultimately comprise approximately 25 and 29 strata lots respectively. Internal connectivity between these lots and the subject Site will be an important consideration.

The subject Site is serviceable with reticulated water and sewer. The primary intention is to supply development with these essential services however potable water will be supplemented with the provision of mandatory rainwater tanks for each dwelling.

The Structure Plan will be integrated into the surrounding area by way of pedestrian connections east west and inter-relationship and access links with development indicated to the north and south.

In regard to environmental impacts any development is likely to have an impact on the surrounding environment. The revised Structure Plan seeks to retain a greater portion of vegetation in excellent condition in the north western corner of Lot 105 by altering the configuration of lots that were shown on the first plan submitted.

It is considered that the visual impact on the surrounding landscape will be minimal given that it is proposed to retain areas of significant vegetation while creating strong links with the local environment.

The main issues to be addressed through this Structure Plan are:

- That the Site is not considered in isolation from adjoining lots to the north and south;
- That potential land use conflicts have been addressed;
- The protection of areas of high conservation value; and
- Management of POS and common property.

Once fully developed the Structure Plan will add to the population of Margaret River which provides opportunities for increased vibrancy, social interaction and benefits for the local economy.

Access & Movement Networks

During the previous planning stage Main Roads commented on the preferred access systems and requested that access to the area (i.e., all four lots) should be confined to one single intersection to Bussell Highway. The original Structure Plan submitted indicated the location of two access points and the issue was raised with the applicants. The Structure Plan has since been revised to indicate one main access point from Bussell Highway with a public road connection through Lots 104 and 105 to lots 103 and 106 – this will allow for access to all four lots from one point on the main road.

The perimeter road is currently the subject of detailed design work and as such, there is a possibility that the perimeter road may occur soon. This would put less importance on the need to ensure one access point into all four lots. A notation on the plan allows for other arrangements to be negotiated for access to Lot 106 should the perimeter road occur. If and when the perimeter road is constructed Main Roads will de-proclaim this section of Bussell Highway and it will become under the jurisdiction of the Shire. Accordingly, the notation on the Structure Plan should be revised to ensure that the Shire is consulted in regard to future access arrangements for Lot 106.

The Structure Plan indicates provision of an internal pathway network with links across Bussell Highway to Brookfield and to the Rails to Trails. These links will be available for the general public to use and will therefore require the creation of an easement to ensure their permanent accessibility to the public (recommend inclusion of a planning policy statement in regard to this). It is not the developers intention to use gates/fences to manage public access to the estate. Essentially the extensive areas of common property will appear as public open space to members of the general public and access to these areas is not proposed to be limited.

The proposed pedestrian link from the Rails to Trails through the development site and across Bussell Highway to Brookfield estate is supported by Infrastructure. However, the exact location of the crossing of Bussell Highway will need to be resolved in consultation with the Shire and Main Roads. It may be preferable for this to be located adjacent to the Brookfield Avenue intersection where island treatments can be undertaken. Bussell Hwy is under the care and control of Main Roads WA and this section has an 80 km/h speed limit, which is not ideal for pedestrian crossing movements. If the crossing is to proceed, Main Roads WA should be requested to lower the speed limit. However, they may not be prepared to agree to this until this section of Bussell Hwy reverts to Shire control when the Perimeter Road is completed.

Another potential issue which needs resolution is how traffic will continue to flow given the close proximity of the two intersections along Bussell Highway - one intersection at the northern end of Lot 104, the other intersection at Brookfield Avenue approximately 100m south. The volumes of traffic and fact that the area is a main road means that it will be important to allow for steady traffic flows notwithstanding that traffic will be turning left and right. Improvements to the Brookfield intersection may need to be made to ensure that traffic flows smoothly. This issue will also be subject to detailed comment from Main Roads during the advertising period.

Community Facilities & Developer Contributions

The Site is adjacent to the area subject to the East Margaret River Structure Plan. Within this plan, a detailed analysis of regional open space, neighbourhood centres, community centres and school sites has already been undertaken. There are no requirements for provision of such facilities within the subject site. However, the Site must give attention to public open space and an identified need is a pedestrian connection between the Rails to Trails to the west and Brookfield Estate to the east.

A Community Facilities Needs Plan has been prepared to support the proposed Structure Plan. This plan proposes that construction of a pathway network within the subdivision and its connection to the Rails to Trails, and across Bussell Highway to Brookfield, are regarded as a developer contribution to community facilities. It also recommends that the Shire contribution approximately \$60,000 of the cost of a pedestrian refuge island on Bussell Highway. The pathway network within the subdivision would have been required by the Shire to service residents of the subdivision, so only the cost of upgrading this path network for a higher level of community use should be included as a developer contribution. On this basis, the recommended Shire contribution to the pedestrian refuge island is not supported and should be totally funded by as a developer contribution.

Alterations to the Community Facility Needs Plan have thus been made.

Public Open Space & Foreshore Reserve

Under Development Control Policy 2.3 'Public Open Space in Residential Areas' 10% of the gross subdivisional area is required to be given up free of cost by the subdivider and vested in the Crown as a Reserve for recreation purposes.

In addition, the WAPC requires provision of a foreshore reserve free of cost where subdivision abuts a watercourse, such as a river or creek in accordance with State Planning Policy 2.9 Water Resources. It should be noted that foreshore reserves should not be included in the gross subdivisible area on which the public open space requirement is assessed and will generally be in addition to the land required for public open space unless the foreshore reserve fulfils a recreation, over conservation, function.

The proposed Structure Plan indicates that 6751sqm of land is public open space (POS) and this represents approximately 11% of the gross subdivisional area. While it appears that there is a reasonable amount of public open space within the Structure Plan area it is unclear as to what areas are available for active recreation (there seems to be adequate room for passive recreation). In

addition the POS area includes the foreshore reserve and a bio-retention basin. It is unclear whether or not these areas constitute useable open space.

Accordingly, it is recommended that prior to advertising the applicant provide a detailed POS schedule that details land for drainage, foreshore and active and passive recreation areas in accordance with element 4 of Liveable Neighbourhoods.

Environment

Vegetation

Broad scale mapping indicates that pre-European extent over parts of the Site are poorly represented. Finer level mapping indicates that the condition of vegetation in the northwest corner of Lot 105 is in 'excellent' condition and should be retained where ever practicable. Given that the Site is relatively small, that one of the reasons for allowing smaller lot sizes was to protect remnant vegetation and that fire management will further impact native vegetation, it is considered that the vegetation in the best condition should be retained as much as possible. This requirement was discussed with the proponent and the revised Structure Plan shows that some of the proposed lots have been relocated away from the portion of vegetation in the north-west corner of Lot 105, so that an increased amount of the vegetation in 'excellent' condition can be retained.

Water Quality

Foreshore widths are to be determined in accordance with State Planning Policy 2.9. Under this policy existing mechanisms for identifying foreshore management and protection areas are generally based on a 'foreshore reserve' width of 30m. A Foreshore Management Plan has been prepared to support the Structure Plan and advocates a proposed buffer width of 20m. To confirm whether or not this buffer distance is adequate comment will be sought from the Department of Water during the advertising period.

Heritage

An Aboriginal heritage inquiry database search has been conducted which confirms that there are no indigenous heritage sites recorded within the subject lots.

Fire Management

Under the '*Planning for Bush Fire Protection Guidelines*' (clause A4.1) all development adjacent to an extreme fire hazard must be setback a 100m (i.e., 20m BPZ and 80m HSZ). However under AS 3959, the distance between the predominant vegetation and the building may be reduced if the construction standard is increased.

Lots 17, 18, 19 and 41 have a 20m setback from the boundary with the Rails to Trails reserve. Under the guidelines the minimum setback distance may be reduced to 21m if the dwellings are constructed in accordance with AS 3959 – BAL29. It is recommended that both the Fire Management Plan (FMP) and Structure Plan are amended to show a 21m setback between these lots and the adjoining vegetation and that reference to specific construction standards is included within the FMP.

Proximity to Bussell Highway

Specific attention needs to be given to the proximity of proposed lots to Bussell Highway in relation to noise issues. An acoustic report has been prepared to support the proposed Structure Plan and recommends that dwellings closest to Bussell Highway have a minimum 1.8m high solid colour bond fence or equivalent forming part of the residential lot boundaries, and glazing facing Bussell Highway to be a minimum 6.38 mm laminated glass or equivalent.

Notwithstanding the recommendations of the acoustic report the issue of nil setbacks to the eastern boundary was discussed with the applicant who consequently sought support for the proposal from Main Roads. As a result of these discussions it may be preferable to install a masonry wall along the eastern boundary of the Site instead of a fence.

It is recommended that the acoustic assessment further examine and resolve this issue with Main Roads during the advertising process.

Adjoining Kennel Use (Lot 103)

Provisions within Schedule 15 of the Scheme require that no subdivision or development will be undertaken unless it has been demonstrated to the satisfaction of the local government and EPA that either the kennels on Lot 103 (to the north of the subject site) have been relocated or permanently de-commissioned or noise attenuation measures have been undertaken.

To deal with this matter the landowners have entered into an agreement to which the Shire and relevant landowners are party. The mechanisms in this agreement ensure that the kennel operations will cease therefore satisfying the requirements of the Structure Plan. The contents of the agreement are confidential and therefore are not included within this report.

CONCLUSION

Subject to a number of modifications, the proposed Structure Plan is recommended to be generally consistent with the policy and planning framework relevant to the land and surrounding area.

FINANCIAL IMPLICATIONS

No financial implications for Council at this stage.

SUSTAINABILITY IMPLICATIONS

Social

The proposed Structure Plan has the potential to provide an alternative form of housing that is in lesser supply in Margaret River. In particular, it has the potential to provide another type of housing format for retirees which may further contribute to social diversity within the Shire.

Economic

Once fully developed the Structure Plan will add to the population of Margaret River which provides opportunities for increased vibrancy, social interaction and benefits for the local economy.

Environment

The proponents have sought to retain as much of the vegetation in 'excellent' condition as possible. They further seek to retain as much vegetation as possible throughout the Structure Plan area during the construction phase. A Foreshore Management Plan has been prepared and the proposed buffers will be checked by the Department of Water during the advertising period.

Voting

Simple majority

RECOMMENDATION

That Council:

Pursuant to clause 6.2.6.2 (a) of Local Planning Scheme No. 1 resolve that the proposed Structure Plan for Lots 104 and 105 Bussell Highway, Margaret River is satisfactory for advertising subject to the following modifications:

1. Modification of proposed lots 17, 18, 19 and 41 to reflect a minimum setback of 21m for fire management;
2. Inclusion of the following Planning Policy Statements on the Structure Plan:

This Structure Plan provides a framework for future subdivision and development of the land.

a. Prior to Subdivision or Development Approval:

- i. An Urban Water Management Plan shall be finalised to the satisfaction of the Shire and the Department of Water.

b. Subdivision and Development Requirements:

- i. Provision of a road reserve access to lot 106 through lot 105 may be reviewed (not required) upon construction of the perimeter road for Margaret River. Access to lot 106 may be considered appropriate from the road reserve to the south of lot 106 or Bussell Highway once the perimeter road is in place due to reduced traffic movements and speed limits. This is to be determined in consultation with Main Roads and the Shire at subdivision stage.

- ii. All access and road systems being designed in accordance with Liveable Neighbourhoods.
 - iii. The recommendations of the endorsed Fire Management Plan shall be implemented.
 - iv. The recommendations of the endorsed Urban Water Management Plan are to be implemented.
 - v. The recommendations of the endorsed Foreshore Management Plan are to be implemented.
 - vi. Outcomes of the Acoustics Report shall be implemented to the satisfaction of Main Roads as it relates to noise issues associated with Bussell Highway.
 - vii. Prior to development approval preparation of a Detailed Area Plan(s) detailing vegetation protection, solar passive design (orientation of dwelling, location of living areas, window placement, shading with awnings/trees, thermal massing, insulation and cross ventilation) interface to POS, building colours and materials, architectural design elements, rainwater tanks, private open space, vehicle access and parking, fire safety measures, addressing lots backing onto POS, landscape requirement and variations to R'Codes.
 - viii. Public Open Space and Foreshore Reserve shall be ceded free of cost to the Crown.
 - ix. Internal pathway system to be provided by the subdivider in accordance with the endorsed Structure Plan.
 - x. Vegetated portions of the site are to be included within proposed strata lots. To this end a thorough assessment of the vegetation on lots 104 and 105 is to be undertaken by a qualified arbourist to determine those trees and other vegetation that should be retained, that which are dead or dangerous and should be removed and such areas to be replaced with indigenous vegetation.
 - xi. A Management Statement shall be prepared which identifies vegetated areas that are to remain, with the owners not being permitted to remove, interfere with or clear the vegetation.
 - xii. A Detailed Landscaping Plan shall be prepared and implemented for common property and public open space.
 - xiii. Access through the development to be guaranteed in perpetuity as a result of an easement.
 - xiv. All applications for residential development shall be assessed in accordance with the R25 provisions of the Residential Design Codes.
- c. The following reports/documentation being provided:
- i. An updated Fire Management Plan which recognises the revised Structure Plan layout and the requirement for specified BAL construction standards for lots 17, 18, 19 and 41;
 - ii. Receipt of a Public Open Space schedule in accordance with Element 4 of Liveable Neighbourhoods; and
 - iii. An updated Traffic Management Plan to reflect the new access arrangements and provide information in regard to pedestrian and cyclist movements and internal vehicle circulation.

ATTACHMENTS

1. Structure Plan

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR BELL SM1111/5

That Council:

Pursuant to clause 6.2.6.2 (a) of Local Planning Scheme No. 1 resolve that the proposed Structure Plan for Lots 104 and 105 Bussell Highway, Margaret River is satisfactory for advertising subject to the following modifications:

- 1. Modification of proposed lots 17, 18, 19 and 41 to reflect a minimum setback of 21m for fire management;**

2. Inclusion of the following Planning Policy Statements on the Structure Plan:

This Structure Plan provides a framework for future subdivision and development of the land.

- a. Prior to Subdivision or Development Approval:**
 - i. An Urban Water Management Plan shall be finalised to the satisfaction of the Shire and the Department of Water.**
- b. Subdivision and Development Requirements:**
 - i. Provision of a road reserve access to lot 106 through lot 105 may be reviewed (not required) upon construction of the perimeter road for Margaret River. Access to lot 106 may be considered appropriate from the road reserve to the south of lot 106 or Bussell Highway once the perimeter road is in place due to reduced traffic movements and speed limits. This is to be determined in consultation with Main Roads and the Shire at subdivision stage.**
 - ii. All access and road systems being designed in accordance with Liveable Neighbourhoods.**
 - iii. The recommendations of the endorsed Fire Management Plan shall be implemented.**
 - iv. The recommendations of the endorsed Urban Water Management Plan are to be implemented.**
 - v. The recommendations of the endorsed Foreshore Management Plan are to be implemented.**
 - vi. Outcomes of the Acoustics Report shall be implemented to the satisfaction of Main Roads as it relates to noise issues associated with Bussell Highway.**
 - vii. Prior to development approval preparation of a Detailed Area Plan(s) detailing vegetation protection, solar passive design (orientation of dwelling, location of living areas, window placement, shading with awnings/trees, thermal massing, insulation and cross ventilation) interface to POS, building colours and materials, architectural design elements, rainwater tanks, private open space, vehicle access and parking, fire safety measures, addressing lots backing onto POS, landscape requirement and variations to R'Codes.**
 - viii. Public Open Space and Foreshore Reserve shall be ceded free of cost to the Crown.**
 - ix. Internal pathway system to be provided by the subdivider in accordance with the endorsed Structure Plan.**
 - x. Vegetated portions of the site are to be included within proposed strata lots. To this end a thorough assessment of the vegetation on lots 104 and 105 is to be undertaken by a qualified arbourist to determine those trees and other vegetation that should be retained, that which are dead or dangerous and should be removed and such areas to be replaced with indigenous vegetation.**
 - xi. A Management Statement shall be prepared which identifies vegetated areas that are to remain, with the owners not being permitted to remove, interfere with or clear the vegetation.**
 - xii. A Detailed Landscaping Plan shall be prepared and implemented for common property and public open space.**
 - xiii. Access through the development to be guaranteed in perpetuity as a result of an easement.**
 - xiv. All applications for residential development shall be assessed in accordance with the R25 provisions of the Residential Design Codes.**
- c. The following reports/documentation being provided:**
 - i. An updated Fire Management Plan which recognises the revised Structure Plan layout and the requirement for specified BAL construction standards for lots 17, 18, 19 and 41;**
 - ii. Receipt of a Public Open Space schedule in accordance with Element 4 of Liveable Neighbourhoods; and**
 - iii. An updated Traffic Management Plan to reflect the new access arrangements and provide information in regard to pedestrian and cyclist movements and internal vehicle circulation.**

CARRIED 6-NIL

9.2.4 BUDGET AMENDMENTS FOR THE SUPERTOWNS PROJECTS

LOCATION/ADDRESS	N/A
APPLICANT/ LANDOWNER	N/A
FILE REFERENCE	COR/328
REPORT AUTHOR	Nick Logan – Coordinator Strategic Planning and Sustainability
AUTHORISING OFFICER	Geoff Broad – Director of Planning and Development Services

IN BRIEF

- The SuperTowns initiative has provided funding for a number of planning projects to supplement existing planning for the future of Margaret River.
- There are two phases in the overarching SuperTowns project for this financial year. The first is a planning phase and the second, funding and implementation of projects.
- Following identification of the projects to complete the first phase of the SuperTowns process a submission for funding was made to the Department of Regional Development and Lands (RDL). Due to the competitive nature of the funding process only a portion of the money sought was available and the balance is being pursued through ongoing discussions with RDL.
- The SuperTowns process provides an opportunity to undertake a number of necessary planning initiatives, positioning the Shire to maximise the potential funding for key projects in the implementation phase. To complete these projects a number of budget amendments are required. These amendments are consistent with the purpose for which the original budget allocations were made.

RECOMMENDATION

That the 2011/2012 budget is amended to create a new line item in the Town Planning budget for the SuperTowns project and incorporate the following amounts totalling \$80,000 into the SuperTowns budget:

1. The \$30,000 allocated to Job TNP08 (Developer Contributions Policy);
 2. The \$35,000 allocated to Job DOI02 (MR Water Recycling stage 3 implementation plan);
 3. The \$10,000 allocated to COA CE03 (Consultant – business cases for project funding); and
 4. \$5,000 of the Job TYA22 (Management Plans for Reserves).
-

TABLED ITEMS

Nil

BACKGROUND

The Regional Centres Development Plan (SuperTowns) is a Royalties for Regions initiative to encourage regional communities in the southern half of the state to plan and prepare for the future so they can take advantage of opportunities created by Western Australia's population growth to 2050.

The SuperTowns vision is to have balanced communities, with lifestyle options and access to services. They will have affordable, quality housing and a diverse range of job opportunities. The towns will offer more choices for people to live in regional areas and an attractive alternative to living in the metropolitan area. Nine regional towns have been identified in the SuperTowns initiative, including Margaret River.

The SuperTowns project seeks:

- To target sustainable regional economic development to stimulate diverse employment and investment opportunities.
 - To assist in managing the State's projected population expansion in key regional towns.
 - To plan and invest in town development and growth within an integrated strategic planning and implementation framework.
-

The achievement of these objectives will be guided by the development of a SuperTown Growth Plan for the future development of Margaret River to 2035. This SuperTown Growth Plan will be finalised in a manner and format that is consistent across the three SuperTowns of the south west (Collie, Manjimup and Margaret River). The development and content of this Growth Plan will be guided by the principles of:

- Strategic alignment, co-ordination and collaboration.
- Sustainable development.
- Place making strongly underpinned by sustainability and community engagement.
- Inclusion of local communities and community engagement.
- A proactive, implementation focus.

For Margaret River a significant amount of strategic planning has been undertaken to date. The role of the SuperTown Growth Plan for Margaret River will therefore be to 'fill the gaps' and ensure that a complete suite of strategic planning is available to guide the future growth of the Town. To this end a number of strategic projects have been identified that will be coordinated together within the SuperTowns Growth Plan for Margaret River. While the majority of this work will be funded by SuperTowns there are several aligned projects that will also be undertaken through the SuperTowns process to inform the development of the overarching Growth Plan. To consolidate the cost codes for the projects some minor amendments to the budget are required.

BUDGET AMENDMENTS

The projects to be undertaken through the SuperTowns process are detailed below with the corresponding budget amendment required to support these projects, where relevant:

Project	Budget Amendment Required
Community Visioning	Nil – entirely funded by SuperTowns.
Main Street Design	Nil – entirely funded by SuperTowns.
Gas Bay to Rivermouth detailed design and Aboriginal Heritage	Nil – entirely funded by SuperTowns.
Integrated Transport Strategy	Nil – entirely funded by SuperTowns.
District Water Management Strategy	Requires reallocation of \$35,000 allocated to Job DOI02 (MR Water Recycling stage 3 implementation plan) into the SuperTowns project.
Cultural Centre	Requires additional resource from \$10,000 allocated to COA CE03 (Consultant – business cases for project funding).
Margaret River foreshore precincts	Requires \$5,000 of the Job TYA22 (Management Plans for Reserves).
Community Infrastructure	Requires reallocation of \$30,000 allocated to Job TNP08 (Developer Contributions Policy). Note that this budget item was for the preparation of the Community Infrastructure Plan which supports the Developer Contributions Policy.

In addition, a portion of the SuperTowns project money will be utilised for funding staff resources associated with overseeing preparation of the SuperTowns projects, however no budget amendment is required in this regard.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The proposed budget modifications are consistent with the *Local Government Act 1995* and associated *Local Government Financial Management (Regulations 1996)*, together with the Australian Accounting Standards.

STRATEGIC PLAN / POLICY IMPLICATIONS

The overall financial strategy to be adopted by the Shire is outlined in the 10 year Strategic Financial Management Plan (SFMP). The SFMP provides a framework for the sustainable management of the Shire's resources over the next ten years and the assumptions and methodology used in the Plan were a basis for the preparation of the 2011/2012 Annual Budget. The modifications remain consistent with the outcomes sought.

FINANCIAL IMPLICATIONS

The adoption of the proposed budget modifications provide for implementation of the SuperTowns planning process which will be beneficial to future funding opportunities for the Shire. There is no change to the Shires 2011/2012 budget surplus/deficit as the first stage is to be funded by a grant from RDL and redeployed budget items.

SUSTAINABILITY IMPLICATIONS

Environmental Impact

The projects selected take into consideration the strategic values to ensure an integrated approach to protecting the natural environment that safeguards biodiversity and provides a sustainable environment for future generations.

Economic Benefit

The modifications to the Annual Budget 2011/2012, takes into consideration the strategic values to foster economic prosperity in the Shire and Region.

Social Benefit

The modifications to the Annual Budget 2011/2012 takes into consideration the strategic values to enhance the quality of community life in the Shire characterised by vibrant participation, cohesiveness, increased social capital and recognition of the need for social justice and community safety.

VOTING REQUIREMENTS

Absolute majority

RECOMMENDATION

That the 2011/2012 budget is amended to create a new line item in the Town Planning budget for the SuperTowns project and incorporate the following amounts totalling \$80,000 into the SuperTowns budget:

1. The \$30,000 allocated to Job TNP08 (Developer Contributions Policy);
2. The \$35,000 allocated to Job DOI02 (MR Water Recycling stage 3 implementation plan);
3. The \$10,000 allocated to COA CE03 (Consultant – business cases for project funding); and
4. \$5,000 of the Job TYA22 (Management Plans for Reserves).

ATTACHMENTS

Nil

RECOMMENDATION / COUNCIL DECISION

CR BELL, CR MCGREGOR SM1111/6

That the 2011/2012 budget is amended to create a new line item in the Town Planning budget for the SuperTowns project and incorporate the following amounts totalling \$80,000 into the SuperTowns budget:

1. The \$30,000 allocated to Job TNP08 (Developer Contributions Policy);
2. The \$35,000 allocated to Job DOI02 (MR Water Recycling stage 3 implementation plan);
3. The \$10,000 allocated to COA CE03 (Consultant – business cases for project funding);
and
4. \$5,000 of the Job TYA22 (Management Plans for Reserves).

**CARRIED 6-NIL
BY ABSOLUTE MAJORITY**

9.2.5 5 (LOT 101) WAVERLEY PLACE, COWARAMUP - INCREASE IN CAPACITY AT CHILD CARE PREMISES

LOCATION/ADDRESS	No 5 (Lot 101) Waverley Place, Cowaramup
APPLICANT/LANDOWNER	Serena Lewis
FILE REFERENCE	PTY/6228; P211240
REPORT AUTHOR	Johan Pienaar – Senior Planning Officer Iliya Hastings – Manager Planning Services
AUTHORISING OFFICER	Geoff Broad – Director Planning and Development Services

The author, contributing author and authorising officer have declared an impartiality interest in this item as one of the adjoining neighbours whom objected to the application is a planning officer employed by the Shire.

IN BRIEF

- Planning approval is sought for an increase in the number of children for the Child Care Centre at Lot 101 Waverley Place from 20 to 30 children. The additional 10 children will consist of 5 toddlers and 5 after school care children.
- The application was advertised under the provisions of the Scheme and five (5) submissions were received of which three submissions opposed the application.
- No alterations are proposed to the existing development as the existing facilities are sufficient to deal with the increase in numbers.
- In considering the objections and the findings of the updated acoustics report and assessing the application against the provisions of Local Planning Scheme No.1 and relevant WAPC Planning Bulletin, it is considered that the proposed increase in the number of children will not have a detrimental impact on the amenity of the adjoining properties or the locality.
- It is considered that the adjoining land owner to the west (owner of Lot 102 Waverley Place) has a valid concern in relation to privacy impacts due to the semi-commercial use (child care centre) approved on Lot 101. It is recommended that a screen be erected along a section of the shared boundary as a condition of approval.

RECOMMENDATION

That Council approve pursuant to Clause 10.3 of Local Planning Scheme No. 1 an Increase in the Number of the Children for the Child Care Premises at No.5 (Lot 101) Waverley Place, Cowaramup subject to conditions.

LOCATION MAP



TABLED ITEMS

Nil

SITE AND SURROUNDS

The site is located approximately 200 metres from the centre of the Cowaramup Townsite. The site contains an existing building (dwelling previously) that was converted into a child day care facility and is surrounded by residential dwellings to the north, east and west. On the opposite side of Waverley Road is Reserve 19416, vested in the Shire for the purpose of Recreation and utilised for active recreation. Adjacent to the eastern boundary of the reserve is the Cowaramup Primary School. There is a transport depot located on the corner of Waverley Road and Bussell Highway. The Site is approximately 70 metres from the intersection of Bussell Highway and Waverley Road.

BACKGROUND AND PLANNING HISTORY

06/2006 – Council refused a Child Care Centre application for 20 children.

11/2006 – Council reaffirmed its decision to refuse the Child Care Centre subsequent to a directions hearing which instructed the applicant to amend the design of the parking area and to reduce the size of the outdoor play area and Council to reconsider the amended application.

05/2007 – The State Administrative Tribunal (SAT) set aside an application for review, although it did not agree with all the reasons Council put forward for refusal. SAT was unable to conclude, in the absence of certain information, that the application would not be in the interest of orderly and proper planning and that the amenity of the locality would not be compromised.

01/2008 – Council refused a new application for a 20 children, Child Care Centre. (Planning officers recommended approval to Council)

09/2008 – SAT set Council's decision to refuse the application aside and approved the application subject to conditions.

06/2011 – Amendment to Planning Approval (toilets and Ramp)

07/2011 – Planning approval issued for removal of internal fence on the northern side of play area.

PROPOSAL

Approval is sought to increase the approved number of children in the Child Care Centre from 20 to 30 of which 5 will be toddlers (2-3 years) and 5 after school care. The toddlers will be cared for between 7am and 6pm while the after school care is between 3:30pm and 6pm.

No alterations are proposed to the existing development as the applicant considers the facilities sufficient to deal with the increase in numbers. The site plan, reflecting the existing development, is appended as **Attachment 1**.

ATTACHMENT 1

The applicant has indicated that, depending on enrolments the child care premises could have 20 x 3-5yr olds meaning only 2 carers or 10 x 3-5yr olds and 10 x 2-3yr olds meaning 3 carers. For after school care a staff member walks and picks the children up from the primary school and the facility does not require any further staff as there is a supervising officer onsite.

An updated acoustics report was submitted and is appended as **Attachment 2**.

ATTACHMENT 2

CONSULTATION

The application was advertised to land owners in the immediate vicinity to the Child Care Centre. Five submissions were received of which three objected to the proposal. The reasons for objecting are summarised as follows:

1. The noise levels experienced in the last 12 months, which include vehicle noise and children playing outside, occur all day during trading hours. A 50% increase in the numbers on the site will increase the noise that is experienced and it is considered that the noise that emanates from the site is already close to the 47 decibels allowed by the noise regulations. A substantial loss in amenity is already being experienced and the increase in numbers will result in an even greater loss in amenity.
2. The SAT has limited the approval to 20 children due to the small size of the site. The current situation makes the child care centre a small space to operate in a residential area. The proposed increase in children will put further constrictions on traffic and space and it is questioned if the property is large enough to cater for this.
3. The Child Care Centre does not have universal access from the street that needs to be addressed.
4. It is unclear what the Child Care Centre intends to do to cater for the additional children. Details are required on whether the facility can accommodate the additional numbers.
5. The boundary between Lots 46 and 47, as shown on the plan, is inconsistent with the site survey. The site plan needs to be accurate and the actual boundary line should be reflected on the site plan with a red pen marking.
6. Privacy for the property owners to the west is an issue as it is indicated that people in vehicles entering the site look straight into their house.
7. It is argued that there will be a shortfall of parking as cars currently park on the verge and halfway across the pedestrian path.

PLANNING FRAMEWORK

WAPC Planning Bulletin No. 72

PB72 makes comments in relation to each of the issues typically associated with a Child Care Centre, including the following general observations:

- Need for a proposal does not justify development in inappropriate locations;
- The location of centres is crucial in limiting their impact;
- Centres should be located where:
 - They are distributed strategically to provide maximum benefit;
 - Within walking distance of relevant facilities;
 - In areas with compatible adjoining uses;
 - Of sufficient size to accommodate the use without impacting on amenity;
- Child care centres are generally not suitable where:
 - The service provided will impact on existing or future services in the locality;
 - Access is from a major road or in close proximity where there may be safety concerns;
 - The current use or permissible uses under the zoning of adjacent properties introduces unacceptable health implications (noise, fumes etc);

- Sites should be of regular shape, able to accommodate necessary infrastructure and greater than 1000m² in size;
- The visual appearance should reflect the character of the locality and enhance amenity;
- Parking areas should be located at the front or visible and accessible from the entry, and able to provide for forward gear entry/exit. Parking spaces should be provided at the ratio of one per five children plus one per staff member; and
- A Traffic Impact Assessment (TIA) is normally required to demonstrate minimal impact on the functionality and amenity of an area.

The appropriateness of the location has been established with the approval that was granted by SAT in 2008. The site is 1320m² in size, which is substantially more than the minimum 1000m² specified in the Planning Bulletin. The facility is a conversion of a dwelling and reflects the broad character of the locality. The location of the parking areas on the site is discussed in the next section of the report.

Local Planning Strategy (LPS)

The site falls within the Residential land use classification of the LPS. Consideration of a child care premises is guided by Scheme and policy requirements.

Local Planning Scheme No.1 (The Scheme)

The Scheme defines a "child care premises" as;

".....means a premise (not a residential dwelling) used in accordance with the Child Care Services Act 2007 to provide for the casual, part-time or day-today care of children:

- a) for payment or reward, whether directly or indirectly through payment or reward for some other service; or*
- b) as a benefit of employment; or*
- c) as an ancillary service to a commercial or recreational activity."*

The purpose of the residential zone is to *"....provide for a range of urban residential environments within established settlements in the Scheme area and to conserve and enhance the amenity and sense of place of those residential areas."*

The main objective of the residential zone is identifying land suitable for residential development and applying differing density codes for the provision of a wide range of residential accommodations.

Clause 10.2 of the Scheme lists a number of matters that are required to be considered in assessing an application for planning consent. The applicable matters include:

- *the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area,*
- *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment,*
- *any approved statement of planning policy of the Commission, relevant policy of the Government of the State and any Local Planning Policy adopted by the local government,*
- *the compatibility of a use or development with its setting;*
- *any social issues that have an effect on the amenity of the locality,*
- *the preservation of the amenity of the locality,*
- *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,*
- *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles,*
- *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety,*
- *whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities),*
- *whether adequate provision has been made for access by disabled persons,*
- *any relevant submissions received on the application,*
- *any other planning consideration the local government considers relevant,*

Aims and Objectives of the Scheme

The Scheme is silent on child care premises except in listing it as a discretionary use in the zoning table of the Scheme. The application was advertised under the requirements of the Scheme.

The previous applications that were refused by Council, of which the last decision was set aside by the SAT, was assessed and determined under the provisions of TPS11. TPS 11 included development standards for all land use classifications which included, for Child Care Centres, a minimum lots size of 2000m², 30% coverage and 30% landscaping. The fact that the site is less than 2000m² was one of the reasons for Council's refusal. LPS1, in contrast with TPS11, does not set any development standards for child care premises except for parking which is to be determined by the local authority in each case. Notwithstanding this, any application must have due regard of the character and capacity of a site to accommodate a use, including the size of a lot.

The requirements of orderly and proper planning and the compatibility of a use or development with its setting

There is an extensive body of case law on the acceptability of Child Care Centres within Residential zones, and of the consideration of issues associated with such proposals. These observations support the implications of the Scheme that there will be circumstances under which a Child Care Centre is an appropriate use in the Residential zone.

This is further supported by SAT setting aside Council's decision in 2008 and approving the proposed child care premises subject to conditions. SAT was satisfied that the off-site impacts will be within acceptable limits and compatible with its setting.

Traffic generation and adequate provision for the loading, unloading, manoeuvring and parking of vehicles

The Traffic Impact Assessment (TIA) submitted with the 2007 proposal identifies that the proposed child care centre could easily cater for the drop off and pick up of 20 children, utilising an assumption of one child per car and that the addition of traffic generated from the proposed child care centre will have no significant adverse impacts on the traffic operations of Waverley Road and on the intersection of Waverley Road and Bussell Highway. SAT also noted in their assessment that the TIA indicated that Waverley Road carries approximately 1300 vehicles a day compared to the designed capacity of 2000. The TIA calculated that a child care facility with 20 children will generate a total of 70 vehicle trips a day (35 in and 35 out) and SAT agreed with the findings of the TIA that the proposed child care premises will not have a substantial impact on traffic flows on Waverley Place. The applicant was not requested to submit a new TIA as the findings of the previous TIA show that an additional 24 vehicle trips will be generated by the increased number. This will result in traffic flows well below the design capacity of Waverley Place.

LPS1 requires parking to be determined on a case by case basis having regard to the number of staff and supporting staff. LPS1 further requires adequate pick up and set down facilities with bus bays and turning areas. The Child Care Facilities Regulations 2006 set the ratio for number of children per carer, which varies for the various age groups. The applicant has indicated that a maximum of 5 staff members are required to look after the 30 children in the child care facility.

Planning Bulletin 72 suggests a rate of one parking bay per staff plus one per five children. This would require 11 parking bays. The 12 parking bays provided on the site is considered adequate to cater for the increased number of children on the premises, particularly given a reasonable portion of children will be after school care where they are often walked from the primary school and therefore reduce the need for vehicle trips to and from the site.

Privacy

Planning Bulletin 72 makes comment on the preferred location of parking areas and indicated that:

"Parking areas should be located in front of the building. If this is not possible they should be clearly visible and easily accessible from the entry to the Site."

In this instance it was not possible to locate all parking in the front of the building. The location of the parking at the rear of the site was supported as it was considered to be clearly visible and easily accessible. However, the parking and driveway along the western boundary of the site was raised by approximately 300mm during construction, resulting in visual privacy impacts on the neighbours to the

west. The consequence is that the dividing fence between Lot 102 and Lot 101 is only approximately 1500 mm high, measured from the finished ground level of the driveway and parking area. The finished floor levels of the living room and deck of the dwelling on lot 102 are substantially raised above natural ground level and contributes to the impact on privacy of the owners of Lot 102. A site visit to Lot 102 has revealed that the entire rear parking area surface can be seen through the living room window and deck area.

The approved Child Care Centre is considered to be a semi-commercial development which generates more traffic than a residential use. The proposed increase in number of children will further increase the traffic to the site, thus increasing the impacts on privacy the adjoining property experiences. It appears that SAT did not consider privacy impacts in its consideration of the Child Care Centre. Although landscaping was introduced along the western boundary it will be a number of years before it will provide screening and then there is uncertainty whether the density of planting is sufficient to achieve this. Appended as **Attachment 3** are photos of the vegetation that was introduced along the western boundary of the site.

ATTACHMENT 3

For this reason it is recommended that the application be conditioned to require a privacy screen with a height of no less than 2200mm along the western boundary between the carport on lot 102 and the north-west corner of lot 101. The privacy screen should be similar to the screen that is erected between Lot 102 and the parking area of the medical rooms to the west, which consists of a number of posts and lattice work from the top of the existing fence to the required height. The plants introduced along the fence are not very dense and the posts could easily be placed not to impact on the plants.

Access for disabled persons

In one submission it was indicated that the facility does not have universal access from the street. The existing access/crossover was designed and built to the Shire's standards and is consistent with all other accesses in the Shire.

The Disability Discriminatory Act deals with access to premises and a footpath would come under the definition of 'premises' and a kerb cut that does not allow for safe passage is considered to be a barrier that might give rise to a complaint. In this specific instance the footpath is developed on the opposite side of Waverley Place from the site with appropriate ramps for disabled people. However, the mountable kerb at the point where vehicles access the site has a 20-30mm 'lip' which is why the property is not considered by the submitter to be universally accessible. It is not considered appropriate to encourage pedestrians or disabled access at a vehicle access point. It is also not considered reasonable to impose the provision of a footpath to the development on the northern side of Waverley Place given this was not considered appropriate as part of the initial approval.

Internally the proposed child care premises provides access for disabled persons in the form of a disabled ramp and disabled parking.

Noise

The applicant submitted an updated acoustic report. That shows that there will be a slight increase in noise as a result of the increased number of children.

The summary of the acoustics report states as follows:

"In accordance with the Environmental Protection (Noise) Regulations 1997 the relevant assigned daytime noise levels at noise sensitive premises adjacent the proposed child care centre are an LA10 value of 47 dB(A) and an LAmax value of 67 dB(A).

The increase in the number of children, noise received at the neighbouring residence, from children playing, would increase by up to 3 dB(A). However, noise received at the critic allocations (i.e. neighbouring residence to the east, adjacent to the outdoor play areas) is only predicted to increase by 1 dB(A). Thus noise received at the neighbouring residence would comply with the Regulatory criteria with the increased number of children. The revised assessment for car movements also shows that noise received from cars would also still comply with the relevant criteria at all neighbouring residences.

The acoustic report concludes that noise generated by the proposal (including parking areas and outdoor play areas) will be within acceptable limits at adjacent premises. It is however recommended that a condition be imposed to ensure that noise will not be a nuisance. This condition is recommended as it is unclear if the noise modelling provided by the applicant is an accurate interpretation of actual noise levels.

With respect to noise SAT included a condition in the 2008 approval that required fencing of the property with noise mitigation properties. It is specified in the condition that such a fence should “... comprise a solid wall, free of gaps, of a minimum height of 1,800 millimetres and a surface material having a mass of at least 10kg (per square metre) (for example, brick, limestone, concrete etc).”

It was determined by Council that the existing timber-lap fences on the property boundaries comply with the condition and that no new fences are required. This will remain the case for the subject application.

Amenity

Amenity is generally considered to be the character of an area including the appearance and land uses. Impacts on amenity can be considered in terms of what is likely to detract from these characteristics and potential nuisance caused by a change in land use and what may generally be anticipated within the zone. The amenity of the Site and surrounds is primarily a residential environment in close proximity to a school, playing fields, commercial enterprises and the Bussell Highway.

With consideration to the assumption of the Scheme that the use is appropriate within the residential zone in certain circumstances, that there is a current approval in place for a child care premises and that the building has a residential appearance, there appears no significant impact on local amenity arising from location or appearance.

CONCLUSION

The objections received against the application are noted, however following consideration against the provisions of the Scheme, the provisions of Planning Bulletin 72 and the updated acoustic report, it is concluded that off-site impacts will still be within acceptable limits and consistent with the amenity and expectations of the Residential zone. The additional 10 children can be accommodated on the site without additional impact or the need for extensions to the child care premises.

Notwithstanding this, it is clear that the current development has created some amenity conflict in the form of privacy for the dwelling on the adjoining residential lot 102. This impact is mainly as a result of the raising of the finished levels of the driveway and parking area by approximately 300mm. This level rise was not anticipated by SAT in approving the application and is considered reasonable to require additional physical screening to a portion of this boundary to ensure privacy outcomes are achieved commensurate with the expectations and character of the residential zone. It is highly unlikely that SAT would have supported a ‘real’ fence height of 1500mm to an adjoining residential property, irrespective of any screen planting; as such a height is lower than what is anticipated in a normal residential situation. Whilst it may be argued that the required screen planting may satisfy this concern, it is clear that it will be some time before this vegetation reaches a level of maturity to be efficient and even then there is some uncertainty over whether the density of planting is sufficient to achieve this. It is incumbent on any non-residential development introduced in the residential zone to ensure it does not create adverse levels of impact and that this should form part of the initial development phase. The proposed screen outlined in the conditions will not impact on the screen planting and will be a simple structure often applied in similar situations as a mechanism for addressing visual amenity and privacy of residential dwellings where they adjoin non-residential uses. It is therefore strongly recommended that the condition be applied in the short and long term interests of ensuring residential amenity and harmony of the immediate location.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

The child care centre provides a valuable community service to the town site of Cowaramup.

Economic

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council approve pursuant to Clause 10.3 of Local Planning Scheme No. 1 an Increase in the Number of the Children for the Child Care Premises at No.5 (Lot 101) Waverley Place, Cowaramup subject to the following conditions:

1. The use shall be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications

P1 received by the Shire on 11 August 2011

2. The use shall operate only between the hours of 7 am and 6 pm between Monday and Friday, and not at all on Saturday and Sunday.
3. The use shall not accommodate more than 30 children at any one time.
4. Fencing around the site shall be maintained to maintain its noise attenuation capabilities. To this end fencing shall comprise a solid wall, free of gaps, of a minimum height of 1,800 millimetres and a surface material having a mass of at least 10kg (per square metre).
5. A privacy screen with a height of no less than 2200mm above the finished level of the driveway leading to the rear parking area shall be erected along the western boundary between the carport on Lot 102 and the north-west corner of Lot 101. The design and location of the privacy screen shall be submitted to the Local Authority for approval within 21 days of this approval and erected within 30 days from the approval date of the design and location.
6. Operation of the day care centre shall be generally in accordance with the schedule of operation provided by the applicant on 4 December 2007.
7. One parking bay for the disabled with a minimum width of 3.2 metres, and statutory sign located convenient to the building entrance shall be provided to the satisfaction of the Shire of Augusta-Margaret River.
8. The north/south aligned car bays adjacent to the day care centre shall be marked as for use by staff only.
9. All parking bays on the site shall be clearly line marked to the satisfaction of the Shire.
10. All loading and unloading shall take place within the boundaries of the premises.
11. Access and egress to the site shall be by means of a one-way system only.
12. Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997 (WA), and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.

13. Where in the opinion of the Shire of Augusta-Margaret River the emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash or dust from the approval use 'day care centre' is considered to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public, the person licensed to operate the approval use 'day care centre' shall liaise with any affected person and undertake reasonable action to abate the cause of the danger or nuisance.
14. Lighting for security, recreation or display shall be internally directed and/or shielded so that light overspill does not unreasonably affect the amenity of adjoining properties.
15. The development shall be connected to the Water Corporation's reticulated water supply to the satisfaction of the Shire of Augusta-Margaret River and the Water Corporation, prior to occupation of the development.
16. Signage for the development/use may be erected on the site pursuant to this planning approval providing:
 - (a) It complies with any town planning scheme or policy requirements; and
 - (b) A sign licence has been issued by the Shire of Augusta-Margaret River.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (ii) *The Child Care Services Act 2007*
- b. Sanitary conveniences shall be provided in accordance with the applicable requirements of the Health (Food Hygiene) Regulations 1993 (WA); Building Code of Australia 2004 (WA); and Sewerage (Lighting, Ventilation and Construction) Regulations 1971 (WA).
- c. Food preparation, storage and processing areas shall comply with the requirements of the Shire of Augusta-Margaret River Health Local Laws 1999 (WA), Health (Food Hygiene) Regulations 1993 (WA).
- d. The privacy screen should be similar to the privacy screen that is erected between Lot 102 and the medical rooms to the west.

ATTACHMENTS

1. Site Plan
2. Updated acoustics report
3. Photos of introduced vegetation along western boundary of the site

Cr McGregor proposed an alternative recommendation for the above Item 9.2.5 with the deletion of condition no. 5. Council was asked to adopt the alternative recommendation as follows:

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR EARL SM1111/7

That Council approve pursuant to Clause 10.3 of Local Planning Scheme No. 1 an Increase in the Number of the Children for the Child Care Premises at No.5 (Lot 101) Waverley Place, Cowaramup subject to the following conditions:

1. **The use shall be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:**

Plans and Specifications

P1 received by the Shire on 11 August 2011

2. **The use shall operate only between the hours of 7 am and 6 pm between Monday and Friday, and not at all on Saturday and Sunday.**

3. The use shall not accommodate more than 30 children at any one time.
4. Fencing around the site shall be maintained to maintain its noise attenuation capabilities. To this end fencing shall comprise a solid wall, free of gaps, of a minimum height of 1,800 millimetres and a surface material having a mass of at least 10kg (per square metre).
5. Operation of the day care centre shall be generally in accordance with the schedule of operation provided by the applicant on 4 December 2007.
6. One parking bay for the disabled with a minimum width of 3.2 metres, and statutory sign located convenient to the building entrance shall be provided to the satisfaction of the Shire of Augusta-Margaret River.
7. The north/south aligned car bays adjacent to the day care centre shall be marked as for use by staff only.
8. All parking bays on the site shall be clearly line marked to the satisfaction of the Shire.
9. All loading and unloading shall take place within the boundaries of the premises.
10. Access and egress to the site shall be by means of a one-way system only.
11. Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997 (WA), and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
12. Where in the opinion of the Shire of Augusta-Margaret River the emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash or dust from the approval use 'day care centre' is considered to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public, the person licensed to operate the approval use 'day care centre' shall liaise with any affected person and undertake reasonable action to abate the cause of the danger or nuisance.
13. Lighting for security, recreation or display shall be internally directed and/or shielded so that light overspill does not unreasonably affect the amenity of adjoining properties.
14. The development shall be connected to the Water Corporation's reticulated water supply to the satisfaction of the Shire of Augusta-Margaret River and the Water Corporation, prior to occupation of the development.
15. Signage for the development/use may be erected on the site pursuant to this planning approval providing:
 - (a) It complies with any town planning scheme or policy requirements; and
 - (b) A sign licence has been issued by the Shire of Augusta-Margaret River.

**CARRIED 5-1
CR SMART VOTED AGAINST**

REASON: *The officer's recommendation was amended by removing condition no. 5 completely and renumbering the remaining conditions accordingly. The reason for this was that condition no. 5 was deemed unnecessary due to hardship on the proponents and the owners have already planted natives along the boundary as screening which was deemed to be sufficient.*

9.3

Infrastructure Services

9.3 Infrastructure Services

9.3.1 CAPE LEEUWIN TOURIST PRECINCT SITE PLANS

LOCATION/ADDRESS Ringbolt Bay to Cape Leeuwin

APPLICANT/ LANDOWNER Shire of Augusta-Margaret River

FILE REFERENCE ENV/93

REPORT AUTHOR John McKinney, Senior Environment/Landcare Officer

AUTHORISING OFFICER Wayne Prangnell, Director Infrastructure Services

IN BRIEF

- The Shire's Strategic Community Plan requires the development of foreshore management plans for identified foreshore areas as a strategy to protect bushland, biodiversity and coastal areas. Cape Leeuwin to Flinders Bay is identified as one of these foreshore areas.
- The *Cape Leeuwin Tourist Precinct Advisory Committee* was formed with representatives from AMRSC, DEC, AMRTA, Augusta Chamber of Commerce, Augusta Community Development Association and the Augusta Historical Society.
- This document outlines foreshore plans for approximately half of this stretch, from Ringbolt Bay to Cape Leeuwin. It is intended that following consideration of public consultation outcomes, concept plans for the Ringbolt Bay to Flinders Bay section will be prepared and subsequently a master foreshore management/development plan will be prepared.
- The Precinct Site Plans are presented to Council for adoption for the purpose of public consultation.

RECOMMENDATION

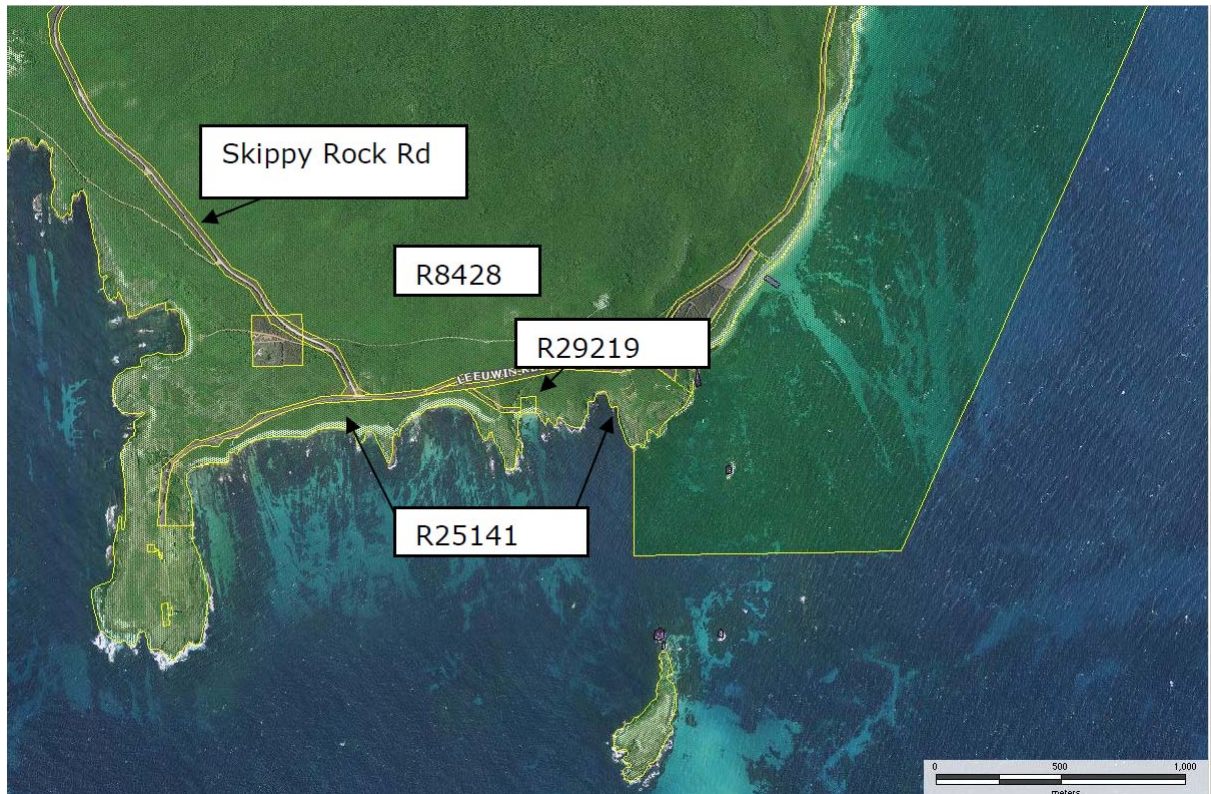
That Council:

1. Adopts the Cape Leeuwin Tourist Precinct Site Plans for the purposes of public consultation.
 2. Advertises the plans for a period of 21 days.
-

LOCATION PLAN

The study area is approximately 5km south west of Augusta. See site plan below.

- It primarily comprises Reserve 25141 which is an A Class reserve vested in the Shire for the purposes of recreation.
- Reserve 29219 is a C Class reserve vested with the Shire for the purpose of Jetty.
- R8428 is an A-Class reserve vested with the Conservation Commission for the purpose of National Park.
- Skippy Rock Road is currently a dedicated road reserve managed by the Shire of Augusta River but is in the process of being closed and amalgamated into the adjoining Reserve 8428.



TABLED ITEMS
NIL

BACKGROUND

Developing detailed foreshore plans for this stretch was not a priority for the Shire in the current financial year, and it is gratefully acknowledged that the funding provided to the Advisory Committee by the Ryall Trust provided has allowed planning for an overall foreshore management plan to commence.

The development of foreshore plans that adequately capture the tourism potential of this area while managing visitor pressure is important. The development of a walk trail and site precinct will allow tourists and residents to appreciate the spectacular coastline and natural values whilst managing environmental and safety issues. The previous development of informal and ad hoc pedestrian and vehicle access through the coastal vegetation has caused degradation and with increasing tourist and resident pressures, this degradation will worsen reducing environmental social and economic values of the area.

It is anticipated that a foreshore master plan for the entire Flinders Bay to Cape Leeuwin stretch, incorporating outcomes of this proposed public consultation will developed in the 2012-13 or 2013-14 financial year.

CONSULTATION AND ADVICE

External consultation

The *Cape Leeuwin Tourist Precinct Advisory Committee* comprises representatives from AMRSC, DEC, AMRTA, Augusta Chamber of Commerce, Augusta Community Development Association and the Augusta Historical Society.

Internal consultation

Staff from Infrastructure Services have discussed the draft concepts.

DISCUSSION/OFFICER COMMENTS

The draft precinct site plans and associated report provide a valuable base for public consultation and outline an opinion of probable cost for completing the works. The estimated cost of the recommended works is \$1,094,000.

The plan provides detailed analysis of constraints and opportunities for five precincts in the area, namely Ringbolt Bay, Sarge Bay, Vehicle Pull Over, Carpark Near Light Station and the Scenic Lookout. See Site Location Plan below.



A description of each location and potential opportunities and constraints is provided below. The attached report provides further details including concept sketches.

Ringbolt Bay

Ringbolt Bay is a small sandy beach with granite headlands. It is accessed by an eroded four-wheel drive track leading off Leeuwin Road. Ringbolt Bay is a popular site for fishing. Access is currently via an eroded 4wd drive track and there are issues with illegal camping, erosion, weed infestation, informal parking and unsafe vehicle entry/egress onto Leeuwin Rd. There are opportunities for formalising a picnic area, a sealed entry/exit road and carparking, emergency vehicle beach access, and implementation of weed control and rehabilitation programs.

Sarge Bay

Sarge Bay is the next sandy beach located west of Ringbolt Bay. Vehicles access the beach on a short sand track. There is an informal parking area just off the beach. Unrestricted vehicle access is damaging vegetation and dunes and there are issues with informal parking and unsafe vehicle entry/egress onto Leeuwin Rd. There are opportunities for establishing a ridge-top lookout and formalised roadside parking, emergency vehicle beach access, and rehabilitation programs.

Vehicle Pull Over

The site consists of a sandy track leading to a sandy beach. The track does not allow vehicle access onto the beach. Unrestricted vehicle access is damaging vegetation and dunes and there are issues with informal parking and unsafe vehicle entry/egress onto Leeuwin Rd. There are opportunities for establishing a rest area and beach access stairs, formalised roadside parking, and rehabilitation programs.

Carpark near Light Station

The site is currently a gravel carpark located adjacent to Leeuwin Road. It acts as overflow parking space for the main carpark servicing the Lighthouse Tourist Precinct. To the east of the carpark is a small sandy beach and to the west is the Historic Water Wheel Site. There are issues with erosion and

steep and potentially unsafe pedestrian beach access. Opportunities exist for formalised parking, erosion control, emergency vehicle beach access and establishing better pedestrian linkages to and interpretive signage about the water wheel, the Cape Leeuwin Lighthouse and the Cape to Cape Track.

Scenic Lookout

The site is currently a gravel carpark off the unsealed Scenic Drive. The lookout provides panoramic views over low vegetation across the northern, western and southern coastline, including excellent views of the Lighthouse. The Leeuwin Naturaliste Ridge is to the East and provides a dramatic backdrop to the site. This area is managed by DEC. There are issues with erosion, weed control and the existing carpark is not suitable for large vehicles such as buses or caravans. There are opportunities for sealing and upgrading the carpark to allow large vehicle turn around, addressing weed and erosion issues and installing a boardwalk and lookout with associated interpretive signage.

Walk trail

The plan also detailed an approximate alignment for a walk trail from the lighthouse to Ringbolt Bay. It is planned that there will eventually be a walk trail from Cape Leeuwin to Flinders Bay, which will safely allow walkers on the Cape to Cape track to reach the Augusta townsite after completing walks finishing at the lighthouse. The text of the report does not provide detail on proposed construction material, but the opinion of probable cost indicates it will be a Dual Use Path 2.5m wide and 1.8 km long and follows existing informal tracks.

Overall comment

While the level of detail provided is not considered sufficient to commence implementation of the works, it provides a valuable starting point for public consultation and discussion on the proposed concepts with an ultimate aim of developing a foreshore plan for the Cape Leeuwin to Flinders Bay coastline.

The works to date have been funded by the Ryall Trust and the project has been managed by an external advisory committee. As such, the proposed concepts have not been examined in detail by Shire staff for issues such as safety, risk management and compliance with relevant standards and planning documents.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

There are no statutory implications of adopting the concept plans for the purpose of public consultation.

STRATEGIC PLAN / POLICY IMPLICATIONS

The concept plans are supported in the Shire's Strategic Plan which identifies development of a foreshore management plan for the Flinders Bay to Cape Leeuwin area for the 2012-13 year.

- KRA 1: *Sustainable Development*:
 - Sustainable Community Infrastructure
- KRA 2: *Environmental Protection*:
 - Protected Bushland, Coastal Areas and Biodiversity
 - Quality parks, gardens and green spaces.

PLANNING FRAMEWORK

The Local Planning Strategy (LPS) provides the strategic planning direction for the Local Government, sets out the planning rationale for specific zones, and provides direction to the provisions of the Local Planning Scheme No.1.

The LPS identifies recreational use and access to the coast as one of the biggest attractions for residents and visitors alike, and as numbers of both groups continue to rise, the Local Government is required to give careful consideration to the management of human access to the coast. This includes roads, car parking, toilet facilities, coastal access tracks, fencing, stabilisation and rehabilitation works.

The following guidelines are provided in the LPS in relation to use and development in the coastal areas:

- The use and development on land adjacent to coastal reserves is governed by the LNRSP and the Augusta-Walpole Coastal Strategy. The Local Government will also give due regard to any endorsed Foreshore Management Plan in the consideration of development adjacent to, or within, foreshore areas or coastal reserves.

- Any proposed land use and development within or adjacent to Coastal Management Areas will need to demonstrate compliance with the Coastal Management Area policies to the satisfaction of the Local Government and address matters such as adequate setbacks, dune preservation and rehabilitation measures, control of pedestrian and vehicular access and public facility provision where appropriate.
- Recreational facilities, infrastructure and services should be provided at a level consistent with the capacity of the beach/coastal area, and likely future requirements will be identified through a local coastal management strategy and/or development plans. In particular, the development of formalised facilities shall be restricted to the existing activity nodes of Prevelly/Gnarabup, Gracetown and Flinders Bay.
- The heritage and conservation values of remote and undeveloped coastal areas should be protected through limiting development of these reserves to low-key recreational and associated uses.

FINANCIAL IMPLICATIONS

The report provides an opinion of probable costs for the development of all the site precincts and walk trail at \$1,904,000 excluding GST or further planning or management costs.

The future development of a foreshore plan is expected to cost approximately \$15,000 in the 2012-13 financial year.

Subsequent implementation of any concepts presented in this plan or for the remaining stretch to Flinders Bay will need to be funded. Opportunities for grant funding exist however Council will need to consider each request on merit and in relation to other projects and priorities.

SUSTAINABILITY IMPLICATIONS

Environmental

The proposed concept plans will assist in protecting and enhancing environmental values of the foreshore through closing and formalising pedestrian and vehicle access paths, and undertaking weed control and rehabilitation works.

Social

The plan will enhance visitor and resident experiences of the foreshore, including coastal vistas, whale watching, picnic facilities and safe pedestrian access from Augusta to Cape Leeuwin.

Economic

Improved access and facilities will increase tourist numbers and satisfaction, resulting in positive economic benefits.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

1. Adopts the Cape Leeuwin Tourist Precinct Site Plans for the purposes of public consultation.
2. Advertises the plans for a period of 21 days.

ADVICE TO APPLICANT/PROPONENT

N/A

ATTACHMENTS

Cape Leeuwin Tourist Precinct Site Plans

Cr Smart asked Manager of Works, Mr Wayne Gailey the following question in relation to Item 9.3.1 Cape Leeuwin Tourist Precinct Site Plans:

Cr Smart: *Is the cost of sealing Scenic Drive to the proposed lookout included in the estimate provided in the officer's report?*

Mr Gailey responded as follows:

Mr Gailey: *The cost of sealing Scenic Drive has not been included in the estimate as it is on DEC land. A footnote will be added to the advertised concept to clarify this.*

RECOMMENDATION / COUNCIL DECISION

CR SMART, CR VEITCH SM1111/8

That Council:

- 1. Adopts the Cape Leeuwin Tourist Precinct Site Plans for the purposes of public consultation.**
- 2. Advertises the plans for a period of 21 days.**

CARRIED 6-NIL

9.4

Corporate and Community Services

9.4 Corporate And Community Services

9.4.1 LIST OF PAYMENTS OCTOBER 2011

LOCATION/ADDRESS	Shire of Augusta-Margaret River
APPLICANT/LANDOWNER	N/A
FILE REFERENCE	FIN/42
REPORT AUTHOR	Amy Lindsay, Finance Officer
AUTHORISING OFFICER	Annie Riordan, Director Corporate & Community Services

The Director Corporate & Community Services disclosed interest in the credit card expenses which is certified by the Chief Executive Officer.

IN BRIEF

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

RECOMMENDATION

That Council notes the October 2011 List of Payments of \$3,242,749.42 as certified as correct by the Director of Corporate & Community Services.

BACKGROUND

Where Council has delegated authority to the CEO to make payments from the Shire's bank accounts then under Local Government (Financial Management) Regulations 1996, Regulation 13 (1) a list of such payments is to be prepared each month for noting by Council.

DISCUSSION/ OFFICER COMMENTS

Table 1 below provides a summary of the payments made and Table 2 makes comparison between payments for the 2010/11 and 2011/12 financial years.

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

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

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

TABLE 1 – SUMMARY OF PAYMENTS MADE IN THE MONTH

Mode of Payment	Cheque / EFT Numbers		Amount
Cheques (includes reimbursement of credit cards)	40683-40708		\$15,329.90
EFT	EFT 28418-28837	\$2,525,945.30	
	Direct Debits	\$701,474.22	\$3,227,419.52
TOTAL			\$3,242,729.42

TABLE 2 – COMPARISON WITH PRIOR YEAR OF PAYMENTS

MONTH	CHEQUES	EFT	TOTAL PMTS	CHEQUES	EFT	TOTAL PMTS
	2010/11	2010/11	2010/11	2011/12	2011/12	2011/12
JULY	96,900.41	3,191,121.37	3,288,021.78	45,734.77	3,762,376.59	3,808,111.36
AUGUST	62,070.93	2,848,404.48	2,910,475.41	15,721.72	3,163,890.98	3,179,612.70
SEPTEMBER	44,527.26	1,990,085.97	2,034,613.23	19,291.26	3,269,689.69	3,288,980.95
OCTOBER	18,392.05	1,741,942.73	1,760,334.78	15,329.90	3,227,419.52	3,242,749.42
NOVEMBER	32,435.40	2,713,830.87	2,746,266.27			
DECEMBER	27,545.17	2,985,640.03	3,013,185.20			
JANUARY	45,773.39	2,545,575.11	2,591,348.50			
FEBRUARY	64,759.58	3,137,240.53	3,202,000.11			
MARCH	36,982.18	2,664,254.37	2,701,236.55			
APRIL	35,998.01	2,669,802.49	2,705,800.50			
MAY	23,924.53	3,498,004.46	3,521,928.99			
JUNE	21,298.80	3,535,323.35	3,556,622.15			
	510,607.71	33,521,225.76	34,031,833.47	96,077.65	13,423,376.78	13,519,454.43

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

Finance Policy 1.3 - Payment of Accounts
Payments are made in accordance with relevant Council policies.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council notes the October 2011 List of Payments of \$3,242,749.42 as certified as correct by the Director Corporate & Community Services.

ATTACHMENTS

List of Payments for October 2011

RECOMMENDATION / COUNCIL DECISION

CR BELL, CR MCGREGOR SM1111/9

That Council notes the October 2011 List of Payments of \$3,242,749.42 as certified as correct by the Director Corporate & Community Services.

CARRIED 6-NIL

9.4.2 FINANCIAL ACTIVITY STATEMENT REPORT – OCTOBER 2011

LOCATION/ADDRESS	Shire of Augusta-Margaret River
APPLICANT/LANDOWNER	N/A
FILE REFERENCE	FIN/14
REPORT AUTHOR	Alan Thornton, Accountant
AUTHORISING OFFICER	Annie Riordan, Director Corporate & Community Services

IN BRIEF

- The monthly financial activity statement report is a standard financial reporting item prepared in accordance with the provisions of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 "FM Regs".
- Council to consider the financial results for the period ending 31 October 2011.

RECOMMENDATION

That Council receives the Monthly Financial Report – 31 October 2011 in accordance with Section 6.4 of the Local Government Act 1995.

BACKGROUND

As per FM Regs 34 the Shire is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under FM Regs (1) (d), for that month with the following details –

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

Also under FM Regs 34(5) Council are to adopt each year a material variance threshold. At the Special Meeting of Council on 20 July 2011 (**SM1107/05**) Council adopted a monthly variance for reporting of material variances, where financial activity is greater than 10% and \$10,000.

DISCUSSION/ OFFICER COMMENTS

Council's Executive and Finance staff are committed to providing financial reports to the Council which will provide fiscal information in an understandable and consistent format. The information is designed to represent in an accurate manner the financial position of the Shire at the end of the particular month in question. This will assist Council with monitoring its financial position and the decision making process.

Financial variances take two forms, either timing or a permanent difference. The drivers of the variance are volume and price relationships. It is the intention of the officer to represent variances in such a manner to provide a consistent and clear reason for the variance to occur. All Shire officers who are required to provide monthly variance commentary to the Finance team are requested to prepare their commentary based on these parameters.

The commentary contained in the body of this report is in line with FM Regs (2) (b) that requires commentary on material variances to the Statement of Financial Activity at the nature/type, program or business unit level.

SHIRE OF AUGUSTA-MARGARET RIVER
SPECIAL COUNCIL MEETING MINUTES: 30 November 2011

SHIRE OF AUGUSTA - MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 October 2011						
BUSINESS UNIT	11/12 Full Yr Budget \$	11/12 YTD Budget \$	11/12 YTD Actual \$	YTD Variance Fav(Unfav)	YTD Variance >10% & >\$10,000	Comments
OPERATING REVENUES						
Revenue	(14,847,025)	(14,737,475)	(14,835,890)	1%	0	
General Financing	(1,365,048)	(393,664)	(401,634)	2%	0	
Members of Council	(260,040)	(86,680)	(89,249)	3%	0	
Chief Executive Officer	0	0	(1,715)	-	0	
Director Corporate & Community	(22,060)	(2,000)	(2,197)	10%	0	
Director Planning & Development	0	0	0	-	0	
Director Infrastructure	(10,000)	0	0	-	0	
Finance	0	0	0	-	0	
Records	0	0	0	-	0	
Customer & Information Services	(13,000)	(13,000)	(6,452)	-50%	0	
Customer Relations	(184,600)	(63,200)	(59,082)	-7%	0	
Info & Communication Technology	0	0	0	-	0	
Human Resources	(13,068)	0	0	-	0	
Community Development	(51,743)	(37,580)	(6,785)	-82%	30,795	Permanent - Grants received in 10/11
Emergency and Fire Services	(224,582)	(96,529)	(80,492)	-17%	16,038	Timing - CESM contribution due November
Rangers	(142,920)	(54,141)	(42,804)	-21%	11,337	Timing - section 33 works reimbursement to be reviewed
Libraries	(19,000)	(7,000)	(6,321)	-10%	0	
Health	(93,500)	(10,000)	(10,353)	4%	0	
Child Care	(172,500)	(57,499)	(72,937)	27%	(15,438)	Increased usage of facility
Waste Services	(2,848,260)	(2,559,620)	(2,558,539)	0%	0	
Town Planning	(260,000)	(90,000)	(311,838)	246%	(221,838)	Permanent - unbudgeted funding received for Super Town programme
Community Buildings	0	0	0	-	0	
Margaret River Recreation Centre	(632,900)	(210,136)	(189,278)	-10%	0	
Other Sport & Recreation	(103,350)	(40,615)	(39,552)	-3%	0	
Parks and Gardens	(10,000)	0	(925)	-	0	
Asset Services	(93,817)	(24,485)	(14,922)	-39%	0	
Construction	0	0	0	-	0	
Maintenance	(8,900)	(2,300)	(2,382)	4%	0	
Plant Program	0	0	0	-	0	
Caravan Parks	(1,306,100)	(137,950)	(201,004)	46%	(63,054)	Greater than expected occupancy rates
Building Control	(257,000)	(96,004)	(51,805)	-46%	44,199	Permanent - applications lower than expected
Works Overheads	0	0	0	-	0	
Plant Operation Costs	0	0	0	-	0	
Other Property & Services	0	0	(11,180)	-	(11,180)	Permanent - workers compensation claims reimbursements received
TOTAL REVENUES	(22,939,413)	(18,719,878)	(18,997,335)	1%	0	

SHIRE OF AUGUSTA-MARGARET RIVER
SPECIAL COUNCIL MEETING MINUTES: 30 November 2011

SHIRE OF AUGUSTA - MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 October 2011						
BUSINESS UNIT	10/11 Approved Budget \$	11/12 YTD Budget \$	11/12 YTD Actual \$	YTD Variance Fav(Unfav)	YTD Variance >10% & >\$10,000	Comments
OPERATING EXPENSES						
Revenue	396,074	84,542	79,223	6%	0	
General Financing	831,710	103,417	103,993	-1%	0	
Members of Council	261,990	88,613	90,168	-2%	0	
Chief Executive Officer	633,365	227,925	193,395	15%	(34,530)	Timing of budget cash flows
Director Corporate & Community	472,041	252,123	131,425	48%	(120,698)	Timing of budget cash flows
Director Planning & Development	499,534	159,310	140,271	12%	(19,039)	Timing of budget cash flows.
Director Infrastructure	415,048	130,016	106,754	18%	(23,262)	Timing - Forward Capital Works Plan to be reviewed
Finance	383,083	116,858	125,771	-8%	0	
Records	168,679	55,883	41,147	26%	(14,736)	Timing - less expenditure over several items
Customer & Information Services	764,528	483,532	406,997	16%	(76,535)	Timing of budget cash flows
Customer Relations	298,609	88,856	82,723	7%	0	
Info & Communication Technology	760,236	294,855	294,571	0%	0	
Human Resources	599,086	185,445	146,136	21%	(39,309)	Timing of budget cash flows and staff vacancy.
Community Development	392,326	133,607	94,667	29%	(38,940)	Timing of budget cash flows
Emergency and Fire Services	681,758	265,108	264,224	0%	0	
Rangers	638,027	242,622	155,272	36%	(87,350)	Timing of budget cash flows
Libraries	602,674	195,732	185,112	5%	0	
Health	405,760	132,822	120,278	9%	0	
Child Care	217,765	69,772	72,586	-4%	0	
Waste Services	2,107,604	710,920	695,542	2%	0	
Town Planning	1,194,862	375,016	273,211	27%	(101,805)	Timing of budget cash flows
Community Buildings	1,224,662	437,177	356,992	18%	(80,185)	Timing - several projects delayed due to contractor schedules.
Margaret River Recreation Centre	1,422,581	471,809	362,848	23%	(108,960)	Timing of budget cash flows
Other Sport & Recreation	299,108	106,023	90,191	15%	(15,833)	Timing of budget cash flows
Parks and Gardens	1,498,821	463,351	479,077	-3%	0	
Asset Services	808,105	286,618	249,146	13%	(37,472)	Timing of budget cash flows
Construction	0	0	0	-	0	
Maintenance	5,520,877	1,953,619	2,032,008	-4%	0	
Plant Program	12,800	15,932	15,214	5%	0	
Caravan Parks	828,455	245,958	210,009	15%	(35,949)	Timing of budget cash flows
Building Control	386,895	117,699	116,357	1%	0	
Works Overheads	(97,929)	49,399	48,033	3%	0	
Plant Operation Costs	(101,558)	(27,236)	(72,080)	-165%	(44,844)	Timing of budget cash flows
Other Property & Services	(6,309,000)	0	6,668	-	0	
TOTAL EXPENSES	18,218,577	8,517,322	7,697,928	10%	0	
NET OPERATING (SURPLUS)/DEFICIT	(4,720,836)	(10,202,557)	(11,299,407)	11%	(1,096,850)	
NON OPERATING REVENUES						
Emergency and Fire Services	(1,314,350)	0	0	-	0	
Waste Services	(27,400)	(27,400)	0	-	27,400	Timing of budget cash flows
Community Buildings	(309,000)	0	(14,299)	-	(14,299)	Timing - R4R

SHIRE OF AUGUSTA-MARGARET RIVER
SPECIAL COUNCIL MEETING MINUTES: 30 November 2011

						Library Extension received early.
Other Sport & Recreation	(274,512)	(274,512)	(137,256)	-50%	137,256	Timing of budget cash flows
Parks and Gardens	(777,000)	0	0	-	0	
Asset Services	(125,800)	0	0	-	0	
Construction	(2,591,950)	(646,433)	(1,249,094)	93%	(602,661)	Timing of budget cash flows. Roads to Recovery project brought forward
TOTAL NON OPERATING REVENUES	(5,420,012)	(948,345)	(1,400,649)	48%	(452,304)	
NET RESULT	(10,140,848)	(11,150,902)	(12,700,056)	14%	(1,549,154)	

SHIRE OF AUGUSTA - MARGARET RIVER STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 October 2011						
BUSINESS UNIT	10/11 Approved Budget \$	11/12 YTD Budget \$	11/12 YTD Actual \$	YTD Variance Fav(Unfav) 0	YTD Variance >10% & >\$10,000	Comments
FUNDING BALANCE ADJUSTMENTS						
Add back Depreciation	(5,426,786)	(1,808,929)	(1,751,506)	-3%	0	
Add back Profit(Loss) Asset Disposal	6,352,301	5,527	0	0%	0	
Add back Profit(Loss) Investment	0	0	0			
Add back movement in Prepayments	0	0	0	-	0	
Add back movement in Provisions & Accruals	0	31,743	31,743	0%	0	
Fair value adjust to financial assets	0	0	0	0%	0	
	925,515	(1,771,659)	(1,719,763)	-3%	0	
CAPITAL EXPENDITURE						
Purchase of Land & Buildings	8,854,782	4,857,609	3,521,927	27%	(1,335,682)	Timing of budget cash flows
Purchase of Infrastructure Assets	6,852,767	1,515,240	715,452	53%	(799,788)	Timing of budget cash flows. Carpark expansion projects have been delayed.
Purchase of Plant & Equipment	1,611,453	1,587,482	473,591	70%	(1,113,891)	Timing of budget cash flows
Purchase of Furniture & Equipment	43,800	50,000	0	0%	0	
Repayment of Debentures	13,657,885	112,956	112,956	0%	0	
Advances to community groups	5,504			-	0	
Transfers to Cash Reserves	1,422,201	1,197,843	0	0%	0	
	32,448,391	9,321,130	4,823,926	-48%	(4,497,204)	
CAPITAL REVENUE						
Proceeds from Asset Sales	(7,046,498)	(36,364)	0	-	36,364	Timing of budget cash flows
Proceeds from Investment Sales	0	0	0			
Proceeds from New Loans	(13,818,788)		0	-	0	
Self Supporting Loans Repaid	(5,504)	(5,175)	(1,836)	-65%	0	
Transfers from Cash Reserves	(751,250)	0	0	-	0	
	(21,622,040)	(41,539)	(1,836)	96%	39,703	
DEFICIT/(SURPLUS)						
JULY 1 BROUGHT FWD	(1,611,018)	(1,611,018)	(1,613,746)	0%	0	
TO BE CARRIED FWD	0	(5,253,988)	(11,211,476)	113%	(5,957,488)	

Investments

As at the 31 October 2011 the Shire's cash deposits and CDO investments were as follows: \$8,126,144.00 Total investment interest earned for the month of October 2011 was \$47,473.00.

Held for Trading CDO's

The Shire's safe custody custodians ANZ Nominees Pty Ltd will supply ongoing monthly reports for the Investment Portfolio. These valuations are in the Investment update report when they become available.

In-Kind Support

The Shire has forgone revenue as at 31 October 2011 of \$1,902.00 by providing in kind support/fee waivers to not for profits.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

As per FM Regs 34 the Shire is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under FM Regs 22(1) (d).

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Environmental

N/A

Social

N/A

Economic

As stated in the report.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council receives the Monthly Financial Report – 31 October 2011 in accordance with Section 6.4 of the Local Government Act 1995.

ATTACHMENTS

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

RECOMMENDATION / COUNCIL DECISION

CR MCGREGOR, CR EARL SM1111/10

That Council receives the Monthly Financial Report – 31 October 2011 in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 6-NIL

9.4.3 INVESTMENT PORTFOLIO UPDATE OCTOBER 2011

LOCATION/ADDRESS	Shire of Augusta-Margaret River
APPLICANT/LANDOWNER	N/A
FILE REFERENCE	FIN/7
REPORT AUTHOR	Paul Kilgren, Manager Financial Services
AUTHORISING OFFICER	Annie Riordan, Director Corporate and Community Services

IN BRIEF

- The Monthly Investment Portfolio Update is a standard financial reporting item prepared for Council in accordance with Section 6.4(2) (c) of the Local Government Financial Management Regulations 1996.
- Council is requested to note the October 2011 Monthly Investment Portfolio Update.

RECOMMENDATION

That Council notes the October 2011 Monthly Investment Portfolio Update.

BACKGROUND

The Local Government Act 1995, Section 6.14 empowers local governments to invest money for the time being not required by them, in accordance with Part III of the Trustees Act 1962.

The report attempts to represent in an understandable, consistent and accurate manner the financial position of the Shire's Investment Portfolio at the end of the particular month in question. This will assist Council with monitoring its Investment Portfolio and the decision making process.

CONSULTATION AND ADVICE

ANZ
Western Australian Treasury Corporation (WATC)
Reserve Bank of Australia (RBA)
Piper Alderman

DISCUSSION/ OFFICER COMMENTS

The Shire receives a portfolio valuation report from ANZ who are the safe custody providers for our CDO's. The report includes market commentary and a market valuation of the structured credit products (CDO's) held by the Shire. Whilst ANZ provide credit market commentary the officer will include any relevant findings in the Economic Review section of this report.

The following table represents a summarised version of the Shire's structured credit products (CDO's) portfolio valuation as per the ANZ report.

Portfolio Valuation - Market Value Components as at 31/10/2011

	Maturity Call	Credit Rating	Face Value	Current Coupon	Accrued Interest	Market Value	Book Value
Scarborough	23/06/2014	CCC-	350,000	6.5583	1,538	5,038	3,850
Kakadu	20/03/2014	CCC	500,000	6.1100	3,432	105,032	124,550
Coolangatta	20/09/2014	NR	300,000	N/A	0	N/A	0
Miami	20/03/2017	NR	50,000	N/A	0	N/A	0
Flinders AA	20/03/2012	NR	50,000	6.2100	349	43,948	35,000
			1,250,000		5,319	154,018	163,400

Lehman Brothers - Update

Chapter 11 Bankruptcy of Lehman Brothers Holdings Inc (LBHI) & Lehman Brothers Special Financing (LBSF). A letter from Piper Alderman 18 October 2011 requested the Shire to complete a ballot paper to accept or reject the Chapter 11 plan and whether we wish to have our claim treated as a convenience claim.

The Chapter 11 plan is how the entity will stave off liquidation and provide returns to creditors. This plan is not guaranteed and many things can change even alternative plans were being touted.

As for the convenience claim it is a guaranteed recovery at a very low return. Details of the possible returns if successful have been provided in schedule A.

Schedule A

Claims Against LBHI				Claims Against LBSF			
Claim Amount	Class under Plan	Distribution under plan	Distribution if elect convenience	Claim Amount	Class under Plan	Distribution under plan	Distribution if elect convenience
\$ 1,279,835	7	\$ 254,687	\$ 13,000	\$ 273,140	4A	\$ 76,206	\$ 16,000

- The Shire rejected the convenience claim option as the proceeds were small (approx 1% return) and initially accepted the plan as advised by Piper Alderman.
- After initially being advised to accept the plan by Piper Alderman another email received Friday, 4 November 2011 7:29 AM from Piper Alderman advised the Shire to reject the plan because under the plan LBHI would have received the benefit of the collateral and not the note holders, namely the Shire. The advice was also based on liquidated returns are likely to be the same as the plan and are more than likely to be greater than an alternative plan. We therefore rejected the plan as advised by Piper Alderman.
- Our ballot was submitted by Piper Alderman’s US agent on 4 November 2011 to US authorities as required which gave our vote to reject the plan and not seek a convenience claim.

Lehman Collective Group Action – Group member Acknowledgment and Warranty

- The Shire received a letter from John Walker IMF Australia, our case manager on 1 November 2011 for the purpose of seeking our continued support for collective action to achieve the maximum collective return for group members. Piper Alderman has confirmed it will be able to progress the Collective Action if all group member's sign an appropriately worded acknowledgement and warranty in respect of the potential conflict and Collective Action. To date the officer has not been advised if all members have accepted.

Federation SCDO exposure

- There has been coverage in the Australian Financial Review 11 November 2011 that Lehman Brothers (US entity) is trying to recover proceeds from Federation SCDO. In case the question is raised the Shire did not purchase this product and will not be caught up in this action.

WATC Market Highlights October 2011

- *The RBA reduced rates by 25 points to 4.50% at their November meeting citing the recent negative global economic outlook and the underlying Australian inflation looking to be around 2 to 3 percent.*

ANZ October 2011 Credit Market Review

- *The Euro-zone sovereign debt crisis dominated markets with Europe announcing its Greece “bailout package”. It involved a write down of Greek debt by 50% for private investors, recapitalisation of the banks and an increase in the bailout fund to 1Trillion Euro. Markets initially rallied on the back of the announcement.*
- *US Sovereign Debt concerns remain and a US Congressional committee is due to report on budget deficit reduction strategies toward the end of November.*

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Government Act 1995, Local Government Financial Management Regulations 1996 and Trustees Act 1962.

POLICY IMPLICATIONS

Section 6.14 of the Local Government Act and Shire Finance Policy 1.4 Investments.

FINANCIAL IMPLICATIONS

As stated in the body of the report.

SUSTAINABILITY IMPLICATIONS

Environmental

N/A

Social

N/A

Economic

As outlined in comments above.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council notes the October 2011 Monthly Investment Portfolio Update.

ATTACHMENTS

Nil

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR BELL SM1111/11

That Council notes the October 2011 Monthly Investment Portfolio Update.

CARRIED 6-NIL

9.4.4 DOGS AMENDMENT LOCAL LAW 2011

LOCATION/ADDRESS	Shire wide
APPLICANT/ LANDOWNER	Shire of Augusta-Margaret River
FILE REFERENCE	ENF/22
REPORT AUTHOR	Gavin Jennion, Coordinator, Ranger Services
AUTHORISING OFFICER	Gary Evershed, Chief Executive Officer

IN BRIEF

- At its Ordinary Meeting on the 21 September 2011, Council resolved to make the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011*.
- This Local Law amends the *Shire of Augusta-Margaret River Dogs Local Law 2010*.
- In accordance with the *Local Government Act 1995* (the Act) Council advertised the proposed amendment local law for 45 days in local and state-wide newspapers. Two (2) submissions were received.
- This report recommends that Council now adopts the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011* in accordance with the procedure set out by section 3.12 of the Act.

RECOMMENDATION

That Council, having noted the two (2) public submissions received following State-wide and local advertising, and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011* in accordance with section 3.12(4) of the *Local Government Act 1995*, with the following purpose and effect:

- a) The purpose of the amendment local law is to update and clearly identify dog exercise areas and dog prohibited areas in the Shire of Augusta-Margaret River. As well as correct modified penalties that were not in line with the Dog Act 1976; and
 - b) The effect of the amendment local law is to amend the *Shire of Augusta-Margaret River Dogs Local Law 2010* to reflect recent changes to dogs exercise areas, clearly define, enhance and provide better control of these areas. This also provides modified penalties that are within the constraints of the Dog Act 1976.
-

LOCATION PLAN

N/A

TABLED ITEMS

Nil

BACKGROUND

At the Ordinary Council Meeting on 8 December 2010, Council resolved to adopt the recommendations of the Dog Exercise Areas Review Report. This report was initiated;

- After concerns were raised by the public regarding Dog Exercise Areas (DEAs), Council resolved at the Ordinary Council Meeting 24 March 2010 for the CEO to undertake a review encompassing the following key elements:
 - Location of dog exercise area(s);
 - Size of dog exercise area(s);
 - Signage;
 - Management of dog waste; and
 - Control and enforcement of local laws.
 - While the initial resolution focused on the three main locations of Gnarabup / Prevelly, Gracetown and Augusta, as a full review of DEAs had not been undertaken since 1998, Shire officers determined to expand this investigation to cover all DEAs within the Shire.
-

In considering implementation of the DEA's Report, Shire officers used this opportunity to refine definitions, and wording of the *Dog Amendment Local Laws*, as well as make further additions in relation to Dog Prohibited Areas.

At its Ordinary Meeting on 21 September 2011, Council resolved to make the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011*, incorporating changes to dog exercise areas, dog prohibited areas and definition refinements.

CONSULTATION AND ADVICE

In accordance with the *Local Government Act 1995* (the Act) Council advertised the proposed amendment local law for 45 days in local and state-wide newspapers. Two (2) submissions were received from the public. Submission one critiqued the DEA's within the Shire as being too restrictive, including Gnarabup / Prevelly, while the second submission felt the DEA in Gnarabup/Prevelly area was too generous (See Attachment 1). The Department of Local Government also provided minor suggested amendments which have been incorporated into the final document. .

DISCUSSION/OFFICER COMMENTS

Dog exercise areas are an important community asset as they not only provide physical exercise opportunities for dogs, but also for dog owners. Coupled with this is the social interaction benefits for both pet and owner garnered from visiting dog exercise areas. Challenges can and do occur in and around DEAs, so it has been important to clarify the rights and responsibilities of Shire officers, dog owners and general public with regards to this topic.

The public submissions received through the consultation process were conflicting in nature, highlighting the challenge for local government to provide sufficient areas for community to exercise dogs, while also acknowledging the rights of community members who do not own a dog. A status quo approach has been adopted from these submissions, while the Department for Local Government recommendations have been welcomed and integrated accordingly.

Proposed *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011*

The purpose of the amendment local law is to update and clearly identify dog exercise areas and dog prohibited areas in the Shire of Augusta-Margaret River. As well as correct modified penalties that were not in line with the Dog Act 1976

The effect of the amendment local law is to amend the *Shire of Augusta-Margaret River Dogs Local Law 2010* to reflect recent changes to dogs exercise areas, clearly define, enhance and provide better control of these areas. This also provides modified penalties that are within the constraints of the Dog Act 1976.

The purpose of the amendment local law is to update and clearly identify dog exercise areas and dog prohibited areas in the Shire of Augusta-Margaret River.

The effect of the amendment local law is to amend the *Shire of Augusta-Margaret River Dogs Local Law 2010* to reflect recent changes to dogs exercise areas, enhance and better control of these areas.

Clause 2.5 "Euthanasia of dogs" is proposed to be inserted because:
This clause is taken for the Shire of Collie's Dogs Local Law 2010.

Clause 3.3 "Notice to provide enclosure" is proposed to be inserted because:
This clause is taken from Shire of Collie's Dogs Local Law 2010.

Clause 4.9: The principal local law was modelled on the WALGA template. Clause 4.9 of the WALGA template was inconsistent with clause 27(2) of the *Dog Act 1976*, which sets a penalty of \$1,000 and a daily penalty of \$100 regardless of whether the dog is dangerous or not. It was suggested by the department of local government that clause 4.9 of the principal local law be amended to reduce the penalties in line with the *Dog Act 1976*.

Clause 6.1: The modified penalty in clause 6.1 was inconsistent with section 45A(3) of the *Dog Act 1976*, where a modified penalty cannot be greater than 20% of the maximum unmodified penalty for that offence. Clause 6.1 has been amended to increase the unmodified penalty from \$200 to \$250 to ensure that the modified penalty is not inconsistent with the provisions of the *Dog Act 1976*.

Schedule 3 has been amended to reflect the amendments in Clause 4.9. Also in addition the modified penalties in clause 4.9 have been amended to reflect the requirements of the *Dog Act 1976*

Schedule 4 "Dog Prohibited Areas" is proposed to be inserted because:

In keeping a balanced approach, there is also Dog Prohibited Areas throughout the Shire, these have now been formally separated for greater identification, as well as enhanced ability to enforce the regulations of these areas

Schedule 5 is proposed to be inserted to reflect Council's decision to approve the Dog Exercise Area Review Report in December 2010. Schedule 5 replaces the previous dog exercise areas under the Shire of Augusta-Margaret River Dogs Local Law 2010

Pursuant to section 3.12(4) of the Local Government Act 1995 the local government may make a local law that is not significantly different from what was proposed. The comments received from the department of local government have been incorporated and the amendment local law is not significantly different from what was proposed.

A copy of the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011* is appended as **Attachment 2**.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The procedure for making Local Laws is prescribed by clause 3.12 of the *Local Government Act*.

Clause 3.12 subsections (2) and (3) have been completed including –

- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

Council is now to complete s3.12(4) of the procedure.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

**Absolute majority required.*

Dog Act 1976 Part IX – Section 49 - Local Laws

A Local Government may make local laws –

- (c) for the purposes permitted by section 51*

Dog Act 1976 Part IX – Section 51 - Local Laws

A Local Government may so make local laws –

- (bb) Specifying any public place or class of public place, being a place that is under the care, control and management of the Local Government, as a dog exercise area for the purposes of section 31 and 32;*
- (c) specify areas within which it shall be an offence (unless excreta is removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the owner*

*Local Government Act (LGA) 1995 – Part 3 – Division 2 – s3.14
Commencement of Local Laws*

*Local Government Act (LGA) 1995 – Part 3 – Division 2 – s3.15
Local Laws to be publicised*

*Local Government Act (LGA) 1995 – Part 3 – Division 3 – s3.54
Reserves under control of a local government
(1) and (2)*

Shire of Augusta - Margaret River Dogs Local Laws 2010

- *Part 5 – Dogs in Public Places, sections 5.1: Places where Dogs are prohibited absolutely and 5.2: Places which are Dog Exercise Areas.*
- *Part 6 – Miscellaneous, Section 6.1: Offence to excrete*
- *Part 7 – Enforcement, Sections 7.1, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7.*

STRATEGIC PLAN / POLICY IMPLICATIONS

Key Result Area 1 – Sustainable Development

4 – Sustainable Community Infrastructure: Community access and safety will be enhanced by the development and maintenance of a network of well maintained roads, trails, pathways and associated infrastructure.

Key Result Area 2 – Environmental Protection

3 – Protected Bushland, Coastal Areas and Biodiversity: The environment will be protected for current and future generations by minimising the harmful impacts of human activity on remnant bushland, catchments and coastal areas and through the protection and augmentation of existing biodiversity.

4 – Zero Waste: The environment will be protected for current and future generations by reducing waste and maximising recycling efforts.

5 – Quality Parks, Gardens and Green Spaces: The quality of community life will be enhanced by convenient access to well maintained and attractive Council parks, gardens and green spaces.

Key Result Areas 3 – Safer Communities

2 – Physically Active Communities: The health and well being of individuals and the quality of community life the Shire will be enhanced by access to a wide range of active and passive recreational activities and pursuits.

Business Excellence

2 – Effective Strategy, Planning and Asset Management: The achievement of strategic goals and the future sustainability of the Shire will be enhanced through effective planning and this sustainable management of the Shire's financials resources and assets.

5 – Community and Customer Focus: Community and customer satisfaction will be achieved through effective community consultation and engagement, improved marketing and communication.

6 – Culture of Innovation Quality and Continuous Improvement: The process by which the Shire delivers its services will be streamlined and improved through promoting innovation, a culture of continuous improvement and the implementation of quality assured programs.

FINANCIAL IMPLICATIONS

Costs will be incurred for signage, bins and dog bag dispensers to be installed. These items have been accounted for within the 2011/12 Budget.

SUSTAINABILITY IMPLICATIONS

Environmental

The amendment to the local law will assist in the preservation of natural environment by reducing the impact on non designated and environmentally sensitive areas, and may have some impact on the built environment through the installation of signage, bins and dog bag dispensers.

Social

Dog exercise areas are an important community asset as they not only provide physical exercise opportunities for dogs, but also for dog owners. Coupled with this is the social interaction benefits for both pet and owner garnered from visiting dog exercise areas.

Economic

There are no major economic impacts as a result of adoption this Local Law.

VOTING REQUIREMENTS

Absolute majority

RECOMMENDATION

That Council, having noted the two (2) public submissions received following State-wide and local advertising, and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011* in accordance with section 3.12(4) of the *Local Government Act 1995*, with the following purpose and effect:

- a) The purpose of the amendment local law is to update and clearly identify dog exercise areas and dog prohibited areas in the Shire of Augusta-Margaret River. As well as correct modified penalties that were not in line with the Dog Act 1976; and
- b) The effect of the amendment local law is to amend the Shire of Augusta-Margaret River Dogs Local Law 2010 to reflect recent changes to dogs exercise areas, clearly define, enhance and provide better control of these areas. This also provides modified penalties that are within the constraints of the Dog Act 1976.

ATTACHMENT

1. Summary of public submissions received during advertising period
2. Draft *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011*

RECOMMENDATION / COUNCIL DECISION

CR BELL, CR MCGREGOR SM1111/12

That Council, having noted the two (2) public submissions received following State-wide and local advertising, and incorporating minor amendments suggested by the Department of Local Government, adopts the *Shire of Augusta-Margaret River Dogs Amendment Local Law 2011* in accordance with section 3.12(4) of the *Local Government Act 1995*, with the following purpose and effect:

- a) The purpose of the amendment local law is to update and clearly identify dog exercise areas and dog prohibited areas in the Shire of Augusta-Margaret River. As well as correct modified penalties that were not in line with the Dog Act 1976; and
- b) The effect of the amendment local law is to amend the Shire of Augusta-Margaret River Dogs Local Law 2010 to reflect recent changes to dogs exercise areas, clearly define, enhance and provide better control of these areas. This also provides modified penalties that are within the constraints of the Dog Act 1976.

**CARRIED 6-NIL
BY ABSOLUTE MAJORITY**

Mr Gavin Jennion, Coordinator of Ranger Services, left Council Chambers at 7.09pm.

10.0 MARGARET RIVER FIRES REPORT

LOCATION/ADDRESS	AMRS
APPLICANT/ LANDOWNER	AMRS
FILE REFERENCE	EMS/57
REPORT AUTHOR	Gary Evershed, Chief Executive Officer
AUTHORISING OFFICER	Gary Evershed, Chief Executive Officer

IN BRIEF

- The Shire of Augusta-Margaret River was impacted by devastating fires from Wednesday, 23 November to Sunday, 27 November with significant damage to property occurring on the 23rd and 24th. Fortunately there was no loss of life.
- A number of issues of relevance for Council include the authorisation of expenditure and funding arrangements, the role of the Shire in the incident response phase and the ongoing recovery effort, participation in the Premier's investigation and the proposal to expand the volunteer appreciation function to be held next Monday evening from 6-8pm.

RECOMMENDATION

That Council:

1. Notes the Shire's extensive participation in the incident response;
2. Receives the minutes of the Augusta-Margaret River Recovery Committee held on 24, 25 and 29 November;
3. Authorises the expenditure of the additional funds identified in the report required to respond to the emergency including funds which will be reimbursable by the State and Federal Governments;
4. Endorses the CEO's actions in expanding the Shire's December 5 Volunteer Appreciation Event into a wider community appreciation event;
5. Reallocates the \$3,000 approved by Council to conduct the civic reception for the Premiership Margaret River Hawks Football and Netball teams and thanks the two clubs for such a magnanimous gesture to the community; and
6. Writes to the Premier thanking him;
 - for announcing that there will be a full investigation into the DEC controlled burns getting out of control;
 - pledging the Shire's full participation and cooperation in the process on behalf of the many affected residents who would like to have their questions and concerns about the incident answered;
 - for the financial assistance and support given to date by the State Government; and
 - advising of the Council's wish to develop a close working relationship with the State Government through the recovery process.

LOCATION PLAN

See map of fire boundaries in attachments.

BACKGROUND

On Wednesday morning, 23 November 2011 the Shire was notified through the Community Emergency Services Manager (CESM) that two controlled burns under the jurisdiction of the Department of Environment and Conservation were out of control due to the strong winds, high temperatures and low humidity. The CEO became aware of the incident during a meeting with FESA representatives and the SES Acting Manager Rob Lewis when the CSEM phoned Rob Lewis to advise of assistance required by the SES to refill water bombers at approximately 11.15am. The CEO advised the President by mobile phone message at 1.38pm as the President was in transit back from Perth from the WAPC meeting.

The first burn was from the Ellenbrook area and was burning southward having breached the containment lines. This fire threatened homes in the Kilcarnup area and crossed Caves Road into bushland adjacent to the Burnside Road subdivision but was contained on the boundary of the subdivision at Horseford Road. One home was lost in the Kilcarnup area. It also crossed the Margaret River in the vicinity of Wooditch Rd destroying homes on Wooditch Rd and in Orchid Ramble including the Isaacs Ridge Tourist Accommodation. Crossing into the Wilderness area it was contained at Terry Road. The second fire behind Prevelly and Gnarabup was also out of control and burnt southwards, but with less devastating effects as the Ellenbrook fire although it is believed that a house in Baudin in Gnarabup.

Residents were evacuated from Burnside, Gnarabup, Prevelly and Wilderness and the Cultural Centre was turned into an Evacuation Centre.

Thursday's strong North Westerley winds and high temperatures saw the northern fire breach the Margaret River destroying Wallcliffe House and impacting of Prevelly and Gnarabup resulting in significant loss of property in Pierce Rd, Chuditch Rd, Pt Marmaduke Drive, Mitchell Drive, Grunters Way, Baudin Drive and other locations such as the Redgate Road area. Further precautionary evacuations were made west of Caves Road to Bussell Hwy from Redgate Road to Burnside Road and east of Mansfield Road.

Fortunately a change in weather assisted fire fighters to bring the event under control and the threat dissipated over the Friday and into the weekend. Fortunately no lives were lost, but the damage to property at the latest count is:

- 32 houses
- 9 chalets
- 5 other structures
- 22 partially damaged homes
- The Gnarabar sustained damage to the air conditioning units

The fact that so few homes were lost is testimony to the efforts of the professional and volunteer fire fighters.

Shire staff were deployed to contact residents who had lost their homes or had suffered severe damage. Residents were contacted and met at the new Council Chambers to receive advice and to apply for funding of \$3,000 from the State Government for short term accommodation, food and clothing. Three tours for affected residents were organised to enable them to view their destroyed or damaged homes prior to the general public being able to see the damage. This was a very effective strategy and was, as the CEO understands, `one area which was criticised in the Kelty report for not being handled well in the Kelmscott/Roleystone fires.

The amount of resources deployed in fighting the fires was listed by the CEO of FESA as follows:

FESA/Bushfire Brigades (Local Governments)

Including air support, there were more than 655 personnel from FESA attending to this fire over its course and more than 171 appliances.

SHIRE OF AUGUSTA-MARGARET RIVER
SPECIAL COUNCIL MEETING MINUTES: 30 November 2011

- Appliances/vehicles and personnel

Fire and Rescue Service (Career FRS):	34 appliances	85 personnel
Fire and Rescue Service (Volunteer):	15 appliances	70 personnel
Bush Fire Brigades (Local Government):	90 appliances	290 personnel
FESA management and support:	30 vehicles	200 personnel

- Air Support

2 Type 1 helicopters (provided through FESA) flew 31 hours and dropping 250,000 litres of water. 10 support personnel.

Department of Environment and Conservation (DEC)

Including air support, there were more than 515 DEC personnel responding with over 212 appliances.

- Appliances/vehicles and personnel

DEC management and support	174 appliances	400 personnel
	10 vehicles	65 personnel

- Air Support

8 bombers
4 air attack platforms (1 rotary and 3 fixed-wing)
3 ignition platforms (2 rotary and 1 fixed-wing)
5 detection aircraft
1 air reconnaissance helicopter
1 retardant tanker
6 support trucks

An estimated combined total of 87 hours of operation and dropping 400,000 litres of water. Favourable winds and lower temperatures assisted fire crews in containing the Margaret River fires with final containment lines in place on Saturday, 26 November 2011.

The Shire participated in daily Incident Support Group (ISG) meetings and a Recovery Committee was convened by the CEO on Wednesday 23rd, Thursday 24th and Tuesday 29th. Minutes of these meetings are in the attachments to the agenda.

DISCUSSION/OFFICER COMMENTS

As the CEO of the Shire I am extremely proud and honoured to lead a team of committed staff members who have performed amazingly well in responding to this fire emergency. The vast majority are also home owners in the Shire, send their children to local schools and shop at local shops so they are very much an essential part of the community and care about its welfare. When advised about the emergency, staff quickly responded to the call for assistance by the CEO and have provided a wide ranges of services and support delivered to a high standard. The outside staff have performed traffic management duties and deployed heavy plant and equipment, the Rangers have performed duties from food drops and assistant fire fighting within the fire zone through to animal welfare, office and recreation centre staff have staffed the evacuation centre, broken the bad news to people that have lost their homes, coordinated the payment of relief monies, attended incident support meetings and recovery committee meetings, provided professional advice, staffed telephone lines, taken minutes of meetings and generally have gone well beyond their normal duties in assisting the fire effort. The CEO contracted an experienced public relations officer in Rachel Tielens to undertake media coordination and Rachel did an outstanding job in managing the media and in keeping residents informed.

The Shire has a key responsibility under the Emergency Management Act to manage the recovery effort. Now that the tumult and the shouting has died Shire staff are committing to oversee and coordinate the recovery effort over the next weeks, months and years to return the community to a sense of normality. It's a responsibility that we will take very seriously and use our best endeavours to support and assist in the return to normality and assist residents in the healing process.

My sincere thanks go to all staff for their outstanding efforts as well as the professional emergency services staff, community volunteers and all who have been involved and have made a valuable contribution. Additionally the Shire President Cr Ray Colyer as the spokesperson for Council coped admirably with the demands of the numerous media enquiries and public meetings and there have been numerous complimentary remarks on the way the Shire has been represented through the entire event.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The Shire operates under the Emergency Services Act 2005. The Shire is responsible for;

1. ensuring that effective local emergency management arrangements are prepared and maintained for its district; and
2. managing recovery following an emergency affecting the community in its district.

PLANNING FRAMEWORK

The Shire has developed a Local Emergency Management Plan and a Recovery Plan. The CEO has appointed a Recovery Coordinator which is the Manager of Community Development, Mr Paul Gravett.

FINANCIAL IMPLICATIONS

Financial assistance is in three forms as follows:

1. State Assistance

Premier Colin Barnett has declared a State Natural Disaster in the fire affected region of Margaret River. Mr Barnett confirmed the impact of the fires on the community met the criteria to be declared an 'Eligible Natural Disaster' for the purposes of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA). WANDRRA is administered by FESA with assistance from other agencies, and provides help to people who have suffered the direct impact of a declared natural disaster. The Premier wrote to the Prime Minister seeking her agreement to implement the Grants to Primary Producers and the Grants to Small Business components of the Community Recovery Package, with equal contributions from the Western Australian and Commonwealth Governments. The recovery grants are structured to provide relief through grants of up to \$15,000 for primary producers and small business. In addition to the WANDRRA funding, families will be able to get immediate access to assistance through the Department for Child Protection and the Shire of Augusta-Margaret River. Up to \$3,000 in further financial assistance is available for families who lost their principal place of residence, with \$1,000 available to families who have had significant damage to their principal place of residence. This payment is being administered by the Shire of Augusta-Margaret River on behalf of the State Government and the Shire will be reimbursed for the expenses incurred.

Support available under WANDRRA includes:

Personal Support

- the provision of emergency assistance including emergency accommodation, food, essential clothing and other personal items
- temporary living expenses housing repairs/replacement of household furniture

Local Governments can apply for the replacement cost of essential public asset and local governments associated with the fire. Impacts have included the destruction of the Margaret River Rowing Club, damage to timber structures and fencing.

Over \$400,000 in emergency relief was distributed by the Department Child Protection for those who had lost their homes or who had been evacuated over the course of the event.

2. Federal Assistance

The Attorney-General Robert McClelland announced last Monday natural disaster assistance for Western Australia following the catastrophic bushfires which commenced on 23 November 2011. Mr McClelland said that assistance will be provided to the Western Australian Government through the Natural Disaster Relief and Recovery Arrangements (NDRRA). The AG said that people affected by the bushfires in the Shire of Augusta-Margaret River will have access to a range of support jointly funded by the Commonwealth and Western Australian Governments and administered through WA Government agencies.

Assistance includes personal hardship and distress assistance including:

- The provision of emergency assistance including emergency accommodation, food, essential clothing and other personal items – payments of up to \$388 per eligible adult and up to \$194 per eligible child on the 1st day of assistance (with reductions in payment levels on subsequent days)
- Temporary living expenses of up to \$110 per day per adult/family in the metropolitan area and up to \$150 per day per adult/family in country areas.
- Up to \$10,000 - for the replacement of white goods and floors coverings.
- Up to \$ 10,500 for essential repairs to make houses habitable
- Restoration of essential public assets for local councils
- Interest rate subsidies for loans of up to \$150,000 for small businesses and primary producers; and
- Professional advice grants and freight subsidies for primary producers.

Shire of Augusta-Margaret River Expenditure

On Wednesday, 23 November 2011 the President authorised the CEO to incur expenditure related to the Council's response to the catastrophic fire. The authorisation at the time was for the CEO to incur expenses that he saw fit to respond in terms of the deployment of staff, the distribution of emergency relief funds and other expenses that may occur.

The President is empowered to do so under the LGA S 6.8 as follows:

6.8. *Expenditure from municipal fund not included in annual budget*

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

** Absolute majority required.*

Shire of Augusta-Margaret River expenses incurred to date specifically which need to be brought to account are:

- The provision of payments to residents who have damaged or destroyed homes to be reimbursed by the State Government of \$71,000 to date;
- Hire of a generator to power the administration centre in the event that power was lost on Thursday, 24 November;
- Staff overtime to assist in a variety of roles from traffic management through to staffing the evacuation centre;
- The deployment of plant and equipment and vehicles;
- The provision of contracted public relations consultant's time;
- The provision of skip bins required for the clean up; and
- Other expenses which will be reported to the next meeting.

The DCCS has established cost centres to identify this money separately for the purposes of obtaining reimbursements from the State and Federal Governments. It is inevitable however that the Shire will be out of pocket and will incur over budget expenditure. This can be brought to account in the budget review in February.

Thank a Volunteer Function

The President has been in contact with both the President of the Football club and the Netball club about the postponed civic reception scheduled last Friday. The clubs have advised that the time for the function has passed particularly in the event of the fire response. Both asked that the Shire redirect the money allocated to the function to the proposed expanded "Thank a Volunteer" function scheduled for the 5th of December, this Monday coming. Council is required to authorise the redirection of those funds.

The expanded format of the function will be for the community to gather to thank the career and volunteer fire fighters and the various support agencies for their splendid efforts during the response and early recovery. It is proposed that the event be rescheduled for Gloucester Park and that it also become a fundraising event collecting for the Lord Mayor's Distress Relief Fund the official charity. The Premier has announced a \$500,000 donation from the State Government into the Fund. The fund is administered by a Board convened by the Lord Mayor of Perth. The Board receive recommendations from the Recovery Committee.

SUSTAINABILITY IMPLICATIONS

- Environmental – Affected areas are severely damaged and will take years to recover.
- Social – The recovery committee's role is to return the community as quickly as possible to normal functioning and to ensure support is available to those requiring assistance.
- Economic – Toursim WA has launched a campaign that Margaret River is open for business to ensure that the impact of the event on tourism is minimised.

VOTING REQUIREMENTS

Absolute Majority required for any over budget expenditure even if it is to be reimbursed.

RECOMMENDATION

That Council:

1. Notes the Shire's extensive participation in the incident response;
2. Receives the minutes of the Augusta-Margaret River Recovery Committee held on 24, 25 and 29 November;
3. Authorises the expenditure of the additional funds identified in the report required to respond to the emergency including funds which will be reimbursable by the State and Federal Governments;
4. Endorses the CEO's actions in expanding the Shire's December 5 Volunteer Appreciation Event into a wider community appreciation event;
5. Reallocates the \$3,000 approved by Council to conduct the civic reception for the Premiership Margaret River Hawks Football and Netball teams and thanks the two clubs for such a magnanimous gesture to the community; and
6. Writes to the Premier thanking him;
 - for announcing that there will be a full investigation into the DEC controlled burns getting out of control;
 - pledging the Shire's full participation and cooperation in the process on behalf of the many affected residents who would like to have their questions and concerns about the incident answered;
 - for the financial assistance and support given to date by the State Government; and
 - advising of the Council's wish to develop a close working relationship with the State Government through the recovery process.

ATTACHMENTS

1. Minutes of the AMR Recovery Committee Meetings held on 24, 25 and 29 November 2011
2. Map of fire boundaries

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR MCGREGOR SM1111/13

That Council:

1. Notes the Shire's extensive participation in the incident response;
2. Receives the minutes of the Augusta-Margaret River Recovery Committee held on 24, 25 and 29 November;
3. Authorises the expenditure of the additional funds identified in the report required to respond to the emergency including funds which will be reimbursable by the State and Federal Governments;
4. Endorses the CEO's actions in expanding the Shire's December 5 Volunteer Appreciation Event into a wider community appreciation event;
5. Reallocates the \$3,000 approved by Council to conduct the civic reception for the Premiership Margaret River Hawks Football and Netball teams and thanks the two clubs for such a magnanimous gesture to the community; and
6. Writes to the Premier thanking him;
 - for announcing that there will be a full investigation into the DEC controlled burns getting out of control;
 - pledging the Shire's full participation and cooperation in the process on behalf of the many affected residents who would like to have their questions and concerns about the incident answered;
 - for the financial assistance and support given to date by the State Government; and
 - advising of the Council's wish to develop a close working relationship with the State Government through the recovery process.

**CARRIED 6-NIL
BY ABSOLUTE MAJORITY**

The CEO reported on the updated total losses to date to be included in the minutes and these are outlined below:

- Wooditch Road/Orchid Ramble area: 10 houses, 9 chalets and 2 large sheds
- Prevelly/Gnarabup area: 14 houses
- Wallcliffe House: 4 structures including the old and new house
- Wilderness area: 4 houses and 1 shed
- Kilcarnup area: 2 houses
- Redgate area: 3 houses

11.0 Confidential Business

Nil

12.0 Closure of Meeting

The Shire President declared the meeting closed at 7.27pm.