

Ordinary Council

MINUTES

FOR THE MEETING HELD
WEDNESDAY, 27 FEBRUARY 2019
IN COUNCIL CHAMBERS,
WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 5:30PM

Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River on Wednesday 27 February 2019, commencing at 5:30pm.

Yours faithfully



DALE PUTLAND
ACTING CHIEF EXECUTIVE OFFICER

ATTENTION/DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Augusta Margaret River for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Augusta Margaret River disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Augusta Margaret River during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Augusta Margaret River.

The Shire of Augusta Margaret River advises that anyone who has any application lodged with the Shire of Augusta Margaret River must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Augusta Margaret River in respect of the application.

The Shire of Augusta Margaret River advises that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

TABLE OF CONTENTS

ITEM NO. NO.	SUBJECT	PAGE
1.	DECLARATION OF OPENING	4
2.	ATTENDANCE	4
3.	DISCLOSURES OF INTEREST	5
4.	PUBLIC QUESTIONS	5
4.1.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.1.1	SMALL BAR LICENSE – COLURPATCH CAFÉ, AUGUSTA – MS JINN WALKER	5
4.2.	PUBLIC QUESTION TIME	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE	5
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
6.1	ORDINARY COUNCIL MEETING HELD 13 FEBRUARY 2019.....	5
7.	DEPUTATIONS	5
7.1	ITEM 11.2.1 PUBLIC EVENT (WSL SURF PRO) - SURFERS POINT AND THE BOX, PREVELLY AND NORTH POINT, GRACETOWN - MR RICK ENSLEY	5
8.	PETITIONS	6
9.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
9.1	PASSING OF PETER AND SUZANNE LITTLE	6
10.	QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
11.	REPORTS OF COMMITTEES AND EMPLOYEE REPORTS	6
11.1.	CHIEF EXECUTIVE OFFICER	7
11.2.	SUSTAINABLE DEVELOPMENT	9
11.2.1	PUBLIC EVENT (WSL SURF PRO) - SURFERS POINT AND THE BOX, PREVELLY AND NORTH POINT, GRACETOWN.....	10
11.2.2	MODIFICATION TO BROOKFIELD LOCAL CENTRE STRUCTURE PLAN.....	42
11.3.	INFRASTRUCTURE SERVICES	43
11.3.1	ADOPTION OF LOCAL LAW - EROSION AND SEDIMENT CONTROL LOCAL LAW 2019	44
11.4.	CORPORATE AND COMMUNITY SERVICES	29
11.4.1	COMPLAINT HANDLING POLICY	50
11.4.2	OPERATIONAL PLAN 2018-19: QUARTER TWO REPORT	52
11.4.3	2018-19 BUDGET REVIEW	59
11.3.2	PURCHASE OF HEAVY DUTY 4 X 4 LOADER	68
12.	MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	71
12.1	LOCAL MUNICIPAL HERITAGE LISTING – CAVES ROAD – CR MCLEOD	
13.	MOTIONS FOR CONSIDERATION AT NEXT MEETING	71
13.1	PROVISION OF TOILETS AT GAS BAY - SURFING PRO - CR MCLEOD	71
14.	NEW BUSINESS OF AN URGENT NATURE	71
14.1	MEMBERS	71
14.2	CEO	71
15.	CONFIDENTIAL BUSINESS	72
16.	CLOSURE OF MEETING	72

Minutes of the Ordinary Council Meeting held on Wednesday 27 February 2019, in Council Chambers, 41 Wallcliffe Road, Margaret River, commencing at 5.30pm

Ordinary Council Meeting

1. DECLARATION OF OPENING

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

The Shire President gave an Acknowledgement of Country:

'I acknowledge and respect the traditional custodians of this land and pay our respects to elders past and present and emerging, whose lands we share.'

2. ATTENDANCE

Deputy Shire President	:	Cr Julia Meldrum
Councillors	:	Cr Ian Earl Cr Naomi Godden Cr Peter Lane Cr Pauline McLeod Cr Mike Smart
Acting Chief Executive Officer	:	Dr Dale Putland
Acting Director Sustainable Development	:	Mr Nick Logan
Manager Asset Services	:	Mr David Nicholson
Acting Director Corporate and Community Services	:	Mr Andrew Ross
Acting Manager Planning and Development	:	Mr Matt Cuthbert
Governance / Council Support Officer	:	Ms Claire Schiller
MEMBERS OF THE PUBLIC	:	5
MEMBERS OF THE PRESS	:	
Augusta Margaret River Times	:	Warren Hatelty

2.1 Apologies

Director Infrastructure Services, Markus Botte

2.2. Approved Leave of Absence

Shire President, Cr Pam Townshend

3. DISCLOSURES OF INTEREST

3.1 Item 12.1 Local Municipal Heritage Listing – Caves Road – Proximity Interest – Cr Lane

Cr Lane disclosed a proximity interest in Item 12.1 Local Municipal Heritage Listing – Caves Road, as he resides on Caves Road.

4. PUBLIC QUESTIONS

4.1. Response to Previous Public Questions Taken on Notice

4.1.1 Small Bar License – Colurpatch Café, Augusta – Ms Jinn Walker

At the at the 13 February 2019 Ordinary Council Meeting, Ms Jinn Walker of 108 Albany Terrace, Augusta, asked the following question in relation to the Colourpatch Café Augusta, which was taken on notice by the Shire President. The response is as follows::

Q1: Is there going to be allocation of commercial land for small bars and restaurants at the Augusta Marina?

A1: Yes. The Department of Transport as manager of the harbour land, and the Shire of Augusta Margaret River have an agreed plan in place (referred to as a Local Development Plan and dated 2014) for future commercial development in three of the four marina development precincts. The plan can be provided to you on request by the Shires planning department.

4.2. Public Question Time

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting held 13 February 2019

MOTION / COUNCIL DECISION

CR EARL, CR MCLEOD OM2019/25

That Council confirms the minutes of the Ordinary Council Meeting held on 13 February 2019 to be a true and correct record of the meeting.

CARRIED 6/0

7. DEPUTATIONS

7.1 Item 11.2.1 Public Event (WSL Surf Pro) – Surfers Point and the Box, Prevelly and North Point, Gracetown – Mr Rick Ensley

Mr Rick Ensley of 3 Merchant Street, Margaret River, addressed the meeting in relation to Item 11.2.1 Public Event (WSL Surf Pro) – Surfers Point and the Box, Prevelly and North Point, Gracetown. A summary of his deputation is as follows:

- There has been increased mission creep from the WSL.
- There is a lot required from WSL with no real return to the community.

- If Tourism WA and WSL want to showcase the area, we have to take care of the place, the environment, that the people are drawn to.
- No funding is put back into the environment.

8. PETITIONS

Nil

9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9.1 Passing of Peter and Suzanne Little

The Deputy Shire President, Cr Meldrum, read the following announcement from the Shire President, Cr Townshend, who was on approved leave of absence for this meeting:

'This is very sad but tender news.

Peter Little was a noted architect and a talented and prolific artist. His annual offerings to the Margaret River Open Studios were always quirky, delicate and technically brilliant.

He was also a tireless campaigner for sustainability - particularly of the built environment. Peter was a recent active member of the Augusta Margaret River Shire Sustainability Advisory Committee, where he brought his academic rigour and passion for effective policy to the community.

Suzanne was a talented, published novelist. They were "best mates" and I find their manner of death poignant as it would have been painful for one to have out-lived the other.

I regret that I will not be in town for their memorial.'

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. CHIEF EXECUTIVE OFFICER

Nil

11.2. Sustainable Development

11.2.1 PUBLIC EVENT (WSL SURF PRO) - SURFERS POINT AND THE BOX, PREVELLY AND NORTH POINT, GRACETOWN

LOCATION/ADDRESS	Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456)
APPLICANT/LANDOWNER	Surfing WA, Tim Thirsk
FILE REFERENCE	RES/41545 P218521 (PTY/11020)
REPORT AUTHOR	Lucy Gouws, Planning Officer
AUTHORISING OFFICER	Nick Logan, Acting Director Sustainable Development

IN BRIEF

- An application has been received from Surfing WA (the Applicant) seeking development approval to use the surf breaks known as Surfers Point and the Box in Prevelly, and the break known as North Point in Gracetown. The applicant is seeking a five (5) year approval for 2019 to 2023 (inclusive) to hold the annual World Surf League (WSL) International Surfing Event 'The Margaret River Pro'.
- The event is proposed to be held at Surfers Point for a maximum of 31 days (including set up and dismantling) between the months of March and June each year.
- The event Site at Surfers Point also includes a public bar.
- If conditions are suitable, WSL is applying to use North Point for the event for a maximum of 32 hours (4 days) with event infrastructure to remain for a maximum of 20 days (including set-up and dismantling).
- The event includes the use of associated Sites for parking; this includes the corner of Caves Road, Gnarabup and Gracetown Oval.

RECOMMENDATION

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro, along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) and subject to compliance with conditions.

SITE AND SURROUNDS

The event location falls within portions of various reserves vested in the Shire of Augusta Margaret River and the Conservation Commission, the latter administered by the Department of Biodiversity, Conservation and Attractions (DBCA). Land at Surfers Point is zoned for Parks and Recreation, whereas land at the Box and North Point is zoned National Park and Nature Reserve (see **Figure 1** below) under the care, control and management of DBCA. The southern portion of North Point, Reserve 27618, (see **Figure 2** below), south of the boat ramp, is zoned Parks and Recreation, and is within the responsibility of the Shire.



Figure 1: Location of Surfers Point and the Box

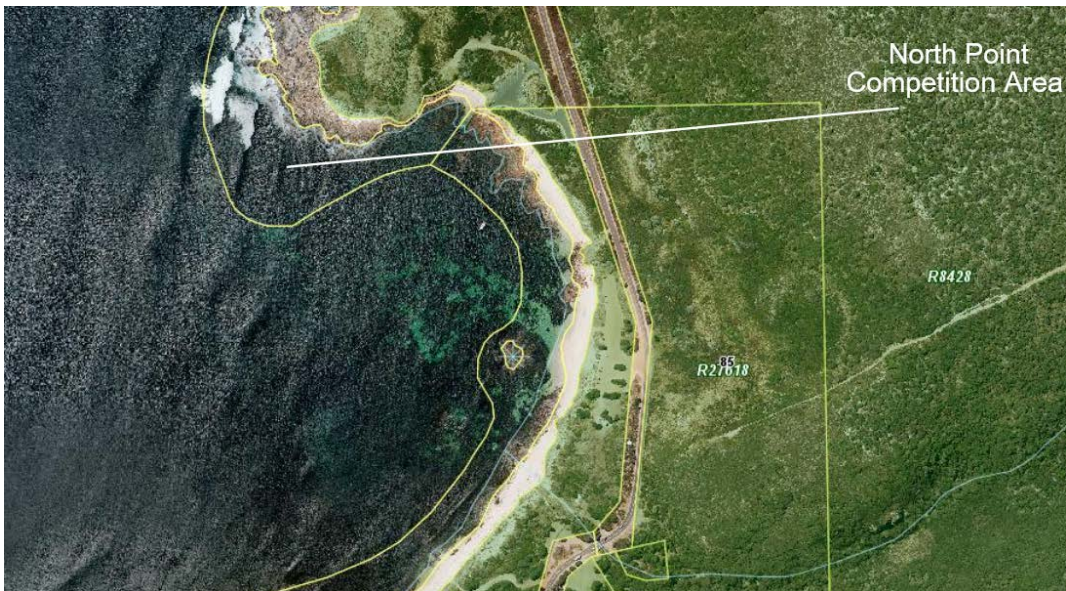


Figure 2: Location of North Point

BACKGROUND

The Margaret River Pro has been conducted annually in Margaret River since 1985. The more recent planning history is a five (5) year planning approval, which was granted in 2014 for Surfing WA (the Applicant) to hold the event at Surfers Point and the Box. This planning approval expires in March 2019.

Since the 2014 development approval the Shire has granted amendments to the five year approval to allow for the inclusion of North Point as a temporary event location. In 2016 the Shire granted approval to use North Point; however, due to the quality of conditions at Surfers Point, North Point was not used.

In 2017 and 2018 the Shire approved two (2) further applications to allow the use of North Point for the event. North Point was used for one day in the 2017 event, and for 8 hours in 2018. Feedback from Shire staff following the 2017 event was that the overall management was satisfactory; however, there were areas flagged for improvement, including the management of traffic along Cowaramup Bay Road and the need for improved spectator control on the headland. Shire staff were of the view that both issues had significantly improved for the 2018 event.

PROPOSAL

An application has been received from Surfing WA (the Applicant) seeking development approval to use Surfers Point, the Box, North Point and associated Sites for parking to hold the annual World Surf League (WSL) International Surfing Event 'The Margaret River Pro'. The event is an international twelve (12) day event held for thirty four (34) male surfers and eighteen (18) female surfers. The applicant is seeking a five (5) year approval for 2019 to 2023 (inclusive). The event with associated event infrastructure will be located at Surfers Point for a maximum of 31 days and North Point for 20 days (including set up and dismantling) between the months of March and June each year.

Surfers Point and the Box

Infrastructure to be established, include temporary structures that consist of event marquee's (event activation zone 450sqm and 400sqm for double marquee), various scaffolding decks and platforms, including 30 portable toilets. Use of the Box involves the installation of a temporary scaffolding platform (54sqm in area) and TV platform (3.24sqm) to be set up in the dunes directly east of the Box. This area will be fenced off with perimeter fencing to minimise damage to the vegetation and is only accessible by judges and photographers.

The application includes a licensed area at Surfers Point. The applicant has advised that the inclusion of the licensed area has been at the request of the Department of Racing Game and Liquor who are aware that (in previous years) people have been illegally consuming alcohol within the main event area, which is difficult to enforce and control.

The licensed area will be no greater than 73sqm, limited to a maximum of 60 people and consists of an area fenced off from the rest of the event. The licensed hours will be from 11am to 4pm and will only operate when the event is being held at Surfers Point.

As with previous years, the proposal is to include the use of associated Sites for the purpose of parking. This includes 622 (Lot 503) Wallcliffe road, Gnarabup Oval, Reserve 46732, Rifflebutts Reserve 41545, Mitchell Drive, Reserve 26228 and the Gracetown Oval Reserve 37456. As with previous year's events, the public will park at Lot 503 Wallcliffe Road, and then be bused to the event.

Full details of the event infrastructure and plans can be viewed at **Attachment 1** to this report.

North Point

Event infrastructure will be set-up in and around the car park at the Gracetown boat ramp. This includes a scaffolding deck (69sqm) to be set up on the headland and two (2) camera platforms to be set up along the beach and dunes. Public access to the contest area and headland car parking will be restricted at those times the contest is running. However, public access will continue at the Town Beach and car park, and access for mariners will remain at the boat ramp.

During the event, public parking within Gracetown will be controlled by a professional traffic control team, with the support of local volunteers. Spectators will be advised by traffic control staff of the limited parking and restricted viewing points within the area that they are able to access. Signage and marshals will be deployed throughout Gracetown, directing the public into the designated public parking areas. As with the 2018 event, temporary bollards will be installed along both sides of Cowaramup Bay Road through to Bayview Drive, to delineate no parking areas along the road. The Margaret River Volunteer Marine Rescue Group will be given first priority use of the boat ramp and will be provided with reserved parking near the boat ramp at all times, if the event is held at North Point.

Full details of the event infrastructure and plans can be viewed at **Attachment 2** to this report.

CONSULTATION AND ADVICE

A total of 65 submissions were received in response to the Shire's invitation to comment. Of those, 21 objections were submitted in relation to the overall event, 7 objections in relation to the use of North Point and 37 are submissions of support. A full summary of the submissions are available at **Attachment 3** of this report.

Two State Government agencies were consulted; being the Department Biodiversity, Conservation and Attractions (DBCA) and Department of Fire and Emergency Services (DFES). The application has

been reviewed by the Shire's Environmental Health, Environment/Landcare Services, Asset Services, Infrastructure and Community & Emergency Services.

The Cowaramup Bay Boardriders have provided written support for the inclusion of North Point.

PLANNING FRAMEWORK

Local Planning Scheme (LPS1)

Clause 3.1 Reserves

LPS1 Part 3 requires that prior development approval be issued for use and development of a reserve. In this case the proposal to use reserves including those vested in the DBCA, requires the prior planning approval of the Shire.

Local Planning Policy 8 (LPP8) – Surfing Events

The purpose of this policy is to provide guidance on the appropriate location, size and number of surfing events that are permitted within Shire vested foreshore reserves within any calendar year. The Policy recognises the Margaret River Pro as an annual event and supports the exclusive use of the foreshore reserve at Surfers Point, subject to suitable arrangements being in place for an adequate portion of the foreshore reserve to remain open for public access.

Under the provisions of the Policy it must be demonstrated that an event will not result in:

- a) adverse impacts to native vegetation and coastal dune formations;
- b) traffic management issues; and
- c) any additional rubbish in foreshore reserves.

LPP8 has a strong focus on ensuring surfing events are run in accordance with sustainability principles which require that:

“Event organisers of the Drug Aware Margaret River Pro and the Australian Surfing Titles must address the five key themes set out in the Sustainable Surf foundation where surfing events are proposed, including Waste, Energy, Transportation, Community Support and Climate Change.”

As part of the planning application, Surfing WA has provided an Environment and Sustainability Plan. This plan focuses on the five key themes outlined in LPP8 which are included and discussed in more detail later in the report. LPP8 also sets some times frames and capacity limitations for timing events at North Point, this is also discussed later in this report.

Local Planning Policy No. 9 (LPP9) – Event Assessment

As required by LPP9, events are subject to approval by the Shire's Environmental Health Unit and an Event Permit is required to be granted for each event held. This process is separate and distinct from this development application. The Event Permit application requires a detailed assessment of the proposal to ensure that it meets mandated requirements inclusive of the need for building permits, food stall applications, serving of alcohol, temporary road closure, fireworks, risk management planning, noise management planning, insurance, security etc.

Commercial Operators License

The Department of Biodiversity, Conservation and Attractions (DBCA) will issue a Commercial Operators License to Surfing WA to allow use of the Box and North Point. At this time DBCA has advised that they support in principle the use of North Point and the Box for the event, as per previous years. The Shire and DBCA have not received any complaints (written or other otherwise) regarding the use of the Box and North Point. Concerns raised in the past have been in connection with the dune stabilisation at the Box site. These areas have been addressed in previous years through the application of locally sourced brushing to the footprint of this area of the dunes by the proponent and DBCA. DBCA have confirmed that these measures have worked effectively and that this area is in a 'good condition overall'.

DISCUSSION / OFFICERS COMMENTS

Twenty one (21) submissions raised concerns with elements of the event. A number of submissions raised concerns primarily relating to limitations on public access and the length of the event. Concerns that have been raised are found to be similar to those raised in relation to the 2018 application. Discussed below are the measures being taken to address these concerns.

The contest runs for a total of twelve (12) days inclusive of any lay days. Other than on the days the contest is being held, Surfing WA advises that recreational surfers will continue to have access to surf at Surfers Point, the Box and North Point and this includes event set up and pack down times. Surfing WA acknowledge that during the contest, parking at Surfers Point is disrupted and restricted. Event organisers endeavour to pack up the Site as quickly as possible, to allow parking to return to normal; however they also have a responsibility to ensure that the Site remains safe at all times. The length of the event is one (1) day longer than the previous five (5) year development approval that was granted in 2014.

Public access through all the foreshore reserves, beaches and the Rivermouth will remain open throughout the event. The public can walk through Surfers Point to access all beaches including the Rivermouth. Lifeguards will be on duty at Rivermouth and permit holders and tour operators based at Rivermouth can continue to operate and access the area. Recreational surfers can surf at Surfers Point before and after heats, and will have access to surf at Surfers Point if the event is being held at North Point.

Use of North Point

North Point is identified by LPP8 as a competition area for Club Events and Minor Events. A Minor Event is defined as up to 70 competitors. LPP8 states that:

- i) Only two minor events will be approved in any calendar year;
- ii) Approval will be for a period of up to four continuous days in duration on a non-exclusive use basis; and
- iii) A 'Surfing Competition Ballot Application Form' must be submitted to the Shire by December 1st for the following calendar year.

It is recognised that the use of North Point for the Margaret River Pro falls outside of the scope of a Minor Event in LPP8. The use of North Point for the event will be an exclusive use at those times the contest is running. The use of North Point as part of the Margaret River Pro presents variations to the Policy. Notwithstanding, the major nature of the overall event, the use of North Point is Minor in comparison to the use of Surfers Point and given the event will be held for a maximum of four (4) days, over a period of 32 hours, and for no more than 70 competitors.

If conditions at North Point are to the satisfaction of the WSL, recreational surfers will have access to surf at Surfers Point on these days. Members of the public will not be restricted from accessing Gracetown's beaches, should the competition take place. As with previous years, pedestrian access over the headland will be restricted and managed by event organisers. The area will be patrolled and managed by Surfing WA's security during the event, and an officer from the DBCA will be present when the event is being held. No public vehicle access will be permitted to the North Point headland car park and a perimeter fence will be set up clearly defining the areas that spectators can view. This will assist in managing spectator encroachment into the vegetated areas. Competitors, coaches and authorised persons associated with the event will be restricted to access only the rocky granite area adjacent to temporary judging platform. The boat ramp will remain accessible, and the public will be able to park and continue to use the town beaches and South Point. These measures will be enforced as part of the conditions of the license issued by the DBCA and are therefore not required as conditions of the development approval.

Shire staff visited North Point during the 2018 event. The Shire's Environment/Landcare Officer found that the temporary judging platform that was erected caused limited damage to the surrounding vegetation. Officers agreed that the management of spectators over the headland had improved from previous years. Consistent with the conditions relating to the use of the Box, DBCA staff will have an on-site presence at any time the event is held at North Point. Given the limited footprint of the event proposed at North Point the suitability of the measurements to manage impacts the proposal to vary the provisions of LPP8 to permit the use of North Point are supported.

Public licensed bar

At previous events, families have occupied the main large lawn area at Surfers Point where the best views of the event, video screens and score board can be accessed. The licensed area is proposed to be located away from this area, at its northern edge. This allows for a separation between the licensed area and the family area. The licensed area does not have a license to sell spirits, is small in size and will close at 4pm.

The area will be strictly managed by licensed manager and staff, along with security crowd control present at both the exit and entry points. Food will also be available from the licensed area. Subject to these management measures, the bar is recommended to be supported.

Environmental impacts

In order to address the environmental requirements of LPP8, the proponent has submitted an Environment and Sustainability Plan. The plan that has been prepared to document what actions both Surfing WA along with WSL have proposed to address the five key element Waste, Energy, Transportation, Community Support and Climate Change.

In 2010 Surfing WA undertook an independent sustainability audit of the event. The findings of the audit were to enable Surfing WA to work towards reducing their environmental impacts, raising community awareness of the issues of climate change, waste management and water use. Based on the findings of the audit, Surfing WA has been continuing to improve and minimise the event carbon footprint.

Waste

Surfing WA has implemented a waste management plan that focuses on three critical outcomes:

- Reduce;
- Recycle; and
- Reuse.

Surfing WA in conjunction with the WSL will move towards the total removal of single use plastics. It plans to have a total ban on single use water bottles in favour of refillable bottles. Food vendors and caterers are required to use paper or timber based products that are made from renewable sources, products made from plant bases and not from oil-based sources and products that are totally recyclable or compostable, all in order to reduce overall landfill waste.

All banners and signage used will be either recycled from previous years or sourced from sustainable and renewable products, such as green polyethylene (PE), and will be recycled post event and reused as alternative products.

Key benefits include:

- 100% Recyclable and reusable;
- Sustainable alternative to petroleum-based plastic;
- Recyclable alongside petroleum-based plastics;
- 100% made from renewable materials; and
- Reduced conversion Greenhouse gas emissions.

On Site, Surfing WA will have dedicated bins for waste separation and will ensure that the waste contractor will supply bulk waste skip bins to reduce the need for daily waste removal. All bins will be clearly marked to ensure that waste product is properly separated and placed in the correct bins.

Energy

Since 2010 Surfing WA has reduced the energy consumption of the event by approximately 70%. Since 2013 onsite generators have only been used as back up or redundancy power units. In addition to this, further reductions in onsite omissions have been achieved via the:

- Further reduction in onsite portable generated power requirements down by 50% over the last three years;
- Use of more fuel-efficient generators and lighting towers;
- Use of light-emitting diode (LED) lighting which results in less fuel required to generate power;
- Reliance on mains powers at Surfers Point; and
- Current research into the use of solar power units for all event sites.

Transportation

Given the location of Surfers Point, transportation is unavoidable. Surfing WA has reviewed the transportation of event infrastructure, food and perishables, surfers and spectators through various strategies, in attempt to reduce the carbon footprint. Past examples have included:

- Event principle of sourcing from local business as a first priority to save on transport cost;

- Caterers are encouraged to purchase locally;
- Local corporate caterers source produce and staff locally;
- Sourcing where possible local staff and volunteers;
- Car pooling is encouraged by all WSL and event staff;
- Free Buses are used to transport people to and from the event site to reduce the vehicles within the Surfers Point precinct; and
- Car pooling by spectators is encouraged via program messaging – note recent average of 2.5 spectators per vehicle.

Community Support

Surfing WA has outlined some of the main areas of community support below:

- Based on community feedback the event became free in 2008 and free parking and bus transport were introduced in 2010;
- Surfing WA has a long and positive record of working with local youth, volunteers, clubs and other associated local groups;
- Cash contributions are made for volunteer groups supplying support services to event. Groups include Augusta Margaret River Football Club, Margaret River Boardriders, Cowaramup Boardriders and Christian Surfers group;
- Supporting and recognising local volunteers and local frontline services with dedicated awards night;
- Supporting the Margaret River High School high performance surfing program and Year 11 and 12 Certificate 2 participants;
- Support of Edith Cowan University (ECU) Bunbury Campus via work experience placements during event period;
- Engagement with the Margaret River Chamber of Commerce;
- Supporting of the Augusta Margaret River Shire social club function;
- Conduct tours and programs with the disabled surfer association, “Count Me In” group and carers and Youth Advisory Committee;
- Conduct onsite school tours on the event site; and
- Since 2010 Surfing WA has raised in excess of \$500,000 for charity groups – these include Police Legacy, Surf Aid, Motor Neurone Disease Association (MNDAWA), Solaris Cancer Care, Princess Margaret Hospital, Telethon Ball.

Climate Change

WSL has established its own environmental charity arm PURE (Protect, Understand and Respect our Environment). Along with the PURE campaign, WSL has adopted a focus to further reduce the overall event carbon foot print via a centralised approach to global travel to reduce the amount of WSL staff travelling to events, car-pooling of WSL to and from the event and to actively promote the PURE (plastic free oceans) campaign.

Management Plans

Various management plans are required in order to support the proponent’s event permit application which is separate and distinct from the development application process. The event permit process focuses on the sufficiency of detailed management mechanisms which will be deployed throughout the event. A condition requiring adherence to agreed management plans is included in the existing development conditions which relate to the event.

In 2018 Surfing WA prepared a Bushfire Management Plan (BMP) in accordance with State Planning Policy SPP3.7. The BMP has been referred to DFES and was generally considered acceptable with only minor changes. Surfing WA has since updated the BMP in accordance with DFES comments, and the BMP is acceptable.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

Key Result Area 3: Managing Growth and Sustainability

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

Surfing WA is required to run the event in such a manner that minimises any impact to the environment. Before and after Site inspections will be undertaken by both Shire staff and DBCA to ensure Surfing WA returns the Sites to their original condition. If the Sites are not returned to the satisfaction of the Shire and DBCA, Surfing WA will be required to undertake the necessary rehabilitation measures.

Catering for the event will have no plastic bottles, no plastic packaging, no plastic straws and all biodegradable packing for food vendors at the event.

Social

The Margaret River Pro is a free, family friendly event that promotes a healthy wellbeing message through elite sport. Surfing WA hosts a number of free behind the scenes tours for local people with a disability. Local school children and the Shire's Youth Advisory Committee are invited to meet world class surfing professionals and are exposed to opportunities for further information and training in the field of events management.

Economic

International coverage of the event serves to promote the Margaret River Region for destination awareness purposes, as well as the Margaret River brand name for trade, export and investment opportunities. The reach impact of the coverage is measured by value of media imprints, which in 2017 was \$13.9m USD in news coverage, \$5m USD in event webcast/broadcast coverage and \$20.8 million USD value in social media imprints. In 2017 Surfing WA's direct expenditure into the region as a result of the Drug Aware Margaret River Pro was approximately \$1.5m.

Every second year Metrix Consulting undertakes an economic impact study to measure the Drug Aware Margaret River Pro. The last study took place in 2016 and yielded the following results:

- The Regional In-scope expenditure, or the amount of new money entering the South West as Direct in scope expenditure as a direct result of the event was measured at \$5,006,779;
- Total visitor expenditure was measured at \$3,977,579; and
- Regional inflows as a direct result of the event totalled \$1,029,200.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
--------------------------	---

2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.

3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days, or 32 hours each year over the five (5) years from the date of this Approval.
4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.
5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31day period must be nominated by the Applicant annually in the 'Event Pack'.
6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.
7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.
8. Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)
9. The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.
10. The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.
11. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.
12. The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.
13. At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:
 - a. risk;
 - b. emergency and evacuation;
 - c. traffic;
 - d. waste;
 - e. security and fencing;
 - f. event operation;
 - g. fire;
 - h. marketing and advertising; and
 - i. any other Management Plan the Shire prescribes the Applicant by written notice.
14. The Event shall at all times be conducted in accordance with the approved Management Plans.
15. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.
16. The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.
17. Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the

Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.

18. Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.
19. All fencing, "No Parking" signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.
20. The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and 'no go' tape to protect foreshore vegetation and rehabilitation areas.
21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
22. The Applicant must make all efforts to ensure that any obstruction to the public's normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
 - (iv) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.
- b. Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.
- c. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health (Miscellaneous Provisions) Act 1911*; *Health (Public Building) Regulations 1992* and Building Code of Australia 2004.
- d. Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.

- e. Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.
- f. The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.
- g. Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.
- h. Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.
- i. Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the *Liquor Control Act 1988* and any relevant permits, consents and approvals required.
- j. Any food stall or vendor operating at the Event must be a registered food business and comply with the *Food Act 2008* and the Australian New Zealand Food Standards.
- k. Any amplified sound, noise or music must be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- l. Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the *Road Traffic Act 1974* and with notice to the Western Australia Police.
- m. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

ATTACHMENTS

- 1. Plans for Surfers Pont and the Box
- 2. Plans for North Point
- 3. Schedule of submissions

Subsequent to the publishing of the agenda, the following amendments were made to the Officer's recommendation:

- Minor revision to the wording of condition 3 for the purpose of clarification as follows:
 - 3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days and for not more than eight (8) hours on each of those days, each year over the five (5) years from the date of this approval.
- Advice note 'm' became condition '24' as follows:
 - 24. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

*Cr Meldrum left Chambers at 5.48pm
Cr Meldrum re-entered Chambers at 5.49pm*

RECOMMENDATION

CR EARL, CR SMART

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated

Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
---------------------------------	--

2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.
3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days and for not more than eight (8) hours on each of those days, each year over the five (5) years from the date of this approval.
4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.
5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31 day period must be nominated by the Applicant annually in the 'Event Pack'.
6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.
7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.
8. Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)
9. The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.
10. The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.
11. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.
12. The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.
13. At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:
 - a. risk;
 - b. emergency and evacuation;
 - c. traffic;
 - d. waste;
 - e. security and fencing;
 - f. event operation;

- g. fire;
 - h. marketing and advertising; and
 - i. any other Management Plan the Shire prescribes the Applicant by written notice.
- 14. The Event shall at all times be conducted in accordance with the approved Management Plans.
- 15. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.
- 16. The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.
- 17. Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.
- 18. Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.
- 19. All fencing, “No Parking” signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.
- 20. The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and ‘no go’ tape to protect foreshore vegetation and rehabilitation areas.
- 21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
- 22. The Applicant must make all efforts to ensure that any obstruction to the public’s normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
- 23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).
- 24. Formal pedestrian access must be maintained to the Rivermouth, Surfer’s Point and Gracetown Town Beach foreshore areas at all times.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and

- (iii) **The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.**
 - (iv) ***Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911; the Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.**
- b. **Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.**
 - c. **The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health (Miscellaneous Provisions) Act 1911; Health (Public Building) Regulations 1992* and *Building Code of Australia 2004*.**
 - d. **Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.**
 - e. **Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.**
 - f. **The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.**
 - g. **Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.**
 - h. **Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.**
 - i. **Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the *Liquor Control Act 1988* and any relevant permits, consents and approvals required.**
 - j. **Any food stall or vendor operating at the Event must be a registered food business and comply with the *Food Act 2008* and the Australian New Zealand Food Standards.**
 - k. **Any amplified sound, noise or music must be in accordance with the *Environmental Protection (Noise) Regulations 1997*.**
 - l. **Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the *Road Traffic Act 1974* and with notice to the Western Australia Police.**

0/0

Cr Meldrum moved the following amendment:

AMENDMENT

CR MELDRUM, CR SMART

That the following be added as Part 2:

Part 2

That Council resolves to:

- a) **Form a Surfers Pro Stakeholder Committee including the**
 - i. **Environmental Representatives;**
 - ii. **Traditional Owners;**
 - iii. **Chamber of Commerce;**
 - iv. **Margaret River Busselton Tourism Association (MRBTA);**
 - v. **Local Community Representatives**
 - vi. **Dept. of Biodiversity, Conservation and Attractions;**
 - vii. **Surfing WA;**
 - viii. **Tourism WA;**
 - ix. **Local Surfing Groups; and**
 - x. **Councillors**
- b) **Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council;**
- c) **Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and**
- d) **Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities, and plan with Surfing WA to make it an annual event.**

0/0

REASON

Cr Meldrum provided the following reason:

'Concerns amongst the AMR Shire community include the following; impact on amenity for local community leading up to and during the event, lack of cultural monitoring in installation of infrastructure, damage to sensitive coastal areas and general environmental management during the event etc.

The Surfing Pro Stakeholder Committee together with the AMR Shire will develop a Management Strategy for the surfing event in regards to coastal management and will identify how we can maximise the benefits the event brings to the AMR Shire and minimise the adverse impacts of the event. Surfing Pro Stakeholder Committee to advise on the implementation of the Management Strategy. (This occurs in Bells Beach - Surf Coast Council).

Possibilities for a collaboration of the AMR Shire and Surfing WA to advocate to State (Tourism WA) for funding to mitigate environmental impacts, improve infrastructure, address community amenity issues and to activate areas where local businesses can maximise the benefits the Pro brings to the Shire (e.g., activating locations such as cafes, Fearn Ave, skate park, other locations) Create an event atmosphere away from the location of the Pro, not confining it to the coastline for viewing.

A long term, strategic and collaborative approach to the Surfers Pro will ensure its long term sustainability within the community, benefit the local economy whilst ensuring the precious environment is protected and enhanced.'

Cr Lane then moved the moved the following amendment:

AMENDMENT

CR LANE,

In Part d) that the following words be added:

'should the surfing contest continue Surfing WA to support the Climate Action Summit into the future'

0/0

REASON

The amendment clarifies that the continuation of the Climate Action Summit held at the main marquee at the Pro is dependant on the continuation of the surfing contest.

Cr Meldrum, with consent of the seconder, omitted the words 'and plan with Surfing WA to make it an annual event' from the primary amendment.'

Cr Lane then withdrew his amendment.

Debate then continued on the primary amendment:

PRIMARY AMENDMENT

CR MELDRUM, CR SMART

That the following be added as Part 2:

Part 2

That Council resolves to:

- a) **Form a Surfers Pro Stakeholder Committee including the**
 - i. **Environmental Representatives;**
 - ii. **Traditional Owners;**
 - iii. **Chamber of Commerce;**
 - iv. **Margaret River Busselton Tourism Association (MRBTA);**
 - v. **Local Community Representatives**
 - vi. **Dept. of Biodiversity, Conservation and Attractions;**
 - vii. **Surfing WA;**
 - viii. **Tourism WA;**
 - ix. **Local Surfing Groups; and**
 - x. **Councillors**
- b) **Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council;**
- c) **Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and**
- d) **Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.**

0/0

Cr McLeod then moved the following amendment to the primary amendment:

AMENDMENT

CR MCLEOD, CR LANE

That the following wording be added to Part 2 b):

'to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth when the event is not in progress.'

0/0

REASON

Cr McLeod provided the following reason:

'Based on community feedback it would be beneficial to give further direction to the CEO as regards the wishes of the community and that these requests are addressed in the Terms of Reference.'

With consent of the seconder, Cr McLeod omitted the words 'when the event is not in progress.'

Debate then continued before being put to vote:

AMENDMENT / COUNCIL DECISION

CR MCLEOD, CR LANE OM2019/26

That the following wording be added to Part 2 b):

'to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts ; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth.'

CARRIED 6/0

This then became the primary amendment:

PRIMARY AMENDMENT / COUNCIL DECISION

CR MELDRUM, CR SMART OM2019/27

That the following be added as Part 2:

Part 2

That Council resolves to:

- a) **Form a Surfers Pro Stakeholder Committee including the**
 - i. **Environmental Representatives;**
 - ii. **Traditional Owners;**
 - iii. **Chamber of Commerce;**
 - iv. **Margaret River Busselton Tourism Association (MRBTA);**
 - v. **Local Community Representatives**
 - vi. **Dept. of Biodiversity, Conservation and Attractions;**
 - vii. **Surfing WA;**
 - viii. **Tourism WA;**
 - ix. **Local Surfing Groups; and**
 - x. **Councillors**
- b) **Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts ; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth;**
- c) **Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and**
- d) **Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.**

CARRIED 6/0

This then became the primary motion:

PRIMARY MOTION

CR EARL, CR SMART

Part 1

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive

(Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
---------------------------------	--

- 2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.**
- 3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days and for not more than eight (8) hours on each of those days, each year over the five (5) years from the date of this approval.**
- 4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.**
- 5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31 day period must be nominated by the Applicant annually in the 'Event Pack'.**
- 6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.**
- 7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.**
- 8. Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)**
- 9. The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.**
- 10. The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.**
- 11. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.**
- 12. The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.**
- 13. At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:**
 - a. risk;**
 - b. emergency and evacuation;**
 - c. traffic;**
 - d. waste;**
 - e. security and fencing;**
 - f. event operation;**
 - g. fire;**
 - h. marketing and advertising; and**

- i. any other Management Plan the Shire prescribes the Applicant by written notice.
14. The Event shall at all times be conducted in accordance with the approved Management Plans.
15. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.
16. The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.
17. Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.
18. Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.
19. All fencing, "No Parking" signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.
20. The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and 'no go' tape to protect foreshore vegetation and rehabilitation areas.
21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
22. The Applicant must make all efforts to ensure that any obstruction to the public's normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).
24. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.

- (iv) **Health (Miscellaneous Provisions) Act 1911** and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the **Health (Miscellaneous Provisions) Act 1911; the Health (Public Building) Regulations 1992** and the Building Code of Australia. A separate licence will be required under the **Health (Public Building) Regulations** for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.
- b. Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.
- c. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the **Health (Miscellaneous Provisions) Act 1911; Health (Public Building) Regulations 1992** and Building Code of Australia 2004.
- d. Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.
- e. Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.
- f. The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.
- g. Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.
- h. Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.
- i. Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the **Liquor Control Act 1988** and any relevant permits, consents and approvals required.
- j. Any food stall or vendor operating at the Event must be a registered food business and comply with the **Food Act 2008** and the Australian New Zealand Food Standards.
- k. Any amplified sound, noise or music must be in accordance with the **Environmental Protection (Noise) Regulations 1997**.
- l. Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the **Road Traffic Act 1974** and with notice to the Western Australia Police.

Part 2

That Council resolves to:

- a) Form a Surfers Pro Stakeholder Committee including the
- i. Environmental Representatives;
 - ii. Traditional Owners;
 - iii. Chamber of Commerce;
 - iv. Margaret River Busselton Tourism Association (MRBTA);
 - v. Local Community Representatives
 - vi. Dept. of Biodiversity, Conservation and Attractions;
 - vii. Surfing WA;
 - viii. Tourism WA;

- ix. Local Surfing Groups; and
 - x. Councillors
- b) Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts ; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth;
- c) Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and
- d) Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.

0/0

Cr Godden moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR GODDEN, CR LANE OM2019/28

That Condition 3 of the recommendation be amended as follows:

- the word 'four (4)' be omitted and replaced with the words 'two (2) and a maximum of 8 hours per day'; and
- the following wording be added 'and the semi-finals and finals shall not be held at North Point'.

CARRIED 4/2

CRS EARL AND SMART VOTED AGAINST

REASON

Cr Godden provided the following reason:

'The use of North Point for the Margaret River Pro for up to four days falls outside the scope of the LPP8 and the definition of a Minor Event. Cowaramup Bay and North Point does not have appropriate infrastructure for spectators to view the surfing competition. Most spectators will congregate at Town Beach to view the surfing at North Point, an area which is not included in the development application and therefore not managed by the conditions of approval, including conditions regarding protection of vegetation. There is potential for significant numbers of spectators over four days to cause damage to native vegetation. In 2018, approval was granted for a maximum of two days of competition at North Point. An increase to four days for 2019 is significant, and is an unreasonable deviation from LPP8.'

This then became the primary motion:

PRIMARY MOTION

CR EARL, CR SMART

Part 1

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
---------------------------------	--

2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.
3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days and a maximum of 8 hours per day and for not more than eight (8) hours on each of those days, each year over the five (5) years from the date of this approval and the semi-finals and finals shall not be held at North Point.
4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.
5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31 day period must be nominated by the Applicant annually in the 'Event Pack'.
6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.
7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.
8. Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)
9. The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.
10. The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.
11. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.
12. The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.
13. At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:
 - a. risk;
 - b. emergency and evacuation;
 - c. traffic;
 - d. waste;
 - e. security and fencing;
 - f. event operation;
 - g. fire;
 - h. marketing and advertising; and
 - i. any other Management Plan the Shire prescribes the Applicant by written notice.

14. The Event shall at all times be conducted in accordance with the approved Management Plans.
15. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.
16. The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.
17. Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.
18. Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.
19. All fencing, "No Parking" signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.
20. The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and 'no go' tape to protect foreshore vegetation and rehabilitation areas.
21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
22. The Applicant must make all efforts to ensure that any obstruction to the public's normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).
24. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
 - (iv) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required

to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.

- b. Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.
- c. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health (Miscellaneous Provisions) Act 1911*; *Health (Public Building) Regulations 1992* and *Building Code of Australia 2004*.
- d. Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.
- e. Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.
- f. The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.
- g. Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.
- h. Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.
- i. Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the *Liquor Control Act 1988* and any relevant permits, consents and approvals required.
- j. Any food stall or vendor operating at the Event must be a registered food business and comply with the *Food Act 2008* and the Australian New Zealand Food Standards.
- k. Any amplified sound, noise or music must be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- l. Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the *Road Traffic Act 1974* and with notice to the Western Australia Police.

Part 2

That Council resolves to:

- a) Form a Surfers Pro Stakeholder Committee including the
 - i. Environmental Representatives;
 - ii. Traditional Owners;
 - iii. Chamber of Commerce;
 - iv. Margaret River Busselton Tourism Association (MRBTA);
 - v. Local Community Representatives
 - vi. Dept. of Biodiversity, Conservation and Attractions;
 - vii. Surfing WA;
 - viii. Tourism WA;
 - ix. Local Surfing Groups; and
 - x. Councillors

- b) Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts ; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth;
- c) Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and
- d) Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.

0/0

Cr Godden then moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR GODDEN, CR LANE OM2019/29

That the following words be added to Condition 1:

'with the exception of the Corona Bar as shown on P1 and P5'

LOST 2/4

CRS MELDRUM, SMART, EARL, MCLEOD VOTED AGAINST

REASON

Cr Godden spoke to the amendment, stating that the event promotes healthy living and inclusion of a bar contradicts this. Cr Godden went on to say the 'Corona' bar promotes international beer and does not support or promote local beer or wine, the Corona brand has nothing to do with the community.

As the amendment was lost, debate continued on the primary motion:

PRIMARY MOTION

CR EARL, CR SMART

Part 1

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
--------------------------	---

2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.
3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days and a maximum of 8 hours per day and for not more than eight (8) hours on each of those days, each year over the five (5) years from the date of this approval and the semi-finals and finals shall not be held at North Point.

4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.
5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31day period must be nominated by the Applicant annually in the 'Event Pack'.
6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.
7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.
8. Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)
9. The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.
10. The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.
11. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.
12. The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.
13. At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:
 - a. risk;
 - b. emergency and evacuation;
 - c. traffic;
 - d. waste;
 - e. security and fencing;
 - f. event operation;
 - g. fire;
 - h. marketing and advertising; and
 - i. any other Management Plan the Shire prescribes the Applicant by written notice.
14. The Event shall at all times be conducted in accordance with the approved Management Plans.
15. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.
16. The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.
17. Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers

shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.

18. Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.
19. All fencing, "No Parking" signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.
20. The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and 'no go' tape to protect foreshore vegetation and rehabilitation areas.
21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
22. The Applicant must make all efforts to ensure that any obstruction to the public's normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).
24. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
 - (iv) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.
- b. Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.
- c. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health (Miscellaneous Provisions) Act 1911*; *Health (Public Building) Regulations 1992* and *Building Code of Australia 2004*.

- d. Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.
- e. Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.
- f. The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.
- g. Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.
- h. Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.
- i. Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the *Liquor Control Act 1988* and any relevant permits, consents and approvals required.
- j. Any food stall or vendor operating at the Event must be a registered food business and comply with the *Food Act 2008* and the Australian New Zealand Food Standards.
- k. Any amplified sound, noise or music must be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- l. Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the *Road Traffic Act 1974* and with notice to the Western Australia Police.

Part 2

That Council resolves to:

- a) Form a Surfers Pro Stakeholder Committee including the
 - i. Environmental Representatives;
 - ii. Traditional Owners;
 - iii. Chamber of Commerce;
 - iv. Margaret River Busselton Tourism Association (MRBTA);
 - v. Local Community Representatives
 - vi. Dept. of Biodiversity, Conservation and Attractions;
 - vii. Surfing WA;
 - viii. Tourism WA;
 - ix. Local Surfing Groups; and
 - x. Councillors
- b) Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts ; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth;
- c) Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and
- d) Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.

0/0

Cr Earl then moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR EARL, CR SMART OM2019/30

That in point 3 the words 'and for not more than eight (8) hours on each of those days' be omitted.

**CARRIED 5/1
CR GODDEN VOTED AGAINST**

REASON

Cr Earl spoke to the amendment, urging Councillors to give the Surf Pro a chance, advising that ad hoc restrictions can impact the operational running of the event.

This then became the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR EARL, CR SMART OM2019/31

That Council grants development approval for the use of Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) subject to compliance with the following conditions:

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

Plans and Specifications	P1 – P5 received at the Shire offices on 27 August 2018 and P6 received at the Shire offices on 23 January 2019
--------------------------	---

2. A five (5) year approval is hereby granted to conduct a Public Event at Surfers Point and The Box annually on five (5) occasions from the date of this Approval.
3. North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days, each year over the five (5) years from the date of this approval and the semi-finals and finals shall not be held at North Point.
4. The Public Event is restricted to operating between the hours of 0700 to 1700 hours each day.
5. The Public Event at Surfers Point is permitted to be held no longer than 31 days each year, between the months of March and June, including installation and dismantling. The 31day period must be nominated by the Applicant annually in the 'Event Pack'.
6. The Public Event infrastructure at North Point is permitted to be in place for a period each year for a maximum of 20 days between the months of March and June including installation and dismantling. The 20 day period must be nominated by the Applicant annually in the 'Event Pack'.
7. The northern gravel car park at North Point, as shown on the approved site plan P6, is not approved as a public parking area. A temporary gate shall be erected across the access track leading to the car park in a Shire approved location.

8. **Access to the Gracetown boat-ramp shall be available at all times for the purpose of launching vessels. (Refer to advice note b)**
9. **The number of patrons for the Public Event at Surfers Point shall not exceed 5,000 at any one time without further prior planning approval.**
10. **The revised Bushfire Management Plan shall be implemented on site prior to commencement of the Public Event at all times thereafter.**
11. **Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented on Site prior to commencement of the Event.**
12. **The Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.**
13. **At least 45 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:**
 - a. **risk;**
 - b. **emergency and evacuation;**
 - c. **traffic;**
 - d. **waste;**
 - e. **security and fencing;**
 - f. **event operation;**
 - g. **fire;**
 - h. **marketing and advertising; and**
 - i. **any other Management Plan the Shire prescribes the Applicant by written notice.**
14. **The Event shall at all times be conducted in accordance with the approved Management Plans.**
15. **The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise.**
16. **The Reserve (including the bitumen surface of the Surfers Point car park, existing facilities and vegetation) must not be damaged as a consequence of the Event. Repairs to any damage must be undertaken to the satisfaction of the Shire within seven days of the completion of the Event at the expense of the Applicant.**
17. **Reserves the subject of this Approval, must be kept in a clean and tidy condition, free from both litter and refuse during and at the completion of the Event. Structures to the promotion of the Event must be removed at the conclusion of the Event to the satisfaction of the Shire. At the time of completion of the removal and rubbish clean up, the organisers shall call for an inspection with Shire staff to ensure the Event site is remediated to at least the same condition that it was prior to the Event.**
18. **Appropriate security and crowd control arrangements shall be undertaken to deter vandalism at the competition site.**
19. **All fencing, “No Parking” signs, signage and taping to be in place prior to commencement of the Event to the satisfaction of the Shire.**
20. **The Event organisers shall ensure appropriate use of Reserves the subject of this Approval and shall provide security personnel and prevent patron access to environmentally sensitive vegetation and rehabilitation areas. Environmentally sensitive areas shall be provided with suitable barriers and signage including fencing and ‘no go’ tape to protect foreshore vegetation and rehabilitation areas.**

21. The Event program, road closures and residents passes shall be advertised in at least one local newspaper by the Applicant weekly for two (2) weeks prior to the Event.
22. The Applicant must make all efforts to ensure that any obstruction to the public's normal access to Reserve 41545, Reserve 27618, Reserve 26228 and Reserve 8428 due to the Event is minimised and that public access is only restricted to the extent necessary for security, safety or operation of the Event (refer to advice note m).
23. A pass shall be provided to Prevelly/Gnarabup and Gracetown householders and employees of businesses within this area so that access to and from the area for residents and employees is not unreasonably impeded. Details of the method of complying with this condition must be submitted and approved by the Shire in the marketing and advertising plan(s).
24. Formal pedestrian access must be maintained to the Rivermouth, Surfer's Point and Gracetown Town Beach foreshore areas at all times.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant permit authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
 - (iv) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.
- b. Two parking spaces shall be reserved at the Gracetown boat-ramp adjoining car park for the Margaret River Volunteer Marine Rescue Group at all times during the Public Event.
- c. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health (Miscellaneous Provisions) Act 1911*; *Health (Public Building) Regulations 1992* and *Building Code of Australia 2004*.
- d. Accessible security gates / access ways must be attended to during the Event to ensure that those persons with authority to park vehicles at Surfers Point and Rivermouth car park can do so, in particular those cars carrying ACROD stickers.
- e. Sufficient egress/exits shall be provided to enable the efficient evacuation of patrons from the Event site in an emergency.
- f. The Event Organiser shall ensure that a copy of the Event 'Emergency Evacuation Plan' is displayed at appropriated locations within the site. A copy of the Emergency Evacuation Plan shall be provided to all security personnel, volunteers, stall operators and persons involved in organising the Event.
- g. Exit signs shall be large enough to make the exit location obvious to patrons and visible from all respective public areas.
- h. Emergency lighting shall be provided for outdoor areas that will operate if the main electrical source fails. The Event shall be provided with two (2) separate light sources so

that in event of one source failing there will be sufficient light to allow an orderly evacuation of the venue. The sources may be two (2) generators or a generator and a town supply.

- i. Alcohol may only be sold and consumed in the Licence Area(s) if it is in accordance with the *Liquor Control Act 1988* and any relevant permits, consents and approvals required.
- j. Any food stall or vendor operating at the Event must be a registered food business and comply with the *Food Act 2008* and the Australian New Zealand Food Standards.
- k. Any amplified sound, noise or music must be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- l. Any closure of a road, thoroughfare or car park in the Licence Area must be done in accordance with the *Road Traffic Act 1974* and with notice to the Western Australia Police.

Part 2

That Council resolves to:

- a) Form a Surfers Pro Stakeholder Committee including the
 - i. Environmental Representatives;
 - ii. Traditional Owners;
 - iii. Chamber of Commerce;
 - iv. Margaret River Busselton Tourism Association (MRBTA);
 - v. Local Community Representatives
 - vi. Dept. of Biodiversity, Conservation and Attractions;
 - vii. Surfing WA;
 - viii. Tourism WA;
 - ix. Local Surfing Groups; and
 - x. Councillors
- b) Prior to appointment or invitation to members of the committee, the CEO draw up Terms of Reference for discussion and approval by Council to ensure high level community engagement in managing the event, including the objectives of mitigating environmental impacts; maximising the economic and social benefits to the local economy and community, guaranteeing maximum effort is made to allow local surfers and pedestrians access to Surfer's Point', North Point and the Rivermouth;
- c) Resolves to prepare a Margaret River Surfing Pro Strategy (that will have input from the Stakeholder Committee) to provide guidance for the management of Margaret River Surfing Pro in future years; and
- d) Use the 2019 Inaugural Climate Action Summit, held at the main marquee at the Pro, to promote climate change action within local communities.

CARRIED 5/1
CR LANE VOTED AGAINST

11.2.2 MODIFICATION TO BROOKFIELD LOCAL CENTRE STRUCTURE PLAN

LOCATION/ADDRESS	Lots 9 and 25 Brookfield Avenue, Margaret River
APPLICANT/LANDOWNER	Brookfield Estate Pty Ltd
FILE REFERENCE	LND/151SP
REPORT AUTHOR	Matt Cuthbert, Acting Manager Planning and Development Services
AUTHORISING OFFICER	Nick Logan, Acting Director Sustainable Development

This item was withdrawn by the applicant on 20 February 2019.

11.3. Infrastructure Services

11.3.1 ADOPTION OF LOCAL LAW - EROSION AND SEDIMENT CONTROL LOCAL LAW 2019

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	COR/291
REPORT AUTHOR	Lauren Bidesi, Senior Legal Officer, Merryn Delaney, Environmental Officer
AUTHORISING OFFICER	Markus Botte, Director Infrastructure Services

IN BRIEF

- At the Ordinary Council Meeting on 14 November 2018 an *Erosion and Sediment Control Local Law 2018* (Local Law) was proposed to ensure the Shire has the ability to apply enforcement to owners or occupiers of land which fail to adequately contain soil, sediment and pollutant on land.
- The purpose of this Local Law is to ensure land owners, builders and developers take practical measures to stabilise their land, and to prevent soil, sediment and pollutant from leaving the land or directly or indirectly entering waterbodies or watercourses.
- Council recommended to provide notification in accordance with section 3.12 of the *Local Government Act 1995* of the Shire's intention to make the Local Law.
- Advertising of the proposed Local Law took place on 23 November 2018 in the West Australian Newspaper and in the Augusta Margaret River Times, with an 8 week submission period.
- No submissions were received.
- This report presents the local law upon which no submissions were received.
- The Minister for Local Government, Sport and Cultural Industries reviewed and provided suggestions, mostly on typographical and formatting matters, and the Local Law has been amended to incorporate these suggestions.
- It is now recommended that Council adopt the Local Law and that it be published in the Government Gazette.

RECOMMENDATION

That Council:

1. Notes that no submissions were received in response to the proposal to make the *Erosion and Sediment Control Local Law 2019*;
2. Resolves to make the *Erosion and Sediment Control Local Law 2019* with the minor amendments suggested by the Minister for Local Government; and
3. Authorises the CEO to:
 - a) Affix the common seal to the Local Law, or any other documents relevant to making the Local Law.
 - b) Publishes the Local Law in the Government Gazette and forward a copy to the Minister for Local Government.
 - c) Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection.

LOCATION PLAN

Not applicable – Local Law will apply to the entire Shire.

TABLED ITEMS

Nil

BACKGROUND

At the Ordinary Council Meeting on 14 November 2018 it was decided that the Local Law would be proposed and advertised for adoption.

The Local Law is based on the City of Nedlands' Site Erosion and Sand Drift Local Law 2014 and the Town of Claremont's Site Erosion and Sand Drift Local Law 2016. These local law examples are recommended by the Sediment Task Force (Perth NRM) as best practice and appropriate for Western Australian conditions. These examples have been significantly enhanced, not only for clarity, but also to reflect the regional setting of the Shire of Augusta Margaret River.

Furthermore, some minor amendments have been made to the proposed Local Law based on suggestions provided by the Department of Local Government, Sport and Cultural Industries. These amendments are mostly relating to typographical and formatting matters, and the Local Law has been amended to incorporate these suggestions. The date of the Local Law has been amended to 2019 to reflect the year it will be adopted.

The purpose of the Local Law is to provide for the regulation, control and management of erosion and the escape of soil, sediment and pollutant from land within the Shire so as to protect the amenity of the area and to reduce adverse environmental impacts.

The effect of the Local Law is to establish requirements for the management and control of site erosion and sand on land within the Shire.

CONSULTATION AND ADVICE

External Consultation

The proposed Local Law was advertised (Advertising) consistently with the *Local Government Act 1995* (the Act) requirements in:

- The Shire's local public notices in the Augusta Margaret River Times on 23 November 2018;
- The local government notices in the West Australian on 23 November 2018; and
- The Shire office foyer and library noticeboards.

The first Advertising commenced on 23 November 2018, with a submission deadline inviting comments by 21 January 2019. This period for submissions exceeded the 6 week minimum period specified by the Act. No submissions were received in response to the proposed Local Law.

Department of Local Government, Sport and Cultural Industries Advice

In accordance with the Acts section 3.12(3)(b), a copy of the proposed Local Law was provided to the Minister for Local Government, Sport and Cultural Industries (Minister). The Minister reviewed and provided comments and recommendations on the proposed Local Law. The comments were almost entirely in respect of typographical and formatting matters.

The proposed Local Law has been amended from what it was when advertised, to incorporate all the suggestions provided in the Minister's comments. No amendments to the substantive legal provisions in the Local Law have been made.

Internal Consultation

The Shires Legal Services and Infrastructure Services Directorates have been consulted internally and been instrumental in the drafting of the proposed Local Law. The proposed Local Law reflects their recommendations.

DISCUSSION / OFFICER COMMENTS

The changes to the proposed Local Law as a result of incorporating the Minister's suggestions are not considered to have made them significantly different than what was advertised.

The proposed Local Law satisfies the objectives of making a local law, by:

1. Implementing a contemporary format for governing the relevant matters;
2. Minimising duplication and ensuring consistency with relevant head of powers; and
3. Using plain English to assist both the public and Shire officers to understand and apply the local law.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Clause 3.12 of the *Local Government Act 1995* prescribes the procedure for making local laws. In accordance with the Act section 3.12, after a proposed local law is advertised:

1. Any submissions received are to be considered; and,

2. If the local law is not significantly different from what was proposed/advertised, then the local law can be made by an absolute majority vote.

If the local law receives an absolute majority vote then:

1. The local law is to be published in the Government Gazette;
2. A copy is to be provided to the Ministry of Local Government; and,
3. After being published in the Government Gazette, there is to be local public notice issued:
 - a. Stating the local laws title;
 - b. The local law's purpose and effect; and
 - c. Advising where a copy of the local law can be inspected or obtained.

The Local Law comes into effect 14 days after being published in the Government Gazette.

By virtue of the Local Law Explanatory Memoranda Directions 2010 issued by the Department of Local Government, local governments are required to forward to the Joint Standing Committee (JSC), on delegated legislation, within 10 days of the gazettal date, the following:

1. Completed explanatory memorandum relevant to the local law;
2. Copy of the local law adopted as it appears in the Government Gazette;
3. Identification of the model that the local law was based on and any differentiation;
4. Completed Statutory Procedures Checklist; and
5. Supporting material, including copies of advertising and Council Minutes relevant to adopting the local law.

On receiving these materials, the JSC has a statutory timeframe to consider the subsidiary legislation and determine if it should be disallowed. The JSC limits its disallowance recommendations to circumstances where the local law exceeds its delegation power.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

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

Community Outcome 2: Healthy waterways and their foreshores

Strategy 1: Develop partnerships to maintain, improve and measure the quality and ecological values of waterways, rivers and wetlands and ensure environmental flows through urban and rural catchments.

FINANCIAL IMPLICATIONS

Advertising of the adopted Local Law is required and also publishing the Local Law in the Government Gazette. The advertising charges will be covered from existing budget allocations.

SUSTAINABILITY IMPLICATIONS

Environmental

The Local Law will support environmental management programs that protect the local amenity and health of the Shire's waterways and waterbodies.

Social

Through this program, the Shire will be endeavouring to continue to engage with and educate the construction industry and owners/occupiers of land to improve management practices.

Transport of soil, sediment and pollutant from construction sites is highly conspicuous when the river shows signs of high turbidity, and triggers community concern about impacts on the environment.

Economic

The value of healthy natural waterbodies and watercourse is difficult the measure in economic terms, but the Margaret River and Blackwood River are both widely valued throughout the community and supports the economic and tourism potential of the Shire of Augusta Margaret River.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Notes that no submissions were received in response to the proposal to make the *Erosion and Sediment Control Local Law 2019*;
2. Resolves to make the *Erosion and Sediment Control Local Law 2019* with the minor amendments suggested by the Minister for Local Government; and
3. Authorises the CEO to:
 - a) Affix the common seal to the Local Law, or any other documents relevant to making the Local Law.
 - b) Publishes the Local Law in the Government Gazette and forward a copy to the Minister for Local Government.
 - c) Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Erosion and Soil Control Local Law 2019

RECOMMENDATION / COUNCIL DECISION

CR GODDEN, CR EARL OM2019/32

That Council:

1. **Notes that no submissions were received in response to the proposal to make the *Erosion and Sediment Control Local Law 2019*;**
2. **Resolves to make the *Erosion and Sediment Control Local Law 2019* with the minor amendments suggested by the Minister for Local Government; and**
3. **Authorises the CEO to:**
 - a) **Affix the common seal to the Local Law, or any other documents relevant to making the Local Law.**
 - b) **Publishes the Local Law in the Government Gazette and forward a copy to the Minister for Local Government.**
 - c) **Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection.**

CARRIED BY ABSOLUTE MAJORITY 6/0

11.3.2 PURCHASE OF HEAVY DUTY 4 X 4 LOADER

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	PLT/23
REPORT AUTHOR	Melissa Gow, Works Project Administrator
AUTHORISING OFFICER	Markus Botte, Director Infrastructure Services

As the recommendation contained in this report is dependant on the outcome of Item 11.4.3 2018-19 Budget Review, this item is to be considered subsequent to 11.4.3 2018-19 Budget Review.

11.4.

Corporate and Community Services

11.4.1 COMPLAINT HANDLING POLICY

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	PRL/2
REPORT AUTHOR	Vicki Scott, Coordinator Revenue and Customer Service
AUTHORISING OFFICER	Andrew Ross, Acting Director Corporate and Community Services

IN BRIEF

- The Shire provides our customers with many services across all our directorates. Levels of service and timeframes are listed in the Shire's Customer Service Charter endorsed by the Executive Leadership Team (ELT).
- Policy CCSP29 Complaint Handling outlines the framework under which the Shire will receive, record and respond to complaints.

RECOMMENDATION

That Council adopts Policy CCSP29 Complaint Handling as per Attachment 1.

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

In 2010 the Shire's Executive Leadership Team (ELT) endorsed a Shire 'Complaint Handling Guide' which was to be reviewed in accordance with the actions of the Corporate Business Plan.

In 2017 the document was reviewed by the Coordinator of Revenue and Customer Service and presented to ELT for feedback prior to endorsement. Feedback was received from ELT with a recommendation the Guide be replaced with an Information Sheet specifically for customers and a Policy outlining the framework for managing complaints.

CONSULTATION AND ADVICE

External Consultation

Nil

Internal Consultation

Executive Leadership Team
Directors
Managers

DISCUSSION / OFFICER COMMENTS

The Shire's Customer Service Charter (refer attached) sets out the Shire's commitment to our customers, for the services the Shire provides. The Charter details the level of service customers should expect to receive and what to do if they feel those expectations aren't achieved. The brochure includes standard timeframes for the services provided. However, the achievement of these timeframes is dependent on whether correct and completed information was provided by the customer.

The new Information Sheet and Feedback Form, which are attached, includes general information for our customers on the Shire's complaint handling process such as:

- Defining what is a complaint
- How to make a complaint

- Confidentiality
- Responding to Complaints.

Shire Policy CCSP29 Complaint Handling recognises the right of the Shire's customers to make a complaint. It outlines a complaints handling system which is essential to allow the Shire to improve its service delivery and better understand customer's needs to improve business reputation.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Government Act 1995, Section 2.7(2):

2.7 Role of Council

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

Key result Area 5: Effective Leadership and Governance.

Community Outcome 4: Community and customer focus.

Strategic Response 1: Provide high quality customer and community focused services and programs across the organisation

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

The application of Policy CCSP29 will not have any financial impact on the Shire.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Nil

Economic

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopts Policy CCSP29 Complaint Handling as per Attachment 1.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Policy CCSP29 Complaint Handling
2. Customer Service Charter
3. Complaint Handling Information Sheet and Form

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR GODDEN OM2019/33

That Council adopts Policy CCSP29 Complaint Handling as per Attachment 1.

CARRIED 6/0

11.4.2 OPERATIONAL PLAN 2018-19: QUARTER TWO REPORT

LOCATION/ADDRESS	N/A
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	COR/130
REPORT AUTHOR	Stacey Hutt, Community and Corporate Planner
AUTHORISING OFFICER	Andrew Ross, Acting Director Corporate and Community Services

IN BRIEF

- Council adopted the Operational Plan 2018-19 at OM 22 August 2018 (OM2018/214).
- The Operational Plan (OP) 2018-19 is a sub plan of the Corporate Plan (CP) 2018-22 and outlines the activities, delivery of projects and infrastructure in reference to the Shire's Informing Strategy to achieve the priorities set by Council.
- The OP confirms the Shire's ability to achieve priorities in alignment with the CP 2018-22, Long Term Financial Plan 2018-28, Workforce Plan and Asset Management Plan, and addresses the objectives and strategies outlined in the Community Strategic Plan 2036.
- The OP allocates responsibility to business units, sets performance measures for evaluating projects, services and delivery of priorities in the short term and is aligned to the budget including the capital works program.
- It is a requirement for the Shire to report quarterly to Council on the OP.

RECOMMENDATION

That Council receives the Operational Plan 2018-19 Quarter 2 Report (Attachment 1).

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

Under the *Local Government (Administration) Regulations 1996* (LGAR), all local governments in Western Australia are required to have developed and adopted two key documents: a Strategic Community Plan (CSP) and a Corporate Plan (CP) which are supported and informed by resourcing and delivery strategies. These plans drive the development of each local government's annual budget.

The Shire's CSP underwent a major review over 2016-17, with the final plan for 2036 endorsed by Council on 27 September 2017. The CSP 2036 is currently being implemented through the CP 2018-22 and OP 2018-19. The CSP outlines five key result areas to be achieved through the strategies and actions that are detailed in the CP. The CP integrates the Shire's Informing Strategy, which is comprised of the Shire's Workforce Plan, Asset Management Plan and the Long Term Financial Plan.

The CP sets out the projects and services the Shire will deliver over the next four years that work towards achieving the outcomes identified in the CSP. The CP is achieved through the annual OP, which includes information on individual actions and projects programmed to be completed throughout the year (year 1 of the CP) and incorporates the priority projects as adopted by Council. The annual OP is reported quarterly to Council.

The Integrated Planning and Reporting Framework and Guidelines (2016) issued by the Department of Local Government, Sport and Cultural Industries provides guidance in the reporting requirements of local government in relation to the integrated plans. Performance monitoring of the annual OP is

required to be undertaken quarterly and reported to Council. This is the second quarter report of the OP 2018-19 to be received by Council.

CONSULTATION AND ADVICE

External Consultation

No external consultation is required as part of the Quarterly Report review.

Internal Consultation

Executive Leadership Team
Business Unit Managers and Coordinators

DISCUSSION / OFFICER COMMENTS

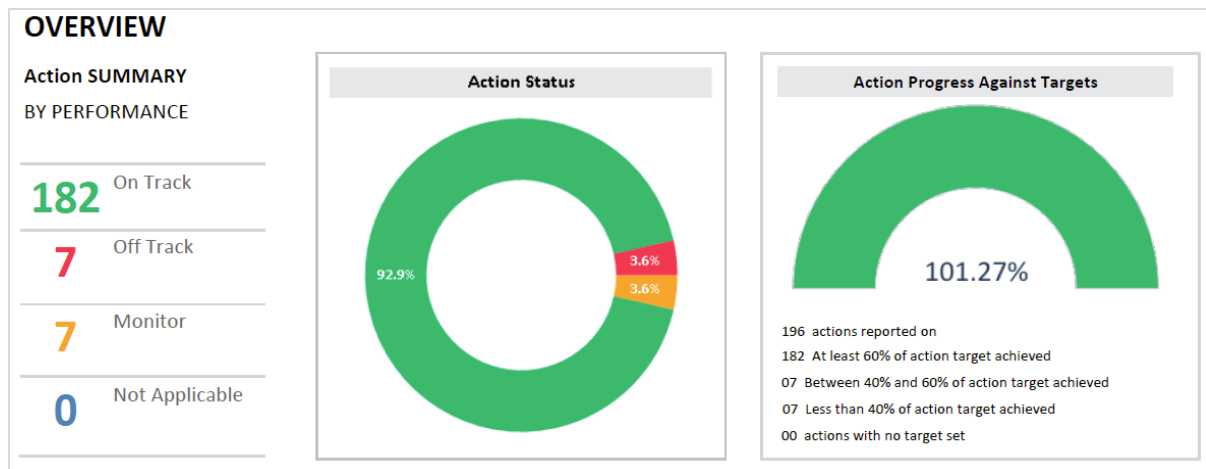
In accordance with the guidelines issued by the Department of Local Government, Sport and Cultural Industries, Council is required to receive quarterly updates on the annual OP 2018-19 and to be cognisant of the resourcing required by the Shire to implement Council’s CSP and CP.

This quarterly report includes the planned activities and projects for the financial year across all Shire business units. Each action indicates the responsible person and provides an opportunity to understand how the work is developing according to key business unit indicators while offering an insight to highlights and challenges encountered on the way.

The report includes service trackers as shown in the OP 2018-19. The purpose of the service trackers is to provide insight into service demands, alongside the progress of actions. The trackers were developed with Managers and Coordinators, by identifying essential services for monitoring. The “targets” specify the service level that is currently resourced.

Overview

Second quarter progress on the OP 2018-19 as reported in the Quarterly Report indicates:



Of the 196 reportable actions, 182 are green (on track and have achieved their target), 7 actions are amber (achieving between 40-60% of their target) and 7 actions are red (achieving less than 40% of their target).

The 7 actions achieving less than 40% of their target are:


Action Title: 1.5.3.1 Priority Project: Implement and regularly review the Climate Change Response Plan						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Matt Cuthbert - Acting Manager Planning and Development	In Progress	01-Jul-2018	30-Jun-2022	10.00%	50.00%	

Action Progress Comments:

This project is likely to be deferred until after the Shire holds a Climate Action Summit which is currently being formulated together with SAC.

Last Updated: 08-Jan-2019

Action Title: 3.3.1.1 Priority project: Progressively install solar panels on Shire buildings


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Matt Cuthbert - Acting Manager Planning and Development	In Progress	01-Jul-2018	30-Jun-2022	10.00%	50.00%	 RED

Action Progress Comments:

Project on hold due to other priority projects.

Last Updated: 25-Oct-2018

Action Title: 3.5.3.1 Fund the Living Smart program for increased community awareness of sustainable living


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Matt Cuthbert - Acting Manager Planning and Development	Not Started	01-Jul-2018	30-Jun-2022	0.00%	50.00%	 RED

Action Progress Comments:

Not yet commenced.

Last Updated: 25-Oct-2018

Action Title: 3.6.1.4 Collaborate with CapeROC to finalise and implement the Regional Trails Strategy


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
David Nicholson - Manager Asset Services	In Progress	01-Jul-2018	30-Jun-2022	10.00%	50.00%	 RED

Action Progress Comments:

The brief has been prepared and endorsed by CapeROC. A Request for Quotation process was conducted and the project was awarded to Common Ground Trails. Background information provided to consultant. Start-up meeting to be held in January 2019. Project delivery has been delayed due to the availability of the consultant.

Last Updated: 01-Feb-2019

Action Title: 3.6.1.5 Progressive implementation of the recommendations within the Bridle Trails Feasibility Study including development around the Margaret River Pony Club

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
David Nicholson - Manager Asset Services	In Progress	01-Jul-2018	30-Jun-2020	15.00%	50.00%	 RED


Action Progress Comments:

Plans have been developed to implement trail markers, signage and mapping over quarters three and four of 2018-19. Trail marker posts have been ordered, with map and leaflets to be designed with the pony club.

Last Updated: 01-Feb-2019

SHIRE OF AUGUSTA MARGARET RIVER
ORDINARY COUNCIL MEETING 27 FEBRUARY 2019

Action Title: 4.2.4.2 Develop additional chalets at Turner Caravan Park utilising Caravan Park reserve funds


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Nigel Anderson - Manager Human & Community Services	In Progress	01-Jul-2018	30-Jun-2020	10.00%	50.00%	 RED

Action Progress Comments:

The provision of additional chalets at Turner Caravan Park has been included within the draft Concept Master plan based upon the success of the existing chalets which in their year first year (Dec 17-Jun 18) have achieved an average occupancy of 56% compared to the Caravan Industry Association average industry occupancy of 45%. Council are currently considering the chalet initiative as part of the overall master plan redevelopment staging.

Last Updated: 08-Jan-2019

Action Title: 5.3.2.1 Negotiate the Enterprise Bargaining Agreement renewal every three years and lodge with the Fair Work Commission

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Nigel Anderson - Manager Human & Community Services	In Progress	01-Jul-2018	30-Jun-2022	15.00%	50.00%	 RED

Action Progress Comments:

Proposed improvements to the EBA are currently being scoped and supporting wage pricing data is being collated to inform the Workforce Plan and Long Term Financial Plan.

Last Updated: 08-Jan-2019

A total of six actions have been deferred for 2018-19 and as a result these KPI targets have been reset to 0. These actions are:

Action Title: 1.2.1.4 Work with the Department of Water and Environment Regulation to address recommendations from the Hardy Inlet Water Quality Improvement Plan for Augusta townsite stormwater treatment

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
John McKinney - Coordinator Environment/Landcare Services	Not Started	01-Jul-2018	30-Jun-2022	0.00%	-	<input type="text" value="-"/>

Action Progress Comments:

This project has been deferred pending release of the plan by the Department.

Last Updated: 18-Jan-2019

Action Title: 5.2.1.1 Conduct a minor review of the Community Strategic plan every two years, and a major review every four years

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Stacey Hutt - Corporate & Community Planner	Not Started	01-Jul-2018	30-Jun-2022	0.00%	-	<input type="text" value="-"/>

Action Progress Comments:

This project has been deferred, due to staffing resources and waiting on CEO recruitment.

SHIRE OF AUGUSTA MARGARET RIVER
ORDINARY COUNCIL MEETING 27 FEBRUARY 2019

Last Updated: 15-Jan-2019

Action Title: 5.2.3.2 Conduct a minor review of the Long Term Financial Plan every year, and a major review every two years

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Andrew Ross - Acting Director Corporate and Community Services	Not Started	01-Jul-2018	30-Jun-2022	0.00%	-	-

Action Progress Comments:

Conduct of a minor review is being reconsidered due to resourcing issues and the availability of key information for the plan.

Last Updated: 12-Oct-2018

Action Title: 5.2.4.2 Review ICT and Records Disaster Recovery Plans

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
David Mittnacht - Coordinator Information Management	Not Started	01-Jul-2018	30-Jun-2019	0.00%	-	-

Action Progress Comments:

This has been deferred to follow the implementation of the ICT Strategic Framework. Note, there is an existing DRP that is effectively adequate to our current requirements.

Last Updated: 10-Oct-2018

Action Title: 5.4.2.1 Priority Project: Deliver the Integrated Planning Framework through review of the Shire's Service Levels and Operational Plan in accordance with the annual budget and workforce plan

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Stacey Hutt - Corporate & Community Planner	Not Started	01-Jul-2018	30-Jun-2022	0.00%	-	-

Action Progress Comments:

This project has been deferred, due to staffing resources and waiting on CEO recruitment.

Last Updated: 15-Jan-2019

Action Title: 5.7.1.2 Implement the ICT Strategic Framework and review every four years

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
David Mittnacht - Coordinator Information Management	Not Started	01-Jul-2018	30-Jun-2022	0.00%	-	-

Action Progress Comments:

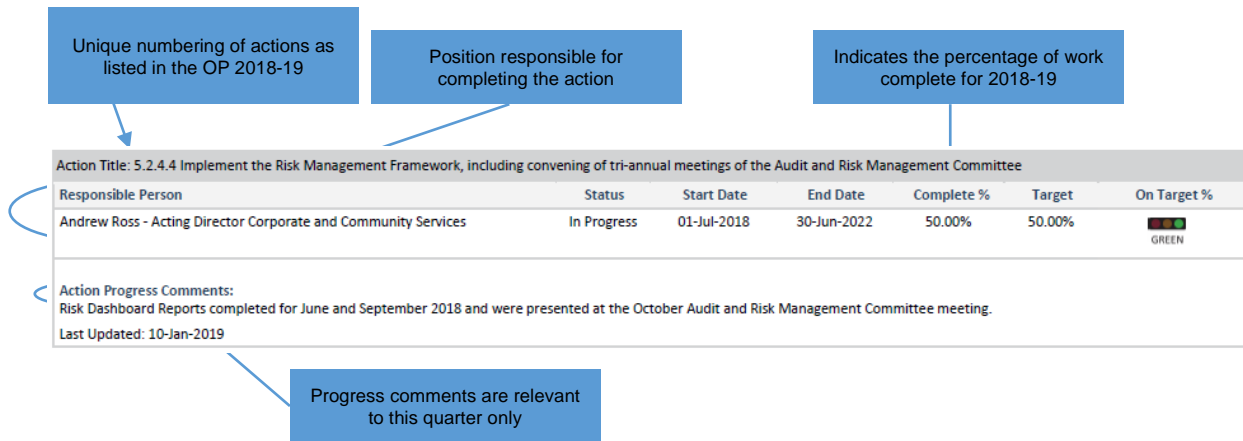
Project has been deferred pending the identification of budget funds to possible engage an external resource

Last Updated: 18-Jan-2019

A total of 10 actions were completed this quarter, including:

- 1.1.2.1 Implement and regularly review the local Energy Action Plan, which includes community energy education program, monitoring of carbon emissions and carbon neutral tree planting program each year
- 2.3.2.2 Develop the adjoining public open space to the Rapids Landing School Oval
- 2.5.4.2 Partner with swim schools to provide the community with cost effective services
- 2.6.2.3 Complete the review of Dog Exercise Areas and implement recommended improvements for management
- 3.2.1.3 Replace damaged sections of the Augusta foreshore walls
- 3.6.2.4 Implement the Capes Region Boating Strategy and review every four years
- 5.3.3.4 Coordinate OSH Audit AS/NZS4801:2001
- 5.3.4.1 Conduct a minimum of two all of staff meetings per annum
- 5.4.1.2 Champion the Customer Service Charter and Customer Service Strategy, and review every four years
- 5.6.3.1 Deliver the Annual Report each year in line with statutory requirements.

Below is a brief road map on reading the quarter report:



STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 5.56 (1) *Local Government Act 1995* requires local governments to have in place a plan for the future.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)
Corporate Business Plan 2018-22

Key Result Area 5: Effective leadership and governance

Outcome 5.5. A culture of innovation, quality and continuous improvement

Strategic Response 5.6.2. Report on our success and sustainability to the community and stakeholders

Action 5.6.2.1. Deliver quarterly updates to Council and community of progress against the Operational Plan.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

The actions and projects which are detailed in the OP 2018-19 and the Quarter 2 Report are aligned with the Annual Budget 2018-19 and the Long Term Financial Plan.

SUSTAINABILITY IMPLICATIONS

The Community Strategic Plan fosters an identification and integration of environmental protection, social advancement and economic prosperity which is enacted through the Corporate and Operational Plan.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receives the Operational Plan 2018-19 Quarter 2 Report (Attachment 1).

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Operational Plan 2018-19 Quarter 2 Report

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SMART OM2019/34

That Council receives the Operational Plan 2018-19 Quarter 2 Report (Attachment 1).

CARRIED 6/0

11.4.3 2018-19 BUDGET REVIEW

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

IN BRIEF

- Legislation requires that between 1 January and 31 March each year a local government is to carry out a review of its annual budget for the year.
- The 2018-19 Budget review has resulted in the Shire's net result decreasing from a surplus of \$4.916 million to a surplus of \$4.788 million. The main reason for this decrease is the forecast increase in operating expenditure is greater than the forecast increases in operating revenue and grants for capital projects.
- The review identified increases to operating revenue of \$0.643 million, increases to operating expenditure of \$0.989 million and increases to capital grants of \$0.219 million.
- Capital expenditure is expected to be only \$0.080 million lower than expected with reductions to capital projects being offset by the inclusion of new items.
- Transfers to Reserves have been increased by \$0.705 million with the main budget amendment being the transfer of Waste Services capital project budgets to the Waste Management reserve.
- Transfers from reserves have been increased by \$0.482 million with the main adjustment being the transfer of funds to purchase a loader to replace a previously leased loader for the Davis Road landfill site.
- In summary the completed review has resulted in a balanced budget position at 30 June 2019.
- To comply with legislation a copy of this review and Council's determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

RECOMMENDATION

That Council:

1. Receives the 2018-19 Budget review in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996*; and
 2. Adopts the results of the review and the budget amendments contained in the Attachment.
-

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

In accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* local governments are required to carry out a review of their annual budget after six months and Council is required to consider the results of this review.

To undertake the review business units were provided statements of their financial results at 31 December 2018 and requested to review these results and record any budget adjustments they believed to be materially significant. To ensure budget adjustments were of a material nature, only budget adjustments greater than \$5,000 were requested. A conservative approach to reviews was followed and the reason for the proposed budget adjustments recorded. Business units were also encouraged to find savings to offset any over expenditures.

In order to determine the expected financial position at 30 June 2019, the budget review financial statements contain all actual expenditure and revenue to 31 December 2018, the proposed adjustments to accounts or jobs and the amended budget or forecast end of financial year balance.

Although Council has adopted a material variance threshold for reporting purposes of greater than 10% and \$10,000 (minute reference OM2018/186, 25/7/2018) and policy CCSP4 (Finance General Policy) allows the CEO to approve budget variations up to \$10,000, Council is requested to review and approve variations greater than \$5,000.

CONSULTATION AND ADVICE

External Consultation

Nil

Internal Consultation

Business Units reviewed the financial results and Budget, provided amendments and reasons for the amendments.

DISCUSSION / OFFICER COMMENTS

The attached Business Unit Financial Report includes the Statement of Financial Activity which shows a summary by business unit, the balances of each reserve account and revenue and expenditure details by business unit.

In summary, the Statement of Financial Activity shows the following proposed amendments:

	Approved Budget \$	Budget Amendment \$	Amended Budget \$
Operating Revenue	33,482,595	642,510	34,125,105
Operating Expenditure	(36,231,600)	(988,878)	(37,220,478)
Net Operating Surplus/(Deficit)	(2,749,005)	(346,368)	(3,095,373)
Capital Grants & Contributions	7,664,592	218,700	7,883,292
Net Result	4,915,587	(127,668)	4,787,919
Depreciation	9,146,640	(50,000)	9,096,640
Capital Expenditure	(26,627,998)	79,870	26,548,128
Transfers to Reserves	(3,044,817)	(705,000)	(3,749,815)
Transfers from Reserves	9,245,097	482,000	9,727,097
New Loan Borrowings	500,000	0	500,000
Proceeds from Disposal of Assets and Land Inventory	1,457,182	460,000	1,917,182
Net Current Assets (Closing Position)	0		0

Additionally, an improved closing position at 30 June 2018 (which became the opening position at 1 July 2018) was recorded compared to that included in the 2018-19 Budget. The budget forecast an opening position of \$5,103,678 when the actual audited result was \$5,254,476 and resulted in an improvement of \$150,798. This improved opening position allows a balanced budget position to be forecast at 30 June 2019.

The overall nett impact of budget amendments for the majority of business units is relatively minor as proposed changes to operating revenue almost balance with proposed operating expenditure increases.

The main reasons for the increase in operating revenue of \$0.643 million are:

- The number of ratepayers using the instalment option has increased;
- Financial Assistance Grant was \$0.058 million higher than budgeted;
- additional interest on investments of \$0.085 million;

- a grant of \$0.323 million from the Office of Emergency Management is to be used for specific bushfire mitigation activities and an Emergency Services Levy supplementary grant of \$0.038 million was also received;
- additional fees and charges for the Outside School Hours Care service of \$0.055 million;
- increased profit on sale of plant and vehicles of \$0.048 million; and
- lime sand royalties of \$0.036 million.

Overall, the increases to operating revenue were relatively minor and there were also some instances where operating revenue is not expected to achieve budget projections. Income from property rates is also lower than budget at the moment and is an area of risk if the number of new rateable properties does not meet budget expectations.

The main reasons for the overall increase in operating expenditure of \$0.989 million are:

- increased expenditure for road maintenance of \$0.400 million was primarily associated with storm damage cleanup;
- grant funded bushfire mitigation activities of \$0.323 million;
- increased ground and infrastructure maintenance at caravan parks of \$0.077 million;
- increased labour costs of \$0.056 million for the Outside School Hours Care service;
- increased cost to maintain reserves of \$0.040 million; and
- increased insurance costs of \$0.020 million.

Savings in labour and project costs for a number of business units have largely offset other expenditure increases.

The main changes proposed to the capital works programme are:

- expenditure on Land and Buildings has been increased by \$0.201 million with \$0.082 million being included for the St Johns Ambulance patient transfer facility at the Augusta Airport, \$0.070 million for works to the Witchcliffe Hall funded by developer contributions and \$0.095 million for the installation of solar cells as part of the HEART project funded by an expected Federal Government rebate, budget funds transferred from Town Planning and interest earned on the term deposit used to invest the \$2.500 million Royalties for Regions grant instalment received for this project;
- deferring various waste services projects to 2019-20 including fencing, drainage, the leachate pond and the construction of a new waste cell is the main reason expenditure on other infrastructure is expected to reduce by \$0.681 million;
- expenditure on road works is not expected to vary significantly to the approved budget;
- the proposed purchase of a loader for Waste Services to replace the machine which is currently leased is the main reason plant and equipment expenditure is expected to increase by \$0.409 million; and
- the installation of additional work stations for staff in the Administration Centre building has resulted in an increased budget for furniture and equipment.

The overall change in the capital works is a decrease of \$0.080 million.

Capital grants have been increased by \$0.219 million and include:

- a grant for works at the Rosa Brook Bushfire Brigade shed;
- a contribution for the Gracetown half court basketball facility;
- increasing the Main Roads direct grant by \$0.089 million;
- an expected Federal Government rebate of \$0.030 million for the installation of solar cells as part of the HEART project; and
- a Regional Airports Development Scheme (RADS) grant of \$0.041 million and a matching contribution from St Johns Ambulance service for the construction of a patient transfer facility at the Augusta Airport.

Transfers to reserves have been increased by \$0.705 million due to:

- \$0.620 million of deferred capital projects for Waste Services are to be transferred to the Waste Management reserve; and

- The unspent budget of \$0.060 million from the completed project to landscape the Wallcliffe Road reserve adjacent to the Margaret River Youth Precinct is proposed to be transferred to the Margaret River CBD Redevelopment reserve for the main street upgrade project.
- The proceeds from the sale of the vacant lot in Bussell Highway were greater than budgeted and this increase has been transferred to the Margaret River CBD Redevelopment reserve.

Transfers from reserves have been increased by \$0.482 million due to:

- \$0.370 million is to be transferred from the Waste Management reserve to fund the purchase of the loader;
- \$0.070 million is to be transferred from the Developer Contributions reserve to fund the upgrade of the Witchcliffe Druids Hall; and
- \$0.042 million is to be transferred from the Infrastructure Assets reserve to fund the works to the Burnside Road/Cave Road intersection completed by the developer.

An unspent loan amount of \$172,000 has been included to recognise the unspent balance of loan 194 for asbestos replacement projects. These funds will be allocated to suitable projects in 2019-20.

As a result of the proposed amendments, the closing position at 30 June 2019 is expected to be a balanced position in line with the approved budget.

However, a number of areas of risk have been identified which may impact upon the Shire's ability to record this result and these include whether:

- the rates budget can be achieved;
- project variations for the HEART project continue to be managed and kept within the contingency allowance for this project;
- other capital projects do not exceed budget projections;
- fees and charges for areas such as Outside School Hours Care, the Margaret River Recreation Centre, Town Planning, Building Services and Caravan Parks can be achieved;
- labour costs can continue to be controlled; and
- other operating expenditure items continue to be managed in accordance with budget projections.

The following are the major adjustments disclosed by business unit.

Rates

Total income has been increased by \$7,500. An increase in the number of ratepayers electing to pay by instalments has resulted in the instalment fee and interest charges budgets increasing. Expenditure is to be reduced by \$10,000 due to savings in rates printing costs and the reduced number of interim rate schedules being received. As mentioned previously the area of risk is whether the rates budget will be achieved.

General Purpose Funding

Income is expected to increase by \$143,439 primarily due to interest earned on investments being amended to reflect amounts invested as term deposits and the WA Local Government Grants Commission's grants being increased to match the actual grant amount being received. Expenditure has been increased by \$15,000 as the government guarantee fee for loans and bank fees were both underestimated.

Members of Council

The budget for the CEO Performance Review was reduced by \$5,000 to match actual expenditure.

CEO

Salaries budget has been reduced due to the acting CEO and delayed appointment of the Sustainable Economy Officer. Public Relations budget of \$168,500 has been moved to Corporate Services and the Margaret River Heart (was Cultural Centre) to reflect change in organisational reporting relationship for marketing officers. Further changes for labour and other expenditure will be reflected in the 2019-20 Budget.

Director Corporate and Community Services

No changes made.

Director Sustainable Development

Labour budget has been reduced to better reflect actual expenditure resulting from Director acting as CEO.

Director Infrastructure Services

Labour budget has been reduced to better reflect actual expenditure and these savings have been used to offset the increase to legal costs resulting from obtaining legal advice for the cleaning tender and contract.

Finance

Higher insurance costs have resulted in this budget being increased by \$20,000.

Corporate Services

A change in the recovery process for water used by other parties has resulted in a budget reduction of \$25,000 for water. A budget of \$120,500 for Public Relations has been moved from the CEO.

Customer Relations

Demand for the sale of limited series Augusta and Margaret River number plates has been less than expected and income and plate purchase costs have been reduced accordingly. Labour costs have been reduced by \$25,000 to match actual expenditure resulting from staff vacancies.

Information and Communications Technology

No changes made.

Human Resources

No changes made.

Community Planning and Development

A successful grant application to the Foundation for Rural and Regional Renewal (FRRR) has resulted in additional income of \$19,271 and is offset by matching expenditure. The other change to operating expenditure is to defer the \$20,000 budget for feasibility studies (Augusta, Cowaramup, Witchcliffe) pending the adoption of a Community Infrastructure Plan. This budget has been reallocated to capital works to upgrade the Zone Room to provide internal storage, electrical works and universal access to the kitchenette.

Emergency Management

Supplementary grants for expenditure incurred in 2017-18 totalled \$37,693 and offsets the \$10,000 allocated for an independent facilitator to assist with the Bushfire Brigade structure review. The \$322,800 grant for bushfire mitigation activities from the Office of Emergency Management is matched by operating expenditure for these activities. 50% of the grant was paid on execution of the agreement and the balance will be paid after the grant is acquitted. The amended budget has assumed all the grant related expenditure will be incurred in 2018-19.

Capital grants for bush fire brigades have been increased by \$10,000 to provide funds for works to the Rosa Brook Bushfire Brigade shed.

Rangers

Expenditure for burials has been increased by \$10,000 to allow for site works at the Margaret River Cemetery and has been offset by an expected saving in project expenditure.

Libraries

Grant applications totalling \$7,000 have been successful for Get Online Week, Be Connected Top-up Tutoring and Be Connected Building Digital Skills. This additional revenue is matched by operating expenditure.

Environmental Health

Due to additional water sampling, fees and charges have been increased by \$6,000. As a result of the vacant Environmental Health Officer position at the start of the year labour savings of \$10,000 have been forecast.

Outside School Hours Care

Higher participation rates and new subsidy arrangements have allowed fees and charges to be increased by \$55,000 but this is offset by increased labour costs.

Waste Services

Total operating income is expected to decrease by \$69,000 with changes to:

- reduce commercial disposal fees by \$65,000 due to reduced participation;
- reduce sullage disposal fees by \$20,000 due to the inability of the facility to satisfy demand; and
- increase recycling sales revenue by \$16,000 due to the market value of recyclables being greater than anticipated.

Operating expenditure budgets are to be reduced by \$220,000. The main reason is the budget for waste site reviews and specialist advice have been deferred pending approval from the Department of Water and Environmental Regulation. Operating costs for transfer stations and the Wallis Road sullage facility have also been reduced.

Capital works projects to the value of \$635,000 have been deferred until 2019-20 and includes fencing and drainage of the Davis Road site, the construction of the leachate pond and the construction of a new waste cell. The transfer to the Waste Management reserve has been increased by \$620,000 to ensure these works are able to be funded in 2019-20. The balance of this reserve is forecast to be \$10.529 million at the end of the year.

Town Planning

The budget for the Climate Action Summit has been increased by \$10,000 to provide sufficient funds in accordance with the preliminary budget estimates prepared for this event.

Landcare

An application for a State NRM Community Stewardship grant was unsuccessful and the revenue and expenditure budgets of \$25,000 amended accordingly. A \$17,807 grant for Beach Emergency Numbering (BEN) has been included and is matched by expenditure. The \$100,000 Environmental Management Fund budget has been allocated to the individual projects that have been successful for this funding. Environmental and Stewardship grants budget of \$12,000 has been halved due to the expectation of a lower number of applications.

Community Buildings

A \$41,000 RADS grant for the Augusta Airport Patient Transfer Facility has been included. The value of this project is \$82,000 with matching funding provided by RADS and St Johns Ambulance. An expected \$30,000 federal government rebate for the installation of solar cells as part of the HEART project has also been included within contributions revenue.

In addition to the above the following modifications have been made to capital works:

- increasing the budget for the redevelopment of the Cultural Centre (HEART project) by \$95,000 (from the provisional sum of \$35,000) to provide for the installation of solar cells;
- reallocating the \$25,000 saving achieved on the Margaret River Rivermouth toilet block to the Gnarabup toilet renewal project.
- recognising the \$172,000 saving achieved on the Augusta Recreation Centre asbestos removal and reinstatement project
- reallocating the \$10,000 budget for the Old Settlement Blacksmith Shed roof replacement as the works are to be completed by the lessee;
- including \$70,000 to replace the verandah of the building at Nippers Oval as recommended by a structural engineer; and
- including \$70,000 funded from developer contributions to upgrade the Witchcliffe Druids Hall.

Indoor Sports

Revenue and expenditure for the Kidsport grant has been amended by \$16,000 as the grant is now paid direct to clubs by the Department of Local Government, Sport and Cultural Industries.

Aquatic Centre

A commercial floor cleaner has been included within the capital works budget. No other changes have been made as it is assumed any overruns in expenditure will be funded by revenue which is currently over budget.

Fitness Centre

No budget changes have been made although revenue is currently under budget.

Cultural Centre

This area has been renamed the Margaret River HEART.

The allocation of depreciation has decreased by \$50,000 due to the demolition part of the building. The existing entry sign will need to be changed as it currently displays "Cultural Centre" and a capital budget of \$5,000 has been included. \$48,000 of public relations budget has been transferred from the CEO's area and has been increased by \$14,500 to meet operational needs. \$15,000 has also been included for internal way finding signage within the building and \$4,000 included for possible building and grounds maintenance after the small theatre is handed over to the Shire in February.

Augusta Recreation

No changes made.

Gloucester Park

\$5,500 has been included for the removal of trees that have been determined to be located in too close proximity to the HEART building and Recreation Centre.

Parks and Gardens

Operating expenditure is expected to increase by \$40,000 with savings of \$150,000 in reserve maintenance offsetting increases of \$30,000 for maintenance of the recycled water system and \$160,000 for maintenance of natural areas. The latter adjustment is required as although budgets were not initially allocated for these activities it is considered beneficial to be able to monitor this type of expenditure.

Asset Services

The budget for consultants has been reduced by \$13,000 and this saving has been allocated to the purchase and installation of workstations for staff. \$45,000 has been allocated to the capital project to extend the path to the Margaret River Education Campus. The original intention was for the Department of Education to provide this contribution, however, the condition of the WA Bicycle Network grant of \$45,000 is that another Government Department cannot provide funding.

Construction

Capital grants have been increased by \$88,500 as the Main Roads Direct Grant was higher than expected.

A number of changes have been made to capital projects and in total these reduce the capital works budget by only \$25,000 and include:

- \$42,000 for the Burnside Road/Caves Road intersection which is funded by a developer contribution;
- \$20,000 for the Ellis Street boat rigging bay which is a requirement of the Recreational Boating Facilities Scheme grant is funded from savings in other foreshore facilities projects;
- \$98,000 for works on the Warner Glen Road bridge was funded by a special purpose grant received in 2017-18 that was only invoiced by Main Roads this financial year;
- Emergency works to restore the Westbay Creek Road bridge require a \$33,000 budget;
- An additional \$10,000 has been allocated towards the Leeuwin Road reconstruction project;
- Path renewal, drainage renewal and kerb replacement budgets have each been reduced by \$20,000; and
- The budget for marine structure preservation works has been reduced by \$140,000 with these savings allocated to other areas.

Maintenance

Operating expenditure budgets have increased by a total of \$400,000 with the majority of this increase (\$325,000) occurring in the area of roads – ancillary and being attributable to storm damage clean-up

works such as removal of trees and mulching. The other major increases were to the signs, drainage, bridge maintenance and foreshore facilities areas. Offsetting savings of \$20,000 each were included for the paths maintenance and waste collection in public open space budgets.

Plant Program

Profit and loss on disposal of assets and proceeds from sale of assets have all been amended as sale proceeds from plant and equipment have been higher than expected.

Capital expenditure is expected to increase by \$409,320 as a loader for waste services is to be purchased to replace the loader which is currently leased. This purchase will be funded from the Waste Management reserve. In addition to the expected purchase cost of \$370,000 for this loader, budgets for the replacement of a tandem axle tipping semi-trailer and a 9 tonne tip truck have both been increased by \$35,000. The deferred replacement of a gang reel mower and the reduced cost of replacing a utility have offset part of this increased cost.

Caravan Parks

Operating expenditure has been increased by \$77,000 with budgets for maintenance of infrastructure and grounds being reviewed. On a year to date basis revenue from caravan parks is almost achieving budget projections and no adjustments were considered necessary with the peak service month still to occur. Labour costs are also currently under budget and may offset any potential reduction of income that occurs.

Building Services

No adjustments made although it is noted that income is below budget and expenditure is slightly over budget.

Public Works Overheads

No adjustments made with the majority of expenditure items on budget.

Plant Operating Costs

No adjustments made although labour costs appear to be under budget.

Other Property and Services

The receipt of lime sand royalties during the year has required a budget adjustment of \$36,000 to sundry income. These royalties will be transferred to the Infrastructure Assets Contributions reserve if they are not spent during the year. Notional income from the use of the Shire's gravel stockpiles was also recognised. The sale of vacant commercial land on Bussell highway resulted in a profit of \$25,000 being recognised.

The budget for land sale costs was increased by \$30,000 in line with actual expenditure. Budgets were also adjusted to recognise the sale and expected sale of the 4 vacant residential land lots in Rapids Landing. The sale of these lots had been incorrectly budgeted as proceeds from sale of assets rather than proceeds from sale of land held for resale. Proceeds from sale of assets now represents the sale of the Bussell Highway property and the possible sale of 2 properties in Augusta. Proceeds from these land sales are transferred to the Margaret River CBD Redevelopment reserve and the Augusta Revitalisation reserve.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* specifies the following for the Review of the Budget.

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier

than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

*Absolute majority required.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

Key Result Area 5: Effective leadership and governance

Outcome 6: Measure and report on success and sustainability

Strategy 1: effectively measure our success and progress to a sustainable future

Service level strategy/plan: Continue to monitor monthly, year to date and annual financial performance including preparation of the annual financial report.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

The review provides an indication of the possible end of financial year position based on an assessment of actual expenditure to the end of December 2018 and expectations of revenue and expenditure for the next six months compared to the 2018-19 adopted Budget.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Nil

Economic

As stated in the report.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Receives the 2018-19 Budget review in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996*; and
2. Adopts the results of the review and the budget amendments contained in Attachment 1.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. 2018-19 Budget Review using results to 31 December 2018

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR GODDEN OM2019/35

That Council:

1. Receives the 2018-19 Budget review in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996*; and
2. Adopts the results of the review and the budget amendments contained in Attachment 1.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.3.2 PURCHASE OF HEAVY DUTY 4 X 4 LOADER

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	PLT/23
REPORT AUTHOR	Melissa Gow, Works Project Administrator
AUTHORISING OFFICER	Markus Botte, Director Infrastructure Services

As the recommendation contained in this report is dependant on the outcome of Item 11.4.3 2018-19 Budget Review, this item is to be considered subsequent to 11.4.3 2018-19 Budget Review.

IN BRIEF

- An RFQ was issued to renew the lease of an existing heavy duty 4x4 Wheel Loader; however, the lease costs were high and outright purchase is considered the best financial outcome.
- The Shire of Augusta Margaret River therefore issued a Request for Quote (RFQ) via the WALGA eQuotes online purchasing portal, for the purchase of a Heavy Duty 4x4 Wheel Loader to replace the leased Waste Loader which had reached the end of lease.
- Council has considered the option to purchase the Waste Loader as part of the mid-year budget review.

RECOMMENDATION

That Council awards WesTrac Pty Ltd as the successful supplier to provide a CAT 950 GC Heavy Duty 4x4 Wheel Loader for the price contained in the Confidential Attachment.

LOCATION PLAN

Nil

TABLED ITEMS

RFQ-011902, Purchase 1 x Heavy Duty 4x4 Wheel Loader

BACKGROUND

For some years the Shire has been operating a Wheel Loader at the Davies Road Waste Management Facility, an essential plant to support operational requirements at the site. The Shire's current Wheel Loader is leased. Recently, this lease expired and quotes were called for a new lease.

The RFQ for the lease was advertised via WALGA eQuotes in September 2018. All quotes received were much higher than anticipated. Based on the evaluation of quotes, and discussion with the Manager Corporate Services (currently Acting Director Corporate and Community Services), it was decided that purchasing a new loader would be more economically viable than entering into an operating lease, and that the allocation of funds for the purchase would be sought via transfer from the Waste Management Reserve in the mid-year budget review.

As a result, in January 2019, the Shire issued an RFQ via WALGA eQuotes for the purchase of a Wheel Loader.

In accordance with Section 3.57 of the *Local Government Act 1995*, submissions were accepted until Friday 24 January 2019.

CONSULTATION AND ADVICE

External Consultation

Quotations were sought using WALGA eQuotes and four suppliers were asked to provide quotations. Six quotations were received.

Internal Consultation

Consultation was undertaken with the Manager Corporate Services (currently Acting Director Corporate and Community Services), Manager Waste Services, Technical Officer, Operators, Workshop Supervisor, Waste Services Supervisor and the Shire's Project and Procurement Officer.

DISCUSSION / OFFICER COMMENTS

Quotations were received from the following suppliers:

- Hitachi Construction Machinery (Australia) Pty Ltd – ZW180 Wheel Loader
- Komatsu Australia Pty Ltd – WA320-8 Wheel Loader
- WesTrac Pty Ltd – CAT 950 GC Wheel Loader
- CJD Equipment Pty Ltd – SDLG L958 Wheel Loader, Volvo L110F Wheel Loader & Volvo L90F Wheel Loader.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 3.57 of the *Local Government Act 1995*.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

Key Result Area 3: Ensuring sustainable development.

Community Outcome: Effective management of community waste.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Council has established a Waste Management Reserve and annually budgets for the management of the Shire's Waste Management Facilities, provision of Waste Services and the external supply of goods and services. Tenders are called to ensure Council receives value for money outcomes and complies with its obligations under section 3.57 of the *Local Government Act 1995*.

An RFQ was issued to renew the lease of the Heavy Duty 4x4 Wheel Loader; however, the quotes received were over budget and the decision was made to purchase a Heavy Duty 4x4 Wheel Loader instead.

Given the anticipated remaining life of the waste management facility and future operational needs over the term of the lease, the lease would exceed the purchase cost and there would be no asset acquired for future trade or sale. Therefore the purchase is considered to be a better option.

Funds are to be transferred from the Shire's Waste Management Reserve as part of the mid-year budget review for outright purchase of Loader. There will be no impact on the bottom line of the Shire's annual budget for the 2018/19 Financial Year.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Provides equality to members of the public in being able to offer their services to the Shire.

Economic

Value for money goods and services.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council awards WesTrac Pty Ltd as the successful supplier to provide a CAT 950 GC Heavy Duty 4x4 Wheel Loader for the price contained in the Confidential Attachment.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. CONFIDENTIAL Evaluation report and matrix

RECOMMENDATION / COUNCIL DECISION

CR SMART, CR LANE OM2019/36

That Council awards WesTrac Pty Ltd as the successful supplier to provide a CAT 950 GC Heavy Duty 4x4 Wheel Loader for the price contained in the Confidential Attachment.

CARRIED 6/0

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

12.1 Local Municipal Heritage Listing – Caves Road – Cr McLeod

Cr Lane disclosed a proximity interest at Item 3.1, and left Chambers at 7.13pm.

On 20 February 2019, Cr McLeod gave notice of the following motion:

MOTION

That Council requests the CEO to have Caves Road included on our local municipal heritage listing, writes to the City of Busselton and request they consider the same action and undertake a local community media drive in an attempt to uncover community heritage stories – old and new about Caves Road.

MOTION

CR MCLEOD, CR SMART

That Council requests the CEO to have Caves Road included on our local municipal heritage listing, writes to the City of Busselton and request they consider the same action and undertake a local community media drive in an attempt to uncover community heritage stories – old and new about Caves Road.

0/0

Cr Earl moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION

CR EARL, CR GODDEN OM2019/37

That the item be deferred for a briefing on 13 March 2019.

**CARRIED 4/1
CR MCLEOD VOTED AGAINST**

Cr Lane re-entered chambers at 7.19pm

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING

13.1 Provision of Toilets at Gas Bay – Surfing Pro – Cr McLeod

Cr McLeod gave notice of the following motion for consideration at the 13 March 2019 Ordinary Council Meeting:

MOTION

Council request the CEO investigates the provision of toilets at gas bay and reports back to Council on the same.

14. NEW BUSINESS OF AN URGENT NATURE

14.1. Members

Nil

14.2. CEO

Nil

15. CONFIDENTIAL BUSINESS

Nil

16. CLOSURE OF MEETING

The Deputy Shire President thanked all in attendance and declared the meeting closed at 7.20pm