

Ordinary Council

AGENDA

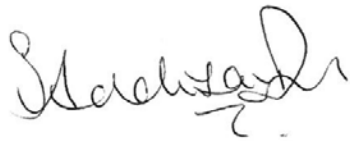
FOR THE MEETING TO BE HELD
WEDNESDAY, 28 OCTOBER 2020
IN COUNCIL CHAMBERS,
WALLCLIFFE ROAD, MARGARET RIVER
COMMENCING AT 5:30PM

Meeting Notice

Dear Councillor

I advise that an Ordinary Council Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River on Wednesday 28 October 2020, commencing at 5:30pm.

Yours faithfully



STEPHANIE ADDISON-BROWN
CHIEF EXECUTIVE OFFICER

ATTENTION/DISCLAIMER

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

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Ordinary Council Meeting

1. **DECLARATION OF OPENING**
2. **ATTENDANCE**
3. **DISCLOSURES OF INTEREST**
4. **PUBLIC QUESTIONS**
 - 4.1. **Response to Previous Public Questions Taken on Notice**
 - 4.2. **Public Question Time**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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9. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
10. **QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
11. **REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

11.1. Chief Executive Officer

**11.1.1 NOTES OF COUNCILLOR AGENDA BRIEFINGS AND CONCEPT FORUM SESSIONS
FROM 8 JULY TO 23 SEPTEMBER 2020**

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	COR/221
REPORT AUTHOR	Claire Schiller, Governance Officer / Council Support
AUTHORISING OFFICER	Ian McLeod, Manager Legal and Governance

IN BRIEF

- Council conducts bi-monthly as required Councillor Briefing Sessions which are run in accordance with a Council adopted Policy and Department of Local Government Sport and Cultural Industries (DLGSC) Guidelines.
- Council's policy for the conduct of the Councillor Information Briefing Sessions provides for the proceedings of the briefings to be brought to Council and for wider community awareness as a public record in the form of notes as an additional accountability mechanism.
- Notes of recent Councillor Briefing sessions are presented to be received by Council in accordance with Council's policy.

RECOMMENDATION

That Council receives the Notes of Councillor Agenda Briefing Sessions from 8 July 2020 to 23 September 2020.

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

The purpose of Councillor Agenda Briefings and Concept Forums is to:

1. Provide relevant information so that Councillors are better informed when participating in Council decision making processes.
2. Provide a forum for two-way communication between elected members and key staff members on important Council related matters.
3. Provide an inclusive opportunity for general community members and the press to receive the same information on Agenda Items being provided to elected members on a range of relevant topics

Agenda briefings and workshops sessions are centred on one or more of the following outcomes which can be classified under the DLGSC Guidelines for Councillor Forums as either a Concept or an Agenda Forum:

Concept Forums / Workshops

Concept forums generally relate to strategic matters that are not yet on a Council meeting agenda. Concept forums are generally closed to the public to facilitate the open discussion of preliminary ideas and concepts by Councillors, but may be open to the public where the CEO or President believe it would be beneficial.

Matters to be discussed at a Concept forum may include;

- A statement of governance processes and effectiveness

- a statement of principles on key issues
- guidance to the CEO on further avenues of research
- compiling a list of critical issues resulting from the briefing
- the brainstorming of ideas
- policy development and direction (but not adoption)
- ongoing discussion of the Shire's strategic direction

Agenda Briefings

Agenda Briefing Sessions are open to all elected members and generally to all members of the public and press. The Chief Executive Officer is to be in attendance and other relevant Directors and staff as required by the CEO for the provision of information to elected members.

Matters of a confidential nature to be included in a Council agenda will be discussed at closed briefing sessions (i.e. not open to the public). Otherwise normal briefing sessions will be open to the public at a suitable publicly accessible time.

Matters dealt with at agenda briefings may include;

- breaking down of complex issues before Council
- clarification of items on the Council agenda
- requests for additional information on items on the Council agenda
- confidential discussion of items which are on the agenda and which will be discussed with members of the public excluded

CONSULTATION AND ADVICE

External Consultation

The Local Government Operational Guidelines Number 5 Council Forums have been considered and adapted for use in the Shire of Augusta Margaret River setting.

Internal Consultation

Nil

DISCUSSION / OFFICER COMMENTS

The following are the informal notes of the Councillor Agenda Briefings and Concept Forum Sessions recently held as recommended by Council's adopted policy which is consistent with the DLGSC Guidelines.

Notes of Councillor Agenda Briefings and Concept Forum Sessions from 8 July 2020 to 23 September 2020

DATE: 8 JULY 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Kennaugh, McLeod

Officers: Acting Chief Executive Officer, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Hardship Policy, Economic Stimulus and Community Resilience Funds

Acting CEO, James Shepherd, presented on the Hardship Policy, Economic Stimulus and Community Resilience Funds.

Concept forums are closed to members of the public and press.

Cr McLeod entered the forum late.

Also in attendance: Manager Human and Community Services, Nigel Anderson, Coordinator Community Development, Jason Cleary, Sustainability Planning Officer, Katie Biggs, Manager Legal and Governance, Ian McLeod, Sustainable Economy Officer, Saul Cresswell

DATE: 15 JULY 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod, Meldrum

Officers: Acting Chief Executive Officer, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: White Elephant Development Application and Lease

Manager Legal and Governance, Ian McLeod and Statutory Planning Coordinator, Lucy Gouws, presented on the White Elephant development application and lease.

Concept Forums are closed to members of the public and press.

Concept Forum: Site Visit – Treeton Road – Proposed Feedlot

Director Sustainable Development and Infrastructure, Nick Logan, led a forum and site visit on the proposed feedlot.

Concept forums are closed to members of the public and press

DATE: 22 JULY 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: CapeROC and South West Regional Priorities

The CEO, Stephanie Addison-Brown, led a concept forum on CapeROC and South West Regional priorities.

Concept forums are closed to members of the public and press

Concept Forum: Local Planning Strategy / Scheme

Manager Planning and Development, Matt Cuthbert, and Strategic Projects Officer, Matt Slocomb, led a concept forum on the Local Planning Strategy and Scheme.

Concept forums are closed to members of the public and press

Agenda Briefing: Corporate Plan 2020-24 and Minor Review of Community Strategic Plan 2036

Community and Corporate Planner, Stacey Hutt, presented on the Corporate Plan 2020-24 and Minor Review of the Community Strategic Plan 2036.

Also in attendance: Manager Corporate Services, Andrew Ross

Apologies: Cr Meldrum

Agenda Briefing: Alexandra Bridge Foreshore Management Plan

Environment Officer, Merryn Delaney, presented on the Alexandra Bridge Foreshore Management Plan.

Cr Meldrum entered at 3.10pm

Also in attendance: Manager Asset Services, David Nicholson

Site Visit: 59 Wooditch Road, Margaret River – re. Building Envelope Variation

Manager Planning and Development, Matt Cuthbert, and Strategic Projects Officer, Matt Slocomb, led a site visit to 59 Wooditch Road, Margaret River in relation to 22 July 2020 Council agenda item 11.2.5 Building Envelope Variation.

DATE: 7 AUGUST 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd

Concept forum: Hardship Policy, Economic Stimulus & Community Resilience Grant Funding

Director Corporate and Community Services, James Shepherd, led a concept forum on the Hardship Policy, Economic Stimulus & Community Resilience Grant Funding.

Cr McLeod disclosed a financial interest and left the room during discussion about the Main Street Traders as she owns a business on the main street.

Concept forums are closed to members of the public and press

Concept Forum: CEO KPIs

The CEO and Councillors attended a concept forum on the CEO KPIs.

Concept forums are closed to members of the public and press

Apologies: Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Main Street – Meeting with Representatives

Councillors met with main street representatives, Neville Veitch, Gary Barnett and Marcelle Egbert.

Concept forums are closed to members of the public and press

Cr McLeod was not in attendance due to a financial interest as she owns a business on the main street

DATE: 12 AUGUST 2020

Attendance:

Crs: Cristoffanini, Daniel, Godden, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Leeuwin Naturaliste Regional Trails Strategy

Manager Asset Services, David Nicholson, presented on the Leeuwin Naturaliste Regional Trails Strategy.

Concept forums are closed to members of the public and press

Also in attendance: Manager Corporate Services, Andrew Ross, Manager Planning and Development, Matt Cuthbert

Concept Forum: Draft Scott River Sustainable Economy Strategy

Director Sustainable Development and Infrastructure, Nick Logan and Sustainable Economy Officer, Saul Cresswell, presented on the Draft Scott River Sustainable Economy Strategy.

Also in attendance: Manager Asset Services, David Nicholson

DATE: 19 AUGUST 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Corporate Business Plan – Project Plan & RFQ

Director Corporate and Community Services, James Shepherd, led a concept forum on the Project Plan and RFQ for the Corporate Business Plan.

Concept forums are closed to members of the public and press

Also in attendance: Manager Legal and Governance, Ian McLeod

DATE: 26 AUGUST 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Increase of Firebreak Width

Coordinator Ranger Services, Sharon McTaggart led a concept forum on changes to firebreak requirements.

Concept Forums are closed to members of the public and press.

Apologies: Director Corporate and Community Services, James Shepherd

Also in attendance: Manager Legal and Governance, Ian McLeod, Community Emergency Services Manager, Adam Jasper

DATE: 9 SEPTEMBER 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod, Meldrum

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Director Sustainable Development and Infrastructure, Nick Logan

Concept Forum: Mitigation Activity Funding

Community Emergency Services Manager, Adam Jasper, presented on the Shire's Hazard Reduction Program for 2021.

Concept forums are closed to members of the public and press.

Also in attendance: Manager Asset Services, David Nicholson, Coordinator Ranger Services, Sharon McTaggart

Open Concept Forum: Ecological Fire Plan

The Director / Principle Consultant of Eco Systems Solutions, Gary McMahon, presented on the Ecological Fire Plan.

Also in attendance: Community Emergency Services Manager, Adam Jasper, Manager Asset Services, David Nicholson, Senior Environmental Officer, Merryn Delaney, Coordinator Environment / Landcare, John McKinney, Manager Planning and Development, Matt Cuthbert, Bush Fire Mitigation Advisor, Greg West

DATE: 23 SEPTEMBER 2020

Attendance:

Crs: Cristoffanini, Daniel, Earl, Godden, Kennaugh, McLeod

Officers: Chief Executive Officer, Stephanie Addison-Brown, Director Corporate and Community Services, James Shepherd, Acting Director Sustainable Development and Infrastructure, David Nicholson

Briefing: Cowaramup Road Widening – Main Roads WA

Main Roads WA presented on the Cowaramup Road widening.

Also in attendance: Coordinator Landcare / Environment, John McKinney

Apologies: Director Corporate and Community Services, James Shepherd

Closed Agenda Briefing: Proposal by Owner's Representatives on Outstanding Rates and Scheme Issues on Augusta Deceased Estate

Manager Legal and Governance, Ian McLeod, presented on a proposal from owner's representatives on outstanding rates and scheme issues on Augusta deceased estate.

Also in attendance: Manager Corporate Services, Andrew Ross, Manager Planning and Development, Matt Cuthbert

Apologies: Director Corporate and Community Services, James Shepherd

The session was closed as per s5.23 a), b) and c) of the Local Government Act 1995.

Concept Forum: Bushfire Policy and Tourism Development

Manager Planning and Development, Matt Cuthbert, led a concept forum on bushfire policy and tourism development.

Also in attendance: Manager Legal and Governance, Ian McLeod, Senior Planner, Lucy Gouws, Director / Principle Consultant of Eco Systems Solutions, Gary McMahon

Apologies: Director Corporate and Community Services, James Shepherd

Concept forums are closed to members of the public and press

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Local Government Act 1995

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 5: Effective leadership and governance

Community Outcome 1: Responsible ownership of outcomes

Strategy 4: Provide Councillors with high quality and current information and training for effective decision making

Service level strategy/plan 5.1.4.3: Conduct regular briefing sessions for Councillor and community on key issues and projects, prior to Ordinary Council meetings

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

ALTERNATE OPTIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receives the Notes of Councillor Agenda Briefing Sessions from 8 July to 23 September 2020.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

Nil

11.1.2 ADOPTION OF CEMETERIES AMENDMENT LOCAL LAW 2020 AND ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2020

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	ENF/22
REPORT AUTHOR	Lauren Bidesi, Senior Legal Officer
AUTHORISING OFFICER	Ian McLeod, Manager Legal Services

IN BRIEF

- After reviewing the *Cemeteries Local Law 2020* (Cemeteries Local Law) and *Activities in Thoroughfares and Public Places and Trading Local Law 2020* (Thoroughfares Local Law) the Joint Standing Committee on Delegated Legislation (JSCDL) on 14 May 2020 raised concerns with one clause in each local law which contain cross referencing errors.
- At the Ordinary Council Meeting on 22 July 2020 it was resolved by Council that when the Cemeteries Local Law and Thoroughfares Local Law were next amended or reviewed, the local laws would be amended in accordance with JSCDL recommendations.
- Advertising as required under the *Local Government Act 1995* of the proposed amendments to the local laws took place on 7 August 2020 in the Augusta Margaret River Times and in The West Australian newspaper, with a 6 week submission period.
- No submissions were received.
- The Department of Local Government, Sport and Cultural Industries (DLGSC) has reviewed the local laws and provided comments.
- It is now recommended that Council adopt the '*Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020*' and the '*Cemeteries Amendment Local Law 2020*' (amendment local laws) and that they both be published in the Government Gazette.

RECOMMENDATION

That Council:

1. Notes that no submissions were received in response to the proposal to make amendments to the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020* and the *Shire of Augusta Margaret River Cemeteries Local Law 2020*;
 2. Accepts the changes suggested by the Department of Local Government, Sport and Cultural Industries to the *Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020* and the *Shire of Augusta Margaret River Cemeteries Amendment Local Law 2020* as the changes are not significantly different from what was proposed when the local laws were advertised in August 2020;
 3. Resolves to make the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020* as per Attachment 1 and the *Shire of Augusta Margaret River Cemeteries Amendment Local Law 2020* as per Attachment 2; and
 4. Authorises the CEO to:
 - a) Affix the common seal to the amendment local laws, or any other documents relevant to making the amendment local laws.
 - b) Publish the amendment local laws in the Government Gazette and forward a copy to the Minister for Local Government.
 - c) Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection as required under section 3.12(6) of the *Local Government Act 1995*.
-

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

At the Ordinary Council Meeting on 12 February 2020, Council adopted the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020* and *Shire of Augusta Margaret River Cemeteries Local Law 2020*.

Following Council's adoption of the Local Laws, they were gazetted and sent to JSCDL in accordance with DLGSC directions. The JSCDL wrote to the Shire in May 2020 setting out the following concerns in relation to the Local Laws:

"Clause 3.2

Clause 3.2 of the Local Law provides as follows:

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.4, in respect of a body.

The definition contains a minor error in that it should refer to clause 3.3 rather than 3.4 as:

- *Clause 3.4 relates to the minimum notice required for a booking to hold a funeral.*
- *Clause 3.3 relates to certificates of identification.*

Although this error is a minor typographical one, the outcome is that technically the local law does not require an application for burial to be accompanied by a certificate of identification."

The JSCDL's concerns in relation to the Thoroughfares Local Law were set out in their letter of 14 May 2020 as follows:

"Clause 1.5

Clause 1.5 of the Local Law provides the definition of 'permissible verge treatments' as follows:

Permissible verge treatment means any one of the 4 treatments described in clause 2.8(2) and includes any reticulation pipes and sprinklers;

The definition contains a minor error in that it should refer to clause 2.7 rather than 2.8(2) as:

- *Clause 2.8 relates to 'only permissible lawn treatments to be installed' and clause 2.8(2) does not exist.*
- *Clause 2.7 relates to 'permissible verge treatments' and appears to be the correct reference."*

At the Ordinary Council Meeting on 22 July 2020, it was resolved by Council that when the Cemeteries Local Law and Thoroughfares Local Law were next amended or reviewed, the local laws would be amended in accordance with JSCDL recommendations. State-wide notification of the amendments in accordance with section 3.12(3) of the LG Act outlining the Shire's intention to amend the local laws took place on 7 August 2020.

If any local law requires amendment, the local government must commence the process outlined in section 3.12 of the LG Act which is the same process as for making a local law.

CONSULTATION AND ADVICE

External Consultation

The proposed Local Laws were both advertised (Advertising) consistently with the *Local Government Act 1995* (the Act) requirements in:

- The Shire's local public notices in the Augusta Margaret River Times on the 7 August 2020;
- The local government notices in The West Australian on 7 August 2020; and
- The Shire office foyer, website and library noticeboards.

The first Advertising commenced on 7 August 2020, with a submission deadline inviting comments by 21 September 2020. This period for submissions exceeded the 6 week minimum period specified by the Act. No submissions were received in relation to the proposed amendments.

Department of Local Government, Sport and Cultural Industries Advice

In accordance with the Act section 3.12(3)(b), a copy of the proposed amendment Local Laws was provided to the DLGSC. The DLGSC reviewed and provided comments and recommendations on the proposed amendments Local Laws. The comments were mostly in respect of typographical and formatting matters.

The proposed Local Laws have been amended from what it was when advertised, to incorporate all the suggestions provided in the DLGSC's comments. These amendments do not affect the operation of the Local Laws.

Pursuant to section 3.12(4) of the Act the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed. If the local government decides to make a local law that would be significantly different from what is first proposed, then the making of the local law procedure is to recommence (s.3.13 of the Act).

Internal Consultation

As the changes do not affect the substance or operation of the Local Laws further internal comment has not been sought.

DISCUSSION / OFFICER COMMENTS

The JSCDL have advised that the Cemeteries Local Law must be amended within 6 months and may be disallowed if the amendment is not made. The Thoroughfares Local Law amendment should be made to avoid confusion as to what a permissible verge treatment is.

Under Section 3.12(1) and (8) of the *Local Government Act*, the procedure for amending a local law is the same as the procedure for making a local law, i.e. there must be:

- A Council resolution giving notice of purpose and effect of proposed amendment,
- Statewide public notice;
- A 6 week submission period;
- A report to Council considering any submissions and recommending adoption;
- A formal Council resolution adopting the amended local law;
- Publishing the amendment in the Government Gazette; and
- Providing local public notice that the amendment has been adopted.

The proposed amendments to the local laws satisfies the objectives of making a local law, by:

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

It is recommended that the *Cemeteries Local Law 2020* and the *Activities in Thoroughfares and Public Places and Trading Local Law 2020* be amended as proposed in the Attachments.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

If any local law that is reviewed requires amending, the local government must commence s3.12 process which is the same as for making a local law to implement any changes.

Making Local Laws

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

1. Any submissions received are to be considered; and,
2. If the local law is not significantly different from what was proposed/advertised, then the local law can be made by an absolute majority vote.

If the local law receives an absolute majority vote then:

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

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

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

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

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

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 3: Ensuring Sustainable Development

Community Outcome 2: Liveable, sustainable and well designed places that are inclusive for all cultures and demographics.

Strategic Response: Develop and implement management plans for Shire facilities and projects so they are well designed, sustainable, have aesthetic appeal and are accessible by all.

Service level strategy/plan: The local laws meet compliance obligations, which is consistent with the governance goals in the Strategic Plan.

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Implications

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

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

The Local Laws will need to be reviewed every 8 years after their commencement pursuant to s.3.16 of the LG Act.

SUSTAINABILITY IMPLICATIONS

Environmental

Nil

Social

Nil

Economic

Nil

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

Council could resolve to refuse to make the proposed amendments to the local laws. The consequence of this would be that the existing '*Cemeteries Local Law 2020*' may be disallowed by JSCDL.

Without making the recommended changes to the '*Activities in Thoroughfares and Public Places and Trading Local Law 2020*' it would continue to apply as it has previously however what constitutes a 'permissible verge treatment' would not be able to be enforced as it is unclear.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Notes that no submissions were received in response to the proposal to make amendments to the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020* and the *Shire of Augusta Margaret River Cemeteries Local Law 2020*;
2. Accepts the changes suggested by the Department of Local Government, Sport and Cultural Industries to the *Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020* and the *Shire of Augusta Margaret River Cemeteries Amendment Local Law 2020* as the changes are not significantly different from what was proposed when the local laws were advertised in August 2020;
3. Resolves to make the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020* as per Attachment 1 and the *Shire of Augusta Margaret River Cemeteries Amendment Local Law 2020* as per Attachment 2; and
4. Authorises the CEO to:
 - a) Affix the common seal to the amendment local laws, or any other documents relevant to making the amendment local laws.
 - b) Publish the amendment local laws in the Government Gazette and forward a copy to the Minister for Local Government.
 - c) Advertise in the Shires public notices the Gazetted Local Laws' title, purpose and effect and availability for inspection as required under section 3.12(6) of the *Local Government Act 1995*.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2020
2. Cemeteries Amendment Local Law 2020
3. Letter from JSCDL

11.2. Sustainable Development and Infrastructure

11.2.1 PROPOSED ADDITIONAL NINE (9) CHALETS, 36 (LOT 2) ARMSTRONG ROAD, COWARAMUP

LOCATION/ADDRESS	Lot 2 Armstrong Road Cowaramup
APPLICANT/LANDOWNER	PGPM Pty Ltd / Olio Bello Pty Ltd
FILE REFERENCE	PTY/3366, P220338
REPORT AUTHOR	Lezia Sandon, Planning Officer
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

IN BRIEF

- The site is zoned Priority Agriculture with a Structure Plan and an Additional Use designation which provides for 24 individual 'Short Stay Dwellings' (Chalets) in designated locations.
- The site was granted approval for six single bedroom eco-tents in 2015.
- The application proposes nine additional eco-tents, which are considered to be 'chalets' for the purposes of administering LPS1.
- The number of chalets sought is in excess of the total number of chalets which are allowed by the Scheme provisions.
- The proposal is consistent with the sites designation for tourism purposes and will not compromise the ability for agricultural production (olives) to continue.
- The application is recommended for approval.

RECOMMENDATION

That Council grants Development Approval pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for nine (9) Additional Chalets (eco-tents) at 36 (Lot 2) Armstrong Road Cowaramup subject to compliance with conditions.

SITE AND SURROUNDS

Lot 2 Armstrong Road Cowaramup is 97 hectares in area, currently zoned 'Priority Agriculture' and has an Additional Use right for a range of tourism development (see figure 1 below). The Site is 2.7km east of Gracetown and 6km from west of Cowaramup townsite. It is bordered by Caves Road, Cowaramup Bay Road and Armstrong Road.

The Site is surrounded by a Shire vested Reserve for the purpose of 'gravel', rural lots, existing tourism and additional use lots including a caravan park, small rural – residential estates and State forest (see figure 2 below).

The Site contains a mature olive orchard located across the majority of the site with the olives being processed in an on-site processing plant. Existing tourism development on the site consists of a restaurant and cellar door, and six chalets (eco-tents).

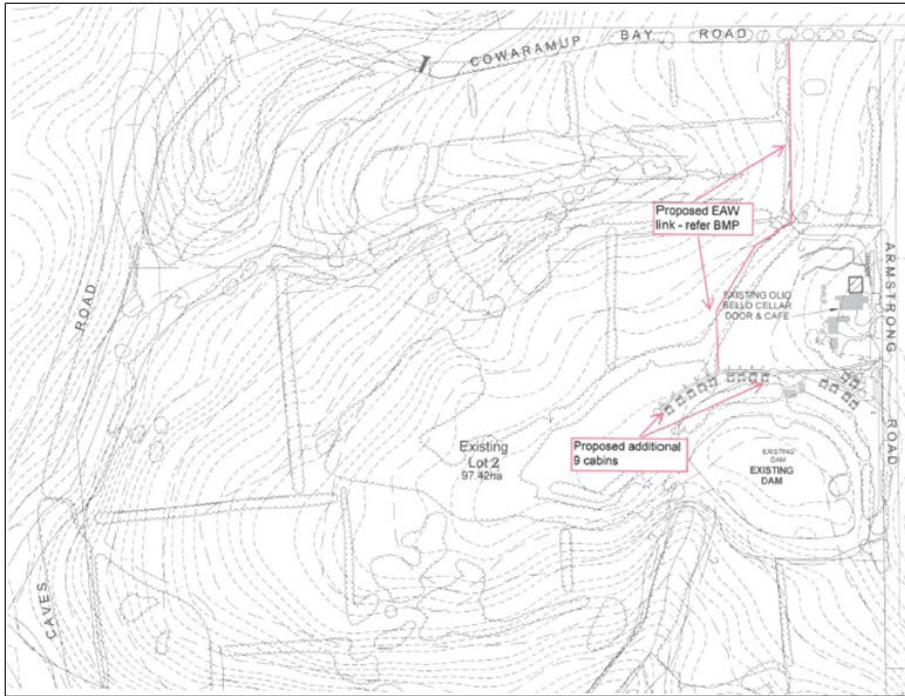


Figure 1: Location Plan



Figure 2: Aerial of subject lot

TABLED ITEMS

Nil

BACKGROUND

The olive grove which exists on the Site was first established in the early 1990's. In 2015, the Shire issued an approval for six eco-tents (chalets). This approval was issued in accordance with the maximum extent of tourism accommodation allowable in the Priority Agriculture zone.

PROPOSAL

The application proposes nine additional eco-tents (chalets) which are consistent with the six chalets of the same type located on the property (see figure 3 below).

Details of the chalets are as follows:

- Maximum of 2 guest per chalet
- 1 bedroom with double bed
- Modular bathroom and toilet compartment
- Entry deck and external sitting area
- Waterproof canvas roof, steel frame and wooden flooring

The chalets will be serviced by the existing potable water supply (combination of dam and rainwater tanks) and onsite effluent system (proposed extension of current approved system or second system details will be clarified at Building Permit). To increase fire safety this proposal includes an Emergency Access Way (EAW) which will allow for a second escape route in the event of an emergency. The proposal will require modification to the established car parking to cater for the additional chalets and visitors.

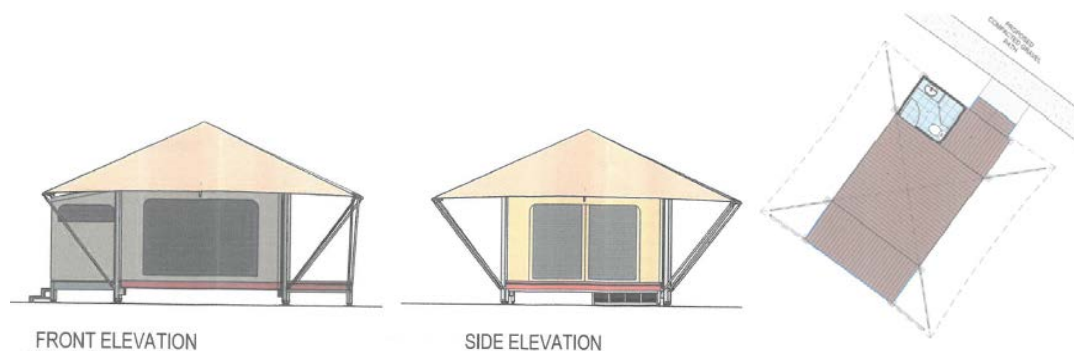


Figure 3: Chalet Design

PLANNING FRAMEWORK

Additional Use 53 (A53)

The additional use designation, which relates specifically to the Site provides for a range of tourism and agricultural land uses, including the ability to have up to 24 chalets, considerably more than normally permissible on a 'Priority Agriculture' zoned lot. The nature of an additional use right is that it applies in addition to the uses which can already be undertaken within the underlying zone.

The Additional Use designation confirms that the Site has been specifically identified as being suitable for a reasonably high level of tourism development.

The proposed eco tents (chalets), together with the 6 chalets of the same type already existing on the Site are proposed to be additional to the 24 chalets, provided for by A53.

Olio Bello Structure Plan (the Structure Plan)

The Structure Plan shows how the additional uses, ought to be spatially orientated on the Site and identifies that the 24 chalets sites are intended to be strata titled.

The proposed chalets are located outside of the future strata lots identified by the Structure Plan, in an area of the site which does not compromise its ongoing use for olive production.

CONSULTATION

The application was referred to surrounding landowners within a two kilometre radius from the Site as per the Shire's *Non-Rural Uses in Rural Zones* Guidelines and to relevant government authorities. The application received four public submissions and two government submissions.

With respect to the submissions from Government agencies, a submission from DPIRD confirmed that there were no objections. A submission from DFES raised some concerns with the submitted Bushfire Management Plan (BMP) particularly with regards to the classification of vegetation on site. The BMP classifies the olive groves as 'orchard' whereas DFES suggests that they should be classified as 'forest'. The orchard designation accords with the existing BMP which relates to the remainder of the site, which has previously been supported by the Shire and as such this aspect of the BMP does not require modification.

The public submissions all raised objections relating to the following aspects:

1. Noise
2. Vehicle safety
3. Competition and precedent

1. Noise

The Shire has not received any noise complaints from the current operation of the six chalets. The proposed development must comply with the assigned levels in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The anticipated noise generated from the proposed development is expected to comply with the Noise Regulations based on the low intensity of use (2 persons per chalet) and the distance of the chalets from sensitive uses in the receiving environment. In the event the chalets exceed the Noise Regulations the Chalets will require modifications to achieve the assigned level. It is recommended that an *Advice Note* be applied to any approval granted advising that the development will need to comply with the *Environmental Protection (Noise) Regulations 1997*.

2. Vehicle safety

The increase in traffic arising from the proposal is marginal, in comparison to the potential traffic generated from the existing approval licenced restaurant, future chalets, olive processing and cellar door. The capacity of the site and surrounding roads to cater for a level of traffic well in excess of a typical rural property has been assessed at a strategic level via the endorsed of a structure plan for the Site.

3. Competition and precedent

This is not a matter which the planning assessment process can take into consideration. However, it should be noted that the site has been identified as being capable of supporting a much greater intensity of tourism development than that currently being applied for.

DISCUSSION

Land Use Classification

The previous approval for six chalets in 2015 distinguished the proposed short stay accommodation from a 'tent' or 'camping ground' under the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997*. A tent is considered a portable/ collapsible movable shelter consisting of a tough fabric or plastic cover held up by poles and kept in place by ropes and pegs...'.

In this case the structures would not be fixed by ropes and pegs and are not easily movable. Therefore, they do not meet the definition of a tent. The definition which provides the 'best fit' in so far as the planning scheme is concerned is 'chalet'.

It is noted that the proponent has provided information from a building surveyor confirming that the '*...Cabins substantially comply with the BCA subject to a number of building elements being reviewed against the Performance Provisions of the BCA...*'. The submission verifies that the chalets can be classified as buildings in spite of their canvas walls and light weight structure.

Number of chalets

On the face it, the proposal does not vary from the requirements applicable to A53 which allow up to 24 chalets. If added to the existing 6 chalets, the total will be 15. However, the proponent seeks to reserve

the potential to construct the 24 'strata' chalets at a future point in time. It is envisaged that these would be more substantial in nature and scattered throughout the site as per the endorsed Structure Plan.

The basis for the proposal at hand is the success which the proponent has had with the existing 6 chalets which have proved to be very popular. All 15 chalets would be clustered together in a reasonably small section of the site, without comprising on the ability to develop the more substantial chalets in the future, nor compromise ongoing agricultural activity.

Variation to scheme standards

The Scheme allows for Council to apply discretion and consider the development application subject to the provisions of clause 5.5, subject to consideration as to whether:

- The variation is appropriate in the zone;
- Non-compliance will adversely impact any owners of occupiers or users in the locality.

Should a variation be supported?

The Site is distinct from typical rural properties throughout the Shire in that it has been specifically identified for a reasonably high level of tourism development. This is confirmed through the previous application of the 'A53' designation to the Site and the endorsement of the structure plan which relates. The proposed development is appropriate given the specific zoning of the property.

The Site has attributes that would have understandably led to this designation via previous strategic planning investigations such as its location on a prominent corner with the Caves Road tourist drive and its well established olive grove which allows development to be located in a way which allows for agricultural activities to continue. Olive products are both grown, processed and consumed on the Site allowing local products to be showcased.

The location of the chalets in the central eastern extent of the Site positions them well away from surrounding residences given that the adjoining land to the east is a well vegetated reserve. The nearest dwelling is some 500m away. As such, they are unlikely to have any adverse impacts on owners or occupiers in the locality.

In view of the already significant tourism development allowed for the Site, and given the sites attributes, it is recommended that a variation to the number of chalets otherwise allowed is appropriate.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The proposal is being progressed as required by the Deemed Provisions of Local Planning Scheme No. 1.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 3: Managing Growth Sustainably

Community Outcome: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme.

Service level strategy/plan: Provide Planning Services.

FINANCIAL IMPLICATIONS

Implications

Nil

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

The proposed additional chalets do not result in additional clearing native vegetation or disrupt native flora and fauna.

Social

The proposal has the potential to provide for additional tourism accommodation in close proximity to Gracetown and Cowaramup,

Economic

Short stay use as intended has the potential to attract visitors to the region supporting local businesses and providing employment.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

The applicant may apply to the State Administrative Tribunal (SAT) for a review of the Council's decision. SAT have the ability to amend or set aside the Council decision.

If Council intend to refuse the proposal, valid planning reasons will be required to be provided.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council grants Development Approval pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Additional Chalets (eco-tents) x 9 at 36 (Lot 2) Armstrong Road Cowaramup subject to compliance with the following conditions:

CONDITIONS

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

Plans and Specifications	P1 to P3 received by the Shire on the 25 June 2020
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. The Bushfire Management Plan and Bushfire Emergency Evacuation Plan (prepared by Ecosystem Solutions dated 21/9/2020) shall be revised to the specifications and satisfaction of the Shire. The revised Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be submitted for the acceptance of the Shire prior to commencement of the chalets use.
4. The revised and accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan, required by condition 3 shall be implemented on site prior to commencement of the chalet use and at all times thereafter.
5. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within all the Chalets at all times.
6. Certification shall be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the chalet use.
7. A manager or appointed fire warden shall permanently reside on the premises whilst the chalets are occupied.
8. If at any time there is not an appointed manager or fire warden for the chalets, the chalet use must cease until such time as a manager is appointed.
9. Details shall be provided with the application for building permit to demonstrate the Fire Engineering Solutions consistent with Performance Requirements P2.3.4 of the Building Code of Australia is

prepared to in lieu of achieving AS3959/2018 *BAL Construction Standards*, to the satisfaction of the Shire Augusta Margaret River.

10. The Chalets shall not be occupied by more than two (2) people at any one time.
11. Amplified music shall not be played outside of the Chalets between the hours of 10pm and 10am.
12. This approval is for short stay accommodation only. This means accommodation by a person or group of people for a period of less than three (3) months in any one 12 month period. The chalets shall not be used for permanent residential purposes.
13. All stormwater and drainage run-off from the development shall be detained within the lot boundaries managed to pre-development flow regimes.
14. Prior to the commencement of the Chalet use, vehicle parking areas shall be designed, and drained and thereafter maintained in accordance with accepted Vehicle Parking Plan.
15. Suitable arrangement made with the Shires Asset Services Department for the location of the proposed Emergency Access Way (EAW) to service the development. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire.
16. The walls and roof of the buildings and all structures shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited.
17. A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and be submitted to the Shire prior to the commencement of works. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers;
 - b) Any lawns and paved areas to be established; and
 - c) Any natural landscaped areas to be retained.
18. Landscaping shall be implemented prior to occupation/use of the development and shall be maintained at all times.
19. Nine (9) additional onsite car parking bays shall be provided at a location to the satisfaction of the Shire, prior to the commencement of Chalet use.
20. Vehicle parking areas, access ways and crossover(s) shall be designed, constructed, lit, sealed, kerbed, drained, line marked and thereafter maintained in accordance with Australian Standard AS 2890.1-1993 and the Shire's standards and specifications, prior to occupation of the development. A detailed engineering plan is to be submitted for approval prior to commencement of works showing construction details including pavement levels, thickness, cross fall, drainage disposal method.
21. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.

ADVICE NOTES

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

- (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) A certified building permit application will be required to be submitted for Class 1B structures.
- c) The Proponent shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).
- d) Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).
- e) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
- f) The proponent will need to ensure that the occupants of the chalets comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- g) If the proponents intend to supply / prepare food for guests, application will need to be made to register the business in accordance with the *Food Act 2008*. Food provided and the food preparation areas will need to comply with the requirements of the Food Standards Australia New Zealand.
- h) The proposal will require additional equipment for the onsite treatment and disposal of waste water and shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to the use – an application is required.
- i) The development is to provide a potable water source in accordance with *The Australian Drinking Water Guidelines*

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Site Plan and Elevations

11.2.2 SCHEME AMENDMENT NO. 67 FOR FINAL DETERMINATION.

LOCATION/ADDRESS	Wallcliffe House, Lot 101, Wallcliffe Road, Margaret River.
APPLICANT/LANDOWNER	Taylor Burrell Barnett Town Planning & Design / Wallcliffe House Pty. Ltd.
FILE REFERENCE	LND/1/67
REPORT AUTHOR	Matt Cuthbert, Manager Planning and Development
AUTHORISING OFFICER	Nick Logan, Director Sustainable Development and Infrastructure

IN BRIEF

- The site is the location of the heritage listed 'Wallcliffe House'.
- Buildings on the site were significantly impacted upon by the 2011 bushfires however, the surrounding gardens and heritage listed outbuilding remain intact.
- The proposal is a scheme amendment which seeks to modify provisions relating specifically to the site, to allow for a greater variety of uses to be considered.
- The proposal has been subject to consultation with the majority of submitters supportive of the amendment and redevelopment of the site generally.
- This proposal is not a development application and the exact detail surrounding future built form will come by way of a development application in due course.

RECOMMENDATION

That Council supports Amendment 67 with modifications.

LOCATION

The site is Lot 101 Wallcliffe Road. Lot 101 is 5.2ha in size and directly abuts the Margaret River. Access to the site is via a long driveway which forms part of the lot and connects the lot to Wallcliffe Road. Land to the south of the subject land is state reserve whilst to the east, Lot 102 is zoned 'chalet and camping'.

Vegetation on site is a combination of remnant native vegetation and formal manicured gardens.

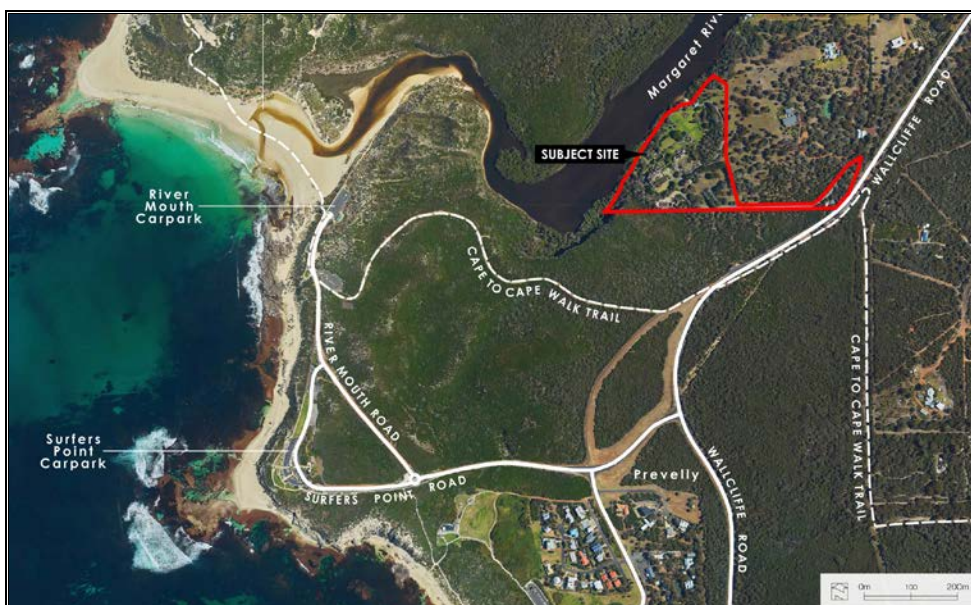


Figure 1 – Location Plan

TABLED ITEMS

Nil

BACKGROUND

Construction of Wallcliffe House was completed in 1865 at which time it was occupied by the Bussell Family. A second house was built on the subject land in 2001 and was commonly referred to as 'the Chaney House' after its then owners. In 2011, fire destroyed the aforementioned buildings and ancillary structure with the exception of a small boat shed adjoining the river foreshore. The extensive formal gardens which surround the houses have continued to be maintained and currently remain at a high standard.

At its meeting of 11 September 2019 Council refused an amendment relating to the site for reasons that:

The amendment will lead to a form of development which has potential for adverse impacts on the surrounding natural environment and on the sites of Aboriginal and colonial cultural importance (within and surrounding the site). In light of the above, the existing scheme provisions represent the maximum development intensity that Council is prepared to support on the subject site without risk of negative environmental and Aboriginal and colonial heritage outcomes.

The proponent subsequently submitted a new amendment modified to address Council's concerns. This amendment was considered at the Ordinary Council meeting of 26 February 2020 at which time Council resolved to initiate the amendment in order to commence a process of public consultation.



Figure 2 – Wallcliffe House



Figure 3 - Boatshed

THE PROPOSAL

The site is zoned 'Tourism' with special provisions set out at Schedule 12 of the Scheme relating specifically to the site. Clause 4.18.1 of the Scheme states that:

Despite anything contained in the zoning table, the land specified in Schedule 12 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 12 with respect to that land.

The amendment is put forward for the purposes of amending 4 of the 5 special provisions which relate to the site. The intent is to increase the range of uses which can be considered. Changes included in the advertised amendment are outlined below with ~~strike throughs~~ indicating deletions and underlining indicating the additions which are sought.

1. Development and land use is limited to a single ~~residential house~~ and ancillary uses consistent with the heritage values of the ~~land~~ site and its National Trust classification unless otherwise approved by the local government.
2. The local government may also approve applications for the following tourist ~~type~~ uses such as: restaurant; tearooms; ~~conference facilities~~ hotel or guesthouse and chalet limited to 40 keys in total; small bar; spa and activities related to public viewing of the buildings and grounds, provided such uses do not conflict with the heritage values of the site, land, and does not require a material change to the visual appearance and character of the site. ~~Exhibition centre, reception centre and~~

conference uses may also be approved on the site, provided the uses are incidental to the predominant use of the land.

3. No development shall be approved by the local government unless ~~it is:~~
 - a) It is consistent with the heritage values and integrity of the site, land and its buildings.
 - b) It is consistent with the landscape significance and setting of the site;
 - c) It is appropriately sited and designed to ensure that fire mitigation measures do not compromise environmental and landscape values;
 - d) It is set back a minimum of 20m from the property boundary where it abuts the Margaret River (with the exception of existing development, landscape works and essential services); and
 - e) The adjacent foreshore values are appropriately enhanced, protected and managed.
4. For the purposes of condition 1 and 3 “development” includes buildings, fencing, driveway, walkways, landscaping, changes in the use of the ~~land~~ site and buildings and changes in the structural integrity of the buildings.
5. Removal of existing vegetation is not permitted without the approval of local government.

CONSULTATION

Prior to consultation with the wider public the proposal was referred to the Environmental Protection Agency (EPA) and Heritage Council as required by the *Planning and Development Act 2005*. The EPA’s decision was not to ‘formally assess’ the proposal with advice provided confirming that “the amendment can be managed to meet the EPA’s environmental objectives”. The Heritage Council indicated their support for the proposal.

Council’s decision to initiate the amendment included a recommendation that “*the proponent undertakes a direct and interactive consultation process with the community during the advertising period.*” Due to COVID restrictions which applied at the time, the proponent’s consultation program consisted of a website and blog, with three topic based webinar presentations conducted online which allowed viewers to ask questions and receive answers in real time. The results of each Q&A session were subsequently posted to the blog site. The webinars and an additional meeting held with the local business community engaged approximately 100 individuals.

The Shire’s consultation program involved writing directly to groups, agencies and individuals likely to have direct interest in the proposal e.g. Undalup, Nature Conservation Margaret River and neighbouring property owners. A Your Say page was also set up to collect submissions from the general public.

The Shire directly received 108 submissions in total, with 57 being in favour, two were indifferent and 40 being in objection to the proposal. A total of nine submissions were received from service providers and government agencies.

Issues of particular note as were highlighted throughout the public consultation period were:

- The suitability of the proposed 20m setback from the river, as raised by the EPA.
- The suitability of the submitted Bushfire Management Plan as raised by DFES.
- The capacity of the local road network to cater for the anticipated level of traffic as raised by nearby residents/landowners.
- The capacity of the site to be developed without compromising environmental, indigenous and colonial heritage values.

A summary of each submission can be found at Attachment 1.

DISCUSSION / OFFICER COMMENTS

Margaret River Foreshore

In initiating the amendment Council noted that an anomaly exists in that for a 30m section of the river frontage, no foreshore reserve exists and the subject land directly abuts the river. Council requested “*that staff liaise with the proponent and relevant State Government agencies to address the lack of a foreshore reserve fronting a 30m (approx.) section of the Margaret River abutting the subject land*”

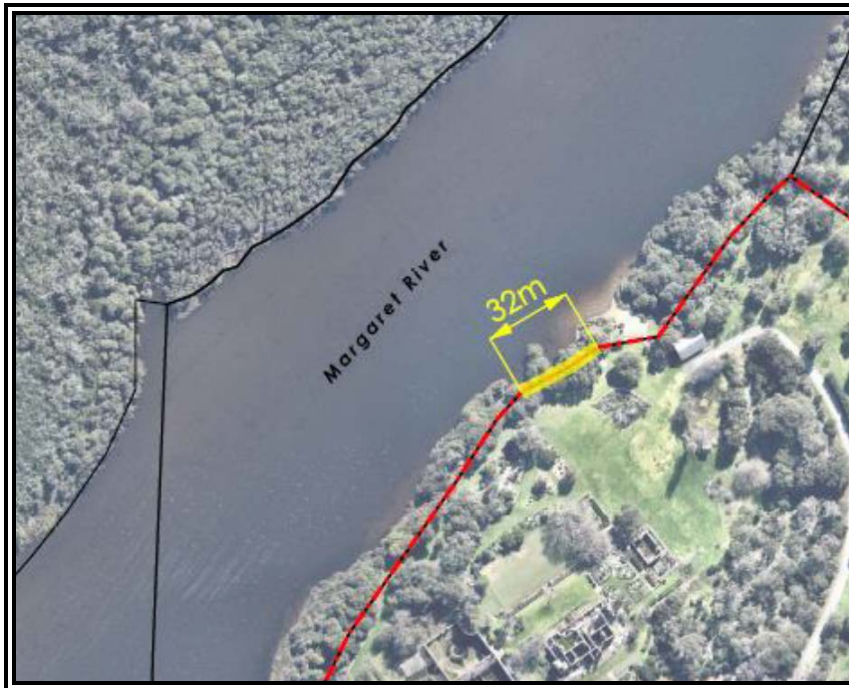


Figure 4 – Extent of river frontage with no foreshore reserve

One option available to the landowner to rectify this situation is to voluntarily cede land free of cost, to extend the foreshore. The applicant has advised that their position is not to be cede the land for the following reasons:

- Physical access to the river exists via the cleared beach adjacent to the section of river frontage referred to.
- Public access to other parts of the river foreshore, including the section of river frontage referred to is to be discouraged because of the potential impact on the remnant natural riverine vegetation.
- The requirement to prepare and implement a FMP (foreshore management plan) at the Development Application stage.
- The landowners' commitment to protecting and reinstating the environmental values of the foreshore.

It should be noted that neither the EPA or Department of Water and Environmental Regulation raised the lack of foreshore reserve as an issue. Nature Conservation Margaret River did not make a submission on the proposal however it is understood that they are in the process of finalising a Memorandum of Understanding with the landowner regarding foreshore restoration works. The Friends of the Margaret River registered an objection to the proposal generally.

A further issue relating to the interaction between the development and the Margaret River, is the sufficiency of the development setback set by Council at the time of initiating the amendment (20m). In giving consent to advertise the proposal the EPA commented that the setback of future development from the property boundary abutting the river should be 30m *“unless an alternative setback is identified through a site specific study undertaken in consultation with the Department of Water and Environmental Regulation (DWER) South West Region office.”*

The South West DWER office has since confirmed that the 20m setback as proposed is supported.

Bushfire

In response to the Bushfire Management Plan (BMP) provided by the applicant, DFES provided detailed comments regarding the consistency of the BMP with the Planning for Bushfire Prone Area Guidelines.

The DFES submission is summarised at Attachment 1 however the overall nature of the DFES comments are encompassed by the last paragraph of their letter which states:

“A number of issues need to be addressed prior to support of the proposal. Notably, the proposed development is intensifying land use in a bushfire prone area close to the termination of a non-compliant dead-end road which passes through an extreme bushfire hazard.”

The applicant was provided with the DFES comments and has provided a comprehensive response to the issues raised.

In considering the weight which should be placed on the DFES comments, it should be noted that:

- DFES have not assessed the proposal against the most relevant policy document being the DPLH's Tourism Position Statement;
- The assumption that the proposal intensifies the landuse, misunderstands the scope for development of a similar capacity which is already allowable;
- The majority of the Shire is bushfire prone and the site is unremarkable in this context;
- The Tourism Position Statement specifically provides for tourism development to be located on roads having one point of egress in defined circumstances.
- The extreme fire hazard located in proximity to the site is caused by the existence of native vegetation which is present throughout the Shire and therefore the hazard rating of the site is unremarkable.

The relevance of the BMP at this stage in the process is simply to demonstrate that it will be possible to prepare a detailed and compliant BMP at the time that a development application is lodged. The comments provided by DFES do not lead to a conclusion that preparation of such a BMP will be impossible. It is recommended that the BMP which forms part of the package of documents prepared to support the amendment is modified to include a management action as follows:

“Prepare a revised BMP to support the development application, responding to the detailed design of the proposed development and addressing the requirements of SPP 3.7 and the relevant position statements and guidelines. This may include a comprehensive risk assessment in line with Position Statement: Tourism land uses in bushfire prone areas, to be determined in consultation with the decision maker.”

Traffic

Submissions from the adjoining landowner and residents, raised concerns with the impact of the proposed development upon the utility and safety of the shared access road. The road, which is approximately 130m in length, links the subject lot and adjoining Lot 102 with Wallcliffe Road. A key concern was that the traffic impact assessment submitted with the application, underestimated the level of traffic likely to be facilitated by a change to the Scheme.

The traffic assessment viewed by submitters estimated that future development would generate 322 vehicle movements per day. This was based on a 50 key hotel. Given Council's decision to limit the hotel to 40 keys, a revised report has been provided which shows a reduced generation of 272 movements per day. This figure assumes that restaurant patrons would be completely separate from hotel guests which is at odds with the expectations of the proponent who assumes that 90% of the restaurant capacity would be occupied by hotel guests. The corresponding impact on vehicle movement would be a reduction to 207 movements per day which is on the further assumption that the hotel would be fully occupied at all times.

For the purposes of comparison, traffic modelling in a residential context is generally undertaken on the assumption of 10 movements per day per household. Vehicle movement assumptions in the order of 200 per day could be associated with short, quiet and narrow cul-de-sac roads. A further comparison should be made with the possible traffic generated by the level of development currently permissible by the Scheme. It would not be unrealistic to assume that a popular restaurant (a use that is currently allowable) could generate in excess of 200 vehicle movements a day.

Values of the Site

A key concern of Council at the time of initiating the amendment was whether or not the subject land could be developed in way that would not compromise the environmental, Indigenous and colonial heritage values which make the site so unique. These concerns were reiterated by many of the 40% of public submissions which objected to the amendment.

The proposal does not determine whether or not the subject land can be developed. It is already possible for a landowner to progress with “*tourist type facilities such as restaurant and...guesthouse*” and it would be generally accepted that the level of development associated with these uses could be consistent with the level of development that has previously existed on the site. With this in mind, the potential impacts of the type of future development contemplated by the amendment should be compared to the already allowable extent of development and not compared to the subject land as it exists today.

The submission period has allowed the Shire to seek advice from various agencies and groups with a key interest in environmental protection. All of the submissions from agencies of this type indicated ‘no objections’ to the proposal. No response was received from Nature Conservation Margaret River, whilst the Friends of Margaret River community group raised an objection. The Shire has not been made aware of any environmental impacts which were present relative to the former development on the subject land which would otherwise set a benchmark for assessment of the proposal. The amendment does provide an opportunity to set in place ‘rules’ which do not currently exist in the scheme relating to the protection and enhancement of the river foreshore. In any event, a future development application will be rigorously assessed to determine whether it would cause environmental impacts and if so, whether they can be addressed.

The acceptability of the amendment relative to colonial heritage values was the subject of consideration by the Heritage Council. The Heritage Council responded to the Shire’s referral by advising that the proposal was supported. Representatives of the Bussell Family who built Wallcliffe House in the 1860’s, made submissions on the proposal which were generally supportive. Their interest in the proposal provides an opportunity for the proponent to keep those with a strong personal connection to the property engaged throughout the development process, benefitting from the unique perspectives that they can bring.

The Aboriginal Heritage Enquiry System administered by the Department for Planning, Lands and Heritage, maps the coordinates of two heritage sites intersecting with the subject land, being those associated with the Margaret River and Wallcliffe Cliffs. The mapped coordinates extend well beyond the actual heritage features and serve to flag the necessity to undertake consultation and referral to the DPLH.

The proximity of the land to listed sites of Indigenous heritage significance nonetheless requires that development occur in a sensitive and respectful manner. There is at this stage, no indication that any heritage sites would be impacted upon by the future development and the DPLH have confirmed in writing that approvals under the Aboriginal Heritage Act 1972 are not required at this time but will be required prior to ground disturbing activities.

The legal responsibilities of the Act are generally regarded as being the minimum obligations for development in proximity to known heritage sites. Both the Shire and proponent have undertaken consultation with Traditional Owners and have thus far not received any direct negative feedback. In any event, if the proposal progresses, dialogue should be ongoing and development intentions expressed in a transparent manner.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The amendment is being progressed in line with the *Planning and Development Act 2005* and Planning and Development (Local Planning Scheme) Regulations 2015.

Under Regulation 50(3) the Shire must make one of the following resolutions:

- (a) to support the amendment without modification; or
 - (b) to support the amendment with proposed modifications to address issues raised in the submissions;
- or
- (c) not to support the amendment.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

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

FINANCIAL IMPLICATIONS

Implications

Nil

Long Term Financial Plan

Nil

Whole of Lifecycle considerations

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

The site contains areas of remnant vegetation which will not be impacted upon as a direct result of the subject proposal. Future development of the site provides an opportunity to enhance and protect foreshore vegetation.

Social

Redevelopment of the site provides an opportunity to restore buildings of significant heritage importance and provide for greater community access. An important consideration for future development will be the compatibility with Aboriginal heritage elements.

Economic

Redevelopment of the site will require significant resources which if sourced locally will have a positive impact on the local economy.

ADVOCACY

Nil

IMPLICATIONS OF ALTERNATIVE RESOLUTION

The Shire is not the final decision maker with respect to this proposal. Notwithstanding what the Council's recommendation might be, the Minister for Planning will have the opportunity to make a contrary and final decision.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council in accordance with Regulation 50(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 determines to support Amendment No. 67 to the Shire of Augusta Margaret River Local Planning Scheme No.1 by replacing the text at 'T5' of Schedule 12 with the following, subject to the modifications outlined at Attachment 2.

1. Development and land use is limited to a single residential house and ancillary uses consistent with the heritage values of the ~~land~~ site and its National Trust classification unless otherwise approved by the local government.
2. The local government may also approve applications for the following tourist ~~type~~ uses ~~such as:~~ restaurant; tearooms; ~~conference facilities~~ hotel or guesthouse and chalet limited to 40 keys in total; small bar; spa and activities related to public viewing of the buildings and grounds, provided such uses do not conflict with the heritage values of the site, land, and does not require a material change to the visual appearance and character of the site. Exhibition centre, reception centre and

conference uses may also be approved on the site, provided the uses are incidental to the predominant use of the land.

3. No development shall be approved by the local government unless it is:
 - a) It is consistent with the heritage values and integrity of the site; land and its buildings.
 - b) It is consistent with the landscape significance and setting of the site;
 - c) It is appropriately sited and designed to ensure that fire mitigation measures do not compromise environmental and landscape values;
 - d) It is set back a minimum of 20m from the property boundary where it abuts the Margaret River (with the exception of existing development, landscape works and essential services); and
 - e) The adjacent foreshore values are appropriately enhanced, protected and managed.
4. For the purposes of condition 1 and 3 “development” includes buildings, fencing, driveway, walkways, landscaping, changes in the use of the ~~land~~ site and buildings and changes in the structural integrity of the buildings.
5. Removal of existing vegetation is not permitted without the approval of local government.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Schedule of Submissions
2. Schedule of Modifications

11.2.3 ELECTRICITY SUPPLY CONTRACT OPTIONS

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	COR/331
REPORT AUTHOR	Katie Biggs, Sustainability Planning Officer
AUTHORISING OFFICER	Nick Logan, Director Sustainable Planning and Infrastructure

IN BRIEF

- The Shire has seven “contestable sites” where electricity usage is above a set threshold allowing the Shire to select an electricity retailer.
- The current electricity supply contract with Alinta Energy ends on 31 January 2021.
- The contract includes an option to extend for 12 months, which would delay the expiry to 31 January 2022.
- On awarding the original contract to Alinta Energy, Council required that such an extension option would need to be approved by Council, with the Council report including a reassessment of consumption profiles.
- The energy market is changing rapidly with different supply options, including local suppliers, entering the market.
- There are emerging alternatives for sourcing renewable energy, including the potential for an energy supplier to also provide renewable energy services.
- To maximise the benefit of these new services, market research and scoping is required prior to procurement of a long-term electricity supply contract.

RECOMMENDATION

That Council:

1. Endorses the twelve-month extension available on the Shire’s current contract with Alinta Energy; and
 2. Notes the further investigation to be undertaken into opportunities available to the Shire for increasing renewable energy uptake preceding procurement of a new energy supply contract in 2021/22.
-

LOCATION PLAN

Nil

TABLED ITEMS

Nil

BACKGROUND

The purchase of power is generally restricted to an area specific retailer (Synergy), however, electricity accounts using over 50MWh annually are contestable accounts and can select an electricity retailer from the market. The Shire has seven accounts that are considered eligible. These accounts are packaged up together under one service agreement for procurement.

The current electricity supply contract is with Alinta Energy and ends on 31 January 2021. The contract contains an option to extend for a period of twelve months, with the decision of whether to extend required to be communicated to Alinta Energy by 1 November 2020.

On award of the Alinta Energy contract at the Ordinary Council Meeting on 12 December 2018, Council made the following resolution:

RECOMMENDATION / COUNCIL DECISION

CR GODDEN, CR EARL OM2018/334

That Council:

- 1. Awards the contract for the supply of electricity to contestable sites to Alinta Energy from 1 February 2019 for two (2) years using the pricing rates provided in their submission (response ID: VPR211584); and**
- 2. That any extension of the contract term beyond two (2) years be approved by Council and include a reassessment of consumption profiles.**

CARRIED 7/0

New energy retail opportunities are entering the energy market, including local supply and social enterprise options. There are also several renewable energy opportunities emerging, which minimise the need for capital investment in renewable technologies.

Some of these opportunities are not going to be available until 2021 or 2022. In addition, the structure of the electricity supply procurement requirement and subsequent contractual arrangements require further investigation. These factors support extending the current contract for 12 months so the Shire can undertake further research and procurement of a new supply contract.

CONSULTATION AND ADVICE

External Consultation

Discussions with the WA Local Government Association (WALGA) have indicated that local supply options won't be available as WALGA preferred suppliers until the end of 2020 at the very earliest. The WALGA Preferred Supplier Arrangement system (WALGA PSA) secures discounted rates and provides a level of protection to local governments. WALGA have also indicated that new renewable energy opportunities will be explored on behalf of local governments during 2021.

Internal Consultation

The following officers have been involved in reviewing the options:

- Sustainability Planning Officer
- Project & Procurement Officer
- Manager Corporate Services

DISCUSSION/OFFICER COMMENTS

Renewable Energy Opportunities

When the Shire approaches the market for electricity supply, there is an opportunity to call for innovative funding models to support a faster deployment of renewables, whilst preserving the Shire's capital and reducing operating expenses. These may include Power Purchase Agreements (PPA) or Electricity Supply Agreements (ESA) where a third party installs, owns and maintains infrastructure such as a solar system and sells the power to the Shire at a cheaper rate than from the existing Western Power grid.

These agreements generally include the option to buy out the system at any point if the capital becomes available. There are however, numerous benefits to the Shire with a third party managing these assets. It is in the interest of a third party to ensure that the assets continue to perform at their peak and it saves substantial operational staff time to outsource investigation, procurement, management and maintenance.

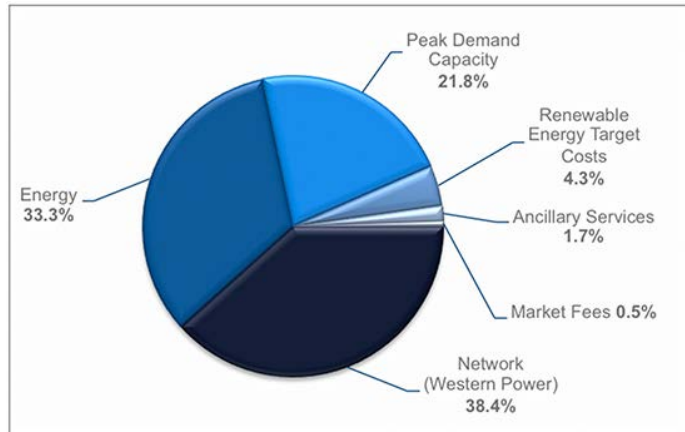
WALGA staff are also in early discussions about establishing a large renewable energy Power Purchase Agreement (PPA) on behalf of local governments. If this goes ahead, it is likely to be finalised in 2021 and become operational in 2022.

The Draft Climate Action Plan 2020 – 2030 includes a target of 50% renewable energy supply by 2030. The Shire's next tender for supply of energy will request pricing to offset a proportion of the remaining grid power through additional renewable generation. This is likely to be through the purchase of Large-scale Generation Certificates (LGC) with one LGC created for each megawatt-hour of eligible renewable electricity produced by an accredited renewable power station. The LGC Market is forecast to fall, in line with the large volumes of certificates coming onto the market, as the large-scale grid renewable projects come on stream. As a result, the cost of meeting the Shire's target is likely to fall in line with these lower prices over time.

Western Power Battery

The recent installation of the Western Power Battery opens up opportunities for additional solar power infrastructure. Excess solar power can now be stored for later use, rather than exporting it to the grid. The procurement process will explore this and other opportunities.

The battery also allows the shifting of demand from peak to off-peak times. This has a significant impact on capacity and network charges. It is expected that the capacity savings will be between \$15,000 and \$20,000 per year, whilst the network savings will be around \$10,000 per year. A typical breakdown of electricity costs is provided in the adjacent graphic.



A typical breakdown of electricity costs

Capacity charges are calculated annually by looking back at the previous year to determine the sites relative contribution to peak demand periods on the grid. The benefits from the battery will not be realised until next financial year and therefore undertaking procurement after mid-2021 will allow the Shire to take advantage of these reduced energy supply costs.

Procurement Process

Contestable electricity contracts are particularly complicated, due in part to the complexity of pricing structures and the varied underlying electricity generation models available. During the procurement process for the current electricity supply contract with Alinta Energy, an external specialist consultant was engaged to assist the Shire in interpreting the quotes received and it is envisaged that the same will be required for any future contracts procured by the Shire.

Electricity is a significant input cost for the Shire each year, and contestable supply alone currently amounts to approximately \$400,000 per year. With the rapid pace of change in the market and emerging renewable electricity models, it is worth taking the time to effectively explore all available options and opportunities to ensure the Shire is in a position to maximise its response to climate change and secure affordable energy into the future.

Consultation with WALGA and a number of bodies/organisations has identified that, whilst the Shire could publicly advertise a tender for the supply of electricity to commence now, doing so could miss opportunities which better suit the Shire's sustainability goals and provide better value for money.

Pre-procurement activities such as in-depth market research, consultation with expert organisations and even early contractor involvement may assist in better defining electricity supply (and underlying generation sourcing) requirements will help to inform a Specification which is more likely to be innovative, and which meets the Shire's objectives.

Further, utilising the Energy Services Preferred Supplier Arrangement governed by WALGA – as opposed to conducting a publicly advertised tender – would provide a number of benefits, such as the ability to access reduced prices and rates, and a reduced level of risk.

PPAs need to be approached as long-term electricity supply solutions, as an electricity supplier engaged under a PPA would, as part of the contract, make significant up-front investment in the underlying electricity generation assets.

As such, if the Shire is to seriously consider a PPA as a way of increasing its renewable electricity uptake, utilising the extension option available on the current Alinta Energy contract to allow time for either (i) WALGA to form its new local government-wide PPA arrangement, or (ii) giving the Shire officers more time to scope the requirements with the assistance of external technical experts is recommended as the most suitable way forward.

Consumption Profiles

The previous Council decision required that any extension of the contract term beyond two (2) years be approved by Council and include a reassessment of consumption profiles. This was to ensure that the climate change objectives were addressed. Following this a report was prepared in 2019 by Perdaman looking at the key opportunities for behind the meter solar installations. This report identified the Margaret River Depot for a 20kW installation which was carried out last financial year and a 100kW installation for the Margaret River Administration Building which will be happening this financial year.

The intention of the twelve-month extension is to investigate emerging renewable energy opportunities beyond these behind the meter installations and new opportunities arising as a result of the recent battery installation at the Margaret River Recreation Centre.

Below is a high-level summary of consumption from 01/02/2019 to 30/09/2020. There is further detail provided in Attachment 1 with a monthly breakdown of energy use across each of the contestable sites.

NMI	Location	Total kWh	Peak kWh	Off Peak kWh
80010530205	Margaret River Library	71,529.29	51,389.96	20,139.33
80018472703	Margaret River Depot	80,960.77	41,615.19	39,345.58
80017236991	Augusta Civic Centre	87,344.08	40,179.26	47,164.82
80021626997	Flinders Caravan Park	167,491.57	76,174.38	91,317.19
80021329666	Margaret River Administration	409,113.07	271,248.54	137,864.53
80010093771	Turner Caravan Park	427,887.98	200,090.26	227,797.73
80010104506	Recreation Centre	1,668,228.03	825,183.15	843,044.88

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

The Local Government (Functions and General) Regulations 1996

Part 4 Division 2 Regulation 11(1) requires that tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000, unless sub-regulation (2) states otherwise.

The Local Government (Functions and General) Regulations 1996

Part 4 Division 2 Regulation 11(2) provides for a number of exemptions from the requirement to publicly invite tenders, which includes instances where the supply of goods or services is to be obtained through the WALGA Preferred Supplier Program. Also, exemptions are allowed for extensions included in the original tender and previously approved by the Local Government.

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2020-2024

Key Result Area 3: Ensuring sustainable development

Community Outcomes 3 and 5: Climate change mitigation and response, sustainable water and energy management

Strategic response 1: Reduce the Shire's corporate carbon emissions including energy use and corporate waste, to meet adopted targets

Key Result Area 4: Vibrant and diverse economy

Community Outcome 5: Opportunities arising from climate change adaptation and innovation

Strategic response 3: Identify investment opportunities, leadership in carbon free renewable energy and innovative technologies

Key Result Area 5: Effective leadership and governance

Community Outcome 7: Leadership in climate change mitigation and adaptation

Strategic response 1: Strive to be a National leader in best practice, innovation and technology advancement in addressing climate change mitigation and response goals across Shire operations and responsibilities

Service level strategy/plan: Draft Climate Action Plan 2020 - 2030

The following Key Projects also apply:

Key Project 8: Implement renewable energy on Shire buildings, focused on the Shire main office in 2020-21

Key Project 21: Deliver ongoing iterative mainstreaming of climate change through policy, procedure and cultural change

PLANNING FRAMEWORK

Nil

FINANCIAL IMPLICATIONS

Implications

The existing rates will remain in place for the purchase of electricity for the next year. The investigation process is expected to identify opportunities to meet our renewable energy targets and deliver cost savings over the longer term.

Long Term Financial Plan

There are opportunities to reduce energy costs over time by switching to renewables.

Whole of Lifecycle considerations

The use of PPAs place the responsibility for management and maintenance of the energy assets onto a third party.

SUSTAINABILITY IMPLICATIONS

Environmental

Investigation of opportunities to reduce carbon emissions and therefore reducing our contribution to climate change

Social

Social impacts will be addressed through development of the selection criteria

Economic

Potential reduction in capital and operational costs over the longer term and reduced reliance on the grid which increases resilience to future shocks.

ADVOCACY

Raise expectations around offsetting carbon from energy consumption and support the rapid decarbonisation of the energy sector.

IMPLICATIONS OF ALTERNATIVE RESOLUTION

An alternative resolution would be to opt not to extend the current Alinta contract for 12 months, and instead approach the market for a new electricity supply contract. This option would still require the Alinta Energy contract to be extended for at least 3 months, to allow sufficient time for the procurement of a new electricity supply contract. This alternative resolution is not recommended, as approaching the market at this time would be premature and could delay the opportunity to be involved in several emerging renewable energy opportunities.

Another alternative resolution would be to opt not to extend the current Alinta contract, and instead approach the market for a new short-term (i.e. one year) electricity supply contract in the interim. This resolution is not recommended, as a short-term contract will not attract competitive rates, and is unlikely to attract options which provide much more renewable benefit than we currently obtain through Alinta Energy.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Endorses the twelve-month extension available on the Shire's current contract with Alinta Energy; and
2. Notes the further investigation to be undertaken into opportunities available to the Shire for increasing renewable energy uptake preceding procurement of a new energy supply contract in 2021/22.

ADVICE TO APPLICANT / PROPONENT

Nil

ATTACHMENTS

1. Consumption Breakdown

11.3. Corporate and Community Services

11.3. CORPORATE AND COMMUNITY SERVICES

Nil

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

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

14. **NEW BUSINESS OF AN URGENT NATURE**
 - 14.1. **Members**

 - 14.2. **CEO**

15. **CONFIDENTIAL BUSINESS**

15.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2019-20

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	PER/05861
REPORT AUTHOR	Stephanie Addison-Brown, Chief Executive Officer
AUTHORISING OFFICER	Stephanie Addison-Brown, Chief Executive Officer

The CEO discloses a financial interest in this report as it relates to her principal source of income as the CEO of the Shire.

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) (a) of the *Local Government Act 1995*,

Reasons:

5.23 (2) (a) a matter affecting the employee or employees;

VOTING REQUIREMENTS

Simple Majority

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) (a) of the *Local Government Act 1995*,

Reasons:

5.23 (2) (a) a matter affecting the employee or employees;

16. CLOSURE OF MEETING