

Ordinary Council

MINUTES

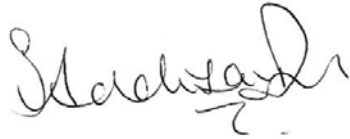
FOR THE MEETING HELD
WEDNESDAY, 26 AUGUST 2020
IN COUNCIL CHAMBERS,
WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 2:00PM

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 26 August 2020, commencing at 2:00pm.

Yours faithfully



STEPHANIE ADDISON-BROWN
CHIEF EXECUTIVE OFFICER

ATTENTION/DISCLAIMER

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

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

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

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

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

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

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

TABLE OF CONTENTS

ITEM NO. NO.	SUBJECT	PAGE
1.	DECLARATION OF OPENING	4
2.	ATTENDANCE	4
3.	DISCLOSURES OF INTEREST	5
4.	PUBLIC QUESTIONS	5
4.1.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
4.2.	PUBLIC QUESTION TIME	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE	5
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
6.1	ORDINARY COUNCIL MEETING HELD 12 AUGUST 2020	5
7.	DEPUTATIONS	5
7.1	ITEM 11.2.1 DRAFT LOCAL PLANNING SCHEME AND STRATEGY - FOR PUBLIC CONSULTATION - MR JIM MATAN	5
7.2	ITEM 11.2.1 DRAFT LOCAL PLANNING SCHEME AND STRATEGY - FOR PUBLIC CONSULTATION - MR GLENN AHOLA	5
8.	PETITIONS	5
9.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
9.1	DIRECTOR SUSTAINABLE DEVELOPMENT AND INFRASTRUCTURE – AUSTRALIAN CITIZENSHIP	6
10.	QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
11.	REPORTS OF COMMITTEES AND EMPLOYEE REPORTS	6
11.1.	CHIEF EXECUTIVE OFFICER	7
11.2.	SUSTAINABLE DEVELOPMENT AND INFRASTRUCTURE	9
11.2.1	DRAFT LOCAL PLANNING SCHEME AND STRATEGY - FOR PUBLIC CONSULTATION.....	10
11.2.2	WITHDRAWN PROPOSED ANIMAL HUSBANDRY (FEEDLOT) - 355 (LOT 100) TREETON ROAD, COWARAMUP	Error! Bookmark not defined.
11.3.	CORPORATE AND COMMUNITY SERVICES	17
11.3.1	CORPORATE BUSINESS PLAN 2020-24 & REVIEW OF COMMUNITY STRATEGIC PLAN 2036.....	18
12.	MOTIONS FROM MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	18
12.1	WALGA SOUTH WEST PROSPECTUS – REMOVAL OF REFERENCE TO TIMBER INDUSTRY DEVELOPMENT - CR MELDRUM.....	23
12.2	WITHDRAWN ENDORSEMENT OF FORESTS FOR CLIMATE CAMPAIGN AND FORESTS FOR LIFE PLAN – CR GODDEN	25
13.	MOTIONS FOR CONSIDERATION AT NEXT MEETING	27
13.1	ENDORSEMENT OF FORESTS FOR CLIMATE CAMPAIGN AND FORESTS FOR LIFE PLAN – CR GODDEN.....	25
14.	NEW BUSINESS OF AN URGENT NATURE	28
14.1	MEMBERS.....	28
14.2	CEO	28
15.	CONFIDENTIAL BUSINESS	28
15.1	REQUEST FOR RETURN OF DEVELOPER CONTRIBUTIONS.....	26
16.	CLOSURE OF MEETING	26

Minutes of the Ordinary Meeting held on Wednesday 26 August 2020, in Council Chambers, 41 Wallcliffe Road, Margaret River, commencing at 2.00pm

Ordinary Council Meeting

1. DECLARATION OF OPENING

The Shire President welcomed all in attendance and declared the meeting open at 2.00pm

The Deputy Shire President gave an Acknowledgement of Country:

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

The Shire President acknowledged and welcomed Margaret River Senior High School students who had participated in the 'Councillor for a Day' program and were attending the meeting as observers.

2. ATTENDANCE

Shire President	:	Cr Ian Earl
Councillors	:	Cr Paula Cristoffanini Cr Brian Daniel Cr Naomi Godden Cr Kylie Kennaugh Cr Pauline McLeod Cr Julia Meldrum
Chief Executive Officer	:	Ms Stephanie Addison-Brown
Director Sustainable Development and Infrastructure	:	Mr Nick Logan
Director Corporate and Community Services	:	Mr James Shepherd
Manager Corporate Services	:	Mr Andrew Ross
Manager Legal and Governance	:	Mr Ian McLeod
Manager Planning and Development	:	Mr Matt Cuthbert
Statutory Planning Coordinator	:	Ms Angela Satre
Governance Officer / Council Support	:	Ms Claire Schiller
MEMBERS OF THE PUBLIC	:	34
MEMBERS OF THE PRESS	:	Warren Hatley, AMR Times Anthony Pancia, ABC

2.1 Apologies

Nil

2.2. Approved Leave of Absence

Nil

3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTIONS

4.1. Response to Previous Public Questions Taken on Notice

Nil

4.2. Public Question Time

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting held 12 August 2020

MOTION / COUNCIL DECISION

CR CRISTOFFANINI, CR MELDRUM OM2020/162

That Council confirms the minutes of the Ordinary Council Meeting held on 12 August 2020 to be a true and correct record of the meeting.

CARRIED 7/0

7. DEPUTATIONS

**7.1 Item 11.2.1 Draft Local Planning Scheme and Strategy – For Public Consultation
– Mr Jim Matan**

Mr Jim Matan of 6008 Caves Road, Margaret River, addressed the meeting in relation to Item 11.2.1 Draft Local Planning Scheme and Strategy – For Public Consultation.

**7.2 Item 11.2.1 Draft Local Planning Scheme and Strategy – For Public Consultation
– Mr Glenn Ahola**

Mr Glenn Ahola, Principle Officer of Ahola Town Planning, addressed the meeting in relation to Item 11.2.1 Draft Local Planning Scheme and Strategy – For Public Consultation.

8. PETITIONS

Nil

9. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9.1 Director Sustainable Development and Infrastructure – Australian Citizenship

The Shire President congratulated Director Sustainable Development and Infrastructure, Nick Logan, who became an Australian Citizen on Friday 21 August 2020.

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

Nil

11. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

11.1. Chief Executive Officer

11.1. CHIEF EXECUTIVE OFFICER

Nil

11.2. Sustainable Development and Infrastructure

11.2.1 DRAFT LOCAL PLANNING SCHEME AND STRATEGY - FOR PUBLIC CONSULTATION

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	N/A
FILE REFERENCE	LND/156
REPORT AUTHOR	Matt Cuthbert, Manager Planning and Development
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

IN BRIEF

- In April 2018, Council resolved to initiate the review of the Shire's Local Planning Strategy and Local Planning Scheme No. 1.
- The draft Strategy and Scheme have been guided by an extensive pre-consultation program undertaken over the last 2 years.
- Preparation of the Local Planning Strategy has progressed to the point where it is ready to be advertised for formal public comment.
- The revised Scheme (draft Local Planning Scheme No. 2) must first receive consent from the WAPC before it can be advertised.
- It is recommended that the Local Planning Strategy be released for public comment immediately with the Scheme being sent to the WAPC for approval prior to a separate process of consultation.

RECOMMENDATION

That Council:

1. Notes the intention of staff to advertise the draft Local Planning Strategy (attachment 1) for a period of 90 days, in accordance with section 13 part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 2. In accordance with section 21 part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds to advertise the draft Local Planning Scheme (confidential attachment 2) without modification and provide copies of the document to the WAPC for their consideration.
-

TABLED ITEMS

Nil

BACKGROUND

Local Planning Scheme No. 1 was gazetted in 2010. Since that time, it has been regularly amended including three omnibus amendments which have kept the scheme in line with changes to the state government planning framework such as the Local Planning Regulations Scheme which include the model scheme text.

The Shire's Local Planning Strategy was approved by the WAPC in 2011. A minor review was undertaken in 2016 which resulted in the incorporation of the Shire's Local Tourism Planning Strategy, and the inclusion of detailed criteria guiding the re-subdivision of rural residential land.

In April of 2018, Council resolvedpursuant to Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to recommend to the Western Australian Planning Commission that:

1. *The Shire of Augusta Margaret River Local Planning Strategy should be reviewed to ensure that it addresses contemporary planning, economic, social and environmental issues as will be informed by a comprehensive consultation process; and*
2. *The Shire of Augusta Margaret River Planning Scheme No.1 should be amended to accord with a revised Strategy.*

At the ordinary meeting of 14 August 2019, Council made the following decision with respect to the Local Planning Strategy:

1. *In accordance with clause 12(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, provides the draft LPS2036 (Attachment 1) with confidential amendments included, to the Western Australian Planning Commission (WAPC) and request consent to advertise;*
2. *Notes that the WAPC may require changes to the document prior to providing its consent, and that staff will make Council aware of any such changes prior to advertising;*
3. *Notes that the document will be subject to further formatting and mapping improvements prior to advertising; and*
4. *Thanks all of the individuals and groups who have provided input throughout the pre-consultation period and encourage the community to continue to engage in the forthcoming consultation process.*

Council's decision of 2019 authorises staff to commence advertising, however the matter is now reported to Council for the purposes of determining when consultation should commence and in order that Council can note the changes required by the WAPC.

THE PROPOSAL

Adoption by Council of the recommendations included in this report, will result in:

- The Draft Local Planning Strategy being advertised for a period of public consultation which will occur between the beginning of September and the end of November; and
- The Draft Local Planning Scheme No. 2 being forwarded to the WAPC for their consent to advertise. It is unknown as to how long this process will take however it is anticipated that this will allow advertising of the document to occur early in 2021.

PLANNING FRAMEWORK

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), require that:

(1) On completion of the preparation of local planning scheme documents or the consideration of local planning scheme documents proposed by an owner of land in the scheme area, a local government must resolve —

- (a) to proceed to advertise the draft local planning scheme without modification; or*
- (b) to proceed to advertise the draft local planning scheme with modifications; or*
- (c) not to proceed to advertise the draft local planning scheme.*

The WAPC has 90 days “*or such longer period as the Minister or an authorised person allows*” to provide its consent which can be inclusive of the need to make modifications prior to advertising.

CONSULTATION

Notwithstanding that pre-consultation is not required by the regulations which guide the preparation of a scheme and strategy, the following consultation has been undertaken by staff to date:

- A series of workshops to explore with Councillors and the community the major issues impacting on the sustainable development of the Shire
- Preparation of Issues and Options Papers as an outcome from each workshop, detailing for further consideration by the community, planning issues and suggested responses.
- Ongoing discussion with the community using the Issues and Options papers as the basis for consultation via a dedicated ‘Your Say’ web page and conventional web and print means.
- Face to face consultations with landowners within discreet precincts where the draft documents contemplate a change to the applicable planning rules or designations
- Commissioning of two consultants reports on matters where knowledge gaps exist being site drainage and improving sustainability in residential dwellings
- Discussions with experts within the local community on matters of mutual interest such as Nature Conservation Margaret River, Lower Blackwood LCDC, local planning consultants and architects.
- Regular Council briefings.
- Regular briefings to planning counterparts working in State Government.

The Regulations set a minimum time period over which Strategy must be advertised for public consultation being 21 days. Consistent with the high level of consultation that has been undertaken to date, a period of 90 days is recommended. This will allow for placed based consultation exercises to be organised and held throughout the Shire.

The statutory time period for advertising a Scheme which is set by the Regulations is 90 days. Allowing for the time required to achieve WAPC consent, it is likely that the Scheme will be advertised between January and March 2021.

DISCUSSION / OFFICER COMMENTS

Draft Local Planning Strategy

The version of the Strategy which is now ready to be advertised (see Attachment 1) is generally consistent with that endorsed by Council for referral to the WAPC for their certification which has now been achieved. In certifying the document, the WAPC required the Shire to make some notable changes being:

Modification	Reason given by WAPC
Remove the following areas from "rural residential" designation and replace with the "rural" designation: <ul style="list-style-type: none"> • Lot 101 Kilcarnup/Burnside Rd, Kilcarnup (BHL site 2). • Lots 1, 2, 3, 4, 503, 918, 5021 & 23 generally bounded by Wooditch Rd, Orchid Ramble and the Margaret River (to the west/north); Caves Road (to the east) and Wallcliffe Road (to the south). • Lot 2 & 94 Caves Road, Margaret River (BHL site 4). 	Consistency with LNSRS & compliance with SPP3.7 Planning in Bushfire Prone Areas. Intensification of areas are not supported by DFES for residential intensification.

Shire response:

The owners of the lots affected by this change have been notified in writing by the Shire. It is likely that owners will raise strong objections to this change given that the lots in question have been identified for many years as having potential for more intensive subdivision and development. The most constructive way of dealing with these concerns is to bring them to the attention of the WAPC who will need to make a final decision on the matter post advertising.

Modification	Reason given by WAPC
Insert directions for the consolidation of the existing conservation themed zones below into a single Environmental Conservation zone: <ul style="list-style-type: none"> • Leeuwin-Naturaliste Ridge Conservation • Leeuwin-Naturaliste Ridge Landscape Amenity • Southern Ocean Foreshore Protection • Bushland Protection 	Foreshadows zone name changes. Limiting zones to those prescribed in the Regulations.

Shire response:

Staff had sought to retain the Leeuwin Naturaliste Zones however this has been rejected by the WAPC. In order to retain the unique development controls provisions which relate to this land a new Special control Area designation will need to be created and applied via the new Scheme (see discussion below).

Draft Local Planning Scheme

The form of the draft Scheme closely follows the requirements set out by the State Government as detailed in the Regulations. The draft Scheme, which can found at attachment 2, is colour coded to allow Councillors to distinguish text that is required/encouraged by the WAPC (black) and text that has been added by staff (blue).

In summary, the key elements of the draft Scheme compared with LPS1 are:

- An increased focus on environmental protection;
- An increased focus on Landscape Protection; and
- The removal of red tape to avoid the need for Development Approval for low risk development.

Items of particular note are set out below together with their clause number for easy reference:

Zones

- The General Agriculture/Priority Agriculture are merged to create the 'Rural' zone (**see maps**)
- The Southern Ocean Foreshore Protection / LN Ridge Landscape Amenity / LN Conservation/Bushland Protection are merged to create the 'Environmental Conservation' zone (note the inclusion of a new Special Control Area (SCA?) which retains all of the landuse controls previously implemented via the LN zones. (**see maps**)
- The extent of Town Centre zoning in Augusta is reduced (**see maps**)

Zoning table (clause 17)

- Grouped dwelling will become X use in Town Centre meaning they will be prohibited.
- Liquor store large – X everywhere
- Wineries – A in town centre (definition now includes consumption), meaning the use can be considered whereas it was previously prohibited.

Environmental Protection (clause 49)

- Inclusion of an environmental assets map to guide decision making in a way which protects significant environmental features
- A hierarchy of consideration for land clearing with retention being most preferred and replacement (offsets) being least preferred.
- A prohibition of aesthetic dams and dams not required for agricultural production e.g in the rural residential zone.
- Greater protection of street trees.

Landscape Protection (clause 51)

- The introduction of 'visually sensitive sites' designation to protect sites under pressure for development in exposed locations.
- Balancing the need to prohibit reflective colors with the sustainability benefits of light colored roofs.
- A greater suite of planning tools to allow planners to influence the landscaping, setbacks, scale, intensity of land use and elevation of development to minimize landscape disruption.

Reducing Red Tape

- The 5m side setback applicable to the R5 and R2.5 coded areas is removed for structures located behind the dwelling such as sheds, water tanks and the like (**clause 65**).
- The Gnarabup Special Control Area has been removed, thus removing the need for development approval for all development types, which is inconsistent with the rules for development applicable elsewhere across the Shire. Applicable development standards are retained at **ADS9**.
- The role of building envelopes in determining the position of development is down graded with only those existing envelopes listed in the scheme to be carried forward. This is reflective of the increased role of BAL contours and landscape considerations in the decision-making process (**clause 52**).
- The Schedules which form part of the Scheme have been reduced from 200 pages (LPS1) to 50, making the scheme less complex and more user friendly.
- Proposals for more intensive use of existing rural residential areas will no longer require 'scheme amendments' but can be facilitated via the preparation of 'structure plans' reducing time and cost (**clause 63**).
- Bushfire Management Plans will not be required for low risk proposals such as Bed and Breakfasts (**clause 30**).
- The 7m wall height limit has been removed with height limits to be enforced by the continued application of an 8m overall building height limit of 8m, providing greater flexibility for roof designs, and avoiding the need for a Development Application where a variation was requested. (**clause 39**)

- Bed and Breakfast becomes an exempted for of development meaning owners wishing to rent a room of their house in a hosted capacity can do so without approval. **(Schedule A)**

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The review of the Local Planning Scheme and Strategy is being progressed following the detailed statutory process outlined by the *Planning and Development Act 2005*, and the Planning and Development (Local Planning Schemes) Regulations 2015

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2019-2023

Key Result Area 3: Managing Growth Sustainably

Community Outcome: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme No. 1 (LPS1)

Service Level Strategy/Plan: Provide Planning Services

FINANCIAL IMPLICATIONS

Implications

The 2020/21 budget allocates \$20,000 towards this project which will primarily be used for consultation campaigns designed to encourage community feedback on the draft documents.

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

The *Planning and Development Act 2005*, empowers schemes to deal matters of environmental importance such as:

The conservation of the natural environment of the scheme area including the protection of natural resources, the preservation of trees, vegetation and other flora and fauna, and the maintenance of ecological processes and genetic diversity; and

The conservation of water.

Social

The *Planning and Development Act 2005*, empowers schemes to deal with infrastructure of benefit to society such as:

Public works and undertakings of any kind including lighting, water, sewerage, drainage, public transport and associated facilities on land and water;

The reservation of land for public purposes; and

The provision and location of public facilities and conveniences and any other objects or works on the land.

Economic

A properly functioning, easily understood and contemporary planning framework is an important contributor to a sustainable economy.

ADVOCACY

There are elements of the draft documents which differ from the 'standard' content recommended by the WAPC and applied across the state. Staff have and will continue to advocate for bespoke content where it is necessary to address the unique environmental, social and cultural elements of the Shire.

IMPLICATIONS OF ALTERNATIVE RESOLUTION

The Regulations require that the Local Government advertise a Local Planning Strategy as soon as reasonably practicable after certification of the document by WAPC. It is therefore presented to Council for noting only. It is however possible for Council to choose not to advertise the draft Scheme at this time.

It is recommended that any potential modifications to the Scheme would be best discussed following a period of public consultation which will deliver additional information and perspectives which will go towards influencing the final outcome.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Notes the intention of staff to advertise the draft Local Planning Strategy (attachment 1) for a period of 90 days, in accordance with section 13 part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. In accordance with section 21 part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds to advertise the draft local planning scheme (confidential attachment 2) without modification and provide copies of the document to the WAPC for their consideration.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Draft Local Planning Strategy
2. CONFIDENTIAL Draft Local Planning Scheme

An addendum was published on 24 August 2020, relating to CONFIDENTIAL Attachment 2: Draft Local Planning Scheme.

RECOMMENDATION / COUNCIL DECISION

CR GODDEN, CR KENNAUGH OM2020/163

That Council:

1. **Notes the intention of staff to advertise the draft Local Planning Strategy (attachment 1) for a period of 90 days, in accordance with section 13 part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
2. **In accordance with section 21 part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds to advertise the draft local planning scheme (confidential attachment 2) without modification and provide copies of the document to the WAPC for their consideration.**

CARRIED 7/0

11.2.2 PROPOSED FEEDLOT – LOT 100 TREETON ROAD, COWARAMUP

LOCATION/ADDRESS	Lot 100 Treeton Road, Cowaramup
APPLICANT/LANDOWNER	L. Watt (applicant) / G. Watt (owner)
FILE REFERENCE	P219421; PTY/11660
REPORT AUTHOR	Nick Logan, Director Sustainable Development and Infrastructure
AUTHORISING OFFICER	Stephanie Addison-Brown, Chief Executive Officer

This Item was withdrawn by the applicant on 26 August 2020.

11.3. Corporate and Community Services

11.3.1 CORPORATE BUSINESS PLAN 2020-24 & REVIEW OF COMMUNITY STRATEGIC PLAN 2036

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	COR/129
REPORT AUTHOR	Stacey Hutt, Community and Corporate Business Planner
AUTHORISING OFFICER	James Shepherd, Director Corporate and Community Services

IN BRIEF

- *Local Government (Administration) Regulations 1996* requires all local governments to have a Community Strategic Plan and Corporate Business Plan.
- The Department of Local Government , Sport and Cultural Industries (DLGSCI) provides an Integrated Planning and Reporting (IPR) Framework which details best practice advice and guidance for these plans.
- The Corporate Business Plan must cover a minimum of four years and be reprioritised annually to identify the key activities Council will undertake in response to the Community Strategic Plan.
- The Community Strategic Plan is required to be reviewed at least every four years, with the framework advising a minor review every two years and a major review every four years.
- Officers have completed a minor review of the Corporate Business Plan and the Community Strategic Plan.
- It is a requirement for Council to adopt these documents by absolute majority.

RECOMMENDATION

That Council:

1. Endorses the Corporate Business Plan 2020-24 as presented in Attachment 1; and
 2. Endorses no changes to the Community Strategic Plan 2036 as a result of the minor review and notes the major review is due to occur in 2020-21.
-

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

Under the Local Government (Administration) Regulations 1996, all local governments in Western Australia are required to have developed and adopted two key documents: a Community Strategic Plan (CSP) and a Corporate Business Plan (CBP) which are supported by a suite of long term informing strategies. The informing strategies include the Long Term Financial Plan, Asset Management Plan and Workforce Plan. Collectively these documents drive the development of each local government's annual budget.

The Integrated Planning and Reporting (IPR) Framework details best practice advice and guidance on how local governments should approach ongoing monitoring and review of its strategic approach.

The Shire's CSP 2036 was endorsed by Council in September 2018 (OM2017/238), following a major review over a 12-month period and a dedicated Community Reference Group. The CSP 2036 outlines six guiding principles and five key result areas which are achieved through the deliverables articulated in the CBP.

The CBP sets out deliverables as projects/activities and services which are achieved through the annual budget. CBP progress reporting is undertaken quarterly and reported to Council. The budget details capital and operating expenditure by business area, based on year one of the CBP. Budget progress reporting is undertaken monthly and reported to Council.

CONSULTATION AND ADVICE

External Consultation

Community engagement is not required for a minor review of these documents. The Community Perception Survey completed in November 2019 (676 respondents) has informed this work.

Internal Consultation

The CBP 2020-24 was developed through internal engagement with all business areas. Strategic workshops with Councillors held in December 2019 and February 2020 have also informed this work. Review of the CSP has been determined through the Executive Leadership Team.

DISCUSSION / OFFICER COMMENTS

The CSP and CBP together articulate the strategic direction of the Shire organisation for staff and the community. The CBP puts the long term strategic vision to action and shows alignment of activity to the annual budget 2020-21. These documents require ongoing monitoring and review through the Shire Executive and Councillors in order to deliver meaning.

Corporate Business Plan

In accordance with the Local Government (Administration) Regulations 1996 and IPR Framework, the Shire conducts a minor review of the CBP annually and submits modifications to Council for adoption by an absolute majority.

This review has delivered:

- A clear four year focus for the organisation
- An achievable level of key projects across all key result areas, and
- Development of business unit plans to show integration with informing strategies

The focus for 2020-24 is to develop the place-based approach across our diverse community and to be an “easy-to-engage with” Shire. This is reflected in the 21 key projects for the organisation (page 29) and the CEO Organisational Targets (page 44). The CEO targets are:

- 1A. Corporate Business Plan (CBP) is delivered
- 1B. Continued leadership efforts are clearly demonstrated
- 2A. A place-based engagement model is integrated into the Shire’s community engagement framework
- 2B. Maintain a focus on developing strong local relationships and ensure local place based input is considered in decision making
- 3A. Develop a lobbying plan in collaboration with regional stakeholders
- 4A. Support Councillors in their role by ensuring they are fully informed and receive timely information
- 4B. Develop a holistic organisational improvement plan through a business best practice framework which enhances service results, value, innovation and sustainability through the implementation of service reviews

All other high level activities/projects are detailed by business unit in the second half of the document. The list of key projects has been refined through various workshops with Council including the establishment of guiding principles for responding to the COVID-19 pandemic.

A four year view of the Capital Works Program is also included, followed by profiles for the Long Term Financial Plan, Asset Management Plan and Workforce Plans. Progress against key projects and the Capital Works Program will feature in quarterly reporting to Council and community.

The next edition of the CBP will focus on expanding business plans to show more detailed levels of service information.

Community Strategic Plan

The Local Government (Administration) Regulations 1996 require the CSP to be reviewed at least every four years, with the framework advising a minor review every two years and a major review every four years.

A minor review of this plan was due to occur in 2018-19 but was deferred a year due to recruitment of the Shire's Chief Executive Officer who is a key participant in the process. The minor review then commenced in 2019-20, with the key inputs being:

- Community Perception Survey completed in November 2019 (676 respondents)
- Strategic workshops with Councillors held in December 2019 and February 2020

In line with best practice, the survey was conducted impartially by a third party who could provide sector benchmarking. The survey delivered an "Overall Performance Index Score" which is a combined measure of the Shire as a place to live and as a governing organisation. Through this survey the Shire received an overall performance index score of 69 out of 100, which is 3 index points above the industry standard for Western Australia.

The survey highlighted eight priority areas and detailed feedback across 46 service profiles. The areas identified by the community for improvement are:

1. Value from Council Rates
2. Economic development
3. Playgrounds, parks and reserves
4. Building and maintaining local roads
5. Footpaths, trails and cycleways
6. Conservation and environmental management
7. Waste collections
8. Animal control

Councillors met in December 2019 and again in February 2020 to reflect on this feedback from the community and to set the priority areas going forward. These discussions highlighted the practicality and potential benefit of focussing Shire efforts on a major strategic review in 2020-21, rather than proceeding with superficial minor changes of the CSP. These discussions raised the benefit of place-based community engagement at this time, as well as the need for ongoing service improvement review across the organisation to support the process.

As such, the Shire have determined this minor review results in no changes to the CSP 2036 and submits to Council for adoption by absolute majority, noting a major review will commence in 2020-21.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Section 5.56 (1) *Local Government Act 1995* requires local governments to have in place a plan for the future. Section 5.56 (1) *Local Government Act 1995* and Regulations 19C and 19DA of the Local Government (Administration) Regulations 1996 establishes the requirements for a CSP an CBP.

19c. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.

- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.
[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate Business Plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a CBP is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A CBP for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A CBP for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current CBP for its district every year.
- (5) A local government may modify a CBP, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a CBP, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a CBP is, or modifications of a CBP are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Key Result Area 5: Effective Leadership and Governance

Outcome 2: Effective and integrated strategy, planning, financial and asset management

Strategy 1: Develop and maintain a Community Strategic Plan that sets long term direction and goals for the future of the Shire.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

The Shire's Long Term Financial Plan gives some clarity to the Shire's current capacity to work towards the delivery of the strategic objectives within the CSP 2036. The Long Term Financial Plan will be reviewed in 2020-21 to provide an updated financial forecast for 2021-31.

The CBP shows alignment of activity to the annual budget 2020-21. The annual budget provides for the projects/activities and services outlined for 2019-20, which includes a workforce increase of 0 full time equivalent employees (FTEs).

SUSTAINABILITY IMPLICATIONS

The CSP 2036 fosters an identification and integration of environmental protection, social and cultural advancement and economic prosperity which is enacted through the Corporate Business Plan and Informing Strategies.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Endorses the Corporate Business Plan 2020-24 as presented in Attachment 1; and
2. Endorses no changes to the Community Strategic Plan 2036 as a result of the minor review and notes the major review is due to occur in 2020-21.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Corporate Business Plan 2020-24

An addendum was published on 24 August 2020, providing an updated attachment.

RECOMMENDATION / COUNCIL DECISION

CR MELDRUM, CR DANIEL OM2020/164

That Council:

1. Endorses the Corporate Business Plan 2020-24 as presented in Attachment 1; and
2. Endorses no changes to the Community Strategic Plan 2036 as a result of the minor review and notes the major review is due to occur in 2020-21.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

12.1 WALGA South West Prospectus – Removal of Reference to Timber Industry Development – Cr Meldrum

At the 12 August 2020 Ordinary Council Meeting, Cr Meldrum gave notice of the following motion:

MOTION

That Council notes the draft South West Prospectus is being developed by the WALGA Zone and requests the Zone remove the reference to the timber industry development because;

1. AMR Shire is opposed to native forest logging; and
2. The prospectus was being compiled on agreement from all 12 participating WALGA Zone Councils and should a Council wish to lobby for issues in their own Shire to do so.

This addendum was published on 21 August 2020.

ADDENDUM

This addendum provides background and officer comments in relation to Item 12.1 WALGA South West Prospectus – Removal of reference to Timber Industry Development – Cr Meldrum:

BACKGROUND

The Outcome Report on the draft prospectus agenda item at the 26 June 2020 South West Zone meeting provided the following comment :

“It was noted that the Key Considerations discussed by members at previous zone meetings identified:

1. The election manifesto should include six to ten proposals of regional significance.
2. Proposals can include infrastructure projects, legislative changes, partnerships, but must be strategic and regionally significant.
3. The South West Region Election Manifesto will integrate with election advocacy on a tiered basis:
 - WALGA will develop advocacy covering state-wide local government sector issues
 - The South West Zone will develop a regional manifesto outlining six to ten proposals of regional significance
 - Each Local Government will advocate for local priorities with election candidates
4. The Election Manifesto is an advocacy document.”

The following documents were provided to the Shire by attached to this addendum:

- Draft Covering Letter - key strategic proposals - State Election Priorities;
- Draft Prospectus - Election Information Handout ; and
- South West Zone June meeting Agenda Item memorandum - Draft SW Group Election Priorities Manifesto.

On 9 September 2015, Council resolved the following in relation to opposition to logging native forests in the Shire:

MOTION / COUNCIL DECISION

CR HAYNES, CR TOWNSHEND OM2015/258

That Council notes with concern the recommencement of logging in Mowen Forest as it contravenes our Sustainability Policy. Council re-iterates its opposition to logging of native

forests in the Shire in favour of preserving the forests of the South-West as a tourist attraction, for the protection for the native flora and fauna habitat, the preservation of water resources and to mitigate the impacts of climate change.

*CARRIED 5/2
CRS SMART AND HASTIE VOTED AGAINST*

ATTACHMENTS

1. Draft Covering Letter - key strategic proposals - State Election Priorities
2. Draft Prospectus - Election Information Handout
3. South West Zone June meeting Agenda Item memorandum - Draft SW Group Election Priorities Manifesto

MOTION

CR MELDRUM, CR MCLEOD

That Council notes the draft South West Prospectus is being developed by the WALGA Zone and requests the Zone remove the reference to the timber industry development because;

1. AMR Shire is opposed to native forest logging; and
2. The prospectus was being compiled on agreement from all 12 participating Walga Zone Councils and should a Council wish to lobby for issues in their own Shire to do so.

0/0

Cr McLeod moved the following amendment:

AMENDMENT / COUNCIL DECISION

CR MCLEOD, CR MELDRUM OM2020/165

That the following be added as point 3:

Should the WALGA Zone vote not to remove the Timber Industry from the South West Election Prospectus then the Shire will further request that a footnote be added to all Timber Industry references in all documentation relating to the prospectus and associated correspondence noting the Shire's opposition to logging in native forests.

CARRIED 7/0

This then became the primary motion:

PRIMARY MOTION / COUNCIL DECISION

CR MELDRUM, CR MCLEOD OM2020/166

That Council notes the draft South West Prospectus is being developed by the WALGA Zone and requests the Zone remove the reference to the timber industry development because;

1. AMR Shire is opposed to native forest logging;
2. The prospectus was being compiled on agreement from all 12 participating Walga Zone Councils and should a Council wish to lobby for issues in their own Shire to do so; and
3. **Should the WALGA Zone vote not to remove the Timber Industry from the South West Election Prospectus then the Shire will further request that a footnote be added to all Timber Industry references in all documentation relating to the prospectus and associated correspondence noting the Shire's opposition to logging in native forests.**

**CARRIED 5/2
CR DANIEL AND KENNAUGH VOTED AGAINST**

12.2 Endorsement of Forests for Climate Campaign and Forests for Life Plan – Cr Godden

At the 12 August 2020 Ordinary Council Meeting, Cr Godden gave notice of the following motion:

MOTION

That the Council endorses the Forests for Climate Campaign and the Forests for Life Plan.

The following addendum was published on 21 August 2020:

ADDENDUM

This addendum provides background and officer comments in relation to Item 12.2 Endorsement of Forests for Climate Campaign and Forests for Life Plan – Cr Godden:

OFFICER COMMENTS

Forests for Climate, Forests for Life Campaign

This campaign is run by the WA Forest Alliance to raise awareness around the role that south west native forests play in storing carbon and mitigating climate impacts along with the biodiversity they support, the ecosystem services they provide (fresh air, cooling, driving rainfall, supporting pollinators) and the cultural, recreational and tourism pursuits they support.

Forests For Life has three major aims: to protect forests from threatening processes; to develop a world-class farm forestry sector in south-west Western Australia; and to meaningfully account for the critical role forests play in the mitigation of, and adaptation to, climate change.

The five Forests for Climate actions are to

1. Immediately protect mature native forests as biodiverse carbon stores
2. Protect degraded forests as Future Forests and allow them to recover their full biological potential
3. Complete the transition of the timber industry to sustainably managed plantations and farm forestry
4. Develop a targeted, strategic approach to fire management with guidance from Noongar fire practitioners and ecologists
5. Rule out native forest bioenergy

WA Forest Alliance

The WA Forest Alliance was formed in 1990 to provide an umbrella body for the many community organisations in Perth and throughout the south-west concerned with forest conservation and protection.

Forests for Life Farm Forestry & Landcare Plan

Forests for Life sets out a plan for growing 40,000 hectares of high value timber trees and carrying out an extensive land care program in the South West and Great Southern. The program has been designed to generate a substantial volume of sustainably grown sawlogs and deliver significant ecological outcomes.

The trees would be strategically integrated on cropping and grazing land to support continued farming while bringing multiple environmental, social and economic benefits to the farm and the region. The plan expects to create up to 990 jobs, with 860 – 940 in farm forestry and landcare and 50 in new manufacturing facilities.

Previous Resolutions

On 9 September 2015, Council resolved the following in relation to opposition to logging native forests in the Shire:

MOTION / COUNCIL DECISION

CR HAYNES, CR TOWNSHEND OM2015/258

That Council notes with concern the recommencement of logging in Mowen Forest as it contravenes our Sustainability Policy. Council re-iterates its opposition to logging of native forests in the Shire in favour of preserving the forests of the South-West as a tourist attraction, for the protection for the native flora and fauna habitat, the preservation of water resources and to mitigate the impacts of climate change.

CARRIED 5/2

CRS SMART AND HASTIE VOTED AGAINST

On 11 December 2020, council resolved the following in relation to the WALGA declaration on climate change:

RECOMMENDATION / COUNCIL DECISION

CR CRISTOFFANINI, CR KENNAUGH OM2019/255

That Council:

- 1. Supports the WALGA position on climate change; and*
- 2. Authorises the Shire President to sign the WALGA Climate Change Declaration*

CARRIED 7/0

Strategic Considerations

The Shire has an Overarching Sustainability Policy. This Policy as adopted by Council to set governing principles in place that align the strategic direction of the organisation through all five key focus areas of the Community Strategic Plan 2036.

The objectives of the Policy are:

- a) An understanding that without a healthy and sustainable environment, continuous economic prosperity and community well-being is not achievable.
- b) Demonstration by the Shire of its understanding of, commitment to, and leadership in sustainability.
- c) Incorporation of relevant sustainability policy objectives in all of the Shire's policies, strategies and plans.
- d) Incorporation of the "Precautionary Principle" into decision-making processes to ensure long-term protection of the environment.

The Community Strategic Plan 2036 sets out the community's vision with five key focus areas including;

Key result area 1: Valuing, protecting and enhancing the natural environment

The unique natural environment and biodiversity of the region is protected and enhanced for current and future generations. The Shire takes responsibility for protection of the environment through planning, partnerships and proactive responses to key environmental issues.

The Shire has committed to the WALGA declaration on climate change which includes the following statements

1. The Shire of Augusta Margaret River supports the:
 - Environmental, social and economic benefits of addressing climate change immediately.
 - Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
 - Development of equitable and implementable State and Commonwealth strategies for climate change management.
2. The Shire of Augusta Margaret River commits from date of signing to:
 - Set an appropriate, individual Local Government emissions reduction target and work toward its achievement.
 - Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
 - Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
 - Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.

The Shire also has a draft Climate Action Plan that has set the following targets related to emissions
Corporate Target: Reduce Shire emissions by 65% below 2007 levels by 2030 and Net Zero by 2050
Community Target: Support Community to reduce emissions by 65% below 2007 levels by 2030 and Net Zero by 2050

This motion is consistent with all the above documents.

Financial Implications

There are no financial implications

Economic Implications

The Forests for Life plan could generate new opportunities for jobs and industries within the shire along with providing protection for existing industries such as ecotourism and honey production.

Sustainability Implications

Protecting existing forests and developing a farm forestry industry would provide significant sustainability benefits in terms of carbon capture, biodiversity protection, local climate, water security, health, amenity and recreation.

MOTION

That the Council endorses the Forests for Climate Campaign and the Forests for Life Plan.

Cr Godden withdrew the motion.

13. MOTIONS FOR CONSIDERATION AT NEXT MEETING

13.1 Endorsement of Forests for Climate Campaign and Forests for Life Plan – Cr Godden

Cr Godden gave notice of the following motion for consideration at 9 September 2020 Ordinary Council Meeting:

MOTION

That Council endorses:

1. The following five Forests for Climate actions:
 - a) Immediately protect mature native forests as biodiverse carbon stores;
 - b) Protect degraded forests as Future Forests and allow them to recover their full biological potential ;
 - c) Complete the transition of the timber industry to sustainably managed plantations and farm forestry;
 - d) Develop a targeted, strategic approach to fire management with guidance from Noongar fire practitioners and ecologists; and
 - e) Rule out native forest bioenergy.
2. The following three major aims of Forests for Life:
 - a) To protect forests from threatening processes.
 - b) To develop a world-class farm forestry sector in south-west Western Australia.
 - c) To meaningfully account for the critical role forests play in the mitigation of, and adaptation to, climate change.

14. NEW BUSINESS OF AN URGENT NATURE

14.1. Members

Nil

14.2. CEO

**14.2.1 Councillor Representation on Main Roads Community Reference Group
– for Treeton Road Intersection, Cowaramup**

The CEO introduced Item 14.2.1 'Councillor Representation on Main Roads Community Reference Group for Treeton Road Intersection, Cowaramup' as new business of an urgent nature due to the fact that the first meeting was scheduled to be held on Monday 31 August 2020.

Council accepted the item as new business of an urgent nature.

Cr Godden nominated Cr Earl and Cr Meldrum to be the two Councillor representatives on the Main Roads Community Reference Group for Treeton Road Intersection, Cowaramup.

Cr Earl and Cr Meldrum verbally accepted the nominations.

MOTION / COUNCIL DECISION

CR GODDEN, CR EARL OM2020/167

That Council appoints Councillor Earl and Councillor Meldrum as Shire of Augusta Margaret River representatives to the Main Roads Community Reference Group for the Treeton Road Intersection, Cowaramup.

CARRIED 7/0

15. CONFIDENTIAL BUSINESS

15.1 REQUEST FOR RETURN OF DEVELOPER CONTRIBUTIONS

Cr Meldrum moved the following procedural motion:

PROCEDURAL MOTION / COUNCIL DECISION

CR MELDRUM, CR GODDEN OM2020/168

That the meeting go behind closed doors.

CARRIED 7/0

Members of the public /press left Chambers at 2.52pm

15.1 REQUEST FOR RETURN OF DEVELOPER CONTRIBUTIONS

LOCATION/ADDRESS	Reserve on Redgate, Witchcliffe
APPLICANT/LANDOWNER	Lavan Legal / Redgate Developments Pty Ltd.
FILE REFERENCE	LND/150SP
REPORT AUTHOR	Matt Cuthbert, Manager Planning and Development Services
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

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) (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
-

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION / COUNCIL DECISION

CR MCLEOD, CR DANIEL OM2020/169

That Council authorise staff to return \$190,000 of developer contributions to Redgate Developments Pty. Ltd. for unsewered lots over 2000m², on an ex-gratia basis.

CARRIED 7/0

PROCEDURAL MOTION / COUNCIL DECISION

CR MELDRUM, CR GODDEN OM2020/170

That the meeting come out from behind closed doors.

CARRIED 7/0

The meeting re-opened to members of the public / press.

16. CLOSURE OF MEETING

The Shire President thanked all in attendance and declared the meeting closed at 2.54pm