

# Ordinary Council

# MINUTES

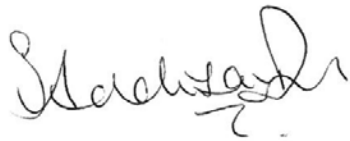
FOR THE MEETING HELD  
WEDNESDAY, 25 MARCH 2020  
IN COUNCIL CHAMBERS,  
WALLCLIFFE ROAD, MARGARET RIVER,  
LIVESTREAMED VIA VIDEO CONFERENCING PLATFORM, ZOOM  
COMMENCING AT 5:30PM

## 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 25 March 2020, commencing at 5:30pm.

Yours faithfully



**STEPHANIE ADDISON-BROWN**  
**CHIEF EXECUTIVE OFFICER**

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# TABLE OF CONTENTS

ITEM NO. NO.	SUBJECT	PAGE
1.	<b>DECLARATION OF OPENING</b> .....	<b>5</b>
2.	<b>ATTENDANCE</b> .....	<b>5</b>
3.	<b>DISCLOSURES OF INTEREST</b> .....	<b>6</b>
4.	<b>PUBLIC QUESTIONS</b> .....	<b>6</b>
4.1.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	6
4.2.	PUBLIC QUESTION TIME .....	6
4.2.1	CHERYL ROBINSON - COVID-19 - RATES FOR FOOD PROCESSING BUSINESSES .....	6
4.2.2	STACEY WATTS - COVID-19 - CLOSURE OF REGION .....	6
4.2.3	TONY WARRILOW - COVID-19 - TRAVEL RESTRICTIONS IN REGION .....	6
4.2.4	ANDREW NESBIT - COVID-19 - AIRBNB CLOSURE .....	6
4.2.5	JOE FORTE - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.6	NATALIE FORBES - COVID-19 - AIRBNB AND ACCOMMODATION PROVIDERS .....	6
4.2.7	STEVE WRIGHTSON - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.8	DEAN UPTON - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.9	ALICE LOVE - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.10	FRANCES GARNER - COVID-19 - SHIRE RATES FOR BUSINESSES .....	6
4.2.11	DENISE LOXLEY - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.12	PIA TAYLOR - COVID-19 - TRANSIENT VISITORS IN REGION .....	6
4.2.12	AARON ARDIRI - COVID-19 - SHIRE RATES .....	6
5.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>10</b>
6.	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b> .....	<b>10</b>
6.1	ORDINARY COUNCIL MEETING HELD 11 MARCH 2020 .....	10
6.2	SPECIAL COUNCIL MEETING HELD 18 MARCH 2020 .....	10
7.	<b>DEPUTATIONS</b> .....	<b>10</b>
7.1	ITEM 11.2.2 LOCAL DEVELOPMENT PLAN - FOR FINAL DETERMINATION - MARC HALSALL OF HALSALL AND ASSOCIATIES .....	10
8.	<b>PETITIONS</b> .....	<b>12</b>
9.	<b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b> .....	<b>12</b>
9.1	COVID-19 .....	12
10.	<b>QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b> .....	<b>13</b>
11.	<b>REPORTS OF COMMITTEES AND EMPLOYEE REPORTS</b> .....	<b>13</b>
11.1.	<b>CHIEF EXECUTIVE OFFICER</b> .....	<b>18</b>
11.1.1	SHIRE CONSENT AS UNIT HOLDER TO VARIATION OF WALGA TRUST DEED .....	19
11.1.2	COMPLIANCE AUDIT RETURN 2019 .....	23
11.1.3	COUNCIL DECISION ACTION LIST JULY - DECEMBER 2019 .....	28
11.2.	<b>SUSTAINABLE DEVELOPMENT</b> .....	<b>37</b>
11.2.1	BASIC AMENDMENT TO LPS1 - AMENDMENT 66 .....	38
11.2.2	LOCAL DEVELOPMENT PLAN - FOR FINAL DETERMINATION .....	46
11.2.3	LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING - 11 FEBRUARY 2020 .....	52
11.2.4	APPOINTMENT OF INTERIM DEPUTY CHIEF BUSH FIRE CONTROL OFFICER .....	54
11.3.	<b>INFRASTRUCTURE SERVICES</b> .....	<b>57</b>
11.3.1	MARGARET RIVER PRECINCT PLAN AND WALK AND OFF-ROAD CYCLE TRAILS STRATEGY .....	58
11.4.	<b>CORPORATE AND COMMUNITY SERVICES</b> .....	<b>64</b>
12.	<b>MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	<b>66</b>

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

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<b>13.</b>	<b>MOTIONS FOR CONSIDERATION AT NEXT MEETING .....</b>	<b>66</b>
<b>14.</b>	<b>NEW BUSINESS OF AN URGENT NATURE .....</b>	<b>66</b>
14.1	MEMBERS.....	66
14.2	CEO .....	66
14.2.1	COVID-19 COMMUNITY CARE PACKAGE .....	66
<b>15.</b>	<b>CONFIDENTIAL BUSINESS.....</b>	<b>66</b>
15.1	SALE OF LAND - LOT 11 ON STRATA PLAN 27518 CLEWS ROAD, COWARAMUP.....	67
<b>16.</b>	<b>CLOSURE OF MEETING.....</b>	<b>67</b>

Minutes of the Ordinary Council Meeting held on Wednesday 25 March 2020, via instantaneous broadcast using ZOOM video teleconferencing, commencing at 5.30pm

# Ordinary Council Meeting

## 1. DECLARATION OF OPENING

*The Shire President declared the meeting open at 5.30pm*

*The Shire President advised that in response to advice regarding COVID-19, there were no members of the public present and the meeting was being livestreamed via video conferencing platform, ZOOM.*

*The Shire President welcomed members of the public that were participating online.*

## 2. ATTENDANCE

Shire President	:	Cr Ian Earl
Councillors	:	Cr Paula Cristoffanini Cr Naomi Godden Cr Brian Daniel Cr Kylie Kennaugh Cr Pauline McLeod
Chief Executive Officer	:	Ms Stephanie Addison-Brown
Acting Director Sustainable Development and Infrastructure (Job Share)	:	Mr Nick Logan
Director Corporate and Community Services	:	Mr James Shepherd
Manager Corporate Services	:	Mr Andrew Ross
Acting Manager Planning and Development	:	Mr Matt Cuthbert
Manager Legal and Governance Services	:	Mr Ian McLeod
Governance Officer / Council Support	:	Ms Claire Schiller
<b>MEMBERS OF THE PUBLIC</b>	:	0 in Chambers 24 (participating via ZOOM)
<b>MEMBERS OF THE PRESS</b>	:	AMR Times, Warren Hatley

### 2.1 Apologies

Cr Julia Meldrum  
Acting Director Sustainable Development and Infrastructure Services (Job Share),  
David Nicholson

**3. DISCLOSURES OF INTEREST**

Nil

**4. PUBLIC QUESTIONS**

**4.1. Response to Previous Public Questions Taken on Notice**

Nil

**4.2. Public Question Time**

*The following questions were submitted in advance of the meeting. The Shire President read the questions on behalf of the authors, and provided the responses.*

**4.2.1 Cheryl Robinson – COVID-19 - Shire Rates for Main Street Food Processing Business**

*Ms Cheryl Robinson of 13 Hill Road, Forest Grove, submitted the following question in relation to Shire Rates for Main Street Food Processing businesses:*

**Q: Would the Shire, on compassionate grounds, consider relinquishing rates on a quarter by quarter basis, for food processing businesses located in the Main Street, Margaret River, in view of COVID-19 and the Main Street Redevelopment?**

A: The Council will be looking at all options moving forward.

**4.2.2 Stacey Watts – COVID-19 – Closure of Region**

*Ms Stacey Watts of 13/20 Riedle Drive, Gnarabup, submitted the following question in relation to COVID-19 – Closure of the Region:*

**Q: Will you be closing the region to tourists? If so how will you implement it?**

A: This is the role of State Government. The Shire will be putting a message out urging tourists not to visit the region.

**4.2.3 Tony Warrilow – COVID-19 – Travel Restrictions in Margaret River Region**

*Mr Tony Warrilow of 11 Lesueur Place, Gnarabup, submitted the following question in relation to COVID-19 – Travel Restrictions in the Margaret River Region:*

**Q: Where are we at with travellers, backpackers and tourists coming into and staying in the Margaret River region under the present circumstances? Has there been any detailed official announcements on restrictions etc.?**

A: Not at this stage.

**4.2.4 Andrew Nesbit – COVID-19 – AirBNB Closure**

*Mr Andrew Nesbit of 21 Barnard Street, Cowaramup, submitted the following question in relation to COVID-19 – AirBNB Closure:*

**Q1: Will AirBnB properties be shut down to help stop the spread of COVID-19?**

**Q2: Will penalties be imposed for those properties that do not comply, if this is imposed?**

A: Not at this stage, but this could happen over the next few days.

#### **4.2.5 Joe Forte – COVID-19 – Transient Visitors in Margaret River Region**

*Mr Joe Forte of 368 Calgardup Road, Forest Grove, submitted the following question in relation to COVID-10 – Transient visitors to Margaret River Region:*

**Q: What measures are being put in place to address the travellers/transient inhabitants of the region, plenty of whom seem to be completely blasé about the spread of the virus? Surely some measures must be put in place to isolate them before they help transmit the virus across the region (these are concerns raised by medical professionals who are hugely concerned about their impact on the spread of the virus in the region).**

A: The Shire is asking tourists to leave and not visit the region. We are urging backpackers to go home while they can, or if they cannot get home, go to Perth which has far more facilities.

#### **4.2.6 Natalie Forbes – COVID-19 – AirBNB and Accommodation Providers**

*Ms Natalie Forbes submitted the following question in relation to COVID-19 – AirBNB and Accommodation Providers:*

**Q: I am concerned about the imminent strain on medical facilities in the South West region. As a former nurse I know the pressure medical services are under at the best of times. I would like to see local Airbnb and accommodation providers stopped from renting at this time if they are not showing their own initiative. What action can you take to address this issue?**

A: As per 4.2.4

#### **4.2.7 Steve Wrightson – COVID-19 – Transient Visitors in Margaret River Region**

*Mr Steve Wrightson of submitted the following question in relation to COVID-19 – Transient Visitors in Margaret River Region:*

**Q: What, if any, plans are in place to deal with containment, quarantine or isolation of people living in vans, mobile homes, share houses with multiple tenants etc., in our Shire if they get sick or are ordered into lockdown? They obviously don't have a place of their own in which to comply with restrictions. With approximately 120,000 backpackers in Australia they seem to be a forgotten part of the population that could cause as much or more havoc as cruise ships. Communication directly with them is hard because of language issues and they aren't getting our media updates so have no idea what they should be doing.**

A: Rangers are taking a proactive stance and are assisting backpackers and visitors to find permanent accommodation or head to Perth.

**Q: Is it true that we already have the virus in Margaret River?**

A: I don't know.

#### **4.2.8 Dean Upton – COVID-19 – Transient Visitors in Margaret River Region**



*Mr Dean Upton of 49 Halcyon Crescent, Margaret River, submitted the following question in relation to COVID-19 – Transient Visitors in Margaret River Region:*

**Q1: What measures are in place that could control a possible influx of people to the region and town of Margaret River?**

A: As per 4.2.5

**Q2: What plans are in place for medical care options in the possible event that large numbers of people get sick in the town?**

A: This is a State Government issue.

#### **4.2.9 Alice Love – COVID-19 – Transient Visitors in Margaret River Region**

*Ms Alice Love of 5 The Avenue, Margaret River, submitted the following question in relation to COVID-19 – Transient Visitors in Margaret River Region:*

**Q1: Is the Council able to utilise police officers that perhaps are not working because of the ban on RBT's?**

A: No

**Q2: Are we able to utilise Transport workers who may be out of work? Who else is there that can help?**

A: This can be looked at.

**Q3: Are we able to put up signs, both online and on roads, telling members of the public, I assume namely Perth, to stay home and tell them that, for example, Margaret River is essentially shut down.**

A: The Shire will continue to put this message out.

**Q4: Are we able to ask the state and federal government to offer further assistance to those businesses who are economically disadvantaged by restricting travellers and holiday makers?**

A: Yes.

#### **4.2.10 Frances Garner – COVID-19 – Shire Rates for Businesses**

*Mr Frances Garner of 19 Georgette Way, Margaret River, submitted the following question in relation to COVID-19 – Shire Rates for Businesses:*

**Q1: Being an Owner of a Commercial Unit in Fearn Avenue with our tenant told to close their doors. - what is the Shire thinking about doing to relieve this no income situation in regard to the rates that are needing to be paid. We are due to pay \$891 as a 4th payment for 2019/20 rates but with no income coming in from this property we are hesitant to pay this amount.**

A: I encourage you and any one else in this situation to contact the Shire who are sympathetic to the circumstances.

**Q2: What is proposed for all rates residential & commercial that will be struck in August 2020?**

A: This is still months away, however a zero rate rise being considered in the Community Care Package.

#### **4.2.11 Denise Loxley – COVID-19 – Transient Visitors in Margaret River Region**

*Ms Denise Loxley, of 16 Samworth Street, Margaret River, submitted the following questions in relation to COVID-19 – Transient Visitors:*

**Q1: When will AMR shire be shutdown to incoming travellers & with that will the supermarkets be able to ask for I.D. to make sure that when shopping one lives/is a resident of AMR Shire?**

A: As per 4.2.5 and 4.2.8.

**Q2: When families take their children out of school, should they not be contained at home doing home-schooling & will the police be allowed to send them home or to school if they are found out on the streets?**

A: This is not a Shire issue.

**Q3: Most of us are doing the right thing, those that are not & disregarding all issues pertaining to "stay isolated" what will be implemented to make sure that these people comply with said rules?**

A: The Shire have no authority to enforce compliance with these rules.

#### **4.2.12 Pia Taylor – COVID-19 – Transient Visitors in Margaret River Region**

*Ms Pia Taylor submitted the following question in relation to COVID-19 – Transient Visitors:*

**Q: What measures are going to be taken to ensure we don't have an influx of tourists coming down south this Easter? I fear from many comments on media articles online, many are not reconsidering staying home and are still making the journey down. Our hospital, emergency services, supermarkets, pharmacists don't need added pressure at this time. I fear just advising against tourists coming down is not enough. Will there be any, signage, police presence or a media release saying the town is closed and how will it be put into action?**

A: As per 4.2.5 and 4.2.8.

#### **4.2.13 Aaron Ardiri – COVID-19 – Shire Rates**

*Mr Aaron Ardiri submitted the following question in relation to COVID-19 – Shire Rates:*

**Q1: What is the Shire's position on hardship of its residents in regards to rates?**

A: Tonight we will consider a COVID-19 Community Care Package.

**Q2: What is the Shire's position on accommodation during the crisis? AirBnB/hotel/room rental shutdown?**

A: As per 4.2.4

**Q3: What is the Shire's position on considering a lockdown of the town (no visitors in/or out) during the crisis and more specifically the Easter holidays?**

A: As per 4.2.5 and 4.2.8.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**6.1 Ordinary Council Meeting held 11 March 2020**

**MOTION / COUNCIL DECISION**

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**CR MCLEOD, CR CRISTOFFANINI OM2020/41**

**That Council confirms the minutes of the Ordinary Council Meeting held on 11 March 2020 to be a true and correct record of the meeting.**

**CARRIED 6/0**

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**6.2 Special Council Meeting held 18 March 2020**

**MOTION / COUNCIL DECISION**

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**CR DANIEL, CR KENNAUGH OM2020/42**

**That Council confirms the minutes of the Special Council Meeting held on 18 March 2020 to be a true and correct record of the meeting.**

**CARRIED 6/0**

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**7. DEPUTATIONS**

**7.1 Item 11.2.2 Local Development Plan – for final determination – Mr Marc Halsall**

*Mr Marc Halsall, Director of Halsall and Associates, submitted the following deputation in relation to Item 11.2.2 Local Development Plan – for final initiation:*

Thank you for the opportunity to provide this written deputation to Council with respect to the above proposal. We respectfully request one amendment to the officer recommendation as explained below.

As Councillors would be aware from a review of the report, the subject lot has been identified as a major tourism site under the Local Planning Strategy and Witchcliffe Village Strategy. As such consideration of the site for tourism is deemed to be a very important as an economic driver for the town of Witchcliffe and the Shire in general. In fact it is the focal site identified of this nature west of the town centre.

The subject site is 13.5 hectares or 33.3 acres in area and is therefore a substantial site. It should be noted the subject site and its tourism opportunity was identified along with (at the same time) as the creation of the residential development immediately to the east. As such, this proposal does not represent a new consideration for the residential occupants of the nearby area rather a consideration of what might be considered appropriate. The density of the development is very low when considering the size of the site.

We have reviewed the Shire planners report and note the Local Development Plan (attached) is supported. Changes are however recommended by the Shire planners under the Schedule of Modifications.

The officers reasons for modifying the Local Development Plan are a response to submissions made during the advertising period.

To address the submissions received and neighbour concerns, the proposal has already been modified and this responds in a strong way to those comments raised which of objection generally emanate from the residential area to the east. The officers report accepts those.

It is also noted there are no objections of concern from Government agencies with respect to the proposal.

The issues raised within the officer report are summarised as follows:

- Uncertainty with respect to whether chalets, campsites or caravan sites would be developed.
- Whilst the health retreat was not the subject of any comments of objection received, it is located nearby adjoining residences. Removal of the health retreat would ensure that all proposed tourist development is well away from neighbouring properties and more discreetly located. This is a part of the recommendation that is not supported by the landowner and Halsall & Associates and changes are respectfully requested.
- Reception centre/café/restaurant concerns are raised with respect to the specific amount of additional people that could be drawn to this activity and it is therefore recommended that this be limited to a kitchen/dining facility.
- The driveway access was a concern of neighbours and this has been relocated further to the west and this is supported by the Shire planners.
- With respect to the visual impact it is noted the development in the north will not be highly visible and this is part of the reason the health retreat is proposed to be removed from the proposal by the Shire planners.

In response to the above we provide the following comments:

- The landowners recognise the concern of neighbours and it is for this reason that an amended plan has been provided. This has provided for additional landscaping along the eastern boundary, a setting into the ground of the dining area and movement of the internal road to the west. The following changes are supported by the proponent:
  - Removing reference to caravan sites and camping sites.
  - Accepting a condition stating that an extension of existing gravel footpath will be required.
  - Removing reference to reception centre/café/restaurant and retitling as kitchen/dining area.
  - Including a condition stating the use of the kitchen/dining facility for function purposes will be limited.
  - Including a condition stating that there can be implementation of creekline rehabilitation and screen landscaping.
  - With respect to removing the identification of land uses in the south of the site and lot 271 is not supported. It is therefore respectfully requested that the Council resolve to support the Local Development Plan with retention of proposed Lot 271 and identification of permitted land uses. This is for the following reasons:
    - The intention for the subject site being substantial in area is to be a major drawcard tourism site for Witchcliffe and the Shire. The proponents wish to establish a high quality, 5 star tourism opportunity of which there is a limited range (almost none) in the Shire presently. It is common for health retreat, day spa and similar activities to be incorporated as part of an overall development of this type. This is therefore highly desirable however would likely be operated by specialists in this type of business activity and not specifically the proponent. To provide surety to the financial operation of this business it will be important to include this on a separate lot.
    - It is common for broader tourism developments to be strata titled for this reason and this has occurred significantly across the Shire for tourist developments. In this instance however the establishment of a health retreat/day spa closer to Redgate Road could easily be placed within a freehold lot which would be a stronger economic mechanism.
    - No objections were received from the neighbours with respect to the health retreat/day spa or subdivision. This is a reflection that the community were not concerned with respect to this part of the development and their amenity. The significant landscaping that is proposed along the eastern boundary would result in a screening of this part of the development from adjoining use. There is also a notable separation distance from nearby dwellings.
    - The activity of a guesthouse and health retreat/day spa is low key. Activities are quiet for enjoyment and relaxation and therefore the impact of noise and amenity

on the neighbourhood is highly unlikely particularly if it is operating along with a guesthouse and therefore with management on site.

- The access to this site will be from the southwest corner away from neighbours and therefore any traffic will be from Redgate Road which is a significant tourism route accommodating large amounts of vehicles travelling throughout the entire area for all sorts of reasons but inclusive of tourism.
- The subject site is located adjacent to Leeuwin Estate which is a significant drawcard tourism use. It is an ideal location to have accommodation and offer of another complementary use such as health retreat/day spa coupled with guesthouse facility as is typical in some of the most important tourism sites within the Cape to Cape region.
- The ability to create a lot for the health retreat/day spa and guesthouse will aid in the funding and development of the tourist development overall. This will provide more certainty for the owners and at the same time be a bonus and drawcard for the guests staying in the chalet development.
- The adjoining residential development to the east is open and in full view of the public travelling along Redgate Road. There are a number of dwellings that are located proximate to the road and are therefore obvious in the landscape. The addition of one additional building in the south of the site will in the context of this development not be out of character and landscaping will allow screening of the development which has been incorporated on the Local Development Plan. The building is setback the same distance as the second lot of land in the adjoining residential area.

In summary, the proposal has been lodged to be a significant and important tourist development for the Shire on a site which has clearly been identified for this purpose. This is the only significant tourism site that has been identified in this part of Witchcliffe to support and provide employment for the town.

The proposal has been advertised and generally submissions received have been addressed in the revised Local Development Plan.

No submissions specifically raised any concern with the guesthouse, health retreat/day spa/yoga facility and this is a very important part of the overall package of tourist development for the site. The ability to create this as a separate lot will be intrinsic in the management and financing of the development and the likelihood of the development offering an important and quality experience to the community. It will also create further employment as is needed for the town of Witchcliffe.

It is therefore respectfully requested that the officer recommendation be accepted with the exception of removal of proposed Lot 271 and identification of permitted land uses proposed. That is, that proposed Lot 271 and associated permitted land uses be retained.

## **8. PETITIONS**

Nil

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

### **9.1 COVID-19**

*The Shire President addressed the meeting in relation to the COVID-19 pandemic:*

'I would like to thank all of you who are here tonight for your attendance at what will be our last conventional council meeting for a long time.

To those of you, who are watching online, welcome.

The business of council will continue thru this crisis but from the next meeting, on the 8<sup>th</sup> of April, it will be by the internet. We are still working thru the operational side of that but like tonight; the meetings will be live streamed.

To the councillors I would like to thank you for your work to date but the big task is in front of us. We need to be the calm moderator, the common sense and the willing and compassionate ear for our great community. We can promise very little other than we will work to have our community in the best place possible when this is over.

To the CEO and staff I would like to thank you and your team for all your hard and diligence over the past couple of weeks as this crisis has unfolded. You all have a big job in front of you over the coming months. They are currently working flat out to help and protect our community.

To the press here tonight, my thanks at the way that you doing your part in all of this. You play a vital role in getting the correct messages out to our community so that they can be informed and kept safe. I will be available at any time to provide the Shires perspective.

To all the people and businesses that are, or will be effected I can assure you, that we will do all we can to help. We need you all here and able to contribute when this is all over.

To the tourists who are here or wanting to holiday in this great part of the world, please go home or do not come down. Our facilities struggle to cope over Easter and school holiday at the best of times. Please stay away for now but remember us when this is over.

To the backpackers who are here, you need to go home while you can. As much as we have needed you in the past, for picking and pruning, now is not the time for you to be here. If you cannot get home, then Perth has far more facilities than we do to support you in this crisis.

The good people of this community are already standing up and preparing to help in whatever way they can.

I wish this great community all the best over the coming difficult times.

I look forward to having group hug with all of you when this is over.'

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

Nil

**11. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

*Cr McLeod moved the following procedural motion:*

**PROCEDURAL MOTION / COUNCIL DECISION**

**CR MCLEOD, CR GODDEN OM2020/43**

**That Council suspends Standing Order 4.3 Order of Business to consider Item 14.2.1 COVID-19 Community Package, and accepts Item 14.2.1 as New Business of an Urgent Nature.**

**CARRIED 6/0**

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*Item 14.2.1 was then brought forward for consideration.*

#### 14.2.1 COVID-19 COMMUNITY CARE PACKAGE

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	COR/404
<b>REPORT AUTHOR</b>	Chief Executive Officer, Stephanie Addison-Brown
<b>AUTHORISING OFFICER</b>	Chief Executive Officer, Stephanie Addison-Brown

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#### IN BRIEF

- Coronavirus COVID-19 pandemic has escalated within WA.
- A COVID-19 Community Care Package comprising a mix of funding and in kind support is being proposed to Council for endorsement.

#### RECOMMENDATION

That Council:

1. Gives one month's local public notice of a proposal to transfer \$2million from the Waste Management Reserve to the Shire's operating budget to enable support to be provided to the local community in alignment with the principles in the COVID-19 Community Care Package;
  2. Authorises in advance, under s6.8(i)(b) of the *Local Government Act*, unbudgeted expenditure for the provision of support to the local community;
  3. Authorises the Chief Executive Officer to develop a budget for 2020/21 based on a zero rate increase;
  4. Waives all non-regulatory Shire fees and charges until 30 June 2020;
  5. Waives the charging of penalty interest on outstanding rates until 30 June 2020; and
  6. Authorise the Chief Executive Officer to lobby for additional funding support for additional community services.
- 

#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

The coronavirus COVID-19 pandemic has escalated world-wide over the last few weeks and has resulted in considerable and serious economic and social impacts on communities. The Shire recognises the serious impact this pandemic is having on the whole community and a Community Care Package has been developed in response to the current situation.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

##### Internal Consultation

Nil

#### DISCUSSION / OFFICER COMMENTS

The Shire has taken significant steps to remodel its services to avoid face to face contact where possible to protect both staff and the community in an effort to prevent the spread of infection from the COVID-19 virus.

In addition to this, the Shire recognises the need to provide additional support to the community, particularly the most vulnerable members, noting that it is expected that there will be a significant

increase in the number of people falling into this category, and this may continue for a significant period of time.

A COVID-19 Community Care Package comprising a mix of funding and in kind support is being proposed to Council for endorsement.

It is proposed that available funding is transferred from the Waste Management Reserve to an operating budget to enable this to be able to be used to implement urgent support as required.

This proposal has been considered by the Shire's recently appointed COVID-19 Pandemic Response Liaison Group and has the support of this group.

#### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Section 6.11 (2)(b) Reserve Accounts, requires that any change to use the money in a reserve account for another purpose requires one months local public notice. Section 6.8(i)(b) of the *Local Government Act* sets out how unbudgeted expenditure can be authorised.

#### **STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-2023***

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

Community Outcome 6: Community emergency preparedness

Strategy 4: Enhance local emergency response and disaster management through collaboration

#### **PLANNING FRAMEWORK**

Nil

#### **FINANCIAL IMPLICATIONS**

##### **Implications**

An expenditure area and structure will be created to track any expenditure funded from the \$2million to be transferred from the Waste Management Reserve. It is likely the transfer will be effected at the end of the financial year to match expenditure incurred. The Shire has sufficient forecast cash flow to fund expenditure while the statutory public notice period for the change of use for the reserve occurs.

##### **Long Term Financial Plan (LTFP)**

The draft LTFP shows there are sufficient funds in the Waste Management reserve to meet forecast capital expenditure needs, if \$2million is transferred to the Municipal account. The funds should also be able to be replaced over time.

##### **Whole of Lifecycle considerations**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

##### **Environmental**

Nil

##### **Social**

The COVID-19 pandemic is unprecedented and is having a serious and negative economic and social impact on the community.

##### **Economic**

The COVID-19 pandemic is unprecedented and is having a serious and negative economic and social impact on the community.

#### **ADVOCACY**

The recommendation requests Council to authorise the Chief Executive Officer to lobby for additional funding and support for the community in response to the pandemic.

#### **IMPLICATIONS OF ALTERNATIVE RESOLUTION**

Nil



### **VOTING REQUIREMENTS**

Absolute Majority (for recommendations 1 & 2)

### **RECOMMENDATION**

That Council:

1. Gives one month's local public notice of a proposal to transfer \$2million from the Waste Management Reserve to the Shire's operating budget to enable support to be provided to the local community in alignment with the principles in the COVID-19 Community Care Package;
2. Authorises in advance, under s6.8(i)(b) of the *Local Government Act*, unbudgeted expenditure for the provision of support to the local community;
3. Authorises the Chief Executive Officer to develop a budget for 2020/21 based on a zero rate increase;
4. Waives all non-regulatory Shire fees and charges until 30 June 2020;
5. Waives the charging of penalty interest on outstanding rates until 30 June 2020; and
6. Authorise the Chief Executive Officer to lobby for additional funding support for additional community services.

### **ADVICE TO APPLICANT / PROPONENT**

Nil

### **ATTACHMENTS**

1. COVID-19 Community Care Package

*The officer's recommendation was modified to include an additional point 7:*

### **RECOMMENDATION / COUNCIL DECISION**

**CR EARL, CR MCLEOD OM2020/44**

That Council:

1. Gives one month's local public notice of a proposal to transfer \$2million from the Waste Management Reserve to the Shire's operating budget to enable support to be provided to the local community in alignment with the principles in the COVID-19 Community Care Package;
2. Authorises in advance, under s6.8(i)(b) of the *Local Government Act*, unbudgeted expenditure for the provision of support to the local community;
3. Authorises the Chief Executive Officer to develop a budget for 2020/21 based on a zero % rate increase;
4. Waives all non-regulatory Shire fees and charges until 30 June 2020;
5. Waives the charging of penalty interest on outstanding rates until 30 June 2020;
6. Authorise the Chief Executive Officer to lobby for additional funding support for additional community services;
7. Requests the CEO to develop options for the 2020/21 budget which includes a possible reduction in rates and for these options to be brought back to Council for consideration as part of draft budget deliberation.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

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*Cr Cristoffanini moved the following procedural motion:*

### **PROCEDURAL MOTION / COUNCIL DECISION**

**CR CRISTOFFANINI, CR KENNAUGH OM2020/45**

That Council reinstates Standing Order 4.3 Order of Business.

**CARRIED 6/0**

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*The order of business then resumed.*

*The Shire President suggested that Council move CEO items en bloc. Cr Cristoffanini then moved the following en bloc motion:*

**ENBLOC MOTION / COUNCIL DECISION**

---

**CR CRISTOFFANINI, CR DANIEL OM2020/46**

**That the Officer Recommendations in relation to the following items be carried en bloc:**

**11.1.1 Shire Consent as Unit Holder to Variation of WALGA Trust Deed;**

**11.1.2 Compliance Audit Return 2019;**

**11.1.3 Council decision Action List July – December 2019;**

**CARRIED 6/0**

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# 11.1. Chief Executive Officer

### 11.1.1 SHIRE CONSENT AS UNIT HOLDER TO VARIATION OF WALGA TRUST DEED

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	FIN/270
<b>REPORT AUTHOR</b>	Ian McLeod, Manager Legal and Governance Services
<b>AUTHORISING OFFICER</b>	Stephanie Addison-Brown, Chief Executive Officer

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#### IN BRIEF

- The Shire's CEO received an email from West Australian Local Government Association (WALGA) CEO Nick Sloan on 19 February 2020 requesting Council's consent to a variation to the Trust Deed for the Local Government House Trust (The Trust).
- The Shire of Augusta Margaret River is a unit holder and beneficiary to the Local Government House Trust, holding 5 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.
- The Trust exists primarily to provide building accommodation for WALGA. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.
- The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status.

#### RECOMMENDATION

That Council:

1. Consents to the variations proposed in the attached Deed of Variation;
  2. Requests the CEO to communicate Council's consent in writing to WALGA; and
  3. Authorises the affixing of the Shire's seal if required to give effect to this resolution.
- 

#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

*Excerpt - letter from WALGA CEO Nick Sloan:*

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

The commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

### Internal Consultation

Nil

### DISCUSSION / OFFICER COMMENTS

The following discussion was provided by WALGA:

#### Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice provided to WALGA and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

WALGA's legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown as underlined):

**1. Variation 2.1 amends clause 22.1 to point to additional clause:**

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. The Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

**2. Variation 2.2 inserts two new clauses:**

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

(a) remove a Trustee from the office as Trustee of the Trust;  
and

(b) appoint such new or additional Trustee.

**3. Variation 2.3 insert a new clause 13A**

**13A Delegation to the Board of Management**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

#### Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.'

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Nil

**STRATEGIC PLAN / POLICY IMPLICATIONS**

*Community Strategic Plan 2036 (CSP)*

*Corporate Business Plan 2019-2023*

Key result area 5: Effective leadership and governance

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

Nil

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Nil

**Social**

Nil

**Economic**

Nil

**ADVOCACY**

Nil

**IMPLICATIONS OF ALTERNATIVE RESOLUTION**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council:

1. Consents to the variations proposed in the attached Deed of Variation;
2. Requests the CEO to communicate Council's consent in writing to WALGA; and
3. Authorises the affixing of the Shire's seal if required to give effect to this resolution.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Letter of Request from WALGA
2. Deed of Variation

**RECOMMENDATION / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR DANIEL OM2020/46**

**That Council:**

1. Consents to the variations proposed in the attached Deed of Variation;
2. Requests the CEO to communicate Council's consent in writing to WALGA; and
3. Authorises the affixing of the Shire's seal if required to give effect to this resolution.

**CARRIED EN BLOC 6/0**

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### 11.1.2 COMPLIANCE AUDIT RETURN 2019

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	COR/80
<b>REPORT AUTHOR</b>	Emma Rogers, Governance (Legal, Risk and Permit) Officer
<b>AUTHORISING OFFICER</b>	Ian McLeod, Manager Legal and Governance Services

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#### IN BRIEF

- Council is requested to consider the Audit and Risk Management Committee's (ARMC) review of the 2019 Compliance Audit Return (CAR), adopt the 2019 CAR and forward a certified copy of the CAR to the Department of Local Government, Sport and Cultural Industries by 31 March 2020.

#### RECOMMENDATION

That Council:

1. Accepts the recommendations of the Audit and Risk Management Committee, noting that compliance was achieved in all areas with the exception of one question;
  2. Adopts the 2019 Compliance Audit Return for the Shire of Augusta Margaret River; and
  3. Authorises the Shire President and CEO to certify a copy of the Compliance Audit Return, as prescribed in r. 15(2) *LG (Audit) Regulation 1996* and forward that copy together with the relevant minutes of the 25 March 2020 Ordinary Council Meeting to the CEO of Department of Local Government, Sport and Cultural Industries prior to 31 March 2020.
- 

#### LOCATION PLAN

Nil

#### TABLED ITEMS

Draft minutes of the ARMC meeting held 11 March 2019, relating to the review and acceptance of the CAR 2019 and recommendation to Council to adopt the CAR 2019.

#### BACKGROUND

Each local government is required to carry out a compliance audit for the period 1 January to 31 December each year in a form approved by the Minister. The ARMC is to review the CAR and report to Council the results of that review (regulation 14 *Local Government (Audit) Regulations 1996*).

The 2019 CAR continues in a reduced format, with the areas of compliance restricted to those considered high risk. The questions relate to regulation 13 of the *Local Government (Audit) Regulations 1996*. Additional questions seeking input into Integrated Planning and Reporting are also included.

The CAR, and recommendation by the ARMC (tabled item), is presented to Council for consideration and adoption. A certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2020.

#### CONSULTATION AND ADVICE

##### External Consultation

Nil

##### Internal Consultation

Chief Executive Officer, Directors and relevant officers

#### DISCUSSION / OFFICER COMMENTS

The 2019 CAR has been completed, for the period of 1 January 2019 to 31 December 2019.



The 2019 CAR consists of a total of 104 questions, divided into 11 categories, covering various aspects of the Shire's functions and services. These categories include:

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

The process of gathering responses to the 104 questions includes forwarding relevant officers the questions that relate to their duties and responsibilities. The officer is required to review relevant records, registers, minutes of meetings, advertisements, policies etc. and provide an informed response to the question. Where the question relates to multiple officer's responsibilities, such as "Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required", all delegated officers provide a response, and the responses are compiled.

From a total of 104 questions, the responses provided by the Chief Executive Officer, Directors and other relevant officers indicate that full compliance has been achieved in all areas with the exception of 1 question (outlined below).

#### Disclosure of Interest

##### **Question 1:**

**If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?**

Reference: *Local Government Act 1995 (LGA) s5.67*

Response: No

##### Comments:

Three situations are discussed below:

##### **Situation 1**

At the Ordinary Council Meeting (OCM) held 11 September 2019, Cr Lane seconded an officer's recommendation and took part in the debate on an item. Partway through he disclosed a financial interest and immediately left the Chambers, returning after the matter had been voted on. The item related to a request for a fee waiver of car parking and banner fees at the night markets. Given that the nature of his interest was 'two close relatives were performers at the night markets' and the decision did not relate to the approval of the night markets, it was unlikely that the decision could have resulted in any financial benefit. Councillor Lane acted cautiously in disclosing a financial interest, and his actions gave rise to a minor technical breach.

**Attachment 1:** Extract of minutes from 11 September 2019 OCM – Item 11.3.1 Margaret River Night Markets – Request for waiver of car parking and banner fees

##### **Situation 2**

At the OCM held 14 August 2019, Cr McLeod seconded the officer's recommendation and took part in the debate and vote. It was then brought to Cr McLeod's attention that she may have a conflict of interest as Main Street (Bussell Highway) Upgrades were discussed in the debate. Upon realisation, Cr McLeod immediately disclosed a proximity interest as she owns a business on Bussell Highway. Council then revoked the previous decision, Cr McLeod left Chambers and returned after the motion had again been voted on.

The item related to the proclamation of Margaret River Perimeter Road and reclassification of Bussell Highway, however the nature of Cr McLeod's interest, owning a shop on Bussell Highway, does not give rise to a proximity interest to the item, as defined under s5.60B LGA. The item does not concern a proposed change to a planning scheme, proposed change to zoning, or a proposed development of land that adjoins the land in which Cr McLeod's shop is situated. It is also difficult to see how a proclamation could give rise to any financial benefit for any business on Bussell Highway, resulting in a financial interest. Furthermore, the discussion which took place relating to the Main Street Upgrades was peripheral to the item, and could not have been known by Cr McLeod that this matter would be discussed at the meeting, constituting a defence under s5.65(2) LGA. Cr McLeod was acting cautiously and her actions gave rise to a minor technical breach.

**Attachment 2:** Extract of minutes from 14.08.2019 OCM – Item 11.3.3 Proclamation of Margaret River Perimeter Road and reclassification of Bussell Highway.

### **Situation 3**

At the OCM held 8 May 2019 Cr Godden disclosed a financial interest in an item relating to amending the membership of a Shire Committee (SEAC) to include a representative of Witchcliffe Eco Village. The nature of her interest was 'my partner previously worked for Witchcliffe Ecovillage'. Cr Godden left Chambers at the beginning of the item and after the debate and vote, Council invited her back into Chambers.

Upon entering, the Acting CEO advised, the financial interest was likely to have ceased when Cr Godden's partner had ceased employment with Witchcliffe Eco Village. Cr Earl moved a further alternative motion relating to rationalising the membership numbers of SEAC, and Council voted. The chances of Cr Godden's partner receiving a financial benefit resulting from the decision was too remote to give rise to a financial interest. Furthermore, Cr Godden returned to the meeting in the belief that the debate and voting had finished, having no way of knowing that a further alternative motion relating to the item would be moved and debated on, constituting a defence under s5.65(2). This gives rise to a minor technical breach.

**Attachment 3:** Extract of minutes from 08.05.2019 OCM – Item 11.2.1 Sustainable Economy Advisory Committee.

A copy of the completed CAR for 1 January 2019 to 31 December 2019 is provided in Attachment 4.

## **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

The Annual CAR is required under the provisions of s.7.13(1)(i) of the *Local Government Act 1995* and r.14 & 15 of the *Local Government (Audit) Regulations 1996*. Regulations 14 and 15 are set out below:

### **14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

### **15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

- (2) In this regulation —  
**certified** in relation to a compliance audit return means signed by —  
(a) the mayor or president; and  
(b) the CEO.

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

### **Community Strategic Plan 2036 (CSP)**

### **Corporate Business Plan 2019-2023**

Key Result Area 5: Effective Leadership and Governance

Community Outcome 1: Responsible ownership of outcomes

Strategic Response 5.1.3: Ensure Councillors and employees demonstrate the importance of ethical behaviour and compliance with codes of conduct.

Service level strategy/plan 5.1.3.3: Complete and submit Statutory Compliance Return and remediate any errors within timeframes.

## **PLANNING FRAMEWORK**

Nil

## **FINANCIAL IMPLICATIONS**

### **Implications**

Nil

### **Long Term Financial Plan**

Nil

### **Whole of Lifecycle considerations**

Nil

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

Nil

### **Social**

Nil

### **Economic**

Nil

## **ADVOCACY**

Nil

## **IMPLICATIONS OF ALTERNATIVE RESOLUTION**

Alternate option is refusal, however, it is requirement regulation 14 and 15 of the *Local Government (Audit) Regulations 1996* for Council to adopt the compliance audit return reported on by the ARMC and forward to the Department of Local Government, Sport and Cultural Industries prior to 31 March 2020.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council:

1. Accepts the recommendations of the Audit and Risk Management Committee, noting that compliance was achieved in all areas with the exception of one question;
2. Adopts the 2019 Compliance Audit Return for the Shire of Augusta Margaret River; and
3. Authorises the Shire President and CEO to certify a copy of the Compliance Audit Return, as prescribed in r. 15(2) *LG (Audit) Regulation 1996* and forward that copy together with the relevant

minutes of the 25 March 2020 Ordinary Council Meeting to the CEO of Department of Local Government, Sport and Cultural Industries prior to 31 March 2020.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Extract from 11 September 2019 OCM – Item 11.3.1 Margaret River Night Markets – Request for waiver of car parking and banner fees
2. Extract from 14 August 2019 OCM – Item 11.3.3 Proclamation of Margaret River Perimeter Road and reclassification of Bussell Highway.
3. Extract from 8 May 2019 OCM minutes – Item 11.2.1 Sustainable Economy Advisory Committee
4. Compliance Audit Return 1 January 2019 to 31 December 2019

**RECOMMENDATION / COUNCIL DECISION**

**CR CRISTOFFANINI, CR DANIEL OM2020/46**

That Council:

1. **Accepts the recommendations of the Audit and Risk Management Committee, noting that compliance was achieved in all areas with the exception of one question;**
2. **Adopts the 2019 Compliance Audit Return for the Shire of Augusta Margaret River; and**
3. **Authorises the Shire President and CEO to certify a copy of the Compliance Audit Return, as prescribed in r. 15(2) *LG (Audit) Regulation 1996* and forward that copy together with the relevant minutes of the 25 March 2020 Ordinary Council Meeting to the CEO of Department of Local Government, Sport and Cultural Industries prior to 31 March 2020.**

**CARRIED EN BLOC 6/0**

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### 11.1.3 COUNCIL DECISION ACTION LIST JULY - DECEMBER 2019

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	GOV/61
<b>REPORT AUTHOR</b>	Claire Schiller, Governance Officer / Council Support
<b>AUTHORISING OFFICER</b>	Ian McLeod, Manager Legal and Governance Services

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#### **IN BRIEF**

- This report is provided to Council to show the action status of Council resolutions for the period July 2019 to December 2019 and to provide a comparison in reporting statistics from the previous six months.
- Attachment 1 lists the decisions which have been made since July 2019 and allows Councillors to track the progress of resolutions of Council.

#### **RECOMMENDATION**

That Council:

1. Notes the 119 resolutions of Ordinary and Special Meetings for the period July 2019 to December 2019 contained in Attachment 1, of which 109 have been completed or require no further action; and
  2. Notes the progress of the 10 incomplete items.
- 

#### **LOCATION PLAN**

Nil

#### **TABLED ITEMS**

Nil

#### **BACKGROUND**

The Council is charged with the duty to responsibly govern the local government's affairs (s2.7 *Local Government Act (1995)*), and does so by making well informed and duly considered decisions at its fortnightly Ordinary Meetings and any other Special Meetings that are called.

On a fortnightly basis, or as actions occur, updates on the progress status of Council decisions are made within the Council Meeting Decisions Action List. Of the 119 decisions that were determined by Council during Ordinary and Special Council Meetings between July 2019 and December 2019, 109 have been completed or required no further action. Those items marked 'In Progress' have been rolled over for continued reporting, updating and completion.

#### **CONSULTATION AND ADVICE**

##### **External Consultation**

Nil

##### **Internal Consultation**

Chief Executive Officer

Directors

Reporting Officers

#### **DISCUSSION / OFFICER COMMENTS**

According to the Shire's Corporate Plan 2019-2023, one of the Chief Executive Officer's key responsibilities is to ensure that Council decisions are implemented in a timely manner. A Council Decisions Action List is used by the CEO and staff to regularly update the action status of all Council

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

resolutions so that timely implementation of decisions can be tracked, and so that relevant and accurate information can be passed on to Councillors and the community.

The following information provides a breakdown of how many items have been raised by the directorates, Councillors, and Special Meetings (and which require a Council decision) in the six months between July 2019 and December 2019.

	Number of items	Action Status
Chief Executive's Office	19	1 action in progress 18 actions completed/no further action
Sustainable Development	29	3 actions in progress 26 actions completed/no further action
Infrastructure Services	18	3 actions in progress 15 actions completed/no further action
Corporate and Community Services	35	all actions completed/no further action
Members of Council	8	3 actions in progress 5 actions completed/no further action
Special Meetings	10	all actions completed/no further action
<b>Total number of decisions made</b>	<b>119</b>	<b>10 actions in progress 109 actions completed or no further action required</b>

The following table lists the decisions that are still being actioned for the period July 2019 to December 2019:

Council Decisions – Actions in Progress				
Date	Item	Decision Number	Progress Status	Responsible Directorate
11.12.19	Limestone Cliff Stability Assessment	OM2019/251	Four community information sessions held. RfQ's issued for permanent fence at Riflebutts and removal of overhang at Gracetown.	Sustainable Development
11.12.19	Draft Climate Action Plan	OM2019/252	Consultation period finished on 1 March 2020, feedback being reviewed.	Sustainable Development
11.12.19	Railway Barracks – Relocation of Margaret River Railway	OM2019/263	Part 2 complete. Parts 1 and 3 in progress. Relocation of Margaret River railway building is not an option as owner does not want to relinquish. Project team exploring options related to development of site as a precinct without the railway building.	Members of Council
27.11.19	Naming of Class Reserve 18720, Margaret River	OM2019/231	Community consultation period closed 12 February 2020. Submission prepared to Landcorp to formalise name change. Discussions with Undalup Association and Nature Conservation Margaret River Region re: signage.	Infrastructure Services
27.11.19	Advertising of Draft Local Action Plan for	OM2019/233	Plan advertised and feedback is currently being assessed.	Infrastructure Services

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

	Redman Brook, Augusta			
27.11.19	Transition of Wallcliffe Bush Fire Brigade to DFES	OM2019/220	The transition of the Wallcliffe Brigade has commenced and discussions are underway between the Shire, the Brigade and DFES.	Members of Council
25.09.19	Call for Urgent Action on Climate Change	OM2019/191	Letters sent to Prime Minister and Premier of Western Australia.	Members of Council
11.09.19	Flinders Bay to Lighthouse Pathway	OM2019/184	Land sale completed and funds placed in Augusta Revitalisation Fund.	Infrastructure Services
28.08.19	Margaret River HEART Venue Management	OM2019/159	Part 4 in progress – Long Term Financial Plan in progress Part 5 in progress - report to Council in June 2020	Chief Executive Officer
24.07.19	Margaret River Men's Shed Lease – Lots 14 & 45 Shepherdson Place, Margaret River	OM2019/129	ELT have recommended a course of action to take before the Shire decides whether to take over the tank and tower from the Water Corporation. We are currently obtaining independent advice on the estimated ongoing maintenance costs and cost of replacement of the tank and tower over a 20-30 year period. A draft lease has been prepared pending outcome of report.	Sustainable Development

In the 6 months previous to this reporting period (January to June 2019), 87 decisions were determined by Council, 83 of which have been actioned or required no further action. The following table lists the decisions that are still being actioned for the period January to June 2019:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
26.06.19	Removal of Private Water Harvesting Infrastructure – Shire Reserves	OM2019/108	All landholders advised. A series of applications received and under assessment	Infrastructure Services
13.03.19	Local Municipal Heritage Listing – Caves Road	OM2019/51	A review of the Heritage Inventory has commenced with consultation having been undertaken, including a call for nominations. These nominations and suggestions for modifications to the Inventory were advised to Council by way of a concept forum. Quotes have been sought from suitably qualified consultant to prepare place records for the inventory.	Members of Council
13.03.19	Provision of Toilets at Gas Bay	OM2019/53	Review of Public Amenities Strategy to be conducted to determine priorities for future public amenities. Review of Cape Mentelle to Gas Bay Foreshore Plan also to be undertaken.	Members of Council
23.01.19	Margaret River Precinct Master Plan	OM2019/9	Draft report in preparation. Report to Council planned for 25 March.	Infrastructure Services

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

The following table lists the decisions that are still being actioned for the period July to December 2018:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
12.12.18	Local Law Determination in relation to Wallcliffe Cliffs and River	OM2020/327	Parts 1, 2 and 3 complete. Part 4 in progress. 4a) - partially completed by Undalup Association, additional signage to be developed. 4b) - Undalup Association has commenced designing and procuring fencing. 4c) - Quotes have been sought however scope needs to be refined. 4d) - Initial revegetation has been completed, works will be ongoing	Infrastructure Services
12.12.18	Application to permanently Close Portion of Waddingham Road, Gracetown	OM2018/328	Application being processed by Department of Planning Land and Heritage.	Infrastructure Services
14.11.18	Report on Strategies to Encourage and Support Local Businesses – Cr Meldrum	OM2018/291	Workshop for local businesses held in conjunction with the Sustainable Economy Officer and WALGA, informing local businesses of Shire processes for awarding contracts and giving advice. 'Doing Business with the Shire' section of the Shire website introduced. Implemented a process of direct contact with suppliers who register interest Sustainability criteria (including local economic benefit) included as compulsory in purchasing policy, and included as standard inclusion in all RFQ/RFT templates. Report to Council before July 2020.	Members of Council
10.10.18	Leeuwin Naturaliste 2050 Cycling Strategy - for Adoption	OM2018/247	Implementation plan in preparation.	Infrastructure Services
10.10.18	Closure of Old Burnside Road Alignment, Burnside	OM2018/248	The actions required by the Shire for the road closure have been completed; however, it will take some time (6 to 12 months) for Department Planning, Lands and Heritage (DPL&H) to complete their actions in creating an easement (in conjunction with the developer) in favour of Lot 972 and formally closing the road by changing the land tenure.	Infrastructure Services



SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

The following table lists the decisions that are still being actioned for the period January – June 2018:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
<b>27.06.18</b>	Trail between Augusta Boat Harbour and Dead Finish – Cr Smart	OM2018/162	Parts 1, 2, 3 and 5 completed. Part 4 currently underway. Next step is report to Council (Part 6), which is required before parts 7 and 8 can proceed.	Members of Council
<b>13.06.18</b>	Review of Governance Charter	OM2018/134	Action is in progress, currently redrafting the document. Review is scheduled to coincide with wholesale revision of CEO Policies in the 2020 calendar year.	Chief Executive Officer
<b>05.06.18</b>	Cape to Cape Winter Diversion Track	SM2018/2 SM2018/3 SM2018/4 SM2018/5 SM2018/6	SM2018/2 – part 1-5 complete, part 6 in progress SM2018/3 – action complete SM2018/4 – in progress SM2018/5 – action complete SM2018/6 – action complete  Land acquisition (via subdivision of the land) is almost complete, aboriginal heritage matters yet to be resolved.	Infrastructure Services
<b>09.05.18</b>	Climate Change Initiatives	OM2018/116	A number of climate mitigation and adaptation projects underway. Mitigation – lighting upgrades Gloucester Park, solar panels depot, variable speed drives for pool pumps, solar panels admin building 2020/21 and the Draft Climate Action Plan. Adaptation – limestone cliff stability work, potential grant for Augusta detailed investigation of sea level rise impacts, planning for an Adaptation Summit underway and Adaptation Plan to follow.	Members of Council
<b>11.04.18</b>	Winter Diversion Track – Apology re, mistakes made in relation to Aboriginal Heritage – Cr Godden	OM2018/103 OM2018/104 OM2018/105	OM2018/103 action complete OM2018/104 in progress. Council's Reconciliation Action Plan commenced in 2018/19. Currently developing the Aboriginal relationships and looking at an Aboriginal Engagement Plan in place of this. OM2018/105 in progress. Briefing scheduled for April 2020.	Members of Council

The following table lists the decisions that are still being actioned for the period of July – December 2017:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
<b>13.12.17</b>	Flinders Bay Boat Ramp	OM2017/341	Consultation underway and recently extended for 4 weeks at request of Friends of Flinders Bay.	Infrastructure Services

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

The following table lists the decisions that are still being actioned for the period of January – June 2017:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
<b>28.06.17</b>	Adoption of Economic Development Strategy	OM2017/145	In January 2019 a Sustainable Economy Officer was recruited with the task to develop the Sustainable Economy Strategy. The strategy is progressing well, informed by previous community engagements and reports that have taken place, the report on disadvantage and inequality commissioned in 2017-18, and the recent business survey circulated in June/July 2019. Guidance has been provided by US-based economist Michael Shuman, who specialises in local economies, and input is also being sought from the Sustainable Economy Reference Group and Undalup Association. Once input has been received it will be incorporated into a draft strategy for Council's endorsement to release to the wider public for consultation. Competing demands on the Sustainable Economy Officer's time have significantly slowed down progress of the strategy, but it is hoped that the draft will be ready for Council's review by May 2020.	Chief Executive Officer
<b>24.05.17</b>	CEO Policy Review	OM2017/119	One outstanding policy on Council Attendance at Sponsored Events. Pending finalisation of Review of the <i>Local Government Act 1995</i> .	Chief Executive Officer
<b>26.04.17</b>	Rotary Forest Playground – Nature Play Concept Plan	OM2017/104	Included within Margaret River Precinct Plan – reduced size and universally accessible replacement of existing facilities. Supported by Rotary Club of MR.	Infrastructure Services
<b>08.02.17</b>	Road Dedication and Proposed Road closure of Unrequired Road Reserve – McDonald Road, Karridale	OM2017/34	Pending approval from DPLH to progress to the next stage. DPLH have just completed valuing the land and writing up the Land Exchange Agreement between DPLH, the Shire and the property owners. Completion requires the signing of the agreement by all parties, the issuing of final survey instructions by DPLH, the creation and lodgement of survey documents and the finalising of the sale/transfer of land.	Infrastructure Services
<b>08.02.17</b>	Formation of Working Group – Indigenous Engagement – Cr Pam Townshend	OM2017/41	The CEO and Shire President have met with representatives of the Undalup Association and are currently working with them to formulate a process for future consultation.  In the interim, any works requiring input from Aboriginal organisations will go out for quotation to supply the required information or analysis.	Members of Council

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

The following table lists the decisions that are still being actioned for the period of January 2016 – June 2016:

<b>Council Decisions – Actions in Progress</b>				
<b>Date</b>	<b>Item</b>	<b>Decision Number</b>	<b>Progress Status</b>	<b>Responsible Directorate</b>
<b>27.01.16</b>	Proposed Improvements to Tourist Directional Signage on Main Roads and Roadside Visitor Information	OM2016/13	In progress. Cape ROC have received GHD report. City of Busselton and SAMR to review previous work to develop an overall Joint Tourism Directional Signage Strategy for the region. Pilot project to be undertaken in City of Busselton.	Infrastructure Services

Reports relating to monthly financial data, lists of payments and updates on investment activity generally require no action but are required to be reported to Council under the *Local Government (Financial Management) Regulations 1996*, Regulation 13(1).

Reports relating to Committees of Council often require no further action by Shire staff but are provided to Council in order to keep elected members informed of the Committees' progress.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

s5.20 *Local Government Act (1995)*

**STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2019-2023***

Key Result Area 5: Effective leadership and governance

Community Outcome 1: Responsible ownership of outcomes

Strategy 1: Attract and develop diverse high quality Councillors that are able to lead and articulate the community's aspirations

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

Nil

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Where applicable, environmental implications are considered by Councillors when making decisions, as Council has made a commitment to ensure an integrated approach to protecting the natural environment for current and future generations.

**Social**

Decisions of Council are made in the best interests of the community, so timely and effective implementation of these resolutions by the CEO leads to a better resourced and better serviced community.

**Economic**

Efficient and well-planned implementation of Council decisions by CEO direction and high quality staff leads to fewer staff hours spent on projects and better risk mitigation, which can lead to cost savings into the future.

**ADVOCACY**

Nil

**IMPLICATIONS OF ALTERNATIVE RESOLUTION**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council:

1. Notes the 119 resolutions of Ordinary and Special Meetings for the period July 2019 to December 2019 contained in Attachment 1, of which 109 have been completed or require no further action; and
2. Notes the progress of the 10 incomplete items.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Council Meeting Decision Action List July – December 2019

**RECOMMENDATION / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR DANIEL OM2020/46**

That Council:

1. Notes the 119 resolutions of Ordinary and Special Meetings for the period July 2019 to December 2019 contained in Attachment 1, of which 109 have been completed or require no further action; and
2. Notes the progress of the 10 incomplete items.

**CARRIED ENBLOC 6/0**

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*The Shire President suggested that the Sustainable Development Items, with exception to 11.2.2 and 11.2.4, be moved en bloc.*

*Cr Kennaugh then moved the following en bloc motion:*

**EN BLOC MOTION / COUNCIL DECISION**

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**CR KENNAUGH, CR CRISTOFFANINI OM2020/47**

**That the Officer Recommendations in relation to the following items be carried en bloc:**

**11.2.1 Basic Scheme Amendment to LPS1 – Amendment 66; AND**

**11.2.3 Local Emergency Management Committee Meeting – 11 February 2020.**

**CARRIED 6/0**

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# 11.2. Sustainable Development

### 11.2.1 BASIC AMENDMENT TO LPS1 - AMENDMENT 66

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<b>LOCATION/ADDRESS</b>	Lot 32 Darch Road, Margaret River
<b>APPLICANT/LANDOWNER</b>	RPS Group / Margaret River Industrial Estate Pty. Ltd.
<b>FILE REFERENCE</b>	LND/1/66
<b>REPORT AUTHOR</b>	Matt Cuthbert, Strategic Project Officer
<b>AUTHORISING OFFICER</b>	Nick Logan, Acting Director Sustainable Development

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#### IN BRIEF

- In November 2019, the WAPC approved a Structure Plan for the subject land being Lot 32 Darch Road, Margaret River.
- The Structure Plan sets out a framework for subdivision of the land into industrial lots.
- The documentation accompanying the Structure Plan commits the proponent to initiating a basic amendment, to translate the land use controls recommended by the Structure Plan into the Scheme which will give them statutory force and effect.
- The proposed provisions specify areas within the site which can be used for 'light', 'general' or 'buffer' industry according to their relative proximity to surrounding residents.

#### RECOMMENDATION

The Council adopts Amendment No. 66.

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#### LOCATION

The subject land is located on the periphery of the Margaret River urban area, on the eastern side of and adjoining the Margaret River bypass. Access to the lot is currently via Darch Road.



#### TABLED ITEMS

Nil

## **BACKGROUND**

On 14 May 2014 Council resolved to adopt for final approval, Amendment No. 6 to LPS1 for the purposes of rezoning the subject land to allow it to be used for industrial purposes. The amendment was accompanied by a Structure Plan.

On 19 July 2016, Amendment No. 6 was gazetted, however the related structure plan was not endorsed by the WAPC until November 2019.

In the intervening period, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) came into effect which changed the role and statutory effect of Structure Plans. The impact of the change upon the subject proposal was that the provisions introduced into the Scheme via Amendment 6 and which deferred to the Structure Plan in many respects, became inconsistent with the Regulations. As such, in endorsing the Structure Plan, the WAPC required the proponent to lodge documentation to initiate a basic amendment for the purposes of creating consistency between the Structure Plan, LPS1 and the Regulations.

## **CONSULTATION AND ADVICE**

It is recommended that the amendment is a basic amendment, in accordance with part 34 (g) of the Regulations which states:

*“an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;”*

Basic amendments by their nature do not raise substantial issues for landowners. In accordance with the Regulations, consultation does not occur for basic amendments.

## **PLANNING FRAMEWORK**

The subject land is currently zoned ‘Industry’. It is also designated as being within Restricted Use area 17 (RU17). Specific provisions are included in Schedule 3 of the Scheme which detail the nature of the Restricted uses (see Attachment 1). The provisions make several references to the related structure plan (Attachment 2).

## **DISCUSSION / OFFICER COMMENTS**

Changes to the Regulations have resulted in the statutory function of structure plans changing from one of controlling subdivision, land use and development to that of applying to subdivision only. As a result, and to ensure that the landuse and development controls included in the structure plan continue to apply to the site, they need to be transferred into the scheme.

The purpose of the amendment is to replace RU17 with three separate restricted use areas (17a, b and c), each of which apply to separate portions of the site, in accordance with the designations shown on the Structure Plan, being buffer, light and general industry precincts respectively.

The land uses which are allowable in the buffer industry precinct are deliberately restrictive in order to avoid creating land use conflict with surrounding residences. The proponent has advised that they would like to add to the list of possible uses however to do so would necessitate advertising and hence the amendment would be standard. As such, the proponent has advised that they will lodge a separate ‘standard’ amendment in due course.

A change to the proposal from that which was agreed by Council in determining Amendment 6 and the related structure plan are the requirements pertaining to sewerage services. The WAPC made modifications to the structure plan supported by the Shire to allow on-site waste water servicing to be used instead of conventional reticulated services. This change was on the basis of the proponents submission that extension of the sewer services would be cost prohibitive. Requirements for the on-site waste systems will be translated from the structure plan to the scheme by way of this amendment in order to safeguard the receiving environment and ensure consistency with the state government sewerage policy.



### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

The Planning and Development (Local Planning Scheme) Regulations 2015 set out the process for the Shire to follow in processing a scheme amendment.

### **STRATEGIC PLAN / POLICY IMPLICATIONS**

#### ***Community Strategic Plan 2036 (CSP)***

#### ***Corporate Business Plan 2019-2023***

Key Result Area 3: Ensuring Sustainable Development

Community Outcome 1: Clearly defined areas for growth renewal and protection.

Strategic Response: Review and implement the Local Planning Scheme (LPS1) to ensure appropriate development outcomes.

Service level strategy/plan: Review the Shire's Local Planning Scheme and Strategy.

### **FINANCIAL IMPLICATIONS**

#### **Implications**

The proponent has paid a fee for the processing of the amendment in accordance with the Shire's standard fees and charges schedule.

#### **Long Term Financial Plan**

Nil

#### **Whole of Lifecycle considerations**

Nil

### **SUSTAINABILITY IMPLICATIONS**

#### **Environmental**

Environmental factors have been taken into account in the preparation of the endorsed Structure Plan which includes a portion of the site being set aside as public open space.

#### **Social**

Industrial development on the subject land will create additional jobs within close proximity of the Margaret River populous.

#### **Economic**

A clear and concise plan framework has the potential to attract investment and generate new economic activity.

### **ADVOCACY**

Nil

### **IMPLICATIONS OF ALTERNATIVE RESOLUTION**

If Council refused to adopt the amendment, the Applicant would not have a right of review.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council:

1. Pursuant to section 75 of the Planning and Development Act 2005, amends Local Planning Scheme No. 1 by:

a) Deleting the current Restricted Use 17 provisions and inserting the following into Schedule 3:

<b>No</b>	<b>Description of Land</b>	<b>Restricted Use</b>	<b>Conditions</b>
RU 17A	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	"Buffer Industry"  Cottage Industry (P) Service Industry (P)	Any noise generating activities are to be confined to an indoor area, with all buildings to be oriented to front the new internal road. Any major openings

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

		<p>Light Industry (D)* Art Gallery(P) Brewery (D) Car Park (P) Club Premises(D) Convenience Store(D) Educational Establishment (D) Exhibition Centre (D) Laundromat/Drycleaner (D) Lunch Bar (D) Place of Worship(D) Storage (D) Telecommunications Infrastructure (P) Trade Display (P) Veterinary Centre(D) Warehouse (D)</p> <p>* Conditions relating to "Light Industry" in RU 17B apply</p>	<p>are to be located on building facades facing away from sensitive land uses;</p> <p>Access to the proposed lots is restricted to the internal subdivision road, with no access from Darch Road;</p> <p>Additional screening and landscaping requirements for lots adjacent to the proposed perimeter bypass and main entry roads may be imposed through the preparation and adoption of Design Guidelines;</p> <p>Future development applications shall be accompanied by an Environmental Management Plan to adequately address matters relating to acceptable noise levels/ mitigation measures, dust and odour control as relevant to the proposed use and considered in the context of nearby sensitive land uses external to the Restricted Use Zone.</p> <p>In the event that-reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>• The minimum lot size being 2,450m2.</li> <li>• The land uses established thereon not generating more than 540 litres of effluent per day / per 2000m2 land area as required by Health Department WA criteria.</li> <li>• The development layout on each individual lot being able to establish a dedicated disposal area of maximum 270m2. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</li> <li>• The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li> </ul> <p>Land uses that are likely to exceed the above parameters are considered to be "wet industries" and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>
RU 17B	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	<p>"Light Industry"</p> <p>Uses permitted in RU 17A Bus Depot (D) Contractors Yard (D) Fuel Depot (D) General Industry (D) Light Industry (P) Rural Industry (D) Motor Vehicle Repairs (D) Salvage / Wrecking Yard (A) Sawmill (A)</p>	<p>Development is required to meet acceptable buffer distances from surrounding land. Due regard will be given to EPA Guidance for the "Assessment of Environmental Factors - Separation Distances Between Industrial and Sensitive Land Uses (2005)", as may be amended from time to time, in determining acceptable separation distances from sensitive land use on surrounding land.</p> <p>In the event that-reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>• The minimum lot size being 2,450m2.</li> <li>• The land uses established thereon not generating more than 540 litres of effluent</li> </ul>

SHIRE OF AUGUSTA MARGARET RIVER  
ORDINARY COUNCIL MEETING 25 MARCH 2020

		Sawmill – Portable (A) Transport Depot (D) Warehouse (P) Winery (D)	<p>per day / per 2000m<sup>2</sup> land area as required by Health Department WA criteria.</p> <ul style="list-style-type: none"> <li>The development layout on each individual lot being able to establish a dedicated disposal area of maximum 270m<sup>2</sup>. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</li> <li>The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li> </ul> <p>Land uses that are likely to exceed the above parameters are considered to be “wet industries” and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>
RU 17C	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	<p>“General Industry”</p> <p>Uses permitted in–RU 17B.</p> <p>General Industry (P) Salvage / Wrecking Yard (D) Sawmill (D) Sawmill – Portable (D)</p>	<p>In the event that reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>The minimum lot size being 2,450m<sup>2</sup>.</li> <li>The land uses established thereon not generating more than 540 litres of effluent per day / per 2000m<sup>2</sup> land area as required by Health Department WA criteria.</li> <li>The development layout on each individual lot being able to establish a dedicated disposal area of maximum 270m<sup>2</sup>. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</li> <li>The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li> </ul> <p>Land uses that are likely to exceed the above parameters are considered to be “wet industries” and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>

- b. Amending the Scheme map to separate Lot 32 Darch Road, Margaret River into three Restricted Use precincts.

2. Determines that Amendment No. 66 is a ‘basic’ amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

It is an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Existing Scheme Provisions
2. Approved Structure Plan

**RECOMMENDATION / COUNCIL DECISION**

**CR KENNAUGH, CR CRISTOFFANINI OM2020/47**

That Council:

1. Pursuant to section 75 of the Planning and Development Act 2005, amends Local Planning Scheme No. 1 by:

- a) Deleting the current Restricted Use 17 provisions and inserting the following into Schedule 3:

No	Description of Land	Restricted Use	Conditions
RU 17A	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	<p>“Buffer Industry”</p> <p>Cottage Industry (P) Service Industry (P) Light Industry (D)* Art Gallery(P) Brewery (D) Car Park (P) Club Premises(D) Convenience Store(D) Educational Establishment (D) Exhibition Centre (D) Laundromat/Drycleaner (D) Lunch Bar (D) Place of Worship(D) Storage (D) Telecommunications Infrastructure (P) Trade Display (P) Veterinary Centre(D) Warehouse (D)</p> <p>* Conditions relating to “Light Industry” in RU 17B apply</p>	<p>Any noise generating activities are to be confined to an indoor area, with all buildings to be oriented to front the new internal road. Any major openings are to be located on building facades facing away from sensitive land uses;</p> <p>Access to the proposed lots is restricted to the internal subdivision road, with no access from Darch Road;</p> <p>Additional screening and landscaping requirements for lots adjacent to the proposed perimeter bypass and main entry roads may be imposed through the preparation and adoption of Design Guidelines;</p> <p>Future development applications shall be accompanied by an Environmental Management Plan to adequately address matters relating to acceptable noise levels/ mitigation measures, dust and odour control as relevant to the proposed use and considered in the context of nearby sensitive land uses external to the Restricted Use Zone.</p> <p>In the event that–reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>• The minimum lot size being 2,450m2.</li> <li>• The land uses established thereon not generating more than 540 litres of effluent per day / per 2000m2 land area as required by Health Department WA criteria.</li> <li>• The development layout on each individual lot being able to establish a dedicated disposal area of maximum 270m2. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</li> </ul>

			<ul style="list-style-type: none"> <li>The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li> </ul> <p>Land uses that are likely to exceed the above parameters are considered to be “wet industries” and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>
RU 17B	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	<p>“Light Industry”</p> <p>Uses permitted in RU 17A</p> <p>Bus Depot (D)</p> <p>Contractors Yard (D)</p> <p>Fuel Depot (D)</p> <p>General Industry (D)</p> <p>Light Industry (P)</p> <p>Rural Industry (D)</p> <p>Motor Vehicle Repairs (D)</p> <p>Salvage / Wrecking Yard (A)</p> <p>Sawmill (A)</p> <p>Sawmill – Portable (A)</p> <p>Transport Depot (D)</p> <p>Warehouse (P)</p> <p>Winery (D)</p>	<p>Development is required to meet acceptable buffer distances from surrounding land. Due regard will be given to EPA Guidance for the “Assessment of Environmental Factors - Separation Distances Between Industrial and Sensitive Land Uses (2005)”, as may be amended from time to time, in determining acceptable separation distances from sensitive land use on surrounding land.</p> <p>In the event that–reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>The minimum lot size being 2,450m<sup>2</sup>.</li> <li>The land uses established thereon not generating more than 540 litres of effluent per day / per 2000m<sup>2</sup> land area as required by Health Department WA criteria.</li> <li>The development layout on each individual lot being able to establish a dedicated disposal area of maximum 270m<sup>2</sup>. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</li> <li>The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li> </ul> <p>Land uses that are likely to exceed the above parameters are considered to be “wet industries” and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>
RU 17C	Portion of Lot 32 Darch Road and Margaret River Perimeter Road, Margaret River	<p>“General Industry”</p> <p>Uses permitted in–RU 17B.</p> <p>General Industry (P)</p> <p>Salvage / Wrecking Yard (D)</p> <p>Sawmill (D)</p> <p>Sawmill – Portable (D)</p>	<p>In the event that–reticulated sewer is not available, the use of onsite effluent disposal system on individual lots is permitted subject to:</p> <ul style="list-style-type: none"> <li>The minimum lot size being 2,450m<sup>2</sup>.</li> <li>The land uses established thereon not generating more than 540 litres of effluent per day / per 2000m<sup>2</sup> land area as required by Health Department WA criteria.</li> <li>The development layout on each individual lot being able to establish a dedicated disposal area of maximum</li> </ul>

			<p>270m2. This area is to be free of built structures including car parking and accessways and hard stand areas but can form part of the landscaped area.</p> <ul style="list-style-type: none"><li>• The specific effluent disposal system being approved by the Shire of Augusta – Margaret River</li></ul> <p>Land uses that are likely to exceed the above parameters are considered to be “wet industries” and accordingly, will need to demonstrate an alternative effluent disposal arrangement to the satisfaction of the Local Authority.</p>
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b. Amending the Scheme map to separate Lot 32 Darch Road, Margaret River into three Restricted Use precincts.

2. Determines that Amendment No. 66 is a ‘basic’ amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

It is an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.

**CARRIED EN BLOC 6/0**

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### 11.2.2 LOCAL DEVELOPMENT PLAN - FOR FINAL DETERMINATION

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<b>LOCATION/ADDRESS</b>	Lot 27 Redgate Road, Witchcliffe
<b>APPLICANT/LANDOWNER</b>	Halsall & Associates /Plantations International Holdings Pty. Ltd.
<b>FILE REFERENCE</b>	LND/1/3
<b>REPORT AUTHOR</b>	Matt Cuthbert, Strategic Projects Officer.
<b>AUTHORISING OFFICER</b>	Nick Logan, Acting Director Sustainable Development

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#### IN BRIEF

- The subject land is zoned 'Future Development' and designated as 'Structure Plan Area No. 23' (SPA23).
- Provisions of Schedule 11 of LPS1 relating to SPAs identify the site for tourism use and require that a Local Development Plan (LDP) be prepared prior to any development occurring.
- The proposal is an LDP, which sets out how the site could be developed for a range of tourism purposes.
- The land use and spatial arrangement of the development proposed by the LDP are consistent with the Scheme and are responsive to the land form.
- A greater level of certainty, as requested by nearby landowners, can be achieved through modifications to the plan.

#### RECOMMENDATION

That Council approves the Local Development Plan subject to modifications.

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#### LOCATION

The subject land is 13.5ha in size and located on the western fringe of the Witchcliffe townsite. Land to the eastern side of the lot is in part subdivided and developed for 'large lot' residential purposes. To the west, land is zoned priority agriculture. The owner of the subject land also owns Lot 28 which adjoins both the western and northern boundary of the subject land.

The subject land is developed with a large dam and contains areas of both remnant native vegetation and mature plantation trees consisting of a mix of eucalypt species.



Figure 1 – Location Plan

## TABLED ITEMS

Nil

## BACKGROUND

The subject land was first identified for tourism purposes by the Witchcliffe Village Strategy (2006). The land was part of an 'enclave' associated with the development of the Witchcliffe town site, together with the adjacent large lot residential development.

## PLANNING FRAMEWORK

### Local Planning Scheme No. 1

The subject land is identified as being 'Structure Plan Area – No. 23'. Provisions are included at Schedule 11 of the Scheme relating specifically to the subject land which state:

*No development will be permitted unless it is in accordance with the Local Development Plan approved in the manner prescribed in Part 6 of the Deemed Provisions Future Tourist development shall be in accordance with the Witchcliffe Village Strategy and subject to an approved Local Development Plan.*

### Local Planning Strategy 2010.

The Strategy identifies the subject land as DIA W1 - Tourist Precinct. It states:

*Portion of Location 1017 Redgate Road to the west of the Witchcliffe Village centre and on an important tourist route between Witchcliffe and Redgate Beach has been identified as a DIA.*

*Development should include:*

- *Guesthouse - Cape Lodge-style development overlooking existing dam.*
- *Chalets.*

*This will be subject to future planning to determine the most appropriate designs with rehabilitation of the site, protection of remnant vegetation and landscape values key determinants. Further consideration of these aspects will be subject to more detailed investigation and assessment at the rezoning and structure plan stage.*

### Witchcliffe Village Strategy 2012 (WVS)

The Strategy identifies the subject land as a "Tourist Precinct/Enclave". It states: *"The site is located on a 12ha portion of Location 1017 Redgate Road. The land is west of the Witchcliffe Village centre and on an important tourist route between Witchcliffe and Redgate Beach. Consideration will be given to a development comprising chalets and a guesthouse overlooking an existing dam.*



*This will be subject to future planning to determine the most appropriate designs with rehabilitation of the site, protection of remnant vegetation and landscape values key determinants. Further consideration of these issues will be subject to more detailed investigation and assessment at the rezoning, structure plan and subdivision stages."*

#### Redgate Park Structure Plan 2014

As it relates to the subject land, the Structure Plan provides for "future tourist development in accordance with the Witchcliffe Village Strategy subject to future structure plan."

In summary all of the various documents which form the planning framework as it relates to the subject land promote tourism uses consisting of a guesthouse and/or chalets but subject to a more detailed planning process prior to lodgment of a development application.

#### **THE PROPOSAL**

The proposal is a Local Development Plan (see Attachment1) which identifies how the subject land could be developed for the following purposes:

- Chalets or campsites or caravan sites (13); and
- Guesthouse or BnB or health retreat– to be located on a separate lot; and
- Reception centre or café or restaurant; and
- Dwelling

#### **CONSULTATION AND ADVICE**

The proposal has been subject to a period of public consultation. During that process, a total of 12 submissions were received from the general public consisting primarily of residents from the adjoining large lot residential area. Of the submissions received 1 was supportive and the remaining 11 submissions raised concerns. Six submissions were received from government agencies all supporting the proposal with or without modifications. A summary of each submission can be found at Attachment 2.

A key concern of neighbours was the lack of certainty regarding the nature of future development and its potential impacts on their residential amenity.

After the advertising period the Shire contacted submitters from adjoining Dobbins Place (the closest neighbouring owners) and enquired as to whether there was interest in meeting with the proponent on site to discuss concerns and ways they could be resolved. Two submitters responded and have walked the site with the proponent.

As discussed further in this report, there are modifications that can be made to the proposal which will provide a greater level of certainty to neighbours and will ensure amenity concerns are addressed.

#### **DISCUSSION / OFFICER COMMENTS**

##### Chalets, campsites or caravan sites?

Submitters raised concern with the uncertainty provided by way of the LDP as to which of the three listed landuses would be pursued. The campsites/caravan sites attracted the highest level of concern with fears centred around noise and the prospect of larger groups.

At this point, the proponent intends to develop the site as a 'high end' tourism product which is consistent with the LPS and WVS. The proponent has progressed with architects designs for chalets which is the preferred landuse. It is recommended that reference to campsites and caravan sites be removed from the plan.

##### Health Retreat

The proponent seeks to create a separate lot which is identified by the plan for use as either Guesthouse, B'n'B or Health Retreat.

The proponent has advised that if a suitable operator can be sourced, a health retreat would be constructed in the same architectural style as the chalets, however plans are not available at this time. The proponents view is that the health retreat would be a complimentary use to the proposed chalets. Sale of the lot would give investment security to the operator and assist in funding the chalet development.

This element of the proposal, whilst not being the subject of any of the objections received, is located directly adjoining neighbouring residences. Removal of the Health Retreat provides the opportunity to ensure that all of the proposed tourist development is located well away from neighbouring properties and assists in addressing concerns raised regarding potential amenity impacts. It also has the positive effect of ensuring that all tourism development is discreetly located and not visible from Redgate Road. There is no demonstrated need for the proposed B'n'B and Guesthouse uses given that both uses can in any event, be located on any of the 26 adjoining residential lots.

A separate but related Structure Plan has been submitted by the applicant and requires referral to the WAPC for a final decision. The Structure Plan is a necessary precursor to any subdivision of the land. The Structure Plan amendment did not require advertising given the minor nature of the change and this was confirmed by the WAPC.

Shire officers will forward the Structure Plan to the WAPC under delegated authority, however the recommendation will accord with Council decision on the subject LDP. If the officers recommendation to remove the guesthouse from the LDP is supported by Council, the Shire's advice to the WAPC will be that the subdivision is also not supported, however it is noted that the WAPC will come to its own view on this matter.

#### Reception Centre/Café/Restaurant

A site is shown on the LDP within which the abovementioned uses could be accommodated. It has a scenic outlook over the large dam. A number of submissions raised concern with the fact that the uses listed could all draw significant amounts of additional people to the site which could give rise to potential amenity impacts.

The proponent has advised that the primary use of this facility will be to service the needs of guests, by providing a venue for such things as cooking classes, meals and at times a venue for functions. It is not proposed that the primary use of the facility would be a 'reception centre' however given the attractive setting and the capacity to be able to accommodate guests overnight, the proponent would like the option of holding weddings or other functions on an intermittent basis.

It is recommended that the LDP be modified to identify this element of the proposal as a 'kitchen/dining facility and include 'conditions' on the plan which require that the frequency, scale (number of guests) and any other limitations be imposed by way of a development application which will need to be lodged prior to construction.

#### Driveway access

The proposed access is designed to connect to Redgate Road in the southwest corner of the site. It then curves in an easterly direction bringing it closer to neighbouring properties. Submitters raised this as a potential nuisance issue.

The proponent has provided an amended (see Attachment 3) plan which provides for a more westerly alignment for the driveway bringing it closer to the neighbouring property on the western boundary of the site which is owned by the proponent.

#### Visual impact

The land falls by over 10 metres towards a creek line before rising again on its northern side. The proposed chalets located on the southern side of the dam will not be visible from the road or adjoining residential properties as they are intended to be lower in the landscape. Chalets located further to the north will be screened by existing and proposed vegetation. In order to screen the 'kitchen' building, it is proposed that surrounding land be cut and retained to lower its height. The earth removed in this process will be used to form a vegetated earth bund providing further screening.

The only development which is likely to be visible from the road and surrounding properties is the proposed dwelling which is to be located some 200 metres from Redgate road.

### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

The Local Development Plan process is set out by the Planning and Development (Local Planning Scheme) Regulations 2015.

## **STRATEGIC PLAN / POLICY IMPLICATIONS**

### ***Community Strategic Plan 2036 (CSP)***

### ***Corporate Business Plan 2019-2023***

Key Result Area 3: Ensuring sustainable development

Community Outcome 1: Clearly defined areas for growth, renewal and protection.

Strategic Response: Ensure structure plans are designed to preserve and enhance the unique character and sustainability of centres, towns and villages.

Service level strategy/plan: Implement adopted structure plans for new residential communities, including the Est Margaret River District Structure Plan, and review as required.

## **FINANCIAL IMPLICATIONS**

### **Implications**

Nil

### **Long Term Financial Plan**

Nil

### **Whole of Lifecycle considerations**

Nil

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

The majority of vegetation on site consists of plantation species which will be thinned to comply with bushfire requirements. The creekline will be rehabilitated with native species.

### **Social**

Changes recommended will ensure that future tourism development can co-exist harmoniously with existing rural residential development.

### **Economic**

Development of the subject site provides the opportunity to create employment in close proximity of the growing Witchcliffe settlement.

## **ADVOCACY**

Nil

## **IMPLICATIONS OF ALTERNATIVE RESOLUTION**

If Council were to refuse the LDP, the applicant would have a right of review through the State Administrative Tribunal.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council, in accordance with clause 52 of the Deemed Provisions of LPS1, approves the Local Development Plan – Lot 27 Redgate Road Witchcliffe dated January 2019, subject to it being modified in the manner specified at Attachment 4 – Schedule of Modifications.

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

1. Advertised LDP
2. Schedule of Submissions
3. Amended LDP
4. Schedule of Modifications.

## **RECOMMENDATION**

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**CR CRISTOFFANINI, CR KENNAUGH**

**That Council, in accordance with clause 52 of the Deemed Provisions of LPS1, approves the Local Development Plan – Lot 27 Redgate Road Witchcliffe dated January 2019, subject to it being modified in the manner specified at Attachment 4 – Schedule of Modifications.**

**0/0**

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*Cr Cristoffanini moved the following alternative motion:*

**REASON**

Cr Cristoffanini spoke to the amendment, stating the addition of a health retreat will add to the range of tourism facilities available on the site and can be done in a way which does not diminish visual amenity when viewed from Redgate Road.

**ALTERNATIVE MOTION / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR DANIEL OM2020/48**

**That Council:**

- 1. In accordance with clause 52 of the Deemed Provisions of LPS1, approves the Local Development Plan – Lot 27 Redgate Road Witchcliffe dated January 2019, subject to it being modified in the manner specified at Attachment 4 – Schedule of Modifications.**
- 2. Requires that modification No. 6 be removed from Attachment 4 – Schedule of Modifications.**
- 3. Requires that an additional modification is added to Attachment 4 – Schedule of Modifications which states *“Include a condition on the plan stating that future development upon proposed Lot 271 is to be designed and located so as to minimise visual impact when viewed from Redgate Road”***

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

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### 11.2.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING - 11 FEBRUARY 2020

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	EMS/3
<b>REPORT AUTHOR</b>	Adam Jasper, Community Emergency Services Manager
<b>AUTHORISING OFFICER</b>	Nick Logan, Acting Director Sustainable Development

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#### IN BRIEF

- On 11 February 2020, the Local Emergency Management Committee (LEMC) held its first meeting of the year.
- Shire Community Emergency Services Manager (CESM), Adam Jasper, provided information regarding the Main Street Makeover Project.

#### RECOMMENDATION

That Council receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 11 February 2020.

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#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

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

#### CONSULTATION AND ADVICE

##### External Consultation

LEMC delegates

##### Internal Consultation

Director Sustainable Development  
Manager Human and Community Services (Shire Recovery Coordinator)  
Community Emergency Services Manager  
Ranger Services

#### DISCUSSION / OFFICER COMMENTS

Please refer to the attachments listed at the end of this report for further and more detailed information on reports and discussions held at the meetings. Discussion was limited to a brief presentation of the Margaret River Main Street works and quarterly reporting from attendees. Due to multiple apologies, the Shire Officer confirmed after the meeting that quorum was achieved.

#### STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 36(a) *Emergency Management Act 2005*  
Section 38(1) *Emergency Management Act 2005*  
Sections 41, 42 & 43 *Emergency Management Act 2005*

#### STRATEGIC PLAN / POLICY IMPLICATIONS

**Community Strategic Plan 2036 (CSP)**

**Corporate Business Plan 2019-2023**

Key Result Area 2: Welcoming and inclusive communities

Community Outcome 3: Strong community groups and networks  
Strategic Response: Support and value community organisations and volunteers across the region.  
Community Outcome 6: Safer Communities  
Strategic Response: Enhance the Shire's emergency and disaster management capabilities.

**PLANNING FRAMEWORK**

Nil

**FINANCIAL IMPLICATIONS**

**Implications**

Nil

**Long Term Financial Plan**

Nil

**Whole of Lifecycle considerations**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

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

**Social**

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

**Economic**

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

**ADVOCACY**

Nil

**IMPLICATIONS OF ALTERNATIVE RESOLUTION**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 11 February 2020.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

1. Unconfirmed Local Emergency Management Committee meeting minutes and attachments – 11 February 2020.

**RECOMMENDATION / COUNCIL DECISION**

**CR KENNAUGH, CR CRISTOFFANINI OM2020/47**

**That Council receives the unconfirmed minutes of the Augusta Margaret River Local Emergency Management Committee meeting held 11 February 2020.**

**CARRIED EN BLOC 6/0**

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#### 11.2.4 APPOINTMENT OF INTERIM DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	EMS/2
<b>REPORT AUTHOR</b>	Adam Jasper, Community Emergency Services Manager
<b>AUTHORISING OFFICER</b>	Nick Logan, Acting Director Sustainable Development

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#### IN BRIEF

- On 24 February 2020, Brett Trunfull resigned from the position of Shire of Augusta Margaret River Deputy Chief Bush Fire Control Officer (DCBFCO), effective immediately.
- Under section 38(2C) of the *Bush Fires Act 1954*, the local government shall fill within one month any vacancy occurring in the above position.
- In order to allow the Shire sufficient time to fully consider a replacement and allow Brigades sufficient time to put in place any succession requirements for proposed candidates, the recommendation is as follows:

#### RECOMMENDATION

That Council:

1. Notes the Shire Community Emergency Services Manager, Adam Jasper, is to be appointed to the position of Shire of Augusta Margaret River Deputy Chief Bush Fire Control Officer, by the CEO under delegated authority; and
  2. Notes that this appointment is only temporary for the remainder of the current term or until a suitable candidate is put forward for consideration by the Bush Fire Advisory Committee prior to endorsement by Council.
- 

#### LOCATION PLAN

Nil

#### TABLED ITEMS

Nil

#### BACKGROUND

The Shire has a legislated responsibility to appoint a Chief Bush Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer (DCBFCO) under the *Bush Fires Act 1954*.

Nominees for these two positions are recommended by the Bush Fire Advisory Committee (BFAC) and appointed by the CEO under delegated authority. The terms for these two positions are valid for 2 years in line with Council elections.

On 24 February 2020, Brett Trunfull resigned from the position of Shire of Augusta Margaret River Deputy Chief Bush Fire Control Officer (DCBFCO), effective immediately.

This resignation, due to there being approximately 18 months of the current term left to run, will require a temporary appointment to satisfy *Bush Fires Act 1954* obligations.

Under section 38(2C) of the *Bush Fires Act 1954*, the local government shall fill within one month any vacancy occurring in the above position.

In order to allow the Shire sufficient time to fully consider a replacement and allow Brigades sufficient time to put in place any succession requirements for proposed candidates, the recommendation is to appoint an interim Deputy Chief Bush Fire Control Officer for the remainder of the current term or until a suitable candidate can be put forward for consideration.

It is expected that this matter will be resolved in full by September 2020.

### **CONSULTATION AND ADVICE**

#### **External Consultation**

DFES – Superintendent Phil Brandrett – In principle support provided on basis that CESM appointment is temporary in line with the above recommendation.

#### **Internal Consultation**

Chief Bush Fire Control Officer – David Holland – Supported.

### **DISCUSSION / OFFICER COMMENTS**

In order to allow the Shire Community Emergency Services Manager additional time to work with and source a suitable candidate from the Shire Brigades to the role of DCBFCO, the above recommendation has been put forward.

We are currently exploring the opportunity from an existing Captain, however all Brigades should be given the opportunity to put forward candidates if they so wish.

Recognising that the Shire may need to consider a candidate from outside of the current group of Fire Control Officers and the requirement for any identified candidate to resign any current Brigade elected positions, the proposed recommendation will allow sufficient time for proper consideration by Brigades, including any Brigade vacancies that it may create and develop an individualised training program if required by the identified applicant.

Any proposed replacement will then be put forward at one of the next two occurring Bush Fire Advisory Committee meetings for that group's support prior to submission to Council.

Additionally, this development will allow Shire Officers and the current CBFCO to develop a succession plan for the current CBFCO for any potential candidates.

### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

s38(2C) *Bush Fires Act (1954)*

Failure to appoint a successor within the legislated timeframe can allow the Fire and Emergency Services Commissioner to appoint on the Shire's behalf an individual of his choosing to the vacant position with no input from the Local Government.

### **STRATEGIC PLAN / POLICY IMPLICATIONS**

Nil

### **PLANNING FRAMEWORK**

Nil

### **FINANCIAL IMPLICATIONS**

#### **Implications**

Nil

#### **Long Term Financial Plan**

Nil

#### **Whole of Lifecycle considerations**

Nil

### **SUSTAINABILITY IMPLICATIONS**

#### **Environmental**

Nil

#### **Social**

Nil



**Economic**

Nil

**ADVOCACY**

Nil

**IMPLICATIONS OF ALTERNATIVE RESOLUTION**

The Council would be required to source an alternative Deputy Bush Fire Control Officer and in the interim, in the event of the Chief Bush Fire Officer being unavailable this would lead to an absence of direction and control of incidents.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council:

1. Notes the Shire Community Emergency Services Manager, Adam Jasper, is to be appointed to the position of Shire of Augusta Margaret River Deputy Chief Bush Fire Control Officer, by the CEO under delegated authority; and
2. Notes that this appointment is only temporary for the remainder of the current term or until a suitable candidate is put forward for consideration by the Bush Fire Advisory Committee prior to endorsement by Council.

**ADVICE TO APPLICANT / PROPONENT**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION / COUNCIL DECISION**

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**CR KENNAUGH, CR GODDEN OM2020/49**

That Council:

1. Notes the Shire Community Emergency Services Manager, Adam Jasper, is to be appointed to the position of Shire of Augusta Margaret River Deputy Chief Bush Fire Control Officer, by the CEO under delegated authority; and
2. Notes that this appointment is only temporary for the remainder of the current term or until a suitable candidate is put forward for consideration by the Bush Fire Advisory Committee prior to endorsement by Council.

**CARRIED 6/0**

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# 11.3. Infrastructure Services

**11.3.1 MARGARET RIVER PRECINCT PLAN AND WALK AND OFF-ROAD CYCLE TRAILS STRATEGY**

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<b>LOCATION/ADDRESS</b>	Shire of Augusta Margaret River
<b>APPLICANT/LANDOWNER</b>	Shire of Augusta Margaret River
<b>FILE REFERENCE</b>	ENG/86
<b>REPORT AUTHOR</b>	Susie Elton, Project Planning Officer – Asset Services
<b>AUTHORISING OFFICER</b>	David Nicholson, Acting Director Infrastructure Services

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**IN BRIEF**

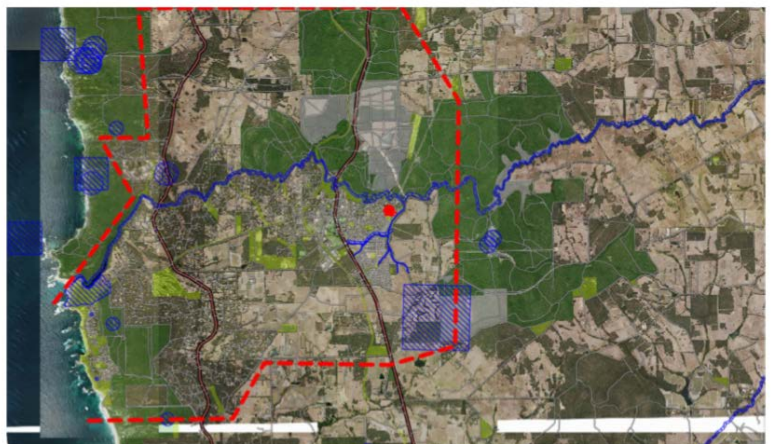
- At its meeting on 13 December 2017 Council approved the preparation of a Walk and Off-Road Cycle Trails Strategy and in January 2018 a Community Reference Group (CRG) was formed to govern and guide development of the Strategy. The group met several times throughout 2018 exploring specific issues and key principles, acknowledging through this process that a precinct plan for the Margaret River was needed before development of the wider area Strategy.
- At its meeting on 23 January 2019, Council approved expanded Terms of Reference of the CRG to include development of the Margaret River Precinct Plan and an independent facilitator was appointed to chair the CRG meetings.
- Significant community consultation was undertaken to inform the Margaret River Precinct Plan 2020-2030 (Precinct Plan) and the Off-Road Walk and Cycle Trails Strategy Margaret River 2020-2024 (The Strategy) including development of these documents in collaboration with the CRG.
- Within the Precinct Plan, there is one area of contention, being whether universal access to the river at Rendall Close Weir, and/or Barrett Street Weir is included for public comment.
- Approval is now sought to release the draft Precinct Plan and Strategy for public comment for a period of 28 days.

**RECOMMENDATION**

That Council advertises the Walk and Off-Road Cycle Trails Strategy Margaret River 2020-24 and the Margaret River Precinct Plan 2020-2030 for public comment for a period of 28 days.

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**LOCATION PLAN**



**TABLED ITEMS**

Nil

## **BACKGROUND**

The Margaret River Precinct includes Apex Weir, Rotary Park, a proportion of Bussell Highway, Old Settlement, Barrett Street Reserve and Rendall Close Weir. This area is recognised as a special place for a wide variety of community members and groups in the shire. The precinct and river also hold important spiritual value for the Indigenous traditional owners of the shire; the Wadandi and Piblemen people with the Margaret River and its foreshore having registered Aboriginal sites under the Aboriginal Heritage Act 1972.

The Walk and Off-Road Cycle Trails Strategy (the Strategy) area spans from north to south of Margaret River townsite to the coast.

Over the last ten years, there has been significant growth in recreational off-road cycling (mountain biking) in and around Margaret River and in the Margaret River Precinct. In parallel, there have been occurrences of unsanctioned trail building in areas such as The Pines and Barrett Street Reserve. Existing Shire managed trails, such as along the Margaret River are not signposted for the exclusive use by any particular user group, however it is recognised that walkers have historically been the primary user group. These trails also experienced significant growth in off-road cycling for recreation and for access to the adjoining mountain bike trails which has led to conflict between walkers and off-road cyclists. Concerns have also been raised about the environmental impacts of trails (clearing of native vegetation, dieback, erosion and impacts on endangered fauna and rare flora).

In view of these issues Shire officers, in collaboration with a dedicated Community Reference Group (CRG) developed two interrelated documents.

1. Margaret River Precinct Plan 2020-2024 (Precinct Plan)  
The Precinct Plan consists of all major initiatives to be undertaken in the Margaret River Precinct Area by the Shire of Augusta Margaret River (the Shire) from 2020 to 2030. These initiatives are structured around four key focus areas, being: movement, public realm, environmental management and education. Implementation of all initiatives are specified in the implementation framework, which also sets out the timeframes and teams responsible for the delivery of initiatives, actions and projects. The Precinct Plan is included as Attachment 1.
2. Walk and Off-Road Cycle Trails Strategy Margaret River 2020-24 (the Strategy)  
The Strategy has been developed to provide strategic guidance for the development and management of walking and off-road cycling trails within Margaret River and environs in response to growing demand for walking and off-road cycling within this location. The Strategy is included as Attachment 2.

## **CONSULTATION AND ADVICE**

### **External Consultation**

- Community Reference Group (CRG)
- Community Access and Inclusion Reference Group (CAIRG);
- Residents of Rendall Close and Waters Edge; and
- Undalup Association (representing the broader local Indigenous community)

The engagement approach harnessed for external consultation was based on the IAP2 community engagement framework. As per this framework, the Shire aspired to collaborate with the community through the development of these documents. Full details on the community engagement approach and feedback received is itemised in Attachment 3 - Community Engagement Report Margaret River Precinct Plan and Walk & Off-Road Cycle Trails Strategy (Engagement Report).

### **Internal Consultation**

- Asset Services Staff;
- Environment and Landcare Services staff;
- Community and Corporate Planning staff;
- Acting Manager Works

## **DISCUSSION / OFFICER COMMENTS**

This CRG was formed in January 2018 to guide development of the Strategy. Council endorsed the group membership and terms of reference at this time, with the group meeting several times throughout 2018 to explore specific issues and key principles. The group acknowledged through this process that a precinct plan for the Margaret River (weir to weir) was needed before the wider area Strategy could be developed.

The CRG scope and Terms of Reference was widened in January 2019 to include development of the Precinct Plan and the group reconvened for an informal meeting followed by five community workshops, facilitated by an independent facilitator, between March 2019 and February 2020.

Through these workshops and harnessing the results of the engagement process, the CRG in collaboration with Shire Officers developed the Precinct Plan and Strategy.

### Margaret River Precinct Plan

The Precinct Plan has been developed as an action plan aimed at providing the Shire and community members with a clear understanding of where resources, priorities and energies are to be directed in relation to the future development and management of the Margaret River Precinct over the next ten years. The Precinct Plan is guided by four core principles being; value, protection and enhancement of the natural environment, respect for cultural and historical values, community connectedness and beneficial use and provision of public access, with all current and future initiatives proposed for the Margaret River Precinct being examined against these principles to determine suitability of inclusion.

For ease of understanding, the initiatives of the Precinct Plan are structured around four key areas being: movement, public realm, environmental management and education and signage and wayfinding with key initiatives including;

- Connectivity between trails;
- Traffic calming mechanisms;
- Increasing car parking within existing footprints and parking wayfinding;
- Trail upgrade to reflect desired use types;
- Collaboration with Rotary Margaret River to redesign Rotary Park nature play to a scaled back plan within the footprint of existing playground and exercise equipment;
- Improvements to Old Settlement pathways, landscaping and parking
- Environmental restoration and erosion control; and
- Signage and wayfinding throughout the Precinct.

As outlined in Attachment 3 - Engagement Report, in relation to the initiatives proposed for Rendall Close Weir, residents of Rendall Close and Waters Edge Margaret River requested that the following initiatives be removed from the Precinct Plan:

### *Picnic area*

Formalisation of a low-key picnic area at Rendall Close Weir will include levelling of the grassed area and installation of two picnic tables and chairs and one park bench closer to the foreshore.

### *Bike racks*

Hard landscaping will include the installation of bike racks. Bike racks will be located close to the weir crossing but away from the picnic area to support the inner areas of the precinct as a low bike riding area.

### *Investigate universal access to the river*

Investigate the option of universal access to the river at this location. Investigation of options and the development of a concept design will harness co-design principles and, as such, be developed in collaboration with wheelchair users.

This request was supported by the CRG and these three initiatives were removed from the draft Precinct Plan.

As the impact of the removal of the initiative to investigate universal access to the river would affect people with a disability, this component of the Precinct Plan was referred back to the Community Access and Inclusion Reference Group (CAIRG) for discussion. CAIRG did not support removal of this initiative in its entirety, but instead recommended that the Precinct Plan should be advertised with the option of including investigation of universal access to the river at Rendall Close Weir and/or Barrett Street Weir as this would allow the Shire to determine level of support and suitability of location options.

As an alternative option Council could consider incorporating the views of CAIRG to include in the Precinct Plan investigation of universal access to the river at either Rendall Close Weir, Barrett Street Weir or both weirs.

#### Margaret River Walk and Off-Road Cycle Trails Strategy

The Strategy has been developed to provide strategic guidance, over the next four years, for the development and management of walking and off-road cycle trails within Margaret River and environs. The Strategy is guided by four core principles being;

- i) Value;
- ii) Protection and enhancement of the natural environment;
- iii) Respect for cultural and historical values; and
- iv) Community connectedness and beneficial use and provision of public access.

All current and future trails and supporting facilities proposed within the main scope area of the Strategy are to be examined against these principles to determine suitability.

The Strategy determines design guidelines for maintenance and levels of service, the Shires position in relation to illegal trail building, signage and wayfinding requirements and future provision of trails within the main scope area. These requirements have been prioritised within the Strategy as follows:

- Priority 1: Trail upgrades as per the Precinct Plan;
- Priority 2: Develop signage plan and implementation schedule;
- Priority 3: Develop trail management program to include monitoring and assessment of the impact of human traffic levels;
- Priority 4: Develop additional trails in line with priority projects identified in the Leeuwin-Naturalise 2050 Cycling Strategy;
- Priority 5: Installation of supporting infrastructure;
- Priority 6: Accreditation as a Trail Town; and
- Priority 7: Finalise construction of the Winter Diversion Trail.

#### **STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

Nil

#### **STRATEGIC PLAN / POLICY IMPLICATIONS**

##### ***Community Strategic Plan 2036 (CSP)***

##### ***Corporate Business Plan 2019-2023***

Key result area 3: Ensuring sustainable development

Community Outcome 6: Connected and safe transport network

Strategic Response: Manage traffic flows, parking and pedestrian safety in town and village centres

Service level strategy/plan: Develop a Margaret River Precinct Masterplan with the community reference group and in conjunction with the Margaret River Walking and Off-Road Cycling Strategy, to include Rotary Park, bridge, the weirs and traffic management strategies for Carters Road, and commence implementation.

#### **PLANNING FRAMEWORK**

Nil

#### **FINANCIAL IMPLICATIONS**

##### **Implications**

The aim of the Precinct Plan and Strategy is to ensure limited resources are used in the most effective way and link the implementation framework and priority projects to the relevant funding source. Many items within these plans are achievable through operational expenditure, although some items will require additional capital funding over the next 10 years.

### **Long Term Financial Plan**

Implementation of the Precinct Plan over the next ten years will need to be reflected in the LTFP, which is currently under review. The priority projects of the Strategy, not already itemised in the Precinct Plan do not need to be recognised in the LTFP as they are funded through trails planning and maintenance allocations.

### **Whole of Lifecycle considerations**

Whole of life costs will be considered through the design and construction program, as part of the implementation plan, which sets the program of works over the next 10 years,

## **SUSTAINABILITY IMPLICATIONS**

### **Environmental**

The Precinct Plan and Strategy recognise that the natural environment is the basis for community life and economic development. As such, all components of each document focus on value, protection and enhancement of the natural environment to be supported through increased and ongoing environmental management.

### **Social**

The Margaret River Precinct and environs are recognised as being a socially, culturally and historically important place for a wide variety of community members and groups in the shire. It offers opportunity for low-key recreational activities such as bike riding, bush walking, running, swimming, stand-up paddle boarding, canoeing and picnicking and the Precinct Plan will provide for these to continue in a sustainable manner into the future. The precinct and river also hold important spiritual value for the Indigenous traditional owners of the shire; the Wadandi and Piblemen people and the Margaret River and its foreshore are registered Aboriginal sites under the Aboriginal Heritage Act 1972

### **Economic**

The natural environment and opportunity for recreational and social activities, including trails tourism attract both local people and visitors to the area and is a key element of the shire's economic well-being.

## **ADVOCACY**

The Precinct Plan and Strategy provide opportunities for advocacy through interpretative signage that focus on recognising Indigenous connection to place, European history and stories connected to the Margaret River. Signage will also focus on environmental awareness and stewardship, with the understanding that knowledge and awareness is linked to connection and protection.

## **IMPLICATIONS OF ALTERNATIVE RESOLUTION**

The Precinct Plan and Strategy were developed to address known concerns and needs in relation to, but not limited to, environmental restoration, trail conflict, parking, trail connectivity and functionality of individual Precincts. If not supported the Shire would have no approved guidelines and long-term management plan to work from which would likely result in ad-hoc and reactive decisions being made. This would, subsequently, affect community members, tourist and trail users use and enjoyment of the Margaret River Precinct and wider environs.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council advertise the Walk and Off-Road Cycle Trails Strategy Margaret River 2020-24 and the Margaret River Precinct Plan 2020-2030 for a period of 28 days.

## **ADVICE TO APPLICANT / PROPONENT**

Nil

## **ATTACHMENTS**

1. Margaret River Precinct Plan 2020-2030
2. Walk and Off-Road Cycle Trails Strategy Margaret River 2020-2024
3. Community Engagement Report Margaret River Precinct Plan and Walk and Off-Road Cycle Trails Strategy

**RECOMMENDATION / COUNCIL DECISION**

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**CR KENNAUGH, CR DANIEL OM2020/50**

**That Council advertise the Walk and Off-Road Cycle Trails Strategy Margaret River 2020-24 and the Margaret River Precinct Plan 2020-2030 for a period of 28 days.**

**CARRIED 6/0**

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# 11.4. Corporate and Community Services

**11.4. CORPORATE AND COMMUNITY SERVICES**

Nil

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

Nil

**13. MOTIONS FOR CONSIDERATION AT NEXT MEETING**

Nil

**14. NEW BUSINESS OF AN URGENT NATURE**

**14.1. Members**

Nil

**14.2. CEO**

**14.2.1 COVID-19 Community Care Package**

*This item was brought forward for consideration (page 14)*

**15. CONFIDENTIAL BUSINESS**

**15.1 Sale of Land - Lot 11 on Strata Plan 27518 Clews Road, Cowaramup**

**PROCEDURAL MOTION / COUNCIL DECISION**

**CR GODDEN, CR KENNAUGH OM2020/51**

**That the meet go behind closed doors.**

**CARRIED 6/0**

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*The meeting closed to online participants at 6.02pm  
Member of press left Chambers at 6.02pm*

**15.1 SALE OF LAND - LOT 11 ON STRATA PLAN 27518 CLEWS ROAD, COWARAMUP**

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**LOCATION/ADDRESS** Lot 11 on Strata Plan 27518 Clews Rd, Cowaramup

**APPLICANT/LANDOWNER** Shire of Augusta Margaret River

**FILE REFERENCE** PTY/6202 & FIN/20

**REPORT AUTHOR** Vicki Scott, Coordinator Revenue and Customer Service

**AUTHORISING OFFICER** Andrew Ross, Manager Corporate Services

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**RECOMMENDATION**

That the meeting be closed to the public for the purpose of discussing item 15.1 as it required that this matter be dealt with behind closed doors under section 5.23 (2) (b) of the *Local Government Act 1995*,

Reasons:

5.23 (2) (b) the personal affairs of any person;

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**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION / COUNCIL DECISION**

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**CR DANIEL, CR KENNAUGH OM2020/52**

That Council:

1. Pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceeds to sell the property at Lot 11 on Strata Plan 27518 Certificate of Title Volume 2026 Folio 611 Clews Rd, Cowaramup due to outstanding property rates and other charges that have been in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance totalling \$31,231.77 at 14 February 2020, subject to the requirements in Section 6.68; and
2. Authorises the Shire seal to be attached to any document required to be executed by the Shire to give effect to this decision.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

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**PROCEDURAL MOTION / COUNCIL DECISION**

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**CR CRISTOFFANINI, CR GODDEN OM2020/53**

That the meeting come out from behind closed doors.

**CARRIED 6/0**

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**16. CLOSURE OF MEETING**

*The Shire President thanked all in attendance and declared the meeting closed at 6.04pm*