



Ordinary Council Meeting

18 JANUARY 2012

CHIEF EXECUTIVE OFFICER

ATTACHMENTS

ITEM NO SUBJECT

PAGE

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- | | | |
|----------|---|--|
| 12.1.1.1 | Minutes of the General Electors' Meeting held 14 December 2011 | |
| 12.1.2.1 | Section 45 of the Environmental Protection Act | |
| 12.1.2.2 | Directions Paper – Potential Legislative Protection of the Margaret River Wine Region | |
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General Electors'

MINUTES

**FOR THE MEETING HELD
WEDNESDAY, 14 DECEMBER 2011 IN
COUNCIL CHAMBERS, WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 5.00PM**

ATTENTION/DISCLAIMER

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ABBREVIATIONS/ACRONYMS USED IN REPORTS

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

SHIRE OF AUGUSTA-MARGARET RIVER
GENERAL ELECTORS' MEETING MINUTES: 14 December 2011

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

TABLE OF CONTENTS

AGENDA LISTING	SUBJECT	PAGE NO.
	Disclaimer	2
	Explanation of Abbreviations	3
	Order of Business (Table of Contents)	5
1.0	DECLARATION OF OPENING	6
2.0	ATTENDANCE	6
2.1	Apologies	6
2.2	Approved Leave of Absence	6
3.0	PUBLIC QUESTIONS	6
3.1	Don and Barbara Wilkie	7
3.2	Dr Barbara Maidment	7
4.0	APPLICATION FOR LEAVE OF ABSENCE	9
5.0	2010/2011 Annual Report for the Shire of Augusta-Margaret River (Attachment)	9
6.0	2010/2011 Audited Financial Statements for the Shire of Augusta-Margaret River (Attachment)	9
7.0	GENERAL BUSINESS	9
8.0	CLOSURE OF MEETING	9

General Electors' Meeting

Minutes of the General Electors' Meeting held on Wednesday, 14 December 2011 in Council Chambers, Wallcliffe Road, Margaret River commencing at 5.00pm

1.0 Declaration of Opening

The Chairperson welcomed all attendance and declared the meeting open at 5.04pm.

2.0 Attendance

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

MEMBERS OF THE PUBLIC

4

MEMBERS OF THE PRESS

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

2.1 Apologies

Nil

2.2 Approved Leave of Absence

Nil

3.0 Public Questions

3.1 Don and Barbara Wilkie of 903 Cowaramup Bay Road, Cowaramup, submitted the following questions:

As the questions were submitted prior to the commencement of the meeting, the CEO gave a brief summary and response for each one and informed Mr and Mrs Wilkie that a written copy of the responses would be forwarded to them.

Q1: Differential rating - with the newly-created Conservation Zoning introduced in the District Planning Scheme, and bearing in mind the restrictions now placed on the use of such land, should there not be a special concessionary rate for Conservation Zoned properties? It is noted that Conservation Zoned properties have the same rate as those classed as UV1. What uses are permitted for a rural property over 5ha classed as UV1? Is it correct that owners of rural properties are now offered compensation if they agree to conserve their native vegetation?

A: *Properties under this zoning have been applied the differential rating category of UV1, as non-rural uses have been permitted on these properties. Landowners may apply through Landgate for a conservation covenant which when approved is taken into consideration when assessing the capital site 'Unimproved Value' of the property. The uses for a rural property are detailed in the Use Class Tables of the LPS 1. The compensation offered is not a financial compensation but a process to enable subdivision for conservation.*

Q2: It is noted that our Shire is a member of the ICLEI, an organisation founded in 1990 as the "International Council for Local Environmental Initiatives", but which in 2003 changed its name to "ICLEI - Local Governments for Sustainability". Could you please provide the following information:

When did AMRSC become a member?

A: *The Augusta-Margaret River Shire completed its first ICLEI training session in October 2003. The AMR Shire then became a member in 2006/7 and ceased membership in 2009, apart from the Water Campaign, when Federal funding was withdrawn. The AMR Shire joined the ICLEI Partnership Program for 12 months only.*

Q3: Did we volunteer or was membership ordered by the State Government or any other body?

A: *Membership of ICLEI is entirely voluntary.*

Q4: Who at that time were Shire President and CEO?

A: *Cr Steve Harrison was the Shire President and Mr James Trail was CEO.*

Q5: To what extent are we obliged to follow directives from ICLEI management?

A: *There is no obligation, in fact they do not issue directives to the Shire rather, they have developed a program to assist Local Governments in areas such as sustainable management of water resources and energy efficiency. Their programs have included advice and assistance in recording existing water use and developing programs to reduce water use. The costs of the program are offset by longer term savings in usage charges. The ICLEI program assists in providing a framework for this work designed to suit Local Government including program, targets and benchmarking.*

Q6: What has membership cost ratepayers to date?

A: *Approximately \$5000.*

Q7: What staff resources are dedicated to the requirements of membership?

A: *Chris Mulchay was employed as the first Water Campaign Officer (2.5 days per week shared between the Capel and AMR Shires) in October 2005. Other staff, including Lucy Nankervis, have since fulfilled this role with assistance from the Manager of Health, Greg Simpson and Landcare Officer, Merryn Delaney. Currently there are no dedicated staff resources and existing staff undertake works related to the water campaign as part of their normal role.*

Q8: What expenditure is in the current budget to cover membership-related activities?

A: *\$731 per annum for the ICLEI Water Campaign.*

Q9: What expenditure is foreseen for the years ahead?

A: *The expenditure is reviewed each year through the budgetary process.*

Q10: If necessary, could we relinquish membership?

A: *Yes and we have, other than the Water Campaign. There is no obligation for ongoing membership in future years, however, subscription for the current year has already occurred. If the Shire is to continue managing its water resources in a professional and sustainable way, we would need to continue to commit resources to this task regardless of whether we were a member of the ICLEI or not and we may need to commit additional resources if we are required to develop all of our own programs.*

Mr Wilkie queried the response to question 1 regarding the compensation offered to owners of rural properties if they agree to conserve their native vegetation. Mr Wilkie stated that they had been informed in a previous meeting that the compensation would be financial.

Mr Geoff Broad, Director of Planning and Development, responded by stating that the compensation offered is not a financial compensation, but a process to enable subdivision for conservation and the meeting they attended may have related to another program established by the Shire offering planning and financial support for the protection and conservation of native vegetation on large rural properties.

3.2 Dr Barbara Maidment of 477 Cowaramup Bay Road, Cowaramup submitted the following questions regarding the Economic Development Plans for SuperTown:

Q1: Are there going to be any actions and outcomes out of this? Who will be appointed to shepherd it through?

The CEO responded as follows:

A: *The AEC will be involved and already have a great deal of information which they are currently reviewing. We anticipate that some of the strategy will be implemented.*

4.0 Application for Leave of Absence

Nil

5.0 2010/2011 Annual Report for the Shire of Augusta-Margaret River
(Attachment)

PROPOSED MOTION

CR BELL, CR MCGREGOR EM1112/1

That the 2010/2011 Annual Report for the Shire of Augusta-Margaret River be received.

CARRIED 7-NIL

6.0 2010/2011 Audited Financial Statements for the Shire of Augusta-Margaret River
(Attachment)

PROPOSED MOTION

CR SERVENTY, CR EARL EM1112/2

That the 2010/2011 Audited Financial Statements for the Shire of Augusta-Margaret River be received.

CARRIED 7-NIL

7.0 General Business

Nil

8.0 Closure of Meeting

The Chair declared the meeting closed at 5.15pm.

ATTACHMENT 1

SECTION 45 OF THE ENVIRONMENTAL PROTECTION ACT

Division 2 — Implementation of proposals

45. Procedure for deciding if proposal may be implemented

- (1) The Minister shall, after he has caused a report to be published under section 44(3) —
- (a) if the decision-making authority, or one or more of the decision-making authorities, to which or whom a copy or copies of the report has or have been given under that section is or are another Minister or other Ministers, consult that Minister or those Ministers and, if possible, agree with him or them; or
 - (b) if neither the decision-making authority, nor any of the decision-making authorities, as the case requires, referred to in paragraph (a) is another Minister, consult that decision-making authority or those decision-making authorities and, if possible, agree with it or them,
- on whether or not the proposal to which the report relates may be implemented and, if that proposal may be implemented, to what conditions and procedures, if any, that implementation should be subject.
- (2) If the Minister and the other Minister or Ministers referred to in subsection (1)(a) cannot agree on any of the matters referred to in subsection (1), the Minister shall refer the matter or matters in dispute to the Governor for his decision, and the decision of the Governor on that matter or matters shall be final and without appeal.
- (3) If the Minister and the decision-making authority or decision-making authorities referred to in subsection (1)(b) cannot agree on any of the matters referred to in subsection (1), the Minister shall appoint an appeals committee to consider and report to him on the matter or matters in dispute.
- (4) Sections 106, 107, 108, 109 and 110 apply to and in relation to a matter in respect of which the Minister has appointed an appeals committee under subsection (3) as if that matter were the subject of an appeal from a decision of the Minister.
- (5) If the implementation agreement or decision is that the proposal may be implemented, or may be implemented subject to implementation conditions, the Minister is to —
- (a) cause copies of a statement setting out the implementation agreement or decision to be served on —
 - (i) the Authority; and
 - (ii) each decision-making authority that was consulted under subsection (1); and
 - (iii) the proponent of the proposal; and
 - (iv) the person who referred the proposal (if it was not referred by a person referred to in subparagraph (ii) or (iii));
- and
- (b) cause the statement to be published as soon as is practicable after it is served under paragraph (a).

- (6) Notwithstanding anything in this section, if an appeal is lodged under —
- (a) section 100(1)(d) in respect of a report published under section 44(3), the proposal to which that report relates shall not be implemented and conditions and procedures shall not be agreed or decided under this section —
 - (i) while the appeal is pending; or
 - (ii) otherwise than in accordance with the decision made on the appeal;
 - or
 - (b) section 100(3) in respect of any conditions or procedures agreed or decided under this section, the proposal shall not be implemented —
 - (i) while the appeal is pending; or
 - (ii) subject to any conditions or procedures which are not in accordance with the decision made on the appeal.
- (7) The Minister may, as soon as he is satisfied that there is no reason why a proposal in respect of which a statement has been published under subsection (5)(b) should not be implemented, cause to be served on the decision-making authority precluded by section 41 from making any decision that could have the effect of causing or allowing that proposal to be implemented an authority in writing permitting such a decision to be made.
- (8) If the implementation agreement or decision is that the proposal may not be implemented, the Minister shall forthwith notify the persons referred to in subsection (5)(a)(i), (ii), (iii) and (iv) in writing accordingly.

[Section 45 amended by No. 54 of 2003 s. 16.]

45A. Implementation of derived proposal

- (1) In this section —

section 39B declaration means a declaration under section 39B that a proposal is a derived proposal.

- (2) Subject to subsection (3), when the Minister is notified under section 39B(5)(b) of a section 39B declaration, the implementation agreement or decision previously made in relation to the derived proposal takes effect and the Minister is to cause written notice of the taking effect of the agreement or decision to be served on —
- (a) the Authority; and
 - (b) each decision-making authority that was notified of the agreement or decision under section 45(5)(a)(ii); and
 - (c) the proponent of the derived proposal; and
 - (d) the person who referred the derived proposal (if it was not referred by a person referred to in paragraph (b) or (c)).
- (3) If the implementation agreement or decision previously made in relation to the derived proposal included implementation conditions relating generally to 2 or more future proposals, the Minister may, in the notice under subsection (2), specify which of those implementation conditions apply to the derived proposal and, subject to sections 46 to 46C, the conditions and procedures so specified are the implementation conditions relating to the derived proposal.

[Section 45A inserted by No. 54 of 2003 s. 17; amended by No. 40 of 2010 s. 4.]



Directions Paper

Potential Legislative Protection of the Margaret River Wine Region

21 November 2011

1.0 Potential Legislative Protection of the Margaret River Wine Region

1.1 Background

CAPEROC comprising the two Capes Councils are concerned about inappropriate coal and gas mining within the Capes Region, particularly any negative impacts to the environment and water quality. Also of concern is the potential negative impacts to agriculture, viticulture, horticulture and the tourist/ wine brand name.

1.2 Objective

The objective of CapeROC is to articulate opportunities for reform which ensure inappropriate coal/gas exploration and mining does not occur in the Capes region, but also that there are no unintended consequences which will hamper the orderly planning and development of the Region.

1.3 Options for Reform

Opportunities for reform are:

1. Amendments to the Mining Act 1978 and the Petroleum and Geothermal Energy Resources Act 1967.

Changes to section 121 of the Mining Act which puts more emphasis on the involvement of state government instruments relating to environmental, planning and social considerations in determination of mining licences. Also the Act should provide the opportunity for local government to comment on the application as part of the decision making process.

Also it would be appropriate to recommend changes to the Petroleum and Geothermal Energy Resources Act to reflect similar considerations.

2. Amend the South West Planning Framework

The South West Framework is a broad planning blueprint to guide the future development of the South West Region over the next twenty years. The framework is about to be reviewed in the near future and should articulate the need to ensure agriculture, viticulture, horticulture and tourism are able to sustainably develop in the Capes Region.

3. Amend and review the Leeuwin – Naturaliste Ridge Statement of planning Policy 1998

Review the LNRSP to further ensure that economic growth can be managed to ensure minimal adverse impacts on the environment or social value of this area while not hampering the benefits that such growth provides. Also increase the policy ridge area to include the Margaret River Wine Appellation as part of the identified area. The increase in area to reflect the Margaret River Wine Appellation could be a single amendment to the policy if resources are not available to review total policy.

1.4 Consultation

CapeROC is willing to engage, consult and articulate our multi policy reforms to relevant State Members of Parliament, government agencies and community groups to ensure Capes Region local governments have a positive input to the reform process.

Cr Ray Colyer

President Shire of Augusta–Margaret River & Chair of CapeROC