Ordinary Council

MINUTES

FOR THE MEETING TO BE HELD
WEDNESDAY, 14 MARCH 2018
IN COUNCIL CHAMBERS,
ALLNUTT TERRACE, AUGUSTA
COMMENCING AT 5:30PM
Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Allnutt Terrace, Augusta on Wednesday 14 March 2018, commencing at 5:30pm.

Yours faithfully

[Signature]

GARY Evershed
CHIEF EXECUTIVE OFFICER
ATTENTION/DISCLAIMER

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

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Ordinary Council Meeting

1. DECLARATION OF OPENING

The Deputy Shire President welcomed all in attendance and declared the meeting open at 5.30pm

The Deputy Shire President gave an Acknowledgement of Country:

'I acknowledge that this meeting is being held on the traditional lands of the Wadandi people and pay our respects to elders, past, present and emerging.'

2. ATTENDANCE

Deputy Shire President : Cr Julia Meldrum

Councillors : Cr Ian Earl
Cr Naomi Godden
Cr Pauline McLeod
Cr Mike Smart

Chief Executive Officer : Mr Gary Evershed

Director Infrastructure Services : Mr Markus Botte

Director Sustainable Development : Mr Dale Putland

Director Corporate and Community Services : Ms Annie Riordan

Coordinator Legal Services : Mr Ian McLeod

Minute Secretary : Ms Claire Schiller

MEMBERS OF THE PUBLIC : 5

MEMBERS OF THE PRESS
Augusta Margaret River Times : Mr Warren Hately

2.1 Apologies
Shire President, Cr Pam Townshend

2.2 Approved Leave of Absence
Cr Peter Lane
3. DISCLOSURES OF INTEREST
    Nil

4. PUBLIC QUESTIONS
   4.1. Response to Previous Public Questions Taken on Notice
    Nil
   4.2. Public Question Time
    4.2.1 Winter Diversion Track – Mr Ray Swarts

Mr Ray Swarts of Lot 15962 Caves Road, Margaret River asked the following questions:

Q1: The environmental assessment done by Nature Conservation has not been made available to the public. Why is this so, considering it was initiated because of the development on the river to assess the appropriateness and environmental impacts?

Q2: How can the community assess the recommendations drawn from the assessment without seeing the report? Isn’t it necessary to fulfill commitment to transparency and accountability?

The CEO confirmed a three page summary of Nature Conservation’s Assessment was available to the public, published on Thursday 22 February as an attachment to the 28 February 2018 Ordinary Council Meeting Agenda.

The CEO took the question on notice to clarify the Assessment’s completion and availability.

5. APPLICATIONS FOR LEAVE OF ABSENCE
    Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
   6.1 Ordinary Council Meeting held 28 February 2018

MOTION / COUNCIL DECISION
CR EARL, CR GODDEN OM2018/56
That Council confirms the minutes of the Ordinary Council Meeting held on 28 February 2018 to be a true and correct record of the meeting.

CARRIED 5/0

7. DEPUTATIONS
   7.1 Item 11.2.2 Telecommunications Infrastructure (Mobile Phone Tower) – Mark Byrnes

Mr Mark Byrnes of CommPlan, consultants for Optus, addressed the Council in relation to Item 11.2.2 Telecommunications Infrastructure (Mobile Phone Tower). A summary of his deputation is as follows:

- Assessment of alternate sites and existing sites in the Cowaramup area.
- Reasoning for the site location including planning, property, engineering, radio frequency coverage and objectives.
- Economic implications of the Optus facility in the area and its benefits to the community.
The Pole Height and the design of the structure.

Coverage maps of existing telecommunication infrastructure within the region to demonstrate whether the co-location of services is available and/or that a new facility is required.

_The Deputy Shire President thanked Mr Byrnes for his deputation._

8. **PETITIONS**
   
   Nil

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

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

11. **REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**
11.1. Chief Executive Officer
11.1.1 COMPLIANCE AUDIT RETURN 2017

LOCATION/ADDRESS  Shire of Augusta Margaret River
APPLICANT/LANDOWNER  Shire of Augusta Margaret River
FILE REFERENCE  COR/80
REPORT AUTHOR  Emma Rogers, Governance Officer
AUTHORISING OFFICER  Gary Evershed, Chief Executive Officer

IN BRIEF
- Council is requested to consider the Audit and Risk Management Committee’s review of the 2017 Compliance Audit Return, adopt the 2017 Compliance Audit Return and forward a certified copy of the Return to the Director General of the Department of Local Government and Communities by 31 March 2018.

RECOMMENDATION
That Council notes the report and recommendations of the Audit and Risk Management Committee and:
1. Receives the 2017 Compliance Audit Return, noting the full compliance achieved in 93 out of 94 areas, and the 1 variation of compliance;
2. Adopts the 2017 Compliance Audit Return for the Shire of Augusta Margaret River; and
3. Forwards the certified copy of the 2017 Compliance Audit Return to the Director General of the Department of Local Government and Communities prior to 31 March 2018.

LOCATIONAL PLAN
Nil

TABLED ITEMS
The recommendation to Council made by the Audit and Risk Management Committee (ARMC) will be tabled at the meeting for Council’s consideration. The report to the ARMC is included in the attachments.

BACKGROUND
Each local government is required to carry out a compliance audit for the period 1 January to 31 December each year in a form approved by the Minister. The local government’s audit committee is to review the compliance audit return and report to Council the results of that review (r14 Local Government (Audit) Regulations 1996). The audit return is presented to Council for adoption, and a certified copy submitted to the Department of Local Government and Communities by 31 March.

The 2017 CAR continues in a reduced format, with the areas of compliance restricted to those considered high risk. The questions relate to regulation 13 of the Local Government (Audit) Regulations 1996. Some additional questions seeking input into Integrated Planning and Reporting have also been added for the first time.

CONSULTATION AND ADVICE
External Consultation
Nil

Internal Consultation
Chief Executive Officer, Directors and relevant officers
DISCUSSION / OFFICER COMMENTS
The 2017 Compliance Audit Return has been completed, for the period of 1 January 2017 to 31 December 2017. The Audit and Risk Management Committee is to consider the 2017 Compliance Audit Return and report the results of their review to the Council.

The Compliance Audit Return is presented to Council for adoption and a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Local Government and Communities by 31 March 2018.

The 2017 CAR consists of a total of 94 questions, divided into 10 categories, covering various aspects of the Shire’s functions and services. These categories include:

1. Commercial Enterprises by Local Governments
2. Delegation of Power/Duty
3. Disclosure of Interest
4. Disposal of Property
5. Elections
6. Finance
7. Integrated Planning and Reporting
8. Local Government Employees
9. Official Conduct
10. Tenders for Providing Goods and Services

The process of gathering responses to the 94 questions includes emailing relevant officers the questions that relate to their duties and responsibilities. The officer is required to research the questions, checking their processes, procedures and records, to provide the response. Where the question relates to multiple officer’s responsibilities, such as “Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required”, all delegated officers provide a response, and the responses are compiled.

From a total of 94 questions, the Chief Executive Officer, Directors and other relevant officers have confirmed that full compliance was achieved in all areas with the exception of 1 question (outlined below).

Disclosure of Interest

1. Question 2: Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.

Reference: s5.68(2) LGA

Response: No
At the 22 November 2017 OCM, two Councillors verbally disclosed a proximity interest and the extent of their interest in Item 11.2.3 Flinders Bay Protection and Management Plan, Augusta. The two Councillors left the Chambers. The remaining Councillors considered the extent of the interests disclosed and moved that the officer’s recommendation be considered in two parts, to allow the two Councillors to participate in the second part of the recommendation. However, the extent of the participation of the two Councillors decided upon by the remaining Councillors was not explicitly worded in the motion, and not recorded in the minutes.

Comments:
Section 5.68(2) LGA requires any decision made under s5.68 be recorded in the minutes of the meeting relating to the matter together with the extent of participation allowed by Council, of the members who disclosed an interest and extent of interest. Section 5.68 is set out below:

(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

(i) the disclosing member also discloses the extent of the interest; and
(ii) those members decide that the interest —

(I) is so trivial or insignificant as to be unlikely to influence the disclosing member’s conduct in relation to the matter; or
(II) is common to a significant number of electors or ratepayers.

(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

An extract of the minutes of the meeting 22 November 2017 Item 11.2.3 Flinders Bay Protection and Management Plan, Augusta, is provided below:

Cr Smart disclosed a proximity interest in this item as the reserve wraps around to across the road from Cr Smart’s residence. Cr Smart left Chambers at 6.53pm.

Cr Meldrum disclosed a proximity interest in this item as her mother’s property adjoins the reserve. Cr Meldrum left Chambers at 6.53pm.

Cr Godden moved that the officers’ recommendation be considered in two parts:

MOTION / COUNCIL DECISION
CR GODDEN, CR LANE OM2017/286
That the recommendation be considered in two parts:
Part 1: Recommendation 1; and
Part 2: Recommendation 2 and 3.

CARRIED 4/1
CR EARL VOTED AGAINST

REASON
No reason was provided.

RECOMMENDATION – PART 1 / COUNCIL DECISION
CR EARL, CR MCLEOD OM2017/287
That Council Resolves:
1. To adopt the Flinders Bay Protection and Management Plan.

CARRIED 5/0

Cr Godden moved the following supplementary motion:

SUPPLEMENTARY MOTION / COUNCIL DECISION
CR GODDEN, CR TOWNSHEND OM2017/288
That Council develops a community consultation plan regarding the implementation of the Flinders Bay Protection and Management Plan and includes Friends of Flinders Bay as a key consultation body.

LOST 2/3
CRS EARL, MCLEOD AND LANE VOTED AGAINST

REASON
Cr Godden outlined the historic significance and amenity of the area and the need for the community and Friends of Flinders Bay to be involved. Cr Godden suggested a plan to identify key projects for consultation.
Crs Smart and Meldrum re-entered Chambers at 7.02pm

RECOMMENDATION – PART 2

CR EARL, CR

That Council Resolves:
2. Not to proceed with the installation of a handrail and rubber matting at the existing boat ramp; and
3. To reallocate the capital budget of $26,000 in job FFS21 Flinders Bay Boatramp Handrails to a new operating expenditure job to be created for “Flinders Bay Foreshore and Surrounds Maintenance” under Parks and Gardens Reserves Maintenance account GD52.

The motion lapsed for want of a seconder.

The minutes of the 22 November 2017 OCM, show that when the two Councillors left the room the remaining Councillors considered the extent of their interests disclosed, and resolved to split the officer’s recommendation into two parts, to allow the two Councillors to vote in the second part. However, the extent of the Councillors participation was not explicitly worded in this motion and not recorded in the minutes of the meeting, which is, in fact, a requirement under s5.68 (2) LGA.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The Annual Compliance Audit Return is required under the provisions of s.7.13 (i) of the Local Government Act 1995 and r.14 & 15 of the Local Government (Audit) Regulations 1996.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Key Result Area 5: Effective Leadership and Governance
5.1.3 Ensure Councillors and employees demonstrate the importance of ethical behaviour and compliance with codes of conduct.
5.1.3.1 Complete and submit Statutory Compliance Return and remediate any errors within timeframes.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Environmental
Nil

Social
Nil

Economic
Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council notes the report and recommendations of the Audit and Risk Management Committee and:
1. Receives the 2017 Compliance Audit Return, noting the full compliance achieved in 93 out of 94 areas, and the 1 variation of compliance;
2. Adopts the 2017 Compliance Audit Return for the Shire of Augusta Margaret River; and
3. Forwards the certified copy of the 2017 Compliance Audit Return to the Director General of the Department of Local Government and Communities prior to 31 March 2018.

ADVICE TO APPLICANT / PROPOSENT
Nil

ATTACHMENTS
1. Compliance Audit Return report to the Audit and Risk Management Committee Meeting held 14 March 2018
2. Compliance Audit Return 1 January 2017 to 31 December 2017

RECOMMENDATION / COUNCIL DECISION
CR EARL, CR GODDEN OM2018/57
That Council notes the report and recommendations of the Audit and Risk Management Committee and:
1. Receives the 2017 Compliance Audit Return, noting the full compliance achieved in 93 out of 94 areas, and the 1 variation of compliance;
2. Adopts the 2017 Compliance Audit Return for the Shire of Augusta Margaret River; and
3. Forwards the certified copy of the 2017 Compliance Audit Return to the Director General of the Department of Local Government and Communities prior to 31 March 2018.

CARRIED 5/0
IN BRIEF

- Councils of the Shire of Augusta Margaret River and the City of Busselton established a Voluntary Regional Organisation of Councils known as the Capes Region Organisation of Councils (CapeROC).
- The CapeROC meets on a quarterly basis, to discuss and identify opportunities to enhance the capacity of both local governments in delivering social, economic and environmental benefits to their communities and the region.
- Decisions made at the CapeROC meetings to date are presented to Council to be noted or endorsed for action.

RECOMMENDATION

That Council:
1. Notes the CapeROC meeting minutes dated 23 November 2017 and 9 February 2018 and the recommendations made at the meeting; and

BACKGROUND

The Councils of the local governments of Augusta Margaret River (AMR Shire) and City of Busselton (CoB) resolved to reactivate and formalise the Voluntary Regional Organisation of Councils to be known as the Capes Region Organisation of Councils (CapeROC).

The objectives of the CapeROC, contained in the Terms of Reference adopted 24 September 2009, are outlined below:
- To explore opportunities to foster economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and Geographe brands;
- To explore opportunities to undertake projects of mutual benefit to the two local governments eg Rails to Trails network;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the two Local Governments;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the two local governments;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.
The CapeROC meets on a quarterly basis or as required. Thirty meetings have taken place since the formation of the body. The meeting proceedings are conducted in accordance with the accepted rules of conduct for the two local governments Council and Committee meetings.

The CapeROC has no delegated powers and is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. CapeROC decisions made are not binding to the two Councils and require endorsement by either Council. This report presents a summary of the CapeROC decisions at the relevant meeting and proposes that Council notes and endorses the decisions for action.

CONSULTATION AND ADVICE
External Consultation
CEO, City of Busselton

Internal Consultation
CEO, Shire of Augusta Margaret River
Manager, Asset Services, Shire of Augusta Margaret River

DISCUSSION / OFFICER COMMENTS
CapeROC members discussed a number of issues including updates and progress on budgeted projects and strategies at the meetings.

CapeROC meeting – 23 November 2017
Presentations
A presentation was made by Anne Banks-McAllister, Regional Capacity Building Manager, WALGA, giving an update on the Local Government Act review and other WALGA associated matters.

Business Arising from Previous Meetings
Nil

REPORTS
Regional Trails Strategy
Manager Asset Services – David Nicholson, Shire of Augusta Margaret River presented an update on the strategy. At its February 2017 meeting, CapeROC provided in principle support for $30,000 to be allocated for the 2017/18 budget for to employ a suitably qualified consultant to prepare a Capes Regional Trails Strategy. In order to progress this project, a steering committee should now be established and address the following issues:

- Lead agency
- Project timeframe
- Steering committee membership – external stakeholders
- What types of trails are to be considered - walk, MTB, dive, snorkel, kayak, bridle, 4WD, trail bike
- Categories of trails - regional, district, local
- Outcomes – trail development plan with costings and priorities
- Other issues to be considered in the strategy – design standards, marketing/promotion, events, management, maintenance, funding, etc
- Stakeholder and community engagement
- Procurement process

CapeROC RECOMMENDATION
That CapeROC:
1. That CapeROC appoint a steering committee for the Capes Regional Trails Strategy to progress the project.

CapeROC DECISION
That CapeROC appoint Augusta Margaret River to proceed with RFQ’s to prepare a Capes Regional Trails Strategy and report back to CapeROC with results at the next CapeROC meeting
Calendar of Events
The Events Coordinator, Peta Tuck, City of Busselton gave a report covering the funding required for the continued production of the Margaret River Region Calendar of Events.

Since December 2016, the Margaret River Region Calendar of Events has been produced by the MRBTA with content supplied by CoB and AMR Shire, and included as a pullout in their Margaret River Magazine. This magazine has a distribution of 28,000 copies (30,000 in Summer), with 75% going to a local regional audience and remaining 25% in Perth.

Funding of this was approved by CapeROC from the 2016/17 budget at the August 2016 meeting, with an allocation of $18,500 for 4 editions (Summer 2016 – Spring 2017). While the funding for Spring 2017 was included in this allocation, this amount was not carried over in the budget. Joint CEO approval was granted on 20/10/2017 for this carry over, and for production of the Summer 2017 calendar in order to meet production deadlines.

Approval is sought from CapeROC for ongoing funding of the Margaret River Region Calendar of Events from the 2017/18 budget.

It has been identified by CoB and AMR Shire that there is a demand to have additional copies of the calendar as a stand-alone, to be distributed through the City and Shire offices, libraries etc. Therefore, there is an option to fund an additional 6000 copies per edition (Summer 2017 – Winter 2018) to be split between CoB and AMR.

**CAPEROC RECOMMENDATION**
That CapeROC:
- Contributes $20k from the 2017/18 budget to the Margaret River Busselton Tourism Association Inc, to support the 2017 Cabin Fever event.

**CAPEROC DECISION**
That CapeROC
1. Approve funding of the Autumn and Winter editions at a cost of $9250 + GST; and
2. Approve $2,400 + GST for the additional stand alone copies.

Terms of Reference Review
The Terms of Reference (ToR) for CapeROC last updated 21 October 2013 were reviewed by the CapeROC Committee at its meeting 18 August 2017. The revised ToR were endorsed by CapeROC at this meeting and subsequently adopted by both Councils of the Shire Of Augusta Margaret River and the City of Busselton.

CapeROC Budget
At its meeting held 18 August 2017, CapeROC resolved to make budget allocations towards the following projects as identified in Table 1.
The approved budget had a remaining $20,000 available to allocate to further projects identified and approved by CapeROC.

Since the budget was approved at the August 2017 meeting, the following has occurred:

- **Recoup of remaining contributions towards funding Public Art Trail - MR Wine Industry Association: $27,000 recouped**

At its meeting 24 November 2016, CapeROC initially agreed to contribute $30,000 from the 2016/17 budget towards development of a Public Art Trial as part of the 50th Anniversary celebrations. A design completion was held, of which $3,000 was allocated towards prize money. With a change in scope for the project, CapeROC resolved at its August 2017 meeting to recoup the remaining $27,000 ($13,500 each).

- **Calendar of Events-$9,250 from 2016/17 approved project**


Autumn and Winter editions were produced and invoiced in the 2016/17 financial year, however as there was no carry overs from the 2016/17 CapeROC budget; the Spring and Summer 2017 editions, being $4,625 each, have been invoiced and paid from the current 2017/18 budget.

Therefore the budget position is currently as shown in Table 2 below.

<table>
<thead>
<tr>
<th>Table 1: 2017/18 Budget Allocation</th>
<th>2017/18 CapeROC Projects</th>
<th>Approved Allocation</th>
<th>AMR Contribution</th>
<th>BSN Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Joint Trails Strategy</td>
<td>30,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td></td>
<td>Tourism Directional Signage and Roadside Visitor Information Bays</td>
<td>30,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td></td>
<td>Margaret River Bustard Tourism Association - 2017 Cabin Fever Event</td>
<td>20,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Total Approved Allocations</td>
<td>80,000</td>
<td>40,000</td>
<td>40,000</td>
<td></td>
</tr>
<tr>
<td>Total Unallocated</td>
<td>20,000</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
</tbody>
</table>
Table 2: 2017/18 Current allocations and expenditure

<table>
<thead>
<tr>
<th>2017/18 CapeROC Projects</th>
<th>Approved Allocation $100,000</th>
<th>AMR Contribution $50,000</th>
<th>BSN Contribution $50,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Trails Strategy</td>
<td>30,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Tourism Directional Signage and Roadside Visitor Information Blows</td>
<td>30,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Margaret River Busselton Tourism Association – 2017 Cabin Fever Event</td>
<td>20,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Total Approved Allocations</td>
<td>80,000</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Additional Requests / Funds Recouped</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Art Trail - recoup</td>
<td>-27,000</td>
<td>-13,500</td>
<td>-13,500</td>
</tr>
<tr>
<td>Calendar of Events – Spring and Summer editions</td>
<td>9,250</td>
<td>4,625</td>
<td>4,625</td>
</tr>
<tr>
<td>Total Provisional Expenditure</td>
<td>52,250</td>
<td>31,125</td>
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<tr>
<td>Remaining Allocation</td>
<td>37,750</td>
<td>10,975</td>
<td>10,975</td>
</tr>
</tbody>
</table>

**CAPEROC DECISION**
1. That CapeROC receives the information provided in the 2016/17 budget update report.

**VERBAL UPDATES OF MAJOR PROJECTS AND GENERAL DISCUSSION ITEMS**

**CapeROC Future Meeting Dates in 2018**
Meetings of CapeROC are held on a quarterly basis, generally held on a Friday morning in the months of February, May, August and November. Currently, meetings are scheduled to commence at 9.30am with business concluding prior to a member’s lunch.

It is proposed that meetings be held on the second Friday of the months of February, May, August and November as below:
- 9 February 2018 (Busselton)
- 11 May 2018 (Busselton)
- 10 August 2018 (Margaret River)
- 9 November 2018 (Margaret River)

**Outcome**
The proposed dates were supported and meetings will commence at 10.00am.
Major Project Updates
The Presiding Member updated members on the Busselton Margaret River Airport and Busselton Foreshore project, and the Eastern link construction.

Cr Pam Townshend updated members on the main street upgrade and the Skate Park/Youth Precinct projects and the progress of the construction of the Perimeter Road.

General Discussion
CapeROC agreed to participate in a brainstorm session it its next meeting as an opportunity to discuss strategic measures to address issues facing both of our communities.

CapeROC meeting – 9 February 2018
Presentations
A presentation was made by Anne Banks-McAllister, Regional Capacity Building Manager, WALGA, giving an update on WALGA associated matters.

Business Arising from Previous Meetings
Nil

REPORTS
Regional Trails Strategy
At its November 2017 meeting, CapeROC resolved:

That CapeROC appoint Augusta Margaret Shire to proceed with RFQ’s to prepare a Capes Regional Trails Strategy and report back to CapeROC with results at the next CapeROC meeting.

Following the November 2017 meeting, officers from the two local governments met to discuss the scope of the project. Officers agreed that for the available budget of $30,000, the project should be restricted to land-based non-motorised trails - walk, cycle and equestrian. If required, a second and later phase of the project could consider the other types of trails - drive (2WD and 4WD), trail bike, paddle and dive/snorkel.

It was agreed that the project should focus on the following:
- Documenting and mapping of all existing land-based trails
- Identifying the need and justification for additional trails, identified through consultation with stakeholder and user groups
- Identifying the need for and possible location of trail towns, trail centres, trail networks and supporting infrastructure
- Maintenance and governance requirements

A draft consultant’s brief was subsequent prepared.

CAPEROC DECISION
That CapeROC:
1. Endorse the consultant’s brief;
2. Authorise the Shire of Augusta Margaret River to prepare a Request for Quotation document and invite quotations from three suitably qualified and experienced consultants; and
3. Authorise each Local Government invite one Councillor to be a representative of the project reference group.

CapeROC Budget
The table below provides an overview of the 2017-2018 CapeROC budget allocations and expenditure to date
CAPEROC DECISION
That CapeROC receives the information provided in the 2017/2018 budget update report.

Major Project Updates
Mike Archer, Chief Executive Officer, Busselton updated members on the progress of the Busselton Margaret River Airport project and the Presiding member provided an update on the Busselton Foreshore project.

Gary Evershed, Chief Executive Officer, Augusta Margaret River updated members on the Main Street upgrade and Youth Precinct projects, and the progress of the construction of the Perimeter Road.

Brainstorming session
The Committee discussed a range of issues and initiatives and reached a general consensus that the three significant areas of commonality between both Local Governments were:

1. Waste management
2. Water consumption / future proofing water reserves
3. Bushfire mitigation / risk management

Members agreed that any other matters can be raised at WALGA South West Zone meetings or by individual Local Governments via the presentation of a report for CapeROC consideration.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
The adopted Augusta Margaret River Shire Governance and Business Excellence Policy Manual - 1.9 Council Delegates - provides guidance to Council’s delegates in participating and contributing to decision making for external committees and bodies.

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Key Result Area 5: Effective leadership and governance
Community Outcome 5.1: Effective governance and corporate leadership
Strategic Response 5.1.5: Develop effective partnerships and strategic alliances to maximise community benefits
Service level strategy/plan 5.1.5.13: Participate and convene CapeROC meetings and hand over secretariat services in 2017 and transfer to the City of Busselton

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
Nil

Social
Nil

Economic
Nil

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Notes the CapeROC meeting minutes dated 23 November 2017 and 9 February 2018 and the recommendations made at the meeting; and

ADVICE TO APPLICANT / PROONENT
Nil

ATTACHMENTS
1. Minutes of the CapeROC meetings held on 23 November 2017 and 9 February 2018

Prior to the meeting, on 14 March 2018 at 12.18pm, Cr Townshend nominated herself as Councillor representative on the Regional Trails Strategy Project Reference Group.

Cr Earl moved the recommendation appointing Cr Townshend:

RECOMMENDATION / COUNCIL DECISION
CR EARL, CR SMART OM2018/58
That Council:
1. Notes the CapeROC meeting minutes dated 23 November 2017 and 9 February 2018 and the recommendations made at the meeting; and

CARRIED 5/0
11.2. Sustainable Development
IN BRIEF
- The Sustainability Advisory Committee met for a scheduled meeting on 21 December.
- Key outcomes were the election of Julian Kruger as Presiding member. Karen Majer was elected as Deputy Presiding member of the Sustainability Advisory Committee.
- The SAC adopted a motion recommending incorporation of baseline data and improved monitoring of progress for key Shire sustainability and environmental documents.

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Sustainability Advisory Committee held on 21 December 2017; and
2. Notes the SAC's request to the Local Energy Action Plan, Climate Change Response Plan and State of the Environment report establish baseline data and measures for monitoring progress, subject to consideration of financial implications and available staff resources.

DISCUSSION
The SAC Minutes contains the following key items:

Appointment of Presiding Member
- Matt Cuthbert, Acting Manager Planning and Development Services conducted the election of the Presiding Member by secret ballot in accordance with the Schedule 2.3 of the Local Government Act 1995.
- Mr Cuthbert called for nominations for the position of Sustainability Advisory Committee Presiding Member.
- The committee unanimously nominated Julian Kruger. Julian Kruger accepted the nomination.
- There being no other nominations, a secret ballot was not conducted.
- Mr Cuthbert announced Mr Julian Kruger elected Presiding member of the Sustainability Advisory Committee.

Appointment of Deputy Presiding Member
- The Presiding Member conducted the election of the Deputy Presiding member by secret ballot in accordance with Schedule 2.3 of the Local Government Act 1995.
- The Presiding Member called for nominations for the position of Deputy Presiding Member.
- The committee unanimously nominated Karen Majer. Karen Majer accepted the nomination.
- There being no other nominations, a secret ballot was not conducted.
The Presiding Member announced Ms Karen Majer elected Deputy Presiding member of the Sustainability Advisory Committee.

**Improving community engagement in sustainable environmental practices (Peter Little)**

It is important to clearly understand what levels of community engagement currently occur and what sustainable practices are currently in place to know what needs to be increased and improved upon or even commenced where no such practices are in place. There are many sectors of the Shire that would benefit from increased sustainability education, in particular identifying steps to improve sustainable practices.

The Shire has a number of environmental and sustainability documents targeted towards improving the status quo of the natural and built environments. In understanding how well the Shire and community are progressing, The SAC believe it is paramount to establish robust baseline data in order to understand how effective the implementation of these documents actually are. The SAC adopted the following motion as an outcome:

**MOTION / SAC DECISION**

MOVED: N. GODDEN SECONDED: K. COLLINS SAC2017/12


CARRIED 10/0

The Local Energy Action Plan already contains robust baseline data and monitoring measures in place to manage changes to energy efficiency across both Shire and community sectors. Upon review of the State of the Environment Report and completion of the Climate Change Response Plan, that baseline data and steps towards monitoring progress could be incorporated into each document. This will require further investigation to determine if there are any financial implications because of incorporating these measures. Implementation of these measures will require additional staff resources to implement, which will require further consideration prior to the initiation/review of each document.

**STRATEGIC PLAN / POLICY IMPLICATIONS**

*Community Strategic Plan 2036 (CSP)*

*Corporate Business Plan 2017-2021*

Key Result Area 2: Welcoming and inclusive communities

Community Outcome 2.6: Safer communities

Strategic Response 2.6.1: Provide community safety through regulatory and support programs

Service level strategy/plan 2.6.1.2: Implement Fuel Hazard Reduction and Firebreak Notice, including program improvements from contractor, community, BFAC and SAC feedback

**PLANNING FRAMEWORK**

The proposed projects are consistent with the SAC’s Terms of Reference.

**FINANCIAL IMPLICATIONS**

No financial implications.

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

The benefits of improved baseline data and monitoring of progress will provide better direction on key environmental/sustainability projects to focus on.

**Social**

Community education and consultation will be an important aspect when reviewing key environmental/sustainability documents.

**Economic**

Understanding how well the Shire is progressing towards environmental/sustainability implementation will provide improved knowledge on which areas to budget for in the future.
VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Sustainability Advisory Committee held on 21 December 2017; and
2. Notes the SAC’s request to the Local Energy Action Plan, Climate Change Response Plan and State of the Environment report establish baseline data and measures for monitoring progress, subject to consideration of financial implications and available staff resources.

ATTACHMENTS
1. SAC Minutes – 21 December 2017

RECOMMENDATION / COUNCIL DECISION
CR MCLEOD, CR GODDEN OM2018/59
That Council:
1. Receives the unconfirmed minutes of the Sustainability Advisory Committee held on 21 December 2017; and
2. Notes the SAC’s request to the Local Energy Action Plan, Climate Change Response Plan and State of the Environment report establish baseline data and measures for monitoring progress, subject to consideration of financial implications and available staff resources.

CARRIED 5/0
### 11.2.2 TELECOMMUNICATIONS INFRASTRUCTURE (MOBILE PHONE TOWER)

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS</th>
<th>91 (Lot 100) Clews Road, Cowaramup</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT/LANDOWNER</td>
<td>CommPlan Pty Ltd/B &amp; J Dempster</td>
</tr>
<tr>
<td>FILE REFERENCE</td>
<td>PTY/10587</td>
</tr>
<tr>
<td>REPORT AUTHOR</td>
<td>Angela Satre, Acting Statutory Planning Coordinator</td>
</tr>
<tr>
<td>AUTHORIZING OFFICER</td>
<td>Dale Putland, Director Sustainable Development</td>
</tr>
</tbody>
</table>

**IN BRIEF**
- The Shire is in receipt of an application for the development of Telecommunications Infrastructure (40m monopole) at Lot 100 Clews Road, corner Brockman Road, Cowaramup.
- The development application was advertised and five objections were received.
- The location of the tower was modified in response to the concerns raised.
- Comments from the affected neighbouring land owner were sought regarding the modified proposal and an objection was received.
- The application has been assessed against the relevant provisions of *Local Planning Scheme No 1* and State planning policy and has been found to be acceptable.

**RECOMMENDATION**
That Council approves the application for Telecommunications Infrastructure (Mobile Phone Tower) at 91 (Lot 100) Clews Road Cowaramup subject to conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.
   - Plans and Specifications: P1 – P3 received at the Shire offices on 1 December 2017.

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3. The approved telecommunications monopole is permitted at a maximum height of 40m, measured from ground level to the top of the monopole, and a maximum of 42.5m to the top of any associated antennae fixed to the monopole. (P)

4. The existing trees on the lot and adjoining properties shall not be impacted by the excavation or construction phases of the development.

5. The Telecommunications Infrastructure shall be dismantled and removed from the site at the time the infrastructure is no longer functioning and operational.

**ADVICE NOTES**
- a) This is not a Building Permit. A Certified Building Permit application to commence work must be lodged to the Permit Authority in accordance with the *Building Act 2011*. 

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THE SITE
Lot 100 Clews Road (the Site) is a 42ha agricultural property situated approximately 2km west of the Cowaramup town site on the corner of Clews and Brockman Roads. The property is utilised for agriculture and contains two stands of remnant vegetation with trees up to approximately 25m in height, two cleared paddocks and a creek running parallel to the western side boundary. The site is not developed with buildings. The Site is zoned Priority Agriculture in Local Planning Scheme No. 1 (the Scheme).

The tower is proposed in the cleared north east corner of the Site (refer to Figure 1) and would be setback 20m to the eastern side boundary and 375m from the southern boundary fronting Brockman Road.

The closest neighbouring dwelling is 500m to the south west (refer to Figure 1 above). The tower site is also located 500m from dwellings in the Parkwater Estate to the south east. Land immediately to the north, south and west contains large stands of remnant vegetation and the broader area is largely utilised for viticulture and grazing.

Land to the east (Lot 20) is zoned Special Use and is assigned the ‘SU8’ provision in Schedule 4 of the Scheme. The SU8 provisions provide for development on this site for expansion of the Parkwater Estate with a further 96 residential lots that would be setback a minimum of 180m from the proposed tower.

TABLED ITEMS
Nil

PROPOSAL
The proposed Optus facility involves installation of a 60m² fenced compound containing a 40m monopole and associated antennas (total height of 42.5m). Proposal plans are annexed as Attachment 1. The facility would be serviced with underground power running parallel to the eastern side boundary. The development does not involve removal of vegetation.
The proponent advises that ‘…nearby Optus sites are not able to provide quality coverage to the area…’. Existing coverage from these facilities is shown in green in Figure 2 below. The new facility is proposed to expand the coverage footprint and overcome capacity issues. The target coverage area is outlined in blue in Figure 2.

![Figure 2: Indicative Coverage Map](image)

**BACKGROUND**

The application was originally received with the proposed location of the tower in the south west cleared corner of the Site setback 40m from Brockman Road (refer to original proposed tower location in Figure 1 above).

In response to concerns raised during the consultation period, the proposal was modified and the tower site relocated to the north east cleared portion of the lot (refer to Figure 1).

**CONSULTATION AND ADVICE**

Telecommunications Infrastructure is a ‘D’ discretionary land use in the Priority Agriculture zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Advertising the application, in accordance with clause 64 of the Deemed Provisions, was not required. Notwithstanding, the original application showing the tower setback 40m from Brockman Road was advertised with a newspaper ads, letters to land owners within 1km of the site and a sign on site. Five submissions from the public were received raising objections or concerns. A summary of the issues raised is provided in the Schedule of Submissions annexed as Attachment 2.

Following modification of the proposal by the proponent, comments were sought from the closest adjoining eastern land owner and a submission raising objections was received. Details of this submission are provided in the attached Schedule.

**PLANNING FRAMEWORK**

**Local Planning Scheme No. 1**

Pursuant to Scheme clause 5.13.4, height limits do not apply to transmitting towers provided the structure is designed, sited and or treated to not detract from the visual amenity of the locality.

Clause 5.17 of the Scheme deals with telecommunications infrastructure and confirms that planning approval is required given the tower is not classified as a low impact facility.

**State Planning Policy 5.2 (Telecommunications Infrastructure) 2015 (SPP5.2)**
The objectives of SPP5.2 are to manage the impacts of telecommunications infrastructure, facilitate its provision in an efficient and environmentally responsible manner, ensure the infrastructure is included in planning processes as ‘essential infrastructure for business, personal and emergency reasons’ and seeks to promote a consistent approach in planning decisions. SPP5.2 applies guidelines for the location, siting and design of structures and notes that the benefit of improved telecommunication services should be balanced with the visual impact to the surrounding area.

SPP5.2 provides a set of measures to assess the visual impact of a proposed telecommunications facility and seeks to ensure infrastructure is located:
- ‘…where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites…’;
- where it will not compromise environmental, cultural, social and visual landscape values;
- to avoid detracting from significant views of vistas or panoramas both public or private; and
- will display design features sympathetic to its surrounds.

State Planning Policy 6.1 Leeuwin-Naturaliste Ridge Policy (SPP6.1)
The overall vision and objectives of the LNRSPP are to—
- conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;
- respect and conserve its outstanding natural and cultural heritage and environmental values;
- cater for population growth consistent with the objectives of the LNRSPP and provide a range of settlement options located to enhance the economic, social and environmental functions, while promoting quality and innovation in urban design and built form;
- protect agricultural land for its economic, landscape, tourism and social values;
- encourage a mix of compatible land uses while separating conflicting land uses;
- facilitate a robust, diverse and sustainable economy; and
- foster a sense of community and creativity; for the benefit of all residents and visitors and for future generations”.

The site exists in an area classified as ‘Rural Landscape Significance’ and ‘Principal Agriculture’. Rural Landscape Significant refers to areas that include ‘…all the natural and cultural characteristics which contribute to significant rural landscapes’. The policies of SPP6.1 for the Principal Agriculture area are to maintain the predominant agricultural use of the land.

SPP6.1 identifies four Strategic Trails of regional significance including three in the Margaret River Shire. Of relevance to the proposal is the Wadandi Trail which is a Strategic Trail for heritage, recreational walking and cycling opportunities.

SPP6.1 identifies Caves Road and Bussell Highway as Strategic Roads. SPP6.1 seeks to protect the views enjoyed from Strategic Roads arising from development and land use intensification.

DISCUSSION
The following is an assessment of the proposal against the key criteria of the relevant policies and the outcomes of the public consultation.

Health Impacts
The maximum emissions output from the facility would be no more than 0.28% of the standard for public exposure experienced at the site of the tower and assuming the tower is operating at full capacity. The emissions output from the facility at 500m distance from the tower would be 0.15% of the standard for public exposure. This may be compared to the NBN Telecommunications Infrastructure at Lot 4 Wallcliffe Road Margaret River which would emit 0.051% of the standard and would be setback 100m from the nearest existing dwelling (decision OM2018/26). Notwithstanding, based on current research there are no established health effects that can be attributed to the low RF EME exposure from this type of infrastructure (Australian Radiation Protection and Nuclear Safety Agency).

Need for the Tower
Concern was raised about the need for another tower given good mobile reception experienced in some nearby areas. In response the proponent advised that demand for wireless telecommunications services has grown significantly over recent years with the development of devices such as
smartphones and tablets that are able to deliver increased mobile broadband speeds and capacity. Each base station can only carry a finite number of calls or send a limited amount of data. Given the recent and future planned growth of Cowaramup in particular, which is within the proposed coverage area, Optus is seeking to cater to the current and future demand. Details of those areas without adequate cover are shown in Figure 2 above.

The proponent notes that in the region, there is a significant increase in the demand for wireless telecommunications services provided by mobile phone networks due to changes in people’s behaviour and their use of mobile phone network services and this accompanied by increased use as a result of more people living, working, visiting or travelling through the area. This behavioural change and population change results in demand for increased mobile services and capacity.

As required in SPP5.2, the proposal report documents ten alternative sites, including the subject site, which were investigated and ultimately not pursued (refer to Candidate Site Assessment annexed as Attachment 3). The proposed site is located to provide the best coverage based on the target area and to achieve the best service outcome. Locations farther to the west are not considered to be suitable and would be positioned farther away from the central target area including Parkwater Estate residences.

**Visual Impact**

Concern was raised during the consultation period about the visual impact of the tower setback 40m from Brockman Road and the application was amended accordingly.

The modified location of the tower will be visible from the 300m portion of Brockman Road directly fronting the site (refer to Brockman Road photomontage in Figure 3 below), however, will be setback approximately 375m from the road and will be framed by stands of tall trees to the north and two mature trees to the south. The top of the tower (approximate 10m) will be visible from approximately 35 future residential lots on adjoining Lot 20 and it will be visible from the associated walk trail on the common boundary.

![Figure 3: Brockman Road Photomontage](image)

**Impact to Future Lots & Walk Trail**

Adjoining Lot 20 Brockman Road is subject to the *Lot 20 Brockman Road Subdivision and Development Guide Plan* (DGP) which provides for 35 future residential lots that would have a potential view of the top of the tower which would be setback at least 180m to the north.

The separation distance between the tower and the residential lots contains mature trees up to 25m in height. The vegetation will screen the view of the tower such that the top of the tower is likely to be visible potentially from some of these future lots. As well the tower would be visible from any walk trail along the adjoining boundary of the sites.

The bushland on the adjoining eastern lot is to be protected and managed in perpetuity as a ‘remnant vegetation protection area’, by way of covenant and agreement with the National Trust. The DGP and
plan of subdivision for Lot 20 show a strategic fire break / emergency access along the common boundary proposed to be used as a walk trail. The tower would be visible from the 600m section of the walk trail along the adjoining boundary.

The adjoining vegetated portion of Lot 20 is identified in SPP6.1 as ‘General Character’. The area makes a contribution to the significant rural landscapes and travel route corridor areas and provides a ‘backdrop’ to significant landscapes. The tower would not however be visible from any travel route corridors or from significant viewing locations and while a view of the tower would be provided from the walk trails these are a portion of the trails on Lot 20 and are not identified in SPP6.1 as strategic walk trails. The impact of the proposal to the portion of future walk trails on the lot and the future residential lots is considered to be limited by the separation distance to the tower and the presence of vegetation screening.

Although seriously entertained and planned for, the future lots are not in existence at this time. In time when the lots are developed and available, future landowners will assess the visual impact of the tower and will determine its acceptability or otherwise to them.

SPP6.1
The proposal will not be adverse to the agricultural intention for the land given the development would occupy a negligible portion of the site which is constrained or agricultural use by the close proximity of mature vegetation.

At the modified location the tower will not be visible from significant viewing locations including Bussell Highway, Caves Road or the Wadandi Track reserve. The proposed location of the tower is not adverse to landscape views of significance nor would it be located on a culturally, socially significant site with visual landscape value. The tower would be located on a portion of agricultural land well setback from the access road. The view of the tower meets the provisions of SPP5.2 and SPP6.1 which seek to ensure development is not located in prominent visible locations and will not affect significant views.

Conclusion
The proposed location of the tower responds to the objectives of SPP6.1 and SPP5.2 by conserving the landscape elements of the region while responding to the infrastructure demands of the community. The proposal is considered acceptable when assessed against these factors and is recommended to be supported.

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Key Result Area 3: – Managing Growth Sustainably
Community Outcome 3.1: Clearly defined areas for growth and renewal
Strategic Response: Implement Local Planning Scheme No.1
Service level strategy/plan: Provide planning services

FINANCIAL IMPLICATIONS
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
The proposal does not involve removal of vegetation and there are no adverse environmental impacts.

Social
Quality mobile phone services are generally accepted as essential infrastructure to support sustainable communities.

Economic
New economic opportunities may become available in the area with services from the carriers mobile service providers.

VOTING REQUIREMENTS
Simple Majority
RECOMMENDATION
That Council approves the application for Telecommunications Infrastructure (Mobile Phone Tower) at 91 (Lot 100) Clews Road Cowaramup subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.

   | Plans and Specifications | P1 – P3 received at the Shire offices on 1 December 2017. |

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3. The approved telecommunications monopole is permitted at a maximum height of 40m, measured from ground level to the top of the monopole, and a maximum of 42.5m to the top of any associated antennae fixed to the monopole. (P)

4. The existing trees on the lot and adjoining properties shall not be impacted by the excavation or construction phases of the development.

5. The Telecommunications Infrastructure shall be dismantled and removed from the site at the time the infrastructure is no longer functioning and operational.

ADVICE NOTES
a) This is not a Building Permit. A Certified Building Permit application to commence work must be lodged to the Permit Authority in accordance with the Building Act 2011.

ADVICE TO APPLICANT / PROPOONENT
Nil

ATTACHMENTS
1. Proposal Plans
2. Schedule of Submissions
3. Application Report extract - Candidate Site Assessment

RECOMMENDATION / COUNCIL DECISION
CR EARL, CR SMART OM2018/60
That Council approves the application for Telecommunications Infrastructure (Mobile Phone Tower) at 91 (Lot 100) Clews Road Cowaramup subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.

   | Plans and Specifications | P1 – P3 received at the Shire offices on 1 December 2017. |

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3. The approved telecommunications monopole is permitted at a maximum height of 40m, measured from ground level to the top of the monopole, and a maximum of 42.5m to the top of any associated antennae fixed to the monopole. (P)
4. The existing trees on the lot and adjoining properties shall not be impacted by the excavation or construction phases of the development.

5. The Telecommunications Infrastructure shall be dismantled and removed from the site at the time the infrastructure is no longer functioning and operational.

ADVICE NOTES
a) This is not a Building Permit. A Certified Building Permit application to commence work must be lodged to the Permit Authority in accordance with the Building Act 2011.

CARRIED 5/0
11.3. Infrastructure Services
11.3.1 MARGARET RIVER MAIN STREET REDEVELOPMENT FINAL SCHEMATIC DESIGN

LOCATION/ADDRESS  Bussell Highway, Margaret River Main Street

APPLICANT/LANDOWNER  Shire of Augusta Margaret River

FILE REFERENCE  COR/361

REPORT AUTHOR  Helen Whitbread, Project Manager, Main Street Redevelopment Project

AUTHORISING OFFICER  Markus Botte, Director Infrastructure Services

Cr McLeod disclosed a proximity and financial interest in this item as she owns a business on the Main Street. Cr McLeod left Chambers at 5.55pm.

IN BRIEF
- This report provides an update on the outcomes of the Margaret River Main Street Redevelopment (MRMSR) Updated Design Brief 2017, and seeks approval to progress the project to the detailed design phase for the Main Street redevelopment.

RECOMMENDATION
That Council:
1. Adopts the Margaret River Main Street Final Schematic Design and the Main Street Urban Design Principles as the guiding documents for executing streetscape and infrastructure improvements to the Margaret River Main Street; and
2. Approves the progression of the Margaret River Main Street Schematic Design to the detailed design phase.

LOCATION PLAN
TABLED ITEMS
Nil

BACKGROUND
The Margaret River Main Street Redevelopment (MRMSR) Project is a $8.624 million project comprising $6.43 million of State Government Royalties for Regions funding and $2.194 million leveraged funding. Community consultation on the schematic design was held in March 2013, followed by partial completion of the River Precinct, Stage 1, in 2013.

Further community consultation on the detailed design of Stage 2, the Festival and Hill Precincts, was held in April 2017, leading to the development of an Updated Design Brief to provide clear direction to the design consultants in finalising the detailed design for the MRMSR Project.

Council endorsed the MRMSR Project Updated Design Brief 2017 at the 13 December 2017 Ordinary Council Meeting (OM2017/358), with provision for Councillors to provide further input within seven days of the OCM. In addition, the CEO was to critically review any community proposals for further consideration if required.

Consultation and Advice
Following additional feedback from Councillors, an Urban Design Principles workshop was conducted on 19 January 2018, by staff from the Curtin University Sustainable Policy Institute (CUSP) resulting in Councillors and Shire staff, developing Margaret River Main Street Urban Design Principles, to guide the final resolution of the streetscape design. A summary of the Margaret River Main Street Urban Design Principles is provided below.

The Margaret River Main Street will create:

1. an **equitable and inclusive** street through:
   - universal access and regular crossing points; and,
   - safe places for families.

2. a **pedestrian prioritised** street through:
   - reduced speed limits; and,
   - narrower vehicle carriageways.

3. a **multidimensional** street through:
   - provision of shade;
   - artworks; and,
   - vegetation (e.g. planters, climbing vegetation).

4. a street to **support healthy lifestyles** through:
   - increased walkability;
   - opportunities to play and rest; and,
   - safe cycling.

5. **public spaces** for cultural expression and social interaction through:
   - a public square at Fearn Avenue; and,
   - the use of temporary planter boxes.

6. an **accessible street** for pedestrians, cyclists and vehicles through:
   - narrowing the carriageway;
   - slow vehicular speed;
   - allowing for uphill cycling speeds; and,
   - wayfinding (signage).

7. an **urban ecosystem** through
   - retaining street trees;
   - ephemeral planter boxes;
   - connecting to the river and the forest via the footbridge;
   - resuming part of the road as public space; and,
   - harvesting and filtering stormwater through rain gardens.

8. **value** through
   - a vibrant nightscape (e.g. lighting and shopfronts);
   - inclusive rest-spots (e.g., seating to facilitate interaction, seating for all user groups); and,
   - niche business pop-up spaces.

9. a **changing** streetscape allowing different street experiences through
   - installing low cost, locally designed temporary installations such as planter boxes and parklets.

In addition to the Councillor feedback, two alternative main street design schemes were submitted by community members, Paul Ayres and Linton Hodsdon and presented informally to Council on February 20 2018.

The Paul Ayres scheme (Attachment 1) proposes a one-way south bound street system on Bussell Highway from the Tunbridge/ Bussell Hwy/ Churchill intersection to the Forrest/ Bussell Hwy/ Wallcliffe intersection with angled parking, expanded footpaths, a cycle lane and re-engineered traffic solutions for adjacent streets to accommodate the new one way system.

The Linton Hodsdon scheme (Attachment 2) proposes a roundabout at the Tunbridge/ Bussell Hwy/ Churchill intersection and additional car parking development to compensate for reduced parking in the main street.

Community members also submitted questions and suggestions via the YourSay website including:

- Include right hand turn lanes for the River Precinct;
- Include cycle lanes;
• Convert to one way street to improve pedestrian safety and create places for 'pop up shops';
• Address the lifted paving;
• Will butt bins be included in the main street?;
• Will the main street have water fountains?

The MRMSR Project Final Schematic Design was presented to Councillors on 20 February 2018 followed by a public briefing session by project design consultants, Hassell, Calibre and 3E Consulting Engineers, on the Schematic Design, on February 22, 2018. The Final Schematic Design was posted on the YourSay website on 28 February 2018 and presented to the Margaret River Busselton Tourist Association on 22 February 2018, and the Margaret River Chamber of Commerce and Industry on 1 March 2018.

The key design changes shown in the Final Schematic Design (Attachment 3) together with Councillor and community comment are as follows:
<table>
<thead>
<tr>
<th>Design Element</th>
<th>Councillor feedback</th>
<th>Community feedback</th>
<th>Technical Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxi shelter removed</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Paving materials simplified</td>
<td>Supported</td>
<td>See below – character</td>
<td>Supported</td>
</tr>
<tr>
<td>Rain Gardens in Fearn Avenue Square only</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Rain gardens in main street converted to verge gardens</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure infrastructure in place to support colour changes to up lighting</td>
<td></td>
<td>No comment</td>
<td>No comment</td>
</tr>
<tr>
<td><strong>CCTV</strong></td>
<td>Not discussed</td>
<td>No comment</td>
<td>Ensure infrastructure in place to support CCTV</td>
</tr>
<tr>
<td><strong>Pedestrian Access</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two pedestrian crossing points added to the River Precinct</td>
<td>Supported – add a table top treatment to pedestrian crossing</td>
<td>No comment</td>
<td>Instead of table top- local area traffic speed signs at beginning of River Precinct</td>
</tr>
<tr>
<td>Pedestrian crossing point in Hill Precinct moved further north away from intersection</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Pedestrian access south of the traffic bridge reinforced on the eastern side of Bussell Hwy</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Increased pedestrian permeability through aligning pedestrian crossing points with pedestrian laneways</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Footpath paving continues through most crossovers</td>
<td>Supported – needs to be consistent throughout design</td>
<td>Footpath paving should be continuous through all crossovers</td>
<td>AMRS standard is footpath paving continuous through all crossovers</td>
</tr>
<tr>
<td>Vehicle lanes reduced to 3 metres to slow traffic</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported- traffic speed to be reduced to 30-40 km/h</td>
</tr>
<tr>
<td>Design Element</td>
<td>Councillor feedback</td>
<td>Community feedback</td>
<td>Technical Feedback</td>
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<td>--------------------------------------------------------------------------------</td>
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<td>------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>All pedestrian crossing points 1.8 wide and protected by planting and median</td>
<td>Supported</td>
<td>3-6 metre pedestrian refuge islands</td>
<td>Supported</td>
</tr>
<tr>
<td>islands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Character</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled timber and local hardwoods to be used in street furniture</td>
<td>Supported</td>
<td>Furniture design to reflect Margaret River</td>
<td>Supported</td>
</tr>
<tr>
<td></td>
<td></td>
<td>character</td>
<td></td>
</tr>
<tr>
<td>Community to be invited to engage in public art opportunities including:</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported – working party to be established to ‘curate’ Main Street engagement</td>
</tr>
<tr>
<td>• Storm water gully narrative trail to the large bio-retention basin at the</td>
<td></td>
<td></td>
<td>opportunities</td>
</tr>
<tr>
<td>base of the hill adjacent to Margaret River.</td>
<td></td>
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</tr>
<tr>
<td>• Ephemeral planter boxes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Narratives in Fearn Avenue Square paving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Transportable parklets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposed aggregate Holcim Leeuwin poured concrete for footpaths, pedestrian</td>
<td>Unit pavers preferred over poured paving</td>
<td>Paving material colour to reflect</td>
<td>Unit pavers preferred over insitu concrete paving</td>
</tr>
<tr>
<td>crossings and parking bays.</td>
<td></td>
<td>Margaret River</td>
<td></td>
</tr>
<tr>
<td>Increased planting area around existing trees to address tree root issues</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported- use segmental pavers to allow tree root maintenance</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Use reinforced paving around tree planting to address tree root issues</td>
</tr>
<tr>
<td>New claret ash trees in Fearn Avenue Square referencing planting at wineries</td>
<td>Supported</td>
<td>Native trees rather than deciduous</td>
<td>Supported</td>
</tr>
<tr>
<td>Landcape</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reuther Park</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
</tbody>
</table>

39
<table>
<thead>
<tr>
<th>Design Element</th>
<th>Councillor feedback</th>
<th>Community feedback</th>
<th>Technical Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>east west pathway included</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>removal and replacement of post mature wattle with an advanced tree</td>
<td></td>
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</tr>
<tr>
<td>turf in all areas except garden beds</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>universal access pathways</td>
<td></td>
<td></td>
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<tr>
<td>east west pathway included</td>
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<tr>
<td>turf in all areas except garden beds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>universal access pathways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional trees and nibs in River Precinct</td>
<td>Remove to increase parking flexibility</td>
<td>No comment</td>
<td>Remove to increase parking flexibility Retain to reduce speed and increase pedestrian safety</td>
</tr>
<tr>
<td>Amenity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fearn Avenue Square</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported – include water outlets for events</td>
</tr>
<tr>
<td>Parklets with usb charging points</td>
<td></td>
<td>Concern from trader over removed parking Investigate Smart City infrastructure</td>
<td></td>
</tr>
<tr>
<td>Additional public space</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water fountain</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bicycle parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power points for events</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional trees and nibs in River Precinct</td>
<td>Remove to increase parking flexibility</td>
<td>No comment</td>
<td></td>
</tr>
<tr>
<td>Cycle Access</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>A 2m dedicated cycle lane on for southbound (uphill) cycle traffic from Tunbridge/Churchill intersection to Forrest/Wallcliffe intersection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shared cycle/vehicle lane for northbound (downhill) cycle traffic- buffer zone for protection from car doors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design Element</td>
<td>Councillor feedback</td>
<td>Community feedback</td>
<td>Technical Feedback</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACROD bay relocated to outside Pharmacy 777 Additional on-street ACROD bay in Festival Precinct Hill Precinct ACROD bay meets new Australian Standards</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported</td>
</tr>
<tr>
<td>Parking bay size increased to 7m x 2.4 m to accommodate high number of longer vehicles</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported</td>
</tr>
<tr>
<td>Parking flexibility A total of 54 car bays*, 10 motor cycle bays and 35 bicycle stands in Stage 2 design. (* reduction of 52 car bays from existing)</td>
<td>Not discussed</td>
<td>No comment</td>
<td>Supported – alternative parking options in adjacent streets needs to be highlighted through signage</td>
</tr>
<tr>
<td>Taxi rank re-located north of existing rank-CCTV surveillance maintained</td>
<td>Supported</td>
<td>Additional taxi ranks outside Target</td>
<td>Supported</td>
</tr>
<tr>
<td>Existing kerb alignment retained</td>
<td>Remove kerb -include spoon gutters/ drains if supported technically feasible Parking kerbs to be semi- mountable to increase pedestrian accessibility</td>
<td>Include flat pavement design</td>
<td>Spoon drains will need to wide and deep to accommodate MR storm water velocity Spoon drain solution expensive Support semi- mountable kerbs</td>
</tr>
<tr>
<td><strong>Vehicle Traffic</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A 'peanut' roundabout provided at the Tunbridge/Bussell/ Churchill intersection</td>
<td>Supported in principle – needs to be fully resolved</td>
<td>Too difficult for buses Traffic lights instead 30 metre circular roundabout</td>
<td>Supported in principle – needs to be fully resolved including addressing pedestrian crossing</td>
</tr>
<tr>
<td>Median islands as flush concrete beams except at pedestrian crossing</td>
<td>Supported</td>
<td>No comment</td>
<td>Supported – traffic restrictions will occur during maintenance</td>
</tr>
<tr>
<td>Design Element</td>
<td>Councillor feedback</td>
<td>Community feedback</td>
<td>Technical Feedback</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>points - low growing hardy planting to stretches of median islands</td>
<td></td>
<td></td>
<td>Extensive stakeholder engagement required for changes to Fearn and Tunbridge intersections</td>
</tr>
<tr>
<td>Fearn Avenue 1 way traffic arrangement resolved</td>
<td>Fearn Avenue one way east, rather than one way west</td>
<td>Re-locate bus stop to Townsville Terrace - wide street, close to park and toilets and re-allocate current bus stop as a caravan stop close to toilets and shops</td>
<td></td>
</tr>
<tr>
<td>Turning lanes included in River Precinct</td>
<td>Remove – traffic needs to be slow in the River Precinct</td>
<td>No comment</td>
<td>Support removing turning lanes</td>
</tr>
</tbody>
</table>

Table 1: Main Street Final Schematic Design
CONSULTATION AND ADVICE

External Consultation
- YourSay website and Augusta Margaret River Times;
- Public Briefing;
- Margaret River Chamber of Commerce and Industry;
- Margaret River Main Street Traders;
- Margaret River Busselton Tourist Association;
- CUSP (Curtin University Sustainability Policy Institute)

Internal Consultation
- Councillors;
- Project Control Group;
- Technical Officers.

DISCUSSION / OFFICER COMMENTS

The MRMSR Final Schematic Design has been informed by extensive consultation with the community through workshops, information sheets, newsletters, the YourSay website, individual community submissions, and Councillor briefings and workshops and the Project Control Group representing internal and external stakeholders.

Notwithstanding broad support for the MRMSR Final Schematic Design as shown in Table 1., resolution of the following design elements will be addressed through the detailed design process:

Infrastructure
- Include lighting infrastructure to support coloured up-lighting to trees.

Pedestrian Access
- Add a table top treatment, and/ or local traffic area traffic speed signs to the River Precinct pedestrian crossings;
- Continue footpath paving treatment through crossovers in all precincts;
- Traffic speed to be reduced to 30-40 km/h in Main Street.

Character
- Insitu exposed aggregate pedestrian paving with segmental paving detail to tree nibs is recommended for a surface that can tie in level changes, create a seamless, clean aesthetic and address tree root issues.

Landscape
- Retention of additional trees and nibs in the River Precinct is recommended to increase pedestrian safety through reducing width of carriage way and reinforce the planting in the Main Street.

Amenity
- Include water outlets for events in Fearn Avenue Square.

Parking
- Semi-mountable kerbs are recommended as a cost-effective solution that meet the needs of pedestrian safety and storm water drainage.

Traffic
- The proposed roundabout solution Tunbridge/Churchill intersection is to be fully technically tested, including safe pedestrian access and comprehensive stakeholder consultation.

It is the opinion of Shire Officers that the given the MRMSR Schematic Design has responded suitably to the 2017 Updated Design Brief endorsed at the 13 December 2017 Ordinary Council Meeting, (OM2017/358), and subsequent submissions from Councillors, that Consultants should now be instructed to proceed to the detailed design phase.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Key Result Area 3: Managing Growth Sustainably
Community Outcome 2: Liveable and well-designed placed
Strategic Response: 3.2.1.2 Establish a Project Control Group for the Margaret River Main Street Upgrade and finalise design work
3.2.1.6: Complete Margaret River Main Street Town Centre Improvements with funds secured through Royalties for Regions (in conjunction with grant for the Margaret River Perimeter Road)

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
- Rain gardens included in Fearn Avenue Square;
- Verge gardens include in the Main Street;
- Cycle lanes will help create a culture of alternative transport mode.

Social
- The curated streetscape will provide extensive opportunities for community engagement;
- A safe pedestrian environment will contribute to increased amenity.

Economic
- A safe pedestrian environment will contribute to increased retail opportunities;
- Parklets and streetscape curation will provide opportunities for pop up shops and increased retail activity.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Adopts the Margaret River Main Street Final Schematic Design and the Main Street Urban Design Principles as the guiding documents for executing streetscape and infrastructure improvements to the Margaret River Main Street; and
2. Approves the progression of the Margaret River Main Street Schematic Design to the detailed design phase.

ADVICE TO APPLICANT / PROPOINENT
Nil

ATTACHMENTS
1. Paul Ayres Main Street Design Submission
2. Linton Hodsdon Main Street Design Submission
3. Margaret River Main Street Final Schematic Design

RECOMMENDATION / COUNCIL DECISION
CR EARL, CR SMART OM2018/61
That Council:
1. Adopts the Margaret River Main Street Final Schematic Design and the Main Street Urban Design Principles as the guiding documents for executing streetscape and infrastructure improvements to the Margaret River Main Street; and
2. Approves the progression of the Margaret River Main Street Schematic Design to the detailed design phase.

CARRIED 4/0

Cr McLeod re-entered Chambers at 6.01pm
11.4. Corporate and Community Services
11.4.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES 13 FEBRUARY 2018

LOCATION/ADDRESS  Shire of Augusta Margaret River
APPLICANT/LANDOWNER Shire of Augusta Margaret River
FILE REFERENCE EMS/3
REPORT AUTHOR Chris Lloyd, Community Emergency Services Manager
AUTHORISING OFFICER Annie Riordan, Director Corporate and Community Services

IN BRIEF
- On 13 February 2018, the Local Emergency Management Committee (LEMC) held its quarterly meeting.
- The great work of all agencies involved at the 29 January 2018, Westbay Fire in Augusta was acknowledged by the committee. Debriefs are currently underway for the response and recovery teams involved. The Local Emergency Management Arrangements were tested during the incident and the learnings aim to improve current practices.
- Funding has been confirmed to carry out mitigation works included in the Bush Fire Risk Management Plan.
- A Bushfire Risk Workshop for the Shire of Augusta Margaret River was held on 13 February prior to the LEMC meeting. This is completed as part of the Office of Emergency Management's (OEM) State Risk Project.
- The Margaret River Cultural Centre redevelopment project commences at the end of March 2018. The centre cannot be used for evacuation for approximately 60 weeks. The Recreation Centre courts 1 & 2 is the designated evacuation centre for this period.
- The SES Local Manager, Lewis Hawkins has stepped down from the position. Adrian Yates has been appointed by the Department of Fire and Emergency Services.

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 13 February 2018; and
2. Notes that due to the Margaret River Cultural Centre redevelopment project, the temporary evacuation centre for Margaret River will be the Recreation Centre’s courts 1 & 2.

LOCATION PLAN
Nil

TABLED ITEMS
Nil

BACKGROUND
The Local Emergency Management Committee meetings are held quarterly on the second Tuesday of the month.

CONSULTATION AND ADVICE
External Consultation
LEMC delegates

Internal Consultation
- Director of Corporate and Community Services
- Manager of Human and Community Services (Shire Recovery Coordinator)
DISCUSSION / OFFICER COMMENTS

Westbay Fire
The Committee acknowledged the manner in which the Shire of Augusta Margaret River managed and coordinated the level 2 Westbay bushfire.

DFES would like to acknowledge the support provided by surrounding local government Bushfire Brigades and personnel from Parks and Wildlife for providing assistance at the incident that had the potential of significant impact on the local community.

State Risk Project – Bushfire Risk Workshops held for Local Government
The Shire and relevant stakeholders completed the risk workshop for the hazard of Bushfire on 13 February 2018. The Scenario was developed by the Department of Fire and Emergency Services and is a 1 in 10-year event. The outcomes of the risk assessment will guide high-level treatment strategies in conjunction with the State and is separate to the Bushfire Risk Management Plan. Office of Emergency Management informed the committee that funding will be made available to treat the highest risks.

Mitigation Activity Funding Approval
The Shire has been successful in securing $183,225 of funding in the recently announced Mitigation Activity Fund. This funding will assist mechanical works on state land classified as very high or extreme risk, significantly reducing bush fire risks within the Shire.

Evacuation Centre changes – Margaret River Cultural Centre redevelopment commencing end of March 2018
The Margaret River Cultural Centre will be unavailable as an evacuation centre for approximately 60 weeks from the end of March. The Recreation Centre courts 1 & 2 are designated evacuation centre areas as a temporary solution. The Community Emergency Services Manager, Chris Lloyd, will update and circulate a temporary LEMA Evacuation arrangement for the Margaret River Recreation Centre and will also notify neighbouring Shires.

Acknowledgement of Lewis Hawkins (SES Local Manager)
The dedication and hard work Lewis has put into the unit has created a great culture as well as improved memberships and overall management. He has brought the unit up to a standard that will ensure a smooth end effortless transition for Adrian Yates to take over – also congratulations to Adrian for taking on the role.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Section 36(a) Emergency Management Act 2005
Section 38(1) Emergency Management Act 2005

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Kay Result Area 2: Welcoming and inclusive communities
Community Outcome 3: Strong community groups and networks
Strategic Response: Support and value community organisations and volunteers across the region.
Community Outcome 6: Safer Communities
Strategic Response: Enhance the Shire’s emergency and disaster management capabilities

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Nil

SUSTAINABILITY IMPLICATIONS
Environmental
Preparedness, timing, response and support to local emergencies will reduce any impact on the environment from an emergency situation.

Social
An effective LEMC will assist the community in the response and recovery phases of an emergency.

Economic
An effective LEMC has the potential to reduce the likelihood and consequence of an emergency impacting on economic wellbeing of the local community.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 13 February 2018; and
2. Notes that due to the Margaret River Cultural Centre redevelopment project, the temporary evacuation centre for Margaret River will be the Recreation Centre’s courts 1 & 2.

ADVICE TO APPLICANT / PROPOSENT
Nil

ATTACHMENTS

RECOMMENDATION / COUNCIL DECISION
CR EARL, CR SMART OM2018/62
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 13 February 2018; and
2. Notes that due to the Margaret River Cultural Centre redevelopment project, the temporary evacuation centre for Margaret River will be the Recreation Centre’s courts 1 & 2.

CARRIED 5/0
IN BRIEF
- On 21 February 2018, the Bush Fire Advisory Committee (BFAC) held its quarterly meeting.
- Members were advised of the change of meeting location for the May meeting.
- Two new Fire Control Officers (FCO) were endorsed for Kudardup.
- Funding has been confirmed to carry out mitigation works included in the Bush Fire Risk Management Plan.
- Certificates of appreciation for participation in the Westbay fire were awarded to those involved.
- Discussions were held on brigade operational matters.

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 February 2018;
2. Appoints Matthew Nield as a Fire Control Officer for Kudardup;
3. Appoints Scott Hamilton as the Fire Control Officer for Kudardup West upon notification of successful completion of the Fire Control Officer course; and
4. Appoints Matthew Nield as the Fire Control Officer for Kudardup East upon notification that Scott Hamilton has successfully completed the Fire Control Officer course.

BACKGROUND
The Bush Fire Advisory Committee meetings are held quarterly on the third Wednesday of the month.

CONSULTATION AND ADVICE
External Consultation
BFAC delegates

Internal Consultation
Nil

DISCUSSION / OFFICER COMMENTS
Update on Bush Fire Compliance
The Coordinator Ranger Services provided the committee with an update on fire compliance inspections carried out by the Rangers throughout the Shire over the past twelve months. A community education strategy highlighting the difference between asset protection zones and hazard separation zones is being developed. Delegates were also advised that a tabletop exercise to test the Animal Welfare Plan will be coordinated in the coming months.
Location change for May BFAC Meeting
The committee were advised that the location of the May meeting had been changed to Margaret River due to asbestos removal works being undertaken in Augusta.

Appointment of new Fire Control Officers (FCO) for Kudardup
The current FCO for Kudardup has advised the brigade of his intent to resign from the position as of April 2018. Two brigade members have volunteered to take on the role. Matthew Nield has already successfully completed the FCO course and Scott Hamilton has enrolled to complete the course. The BFAC have endorsed Matthew Nield as a FCO for Kudardup. Due to Matthew and Scott's workload outside of the brigade and following the retirement of the current FCO to ensure availability the role has been split to cover Kudardup East and Kudardup West. Upon successful completion of the FCO course, the BFAC have endorsed Scott Hamilton as the Kudardup East FCO and Matthew Nield as the Kudardup West FCO.

Mitigation Activity Funding Approval
The Shire has been successful in securing $183,225 of funding in the recently announced Mitigation Activity Fund. This funding will assist mechanical works on state land classified as very high or extreme risk, significantly reducing bush fire risks within the Shire.

Certificates of Appreciation
The Deputy Shire President and CESM presented certificates of appreciation to the Brigades and local agencies involved in the Westbay fire.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS
Section 38(1) Bush Fire Act 1954
Local Government Act 1995

STRATEGIC PLAN / POLICY IMPLICATIONS
Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2017-2021
Kay Result Area 2: Welcoming and inclusive communities
Community Outcome 3: Strong community groups and networks
Strategic Response: Support and value community organisations and volunteers across the region.

PLANNING FRAMEWORK
Nil

FINANCIAL IMPLICATIONS
Nil

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

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

Economic
An effective BFAC and well trained brigade members will reduce the likelihood and consequence of a bushfire impacting on the economic wellbeing of the local community.

VOTING REQUIREMENTS
Simple Majority

RECOMMENDATION
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 February 2018;
2. Appoints Matthew Nield as a Fire Control Officer for Kudardup;
3. Appoints Scott Hamilton as the Fire Control Officer for Kudardup West upon notification of successful completion of the Fire Control Officer course; and
4. Appoints Matthew Nield as the Fire Control Officer for Kudardup East upon notification that Scott Hamilton has successfully completed the Fire Control Officer course.

ADVICE TO APPLICANT / PROPOSED
Nil

ATTACHMENTS

RECOMMENDATION / COUNCIL DECISION
CR GODDEN, CR EARL OM2018/63
That Council:
1. Receives the unconfirmed minutes of the Augusta Margaret River Bush Fire Advisory Committee meeting held 21 February 2018;
2. Appoints Matthew Nield as a Fire Control Officer for Kudardup;
3. Appoints Scott Hamilton as the Fire Control Officer for Kudardup West upon notification of successful completion of the Fire Control Officer course; and
4. Appoints Matthew Nield as the Fire Control Officer for Kudardup East upon notification that Scott Hamilton has successfully completed the Fire Control Officer course.

CARRIED 5/0
12. MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
   Nil

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING
   Nil

14. NEW BUSINESS OF AN URGENT NATURE
   14.1. Members
       Nil
   14.2. CEO
       14.2.1 Cultural Centre Redevelopment – Visits from MP’s
       The CEO advised the meeting that Alana MacTiernan would be at the Cultural Centre at 11am on Thursday 22 March, saying a few words about the Cultural Centre Redevelopment.

       The Hon. Adele Farina and Nola Marino will be giving presentations at the Autumn Lights Event at the Cultural Centre on Saturday 17th March, celebrating 35 years of performing arts in the community.

       14.2.1 Reallocation of 2017/18 Environmental Management Fund Project Funding
       The report is to be considered New Business of an Urgent Nature as Nature Conservation Margaret River have been advised by the proposed funding body that the work plan and support from the Shire needs to be received by the 16th March.

       Council accepted the item as urgent business.
14.2.1 REALLOCATION OF 2017/18 ENVIRONMENTAL MANAGEMENT FUND PROJECT FUNDING

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<thead>
<tr>
<th>LOCATION/ADDRESS</th>
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<tbody>
<tr>
<td>APPLICANT/LANDOWNER</td>
<td>Shire of Augusta Margaret River</td>
</tr>
<tr>
<td>FILE REFERENCE</td>
<td>FIN/153</td>
</tr>
<tr>
<td>REPORT AUTHOR</td>
<td>David Nicholson, Manager Asset Services, John McKinney Landcare/Environment Services</td>
</tr>
<tr>
<td>AUTHORISING OFFICER</td>
<td>Markus Botte, Director Infrastructure Services</td>
</tr>
</tbody>
</table>

IN BRIEF
- In October 2017, Council awarded $10,000 from the Environmental Management Fund to Nature Conservation Margaret River Region for rehabilitation of the Turner Brook creekline, subject to obtaining matching funding from a State NRM program.
- Whilst a grant funding application was successful, Nature Conservation was unable to establish a partnership agreement with another major stakeholder group.
- Nature Conservation has therefore requested that the funding is re-allocated to another project and Shire officers support this request.
- Reallocation of the funds requires a formal Council resolution with absolute majority.

BACKGROUND
Nature Conservation Margaret River Region has written to the Shire seeking reallocation of a $10,000 from the 2017/18 Environmental Management Fund (EMF) for the Turner Brook River Action Plan to support the newly formed Margaret River Collaborative Management Group and the further development of an action plan to protect the Margaret River.

On 11 October 2017, Council awarded Nature Conservation EMF grant funding for the preparation of a Turner Brook River Action Plan, subject to Nature Conservation securing additional funding for the project from the State NRM Community Action Grant Program. A $41,875 grant was subsequently obtained from the State NRM Program. However, Nature Conservation was unable to secure a commitment from the Lower Blackwood Land Conservation District Committee (LBLCDC) as project partner and therefore unable to proceed with the project.

Nature Conservation is reluctant to forego the approved grant funding and has discussed with State NRM the possibility of amending the approved grant to a priority project for the Margaret River.

Nature Conservation is funded until June by the National Landcare Program to prepare an overarching protection strategy for the Margaret River. Council also resolved on 25 January 2017:

CR TOWNSHEND, CR HASTIE OM2017/19
1. That Council renegotiates a major contract variation for the Foreshore Management Action Plan Consultancy with the Cape to Cape Catchment Group in order to provide additional funding of up to $10,000 allocated as an over budget expenditure to undertake a more in-depth and detailed strategies to maintain and improve the ecological health of the Margaret River and to recommend appropriate ways of evaluating the effectiveness of the implemented strategies over time.
CARRIED 7/0

Nature Conservation on behalf of the Shire conducting a River Planning Workshop to bring together the many organisations responsible for management of the Margaret River to discuss requirements for safeguarding the ecological health of the river system.

The Margaret River Planning Workshop was hosted by the Shire on 29 November 2017 and attended by a wide range of management organisations. The outcome was a commitment by all organisations
including the Shire to the formation of a Margaret River Collaborative Management Group. The agreed purpose of the groups was to facilitate all stakeholders to share information, improve communications and coordinate management to protect and enhance ecological and community values of the river system.

At the River Planning Workshop Nature Conservation agreed to provide support capacity to the Collaborative Management Group until June 2018 through current funding from the National Landcare Program. To date this has included the preparation of a draft action plan.

A draft of the vision, objectives, strategies and actions of this document has been prepared and forwarded to members of the Margaret River Collaborative Management Group for consideration prior to a meeting scheduled for 13 March 2018. Once this document is complete there will be considerable work to further support the Collaborative Management Group and flesh out the detail of the priority recommendations in the protection strategy.

Nature Conservation has discussed with the State NRM Office the possibility of reallocation of funds previously approved for Turner Brook to cover the work outlined above for the period between July 2018 and December 2019. Approval for this to proceed requires a commitment from the Shire that the $10,000 approved through the EMF for the Turner Brook project can be re-allocated to the Margaret River project. Nature Conservation has until 16 March 2018 to submit a new work plan or the NRM grant funding will be lost. A draft work plan is attached (Attachment 1).

Reallocation of EMF allocation of $10000 from Turner Brook Action Plan to support the Margaret River Action Plan will allow Nature Conservation to continue to support the Collaborative Management Group for a further 12 months and to finalise preparation of the action plan including wider community consultation, development of management recommendations to address key issues, compilation of all information into a report for use by the Collaborative Management Group; and annual reporting to the community on progress of the action plan.

The Shire has been involved in the formation of the Margaret River Collaborative Management Group and a key role of the group is to oversee actions, strategies and goals identified in the Action Plan. The group consist of high-level representatives from the Department of Biodiversity Conservation and Attractions, the Department of Planning Lands and Heritage, the Department of Water and Environmental Regulation, the Shire and Indigenous Elders.

The Shire and its partners will be assisted by having an overarching strategy to identify goals, actions and targets to effectively and efficiently manage the Margaret River. Shire officers support the proposed reallocation of funds.

**FINANCIAL IMPLICATIONS**

Nil – Council approval is sought to reallocate a $10,000 EMF grant from one project to another.

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION**

That Council approves the reallocation of a $10,000 Environmental Management Fund grant from the Turner Brook project to Margaret River Collaborative Management Group project.

**ATTACHMENTS**

1. Nature Conservation Margaret River Region Work Plan

**RECOMMENDATION / COUNCIL DECISION**

CR GODDEN, CR SMART OM2018/64

That Council approves the reallocation of a $10,000 Environmental Management Fund grant from the Turner Brook project to Margaret River Collaborative Management Group project.

CARRIED BY ABSOLUTE MAJORITY 5/0
15. CONFIDENTIAL BUSINESS

PROCEDURAL MOTION / COUNCIL DECISION
CR MELDRUM, CR EARL OM2018/65
That the meeting go behind closed doors.  

CARRIED 5/0

Members of the public / press left chambers at 6.10pm
15.1 SAT REVIEW - BURNSIDE AGRICULTURE/WINERY/CELLAR DOOR/BREWERY/LICENSED RESTAURANT

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS</th>
<th>413 (Lot 12) Burnside Road, Burnside</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT/LANDOWNER</td>
<td>Nicholas John Morris</td>
</tr>
<tr>
<td>FILE REFERENCE</td>
<td>PTY/7743 – P216511&amp; P217138</td>
</tr>
<tr>
<td>REPORT AUTHOR</td>
<td>Ian McLeod, Legal Services Coordinator</td>
</tr>
<tr>
<td>AUTHORISING OFFICER</td>
<td>Dale Putland, Director Sustainable Development</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

That the meeting be closed to the public for the purpose of discussing item 15.1 as it required that this matter be dealt with behind closed doors under section 5.23 (2) (d) of the Local Government Act 1995, and under the State Administrative Tribunal Act 2004.

**Reasons:**

- 5.23 (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.
- State Administrative Tribunal Act 2004 Discussion of communications made in mediation, which are confidential.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION / COUNCIL DECISION**

CR EARL, CR SMART OM2018/66

1. That Council resolves under section 31(2)(b) of the SAT Act 2004 to vary the decision to approve Agriculture Intensive (Vineyard and Orchard) Winery, Rural Produce Sales (Cellar Door), Brewery and Licensed Restaurant at 413 (Lot 12) Burnside Road in accordance with the following conditions:

   1. The development is to be carried out in compliance Plans P1 - P6 received at the Shire on the 16 February 2018 and P7 & P8 received on the 27 February 2017 and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.

   2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

   3. The licensed restaurant and component of the brewery open for public consumption and any cellar door are not permitted to operate outside the hours of 11am to 5pm.

   4. Prior to commencement of any cellar door (rural produce sales) from the winery/brewery, the applicant must have planted and irrigated a minimum of 5ha of vines and orchards, and completed construction of the winery/brewery.
4AA. Prior to application being made for a Building Permit for the restaurant and the public component of the brewery, the applicant must have planted, irrigated and maintained in good condition until 1 March the calendar year after planting, the minimum of 5ha of vines and orchards referred to in the previous condition.

4AB. If at any point the minimum of 5ha of vines and orchards referred to in the previous condition fall into an unmanaged/unhealthy state, any cellar door (rural produce sales) from the winery/brewery must cease.

4A. All areas shown on the approved plans as being for intensive agriculture must be planted and irrigated within 5 years after the issue of a building permit for the restaurant. The cellar door, restaurant and public component of the brewery shall not continue to operate unless all proposed agricultural use is maintained in a productive state to the Shire’s satisfaction.

4B. The cellar door operating from the winery/brewery building shall not provide any food or seating and may only provide produce samples with any alcohol purchased to be consumed offsite.

5. The sale of produce from the cellar door, including any cellar door operating from the winery/brewery is restricted to products that are grown, reared or produced on-site.

6. No music (amplified or otherwise) shall be played outside of any building the subject of the development application after 5pm.

7. Prior to a building permit application being made for the building containing the restaurant and the public component of the brewery, a noise impact assessment shall be prepared to the satisfaction of the Shire that adequately addresses potential noise impacts and describes necessary any operational or building noise mitigation measures required to ensure the development complies with the Environmental Protection (Noise) Regulations. A Building Permit application shall reflect any necessary noise mitigation measures and the cellar door, restaurant and the public component of the brewery shall be thereafter operated in accordance with any requirements of the noise impact assessment.

8. The Licensed Restaurant and Brewery are limited to a maximum of 80 seats/persons (this is inclusive of both inside and outside seating/persons).

9. A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to scale and show the following:
   a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers as recommended in the Cape to Cape Landcare Companion;
   b) Any lawns and paved areas to be established;
   c) Any natural landscaped areas to be retained; and
   d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.

10. Other than vegetation within the development footprint shown in the approved plans, all existing trees are to be retained upon the lot and any trees on adjoining properties shall not be impacted by the excavation or construction phases of the development.

11. Landscaping shall be implemented within 12 months after the first planting of any vines and orchards as required under condition 4 of this approval, and such landscaping shall be maintained at all times.

12. Condition omitted.
13. A schedule of colour and texture of the building materials shall be submitted and approved prior to the commencement of any works and shall be implemented accordingly. (P)

14. The walls and roof of the buildings shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to ‘silver’ sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited. (P)

15. Vehicle parking areas shall be designed, constructed (gravel or sealed), drained and thereafter maintained in accordance with Australian Standard AS 2890 and the Shire’s standards and specifications, in the following two stages:

   (a) six parking spaces, one loading bay and the driveway must be constructed prior to the commencement of operation of the winery/brewery; and

   (b) the remainder of the vehicle parking spaces must be constructed prior to the commencement of operation of the restaurant.

A detailed engineering plan is to be submitted for approval prior to the commencement of construction works for the driveway and parking areas, showing construction details including pavement levels, thickness, cross fall and drainage disposal method. (Local Government).

16. Prior to the submission of a Building Permit application for the winery/brewery details shall be provided to the satisfaction of the Shire regarding the disposal of wastewater from the winery/brewery production process. In addition, further details shall be provided of wastewater disposal from the restaurant prior to lodging a Building Permit for the restaurant component of development. The wastewater disposal methods shall incorporate the recommendations of the Ecosystems Solutions wastewater capability proposal (22 August, 2017) and recommendations 1 through 4 of the Wastewater Environmental Assessment (Environmental and Landscape Management, September 2016) for the winery/brewery and restaurant respectively. The wastewater disposal system shall be designed to ensure that treated wastewater meets the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, 2000 - Table 3.3.6 and 3.3.7 for lowland rivers in south Western Australia, and implemented and operated accordingly.

17. The licensee shall direct all wastewater generated in the winery and contaminated stormwater to the wastewater treatment system.

18. Grape mare and other organic solids (including screening solids) generated at the premises shall be managed such that mare and other organic solids are composted on a hardstand pan which is bunded and drained such that any leachate is captured and directed to the wastewater system.

19. A Nutrient and Irrigation Management Plan (NIMP) shall be prepared to the satisfaction of the Shire and thereafter implemented. The NIMP shall detail methods to address the irrigation of wastewater and any buffers required to be implemented shall be detailed in the required landscape management plan.

20. Landscaping plans include details of buffer planting to waterways for the riparian buffer planting shown on the approved plans, and any additional planting required under the NIMP or the methods proposed for wastewater disposal shall be consistent with the endorsed methods of wastewater disposal. These landscaping details are to be consistent with the Department of Water’s Water Quality Protection Note 6 - Vegetation Buffers to Sensitive Water Resources.

21. A detailed Stormwater Management Plan is to be submitted for approval prior to commencement of works – Onsite detention volume of 1m3 of water for every 100m2 of
.impervious area including roof, paved areas and any impervious parking areas and driveways. The drainage system to comply with onsite storage requirements and water sensitive urban design to improve the quality of water and minimise pollutants entering catchments downstream, as there is no council connection point.

22. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards.

23. The Fire Management Plan version 1.0 dated July 2016 is to be implemented at the time of development.

24. Crossover shall be designed, constructed and sealed in accordance with the Shire’s standards and specifications.

25. Disabled bays shall be designed in accordance with 2890.6 Part 6-off Street Parking for People with Disabilities.

26. Prior to the construction of the crossover, the proponent shall pay a development bond of $5,000.00 as per the Council’s Policy PE.51 Development Bonds.

ADVICE NOTES
You are advised of the need to comply with the requirements of the following other legislation:

a) This is not a Building Permit. A Certified Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the Building Act 2011.

b) Health (Miscellaneous Provisions) Act 1911 and Department requirements in respect to the development and use of the premises.


d) Details on siting the composting area for apples, leachate control (collection and treatment), maximum seasonal groundwater levels and soil characteristics of the proposed composting site - that should be over an impervious surface away from the waterway and waterlogged areas.

e) Wine, beer and cider making, preparation, storage and processing areas shall comply with the requirements of the Shire of Augusta Margaret River Health Local Laws 1999 and The Food Act 2008. (EH)

f) The premises be designed and constructed such that all processing, bottling, effluent solids collection and storage areas are located on a hardstand pad (preferably concrete) which is drained such that all wastewaters are directed to the approved wastewater treatment system which is separate to the wastewater system used for human effluent. (EH)

g) The development use of premises shall not cause or allow any material prescribed in the Environmental Protection (Unauthorised Discharges) Regulations 2004, to be discharged into the environment. Please ensure that proposal is referred to DER for comment. The effluent from winery waste has the qualities of semi industrial waste. It is likely that the wastewater disposal proposal will be referred to the Department of Health for approval. The proposed activity must comply with the Food Act 2008 and the Australia New Zealand Food Standards Code. (EH)
h) Prior to the construction and fit out of the approved food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the Local Government for assessment. (EH)

i) Any approved food premises using deep fryers and/or rotisseries is required to install a grease trap - to a size specified by Local Government. (EH)

j) Section 39 (liquor licence) required prior to operation. (EH)

k) The development is to provide a potable water source in accordance with Shire of Augusta Margaret River Health Local Laws 1999 (e.g. water to be treated by filter and ultra violet light). (EH)

l) Noise emissions (sound levels) shall comply with the Environmental Protection (Noise) Regulations 1997. (EH)

m) The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality. (EH)

n) The applicant will be required to obtain a separate certificate under the Health (Public Building) Regulations for the use of the premises as a 'Public Building'. An application is available from the Shire and shall be submitted for assessment. (EH)

o) An apparatus for the onsite treatment and disposal of waste water shall be installed in accordance with the Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Department of Health prior to occupation of the building. (EH)

p) Onsite effluent disposal system shall not be constructed closer than 30 metres from any well, bore, stream, river or water course intended for consumption by humans (including non-perennial streams). (EH)

q) Signage for the development is not included in this approval and requires further planning approval from the Shire.

2. That Council resolves under section 31(2)(c) of the SAT Act 2004 set aside its decision in relation to the retrospective application for the dam and bunds and substitutes it with a new decision to approve the dam and bunds subject to the following conditions:

1. The earth bunds adjacent to the southern boundary are to be landscaped within 12 months of the date of this approval in accordance with the approved bund landscape plan.

CARRIED 5/0

PROCEDURAL MOTION / COUNCIL DECISION
CR GODDEN, CR EARL OM2018/67
That the meeting come out from behind closed doors.

CARRIED 5/0

The meeting was reopened to members of the public / press at 6.19pm.

16. CLOSURE OF MEETING

The Deputy Shire President thanked all in attendance and declared the meeting closed at 6.19pm