

11.2 Sustainable Development Attachments

ITEM NO	SUBJECT	PAGE
11.2.1	AMENDMENT TO KUDARDUP LOCAL STRUCTURE PLAN	1
11.2.2	EAGLE HERITAGE – MARGARET RIVER RAPTOR WILDLIFE CENTRE LEASE	4
11.2.3	PROPOSED PARTIAL CHANGE OF USE TO SMALL BAR – 98 (LOT 38) ALBANY TERRACE, AUGUSTA	9
11.2.3	LOCAL LAW DETERMINATION IN RELATION TO WALLCLIFFE CLIFFS AND RIVER	33

11.2 Sustainable Development

11.2.1 AMENDMENT TO KUDARDUP LOCAL STRUCTURE PLAN

Attachment 1 – Amended Structure Plan

Attachment 2 – Schedule of Submissions

SCHEDULE OF SUBMISSIONS – P218547
Modification to Existing Kudardup Local Structure Plan
Lot 1 Kudardup Road, Kudardup

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
Government Agencies				
1	Water Corporation	Modifications are minor in nature and don't concern the Water Corporation.	Comments are noted	No change required.
2.	Aboriginal Heritage	The Register of Sites and Objects has been reviewed and there are no reported Aboriginal sites within the area of the proposal.	Comments are noted	No change required.
3.	Department of Water and Environmental Regulation	1. The main risk identified in this amendment relate to stormwater management, where a reduction in the POS is proposed that could be performing a bio-retention function. 2. To mitigate above risk the proponent should quantify what the alteration to stormwater volumes/retention would be and how this could be managed to the Shire's satisfaction.	Noted. The Shires engineering staff have advised that any issues and agreed solutions will be articulated via modifications to the UWMP prior to subdivision.	No change required.
Landowner Submissions				
4.	Ian Ladyman 252 Kudardup Road Kudardup (adjoins subject property at north east boundary)	Object Potential to impact on peaceful enjoyment and ability to conduct farming enterprise.	Agree in part. The additional 3 x 2000m ² lots are located well away from the submitters property and are unlikely to have any direct impact.	It is recommended that support for the proposal be conditional on there being no change to the number of rural residential lots.

11.2 Sustainable Development

11.2.3 EAGLES HERITAGE – MARGARET RIVER RAPTOR WILDLIFE CENTRE LEASE

Attachment 1 – Copy of Public Notice published 9 November 2018

Attachment 2 – Copy of News Articles from 1998

Upgrades have stations at the ready

A visit to the region earlier this month saw South West MLC Adele Farina open upgraded stations for three local volunteer bushfire brigades.

The Cowaramup, Rosa Brook and Kudardup brigades all received funding through the Department of Fire and Emergency Services to expand their existing stations.

Along with Ms Farina and DFES officials, the new sheds were opened by deputy Shire president Julia Meldrum and veteran

volunteer firefighter and councillor Ian Earl.

Cowaramup received improvements to its kitchen, toilets, meeting and training rooms, as well as a new room to service breathing apparatus gear due to a strong growth in membership.

Rosa Brook station was expanded to include three vehicle bays, a designated training room and a respirator servicing room.

With a bigger vehicle area now at their disposal, Rosa Brook fireys will welcome a new urban

tanker later this year, allowing all three brigade vehicles to be stored on-site.

Meanwhile, the Kudardup station was funded to extend the shed for a new light tanker and 4.4 dual-cab firefighting truck.

The upgrade also included the fitting out of a new training room.

The new upgrades come as the Shire of Augusta-Margaret River pursues further consultation with brigades about volunteers coming under DFES administration.



The Cowaramup Volunteer Bushfire Brigade was one of three local groups who received vital station upgrades recently.

Community Consultation



Proposed Local Law – Erosion and Sediment Control Local Law 2018

Shire of Augusta Margaret River
Proposed Local Law
Erosion and Sediment Control Local Law 2018

The Shire of Augusta Margaret River has resolved to make a local law relating to erosion and sediment control (Erosion and Sediment Control Local Law 2018).

The purpose of this local law is to require management measures to prevent erosion and the escape of sediment and pollutants from land.

The effect of this local law is that all owners or occupiers of land within the Shire will need to comply with the provisions of the local law.

A copy of the proposed local law may be inspected at or obtained from the Shire's Offices 41 Wallcliffe Road, Margaret River between the hours of 9.00am and 4.00pm Monday to Friday and at any public library within the Shire of Augusta Margaret River during normal opening hours. Also available on line <https://www.amrshire.wa.gov.au/news/community-consultation>

Submissions about the proposed local law may be made to the Acting Chief Executive Officer, Shire of Augusta Margaret River, PO Box 61, Margaret River WA 6285 by no later than 4pm on Monday 21 January 2019.

DALE PUTLAND
Acting Chief Executive Officer

Upcoming Temporary Closures – Shire Facilities and Offices

All staff meeting, Friday 7 December

The Shire of Augusta Margaret River wishes to advise community members and visitors to our region that the following offices and facilities will be closed as follows:

- **Shire Offices and Depot**
Margaret River Civic Administration Centre, Augusta office and Depot from 12pm 7 Dec 2018 return normal business hours Monday 10 Dec 2018.
- **Library**
Margaret River from 12pm 7 Dec 2018 return normal business hours Saturday 8 Dec 2018.
Augusta from 12pm 7 Dec 2018 return normal business hours Monday 10 Dec 2018.
- **Recreation Centre**
Margaret River from 12pm 7 Dec 2018 return normal business hours Saturday 8 Dec 2018.
- **Waste Facility**
Davis Road will be open from 8am to 4pm.
Waste Transfer stations will be operating as normal.

Emergency or after hours contacts:

Fire and Emergency – 000
Works Depot services – 0409 805 255
Ranger Services – 0419 902 540

The Shire apologises for any inconvenience caused by its closure.

In the meantime, you may find what you are looking for on our website at www.amrshire.wa.gov.au or Recreation Centre on www.recreation.amrshire.wa.gov.au

The Shire wishes all community members and visitors to our beautiful region, a safe and happy time.

Christmas and New Year

The Shire of Augusta Margaret River wishes to advise community members and visitors to our region that the following offices and facilities will be closed as follows:

- **Shire offices**
Margaret River Civic Administration Centre, Augusta office from 4pm 21 Dec 2018 return to normal business hours 2 Jan 2019.
- **Depot**
Margaret River and Augusta Depot from 3.30pm 21 Dec 2018 return to normal business hours 2 Jan 2019.

Library

Margaret River from 4pm 22 Dec 2018 return to normal business hours 2 Jan 2019.

Augusta from 4pm 21 Dec 2018 return to normal business hours 2 Jan 2019.

Our online resources will be available for the duration of the break, visit – www.amrshire.wa.gov.au to explore our range of e-books, downloadable audio-books, online courses and movie streaming services.

Remember, you can borrow up to 30 items, so be sure to stock up before the break!

Recreation Centre

24 Dec closing at 3pm
25 & 26 Dec Closed
27 Dec open 8am to 3pm
28 Dec open 8am to 3pm
29 Dec open 8am to 3pm
30 Dec open 8am to 3pm
31 Dec open 8am to 3pm
1 Jan Closed
Return to normal business hours 2 Jan 2019

Outside school hours care will not be operating on Friday 21 December

Waste Facility

Davis Road Witchcliffe 25 Dec 2018 & 1 Jan 2019.

All other days, Davis Road will be open from 8am to 4pm.

Waste Transfer stations will be operating as normal.

If your usual rubbish and recycling collection pick up day falls on a Public Holiday, your pickup day will be the next working day. Please ensure your bin is out by 6am on this day.

Emergency or after hours contacts:

Fire and Emergency – 000
Works Depot services – 0409 805 255
Ranger Services – 0419 902 540

The Shire apologises for any inconvenience caused by its closure.

In the meantime, you may find what you are looking for on our website at www.amrshire.wa.gov.au or Recreation Centre on www.recreation.amrshire.wa.gov.au

The Shire wishes all community members and visitors to our beautiful region, a safe and happy time.

RESTRICTED BURNING PERIOD

9 November to 21 December 2018

Permit to burn is required. Contact your area Fire Control Officer. More details and FCO contact information is available in the Bushfire Management Notice 2018-2019.

Special Series Numbers Plates

Special Series Plate: Local Authority MR- Margaret River and AU- Where Two Oceans Meet.

Limited edition locality numbers plate sets are for sale by the Shire of Augusta Margaret River.

Margaret River 'MR' plates range: 486, 487, 489, 491, 492, 495, 496, 497, 498, 500, 502, 504, 505, 508

Augusta 'AU' plates range: 118, 124, 126, 127, 128, 129, 132, 134, 140, 141

Cost \$400 per set

Available from Shire Offices only

No reserves or holds

Where possible it is requested forms are completed prior to attending a Shire Office, please leave the plate number field blank, a number will be allocated at

the time of purchase. Forms are available from the Shire's website www.amrshire.wa.gov.au or can be emailed or posted by contacting the Shire on 9780 5255 between normal office hours.

Sport and Recreation Advisory Committee Meeting 6 December 2018

The Sports and Recreation Advisory Committee Meeting will be held in the Margaret River Council Chambers, Shire Civic Centre 41 Wallcliffe Road, on Thursday 6 December 2018 commencing at 7pm.

All members of the public are welcome to attend.

For further information, please contact Hannah Waters, Executive Assistant Corporate and Community Services via email hwaters@amrshire.wa.gov.au or phone 9780 5638.

DALE PUTLAND
Acting Chief Executive Officer

Augusta Margaret River Public Art Policy, Culturally Active Communities Policy and Creative Blueprint Review

Culture and art are integral to life within the Shire and deeply aligned to the Shire of Augusta Margaret River's Vision and Community Strategic Plan 2036.

As part of this review of these documents we want to hear from you about what is important in a creative and culturally diverse community.

Public Art are works that are accessible to the public and can include:

- sculptures
- paintings
- etchings
- ephemeral works
- community art collaborations

The Culturally Active Communities Policy and the Creative Blueprint aim to:

- Develop and enhance our cultural participation and vibrancy
- Support the cultural economy
- Showcase the history and culture of the region

Your feedback on how these policies and plans will guide our cultural future is important.

You can access copies of the policies and plans and provide your thoughts and comments in the forum and Q&A sections at www.yoursay.amrshire.wa.gov.au or contact the Community Development team directly at www.amrshire@amrshire.wa.gov.au.

Public notice that the Shire is considering disposing of this property, by way of lease, in accordance with the Local Government Act 1995, Section 3.58(3) and (4):

1. Description of Property: Crown Land Title at Lot 3135 on Deposited Plan 140898, 341 Boodjup Road, Margaret River an area of approximately 11.65 ha.

Permitted Use: Wildlife park, parkland and onsite managers residence

2. Details of Disposition:

- a) Names of the parties: Shire of Augusta Margaret River as Lessor and Eagles Heritage – Margaret River Raptor Wildlife Centre as Lessee.
 - b) Consideration: Base rent to be paid by the Lessee is \$7000 per annum exclusive of GST with annual rent increases and rent reviews every five years.
 - c) Lease term: 5 years with option for a further 5 years
 - d) Market Value of disposition as determined by valuation dated 6 September 2018: \$10,000 per annum excluding GST
 - e) Otherwise on standard commercial lease terms.
3. Submissions are invited from interested persons and should be submitted via email to amrshire@amrshire.wa.gov.au or in writing to Shire of Augusta Margaret River, PO Box 61 Margaret River WA 6285. The closing date for submissions is 4pm on Friday 30 November 2018.

GARY EVERSHERD
CEO

16-4-98

Res 19533



Eagles Heritage manager Phil Pain with two of the three Kimberley grass owls that are part of a cooperative breeding program with the Perth Zoo.

A wise move for grass owls

THREE Kimberley grass owls have taken up residence in Margaret River as part of a bid to save the species from extinction.

The owls, two males bred in captivity and a wild female, were given to Margaret River's Eagles Heritage last month by the Perth Zoo as part of a cooperative captive breeding program.

The hope is that the female will mate with one of the males and produce offspring.

Eagles Heritage manager Phil Pain was optimistic about the chances of success.

"I am certain they are already getting together," he said.

Mr Pain said the owl was extremely rare in the Kimberleys although a similar species was common in the Northern Territory.

Grass owls live and breed on the ground and are particularly vulnerable to predators.

The two young males are the chicks of a pair of wild grass owls which survived after being plucked from a harvester.

Mr Pain said the parent pair was

lucky to survive because of the injuries to their legs and said they owed their lives to the Perth Zoo's senior specialised bird keeper, Richard Dunlop.

"They must have done a brilliant job because it is very difficult to fix the legs of birds of prey," he said.

Within six months the original pair had bred to produce the two males now at Eagles Heritage.

The two males bred in captivity and any of their offspring will be registered in a special stud book kept at the Melbourne Zoo.

Council continues support for Eagles

By Gabrielle Adams

EAGLES Heritage Raptor Park will continue working to save endangered and native birds from extinction for another 21 years through an Augusta-Margaret River Shire Council decision.

Council has granted Eagles Heritage owners Phil and Cathy Pain a 21-year lease over the 11 ha bushland haven on Boodjidup Road where the park has been based for the last 10 years.

Eagles Heritage is home to about 80 birds from across 17 species, including square-tailed kites, a crested hawk from tropical Queensland and a black breasted buzzard—one of only two species in the world which uses rocks to smash open eggs.

A male grey falcon, found only in remote northern WA deserts, is also at the centre, with Eagles Heritage soon to receive two other new and rare tenants—two endangered Kimberley grass owls, which will be part of a captive breeding program.

But while Council's decision was partly due to the prospect of a \$500 increase in rates revenue, operator Phil Pain said the decision, passed unanimously, was also a vote of confidence in the park's work and would secure the park's longer-term future.

He said Council had always strongly supported Eagle's Heritage.

Mr Pain said former Shire clerk Ken Preston and the Council at the time had originally invited Eagle's Heritage to locate in Margaret River after Council became aware Mr Pain was searching for a suitable site in the South West.

"Council has always been extremely good to us and in the whole of Australia it is the only Council we know of which has supported this kind of work," Mr Pain said.

"We pay a minimal lease as it is and are quite happy with the new agreement.

"We look forward to working with Council and the community for at least another 21 years.

"When we first got the site it had been logged and burned and while we still do mosaic burning, we have found that through tree planting and looking after the site we have had more mammals and marsupials including bandicoots moving on to the park.

"There were 33 species of bird recorded over the first year here and there are now up to 55 bird species visiting or living here."

Council extended Eagles Heritage's 10 year lease for another 10 years last April, at a rent of \$1453 annually. But after council realised the property was capable of generating another \$500 in revenue each year by a change to the lease, the lease was revisited.

The lessees will now pay \$1000, plus annual rates of about \$945.



Phil Pain with Reddog, the star attraction at Eagles Heritage.

New lease for raptors

WHILE Reddog, the star resident at Eagles Heritage, was soaring above her enclosure this week, owner Phil Pain was on cloud nine.

The sanctuary has just been granted a 21-year lease by the Augusta-Margaret River Shire Council to enable the centre's staff to continue rehabilitating injured raptors at a bush block near Margaret River.

Reddog, a black kite, regularly entertains and educates visitors to the centre by helping Mr Pain demonstrate the art of falconry.

Mr Pain said this week the council had recognised the importance of the centre's work.

"The decision was passed

unanimously, which means they all understand and appreciate what it is we are trying to do here," he said.

Unlike America, where the bald eagle is protected, the Department of Conservation and Land Management still issues licences to kill Australia's wedge-tail eagles.

The centre takes in between 100 and 300 injured birds of prey each year. They are rehabilitated so that they can return to the wild.

Soon the centre will receive two unusual visitors from the Perth Zoo.

Two Kimberley grass owls, an endangered species, will take part in the centre's captive breeding program to increase their numbers in the wild.

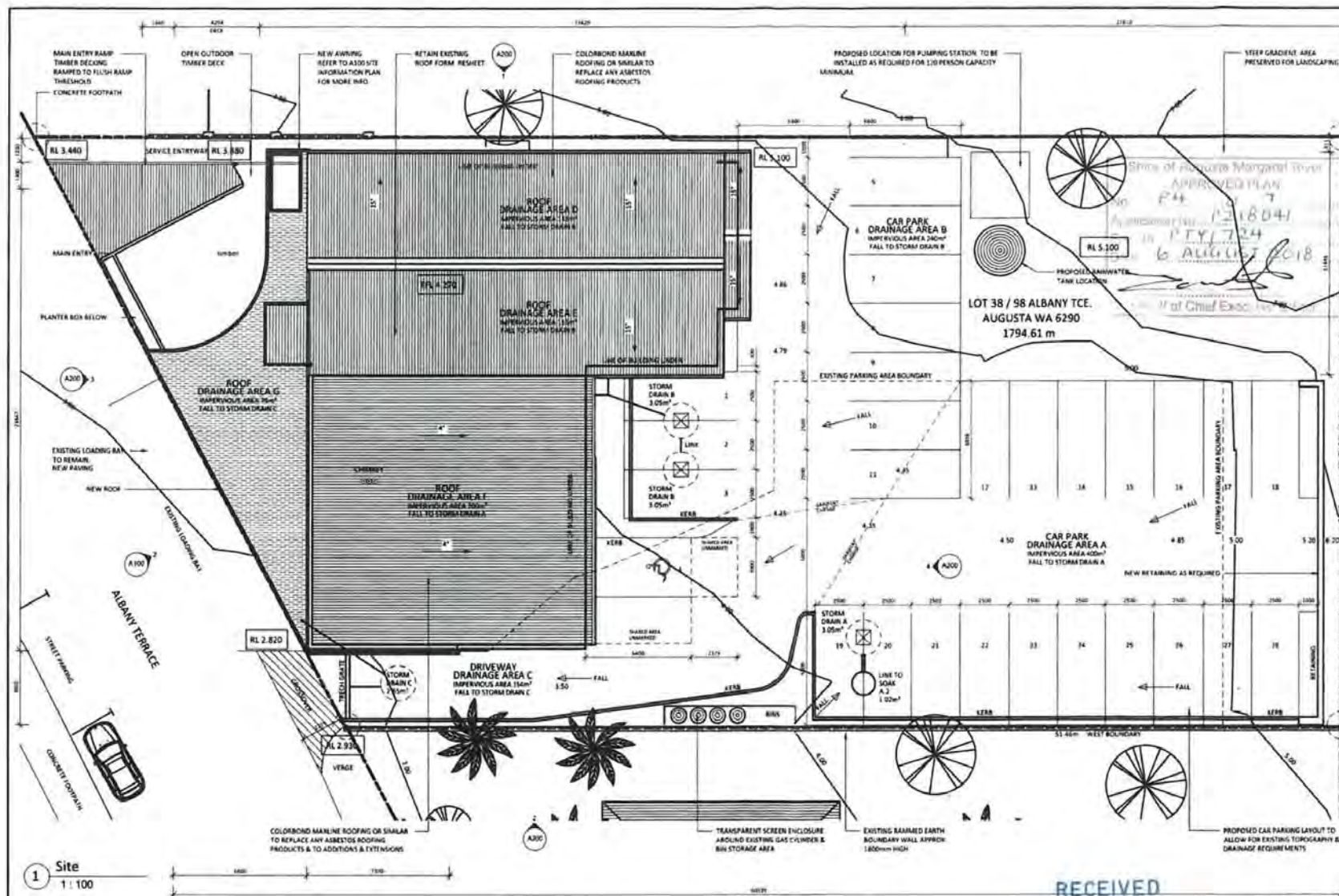
11.2 Sustainable Development

11.2.4 PROPOSED PARTIAL CHANGE OF USE TO SMALL BAR – 98 (LOT 38) ALBANY TERRACE, AUGUSTA

Attachment 1 – Development Plans

Attachment 2 – Schedule of Submissions

Attachment 3 – Questionnaire Summary



1 Site
1:100

Shire of
13 SEP 2018
Augusta Margaret R

NOTE: THE PUMPING STATION WILL ALLOW CONNECTION TO THE NEARBY PERCOLATED SEWAGE IN ACCORDANCE WITH THE BUNBURY WATER CORPORATION.

WALL LEGEND	
[Symbol]	EXISTING WALL
[Symbol]	NEW WALL
[Symbol]	PARAPET WALL
[Symbol]	DEMOLISHED ITEMS

LEGEND			
PFL	FINISHED FLOOR LEVEL	FW	EXISTING WINDOW
RL	RELATIVE LEVEL	W	WINDOW
POL	FINISHED DECK LEVEL	FD	EXISTING DOOR
CLN	CLEANER	D	DOOR
USA	GROSS BUILDING AREA	K	KITCHENETTE



Consultant
Address
Phone
Mob
e-mail

DRAWINGS NOT FOR CONSTRUCTION

Project Address:
Lot 38 / 98 Albany Terrace,
Augusta WA 6290

No.	Description	Date
A	Development Application	12/03/2018
C	Development Application	12/07/2018
D	Revised layout	26/07/2018

Client:
Steve & Carol Wall

Project:
98 Albany Terrace

Drawing:
ROOFING & PARKING PLAN

Project number: 1701
Date: 26/07/18
Drawn by: AB
Checked by:
Issue: Rev D
Development Approval

A100

Scale @ A1 1:100

RECEIVED

17 JUL 2018





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GRADUATE ARCHITECT
WITH

ANDREW T BOYNE
ARCHITECT

Consultant
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**DRAWINGS NOT FOR
CONSTRUCTION**

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Project Address:
Lot 38 / 98 Albany Terrace
Augusta WA 6290

No.	Description	Date
A	Development Application	12/03/2018
D	Development Application	12/07/2018

Client:
Steve & Carol Wall

Project:
98 Albany Terrace

Drawing:
**PLAN - GROUND
FLOOR**

Project number: 1701

Date: 12/07/18

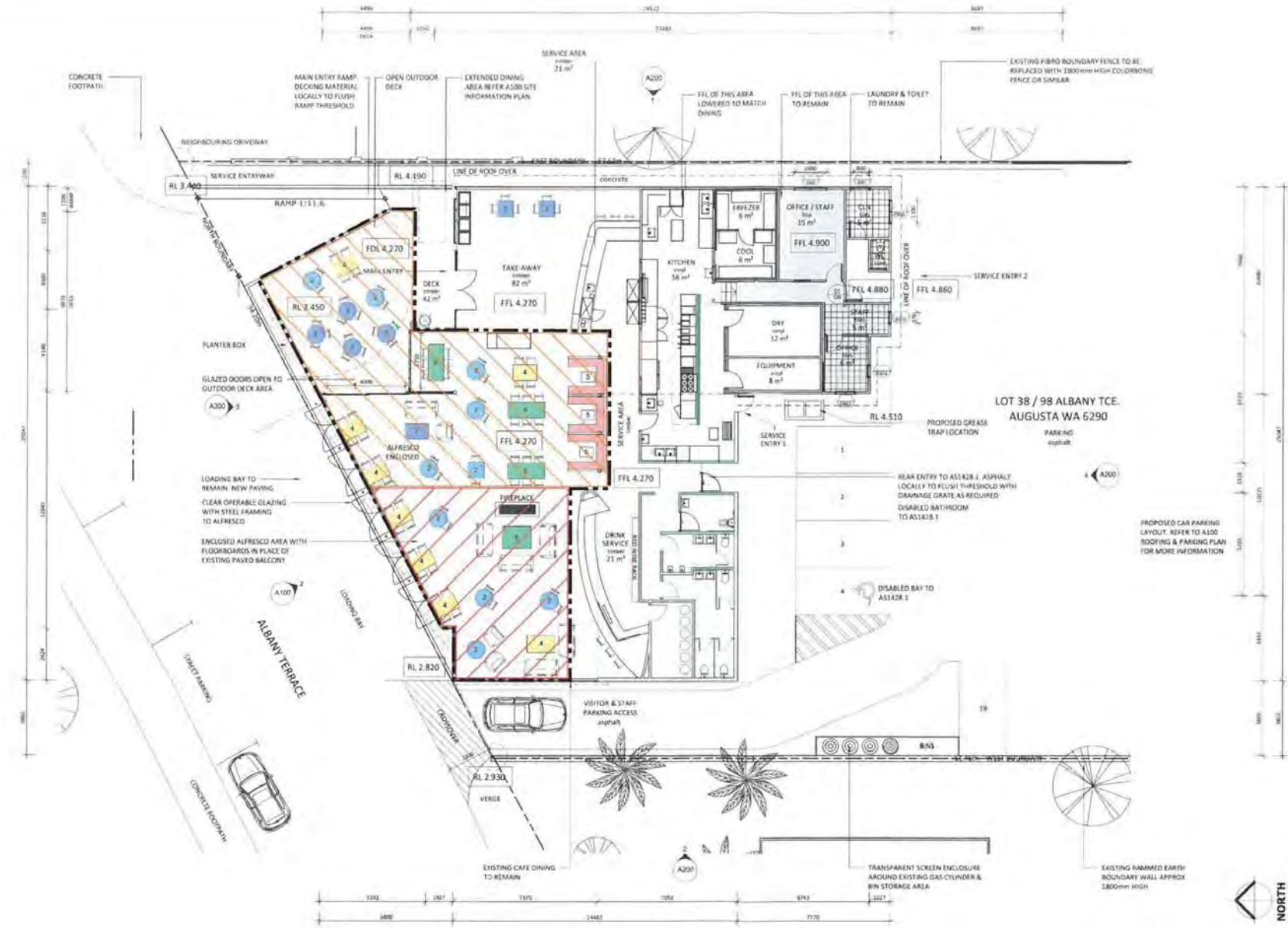
Drawn by: AB

Checked by:

Issue: Rev D
Development Approval

A101

Scale @ A1 1:100



1 Ground Floor
1:100

TOTAL GBA
ONLY AREA
PLOT SIZE

443m²
42m²
178m²

Shire of

13 SEP 2018

Augusta Margaret River

- Small Bar Seating Area (72m²)
- Café Restaurant Seating Area
- Small Bar Service Area

NOTE: THE PUMPING STATION WILL
ALLOW CONNECTION TO THE NEARBY
REGULATED SEWAGE IN ACCORDANCE
WITH THE SUBURBAN WATER
CORPORATION

WALL LEGEND	SEATING LEGEND	LEGEND
EXISTING WALL	20 DECK AREA	FEL FINISHED FLOOR LEVEL
NEW WALL	31 ALFRESCO	RL RELATIVE LEVEL
PARAPET WALL	54 INSIDE DINING	FDE FINISHED DECK LEVEL
DEMOLISHED ITEMS	15 BOOTHS	CLN CLEANER
	120 TOTAL	GBA GROSS BUILDING AREA
		E EXISTING WINDOW
		W WINDOW
		FD EXISTING DOOR
		D DOOR
		K KITCHENETTE

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
Support				
1.	Private Submitter	1. Excited the Colourpatch Café is undergoing renovation and becoming a small bar. 2. Pleased to have a family friendly bar that will be a great location to meet up with friends and take visitors. 3. Augusta is in need of the style of venue that is proposed. 4. Will enhance Augusta and attract more visitors to town. 5. Be able to enjoy a drink, relax and appreciate the atmosphere at the Colourpatch bar. 6. Can't think of any negative effects from this proposal. 7. The proposal will be an important role to play in ensuring the tourists visiting have an enjoyable and entertaining experience. Currently there are no quality licensed venues available in town. 8. Proposal will improve the Augusta experience.	Noted.	Nil.
2.	Private Submitter	1. Augusta will benefit from the proposal. 2. Alternate eating house (Augusta needs a fine dining facility). 3. Tourist attraction to add to the reputation of the Colourpatch which is an underutilised site. 4. Can envisage no downside.	Noted.	Nil.
3.	Private Submitter	Support – no comments	Noted.	Nil.
4.	Private Submitter	1. Supports the application. 2. Augusta has been held back for far too long, time to move into the 21 st Century.	Noted.	Nil.
5.	Private Submitter	Support – no comments	Noted.	Nil.
6.	Private Submitter	1. Support proposal which we believe will enhance existing premises and draw tourists. 2. Support local enterprise and should raise	Noted.	Nil.

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
		the profile of Augusta. 3. May provide a few jobs.		
7.	Private Submitter	Support – no comments	Noted.	Nil.
8.	Private Submitter	<p>Supports redevelopment but won't have opportunity to view plans before 27 November but provide the following:</p> <ol style="list-style-type: none"> 1. Believe it will be in the local community's interest to ensure that the design was complementary to the location and purpose and use materials/colours sympathetic to the river surrounds. 2. Preserve some external structures to retain its historic identity and local point of reference 'Colourpatch'. 3. Colourpatch has been accommodating the elderly residents of the Augusta Lodge and it would be appropriate to consult with them to ensure their needs are catered for i.e. building access, wet area facilities and wheelchair ramp. 4. The application will enable more community groups to access the facility for functions. 5. The relocation of the 'cut' has meant the dog beach terminates at the river mouth park, which makes the area popular with dog walkers. Suggest the design include sufficient and well designed exterior areas to enable dog owners to sit outside with pets. An externally facing "Coffee Window" is a simple way to enable a dog owner travelling solo to keep their dog safe and buy a coffee. 6. The site is also the location for major local 	<p>Noted.</p> <p>The approved renovations are to be clad in painted weatherboard. The development site is not located within a Visual Management Area accordingly the Shire does not ordinarily apply controls on the colours/finishes in such cases.</p> <p>The alterations largely relate to the streetscape elevation of the building, meaning some reference points may have been removed.</p> <p>A ramp has been retained at the front and level entry is located adjacent to a universal access bay provided at the rear of the premises.</p> <p>This would be at the discretion of the owner.</p> <p>The design has been finalised as a part of the previous application, but this may be difficult to achieve owing to the difference between the FFL of the restaurant and adjacent road reserve.</p> <p>Noted.</p>	Noted.

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
		<p>events.</p> <p>7. Shire toilets at Colourpath vary in capability depending on demand from different events. While specific events are generally addressed by portable toilets this solution is an eye sore. Perhaps thought could be given by Shire to, in conjunction with current Colourpatch application, to adequacy of these facilities and ensure the Colourpatch design is accommodating of some additional capacity the Shire plan an upgrade to existing facilities.</p>	<p>This matter is considered to be outside the scope of the current application. It is not the responsibility for commercial premises to provide toilet facilities for events organised by a third party.</p>	
9.	Private Submitter	<p>1. Augusta is in need for places where a decent meal and drink can be had in scenic surrounds.</p> <p>2. The site has been a disappointment for years and its re-development will be great for Augusta.</p> <p>3. Don't feel it will inconvenience neighbours in any material way (we are a neighbour).</p>		
10.	Private Submitter	<p>1. Augusta is in need of more good hospitality venues.</p> <p>2. Site has been under used for many years.</p> <p>3. Don't anticipate any negative effects on the amenity of the river front or the neighbours.</p>		
11.	Private Submitter	<p>1. Looked at plans and feel that as long as the bar is utilised wisely it would be a good use of premises and enabling use all year round.</p> <p>2. Great attraction to add to Augusta's delights.</p>		
12.	Private Submitter	<p>1. Strongly support the proposal</p> <p>2. Prospect of a casual/family friendly venue is exciting and will be good value and a relaxed facility. Great place to take visitors as there are no other licensed venues in town other than the pub.</p> <p>3. Augusta is overdue and in serious need of this kind of venue.</p>		

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
		<p>4. If Augusta is to become more than a retirement home for the elderly a variety and more options for entertainment are required.</p> <p>5. Don't expect the proposal will cause any material health problems or disturbance.</p> <p>6. Can't think of any negative effects of the proposal.</p> <p>7. Having been a resident of Augusta for sometime we appreciate many residents in Augusta are resistant to change and will often complain about new developments regardless of potential value to the town and this is not a valid basis to reject this application.</p> <p>8. Colourpatch will have an important role to play in ensuring that the tourists visiting have an enjoyable and entertaining experience. Colourpatch Café will offer a unique experience compared to existing licensed businesses.</p>		
13.	Private Submitter	<p>1. We live close to this site and see little impact on our lifestyle.</p> <p>2. Augusta desperately needs this development.</p>		
Object				
A.	Private Submitter	<p>1. Shire has already placed a limit of 120 persons on the proposed licensed premises at one time. Equates to 2 persons per vehicle. These vehicles will be parked at the premises or near vicinity causing much traffic congestion.</p> <p>2. Colourpatch is located on a "Blind Bend". The location is therefore a bad mix for drivers who have been drinking at the Colourpath and general driving public traversing Albany Terrace.</p>	<p>Refer to the Planning Framework section of the report. The proposal is compliant from a parking perspective.</p> <p>Noted. The Small Bar use will not generate additional traffic to that previously approved. The applications for renovations were referred to the Shires Engineering division who did not raise concerns on this matter.</p>	

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION
		<p>3. Colourpath and Turner Street Jetty are known far and wide as “Family Area” set aside for swimming and fishing, BBQ area for families and in my view does not equate for a licence premises in its midst.</p> <p>4. It's a residential area with homes being built for families with no thought being given to a liquor licence in its midst.</p>	<p>As discussed in the report, it is considered that the venue will increase activity and passive surveillance in this area that is a positive outcome.</p> <p>Refer to comment section of the report.</p>	
B.	Private Submitter	<p>1. If small bar is part of a restaurant serving meals only, close by 10, no live music or dancing and that would be OK.</p> <p>2. However, any other type of license will destroy the historic amenity of the foreshore as a family part and wildlife habitat.</p> <p>3. Such a bar would create obnoxious noise, parking problems, bring potentially violent behaviour, crime and ruin lives of people living on Turner Street and visitors in the Caravan Park.</p>		
C.	Private Submitter	<p>1. Albany Terrace is one of the most picturesque parts of Augusta. People of all ages enjoy the foreshore.</p> <p>2. Understand value of restaurant patrons enjoying a glass during their meal. Not opposed to the restaurant having a liquor license but no live music or extended hours. However, a liquor bar is more like a tavern.</p> <p>3. Noise and traffic would increase and its realistic to assume that public drunkenness would too.</p> <p>4. Would damage the character of the area and its public safety.</p>		

SCHEDULE OF SUBMISSIONS – P218575
Proposed Partial Change of Use to Small Bar – 98 (Lot 38) Albany Terrace, Augusta

SUB-MISSION NO.	SUBMITTER (Name & Address)	SUMMARY OF COMMENTS	OFFICER COMMENT	RECOMMENDATION



Summary of results of questionnaires – Colourpatch Café

41 people completed a questionnaire.

Questionnaire participants' information

Participants were invited to provide their age and residential suburb.

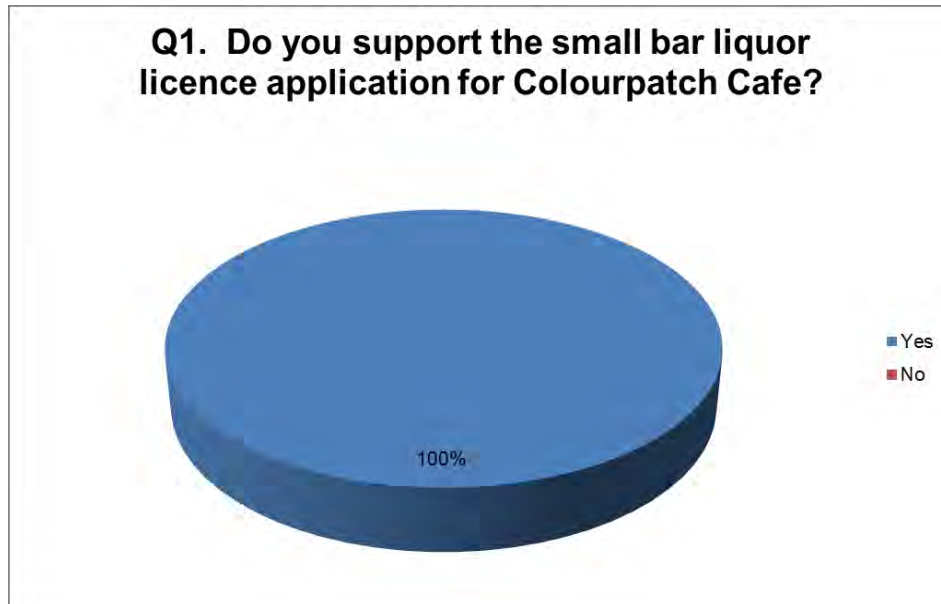
- 1 Four participants did not disclose their age.¹ Out of the 37 that did:
 - 1.1 25 are aged 60 years or older (that is, 67.6%).
 - 1.2 11 participants are aged between 45 and 59 years old.
 - 1.3 Only one participant is aged 30 years or younger (23 years old, Q#6, C Williams)
- 2 The average age of the 37 participants who disclosed their age is **62 years old**. This is somewhat indicative of the likely demographic that Colourpatch Café will attract.
- 3 Three participants did not disclose their residential suburb.² Out of the 38 that did:
 - 3.1 31 live in Augusta. (That is, 81.6%)
 - 3.2 Three live in Flinders Bay, which is in the same local government area.
 - 3.3 Four others live in the metropolitan WA – East Fremantle, Scarborough and Subiaco.

¹ This includes the questionnaire completed by the Augusta Chamber of Commerce.

² Ibid

Questionnaire responses

Q1. Do you support the small bar liquor licence application for Colourpatch Café?

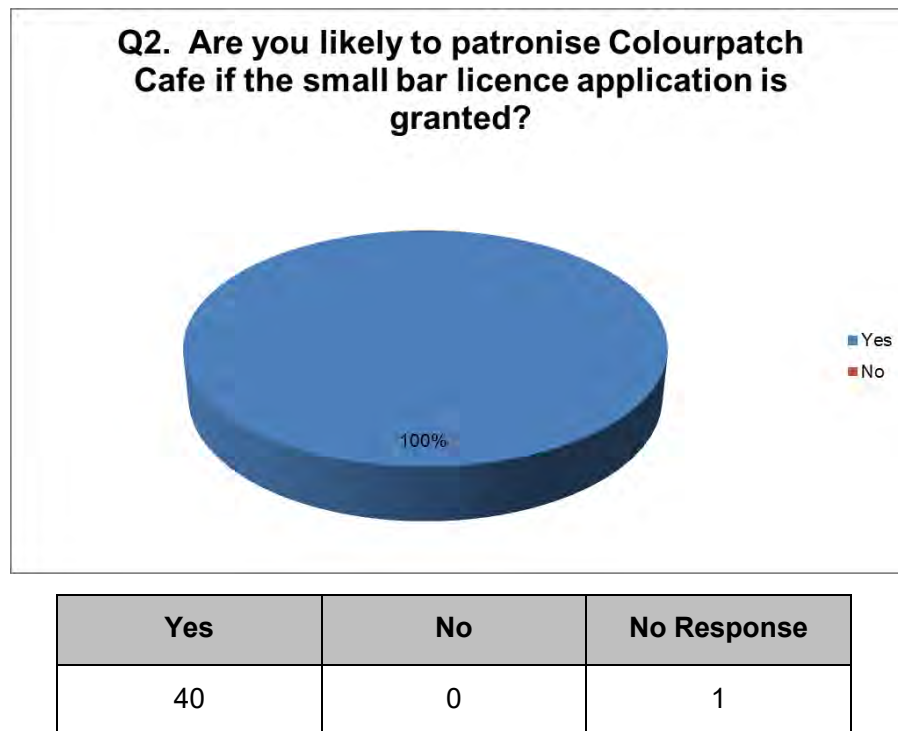


100% of participants ticked **Yes**. Supporting comments include:

- "It is in a superb location to meet with a small group and enjoy a glass of wine on the waterfront." (Q#1, A Fandry)
- "It will provide a quality food/beverage facility with river views – something very much missing in Augusta." (Q#2, A de Gruchy)
- "Augusta needs variety of premises for entertainment & socialising" (Q#4, B Adams)
- "There is very little diversity in food and beverage options in Augusta at the moment" (Q#5, B Evans)
- "I do not like the other licensed venues in town. The meals are over priced and average quality. I would support a small bar because it is something different" (Q#6, C Williams)
- "Because not all the time do you want to have a meal, this enables you to have a quiet drink in an intimate bar" (Q#7, D Williams)
- "Great idea and good for the town" (Q#10, E Hannon)
- "A licensed bar/restaurant would provide another option in this terribly underserved area" (Q#12, E Fraunschiel)
- "This is a beautiful location and it's a great waste not to use it as much as possible" (Q#13, G Shearwood)
- "There is a real need for such a facility in the area" (Q#14, I Cochrane)

- “Another option of dining and socialising in Augusta for locals and tourists” (Q#16, J Thom)
- “We need more choices of where to dine and socialise” (Q#17, J Adams)
- “Limited liquor licences in Augusta...” (Q#18, J Butcher)
- “Augusta needs a social hub in the rivermouth region” (Q#19, J Williams)
- “Augusta has a shortage of upmarket eateries and bars, and if done well it will encourage visitors to Augusta” (Q#21, M Woolcock)
- “The café is in a prime tourism location and is zoned town centre. It is easily accessible by foot from both caravan parks and has the necessary parking capacity as well as additional parking in the surrounding location.” (Q#22, M Smart)
- “I think this will be a great addition for dining options in Augusta” (Q#27, R Clarke)
- “We are always keen to find a place in Augusta for a quiet drink with a view and some atmosphere” (Q#28, R Kelsall)
- “It will provide a much needed facility for the town and critically for tourist and visitors” (Q#32, T Liddell)
- “Augusta desperately needs something like this” (Q#33, W Tunbridge)
- “To give all an alternative that doesn’t exist at the moment. It is very valuable to a community to have a place for people to relax and enjoy the surroundings, friends and family” (Q#34, E Lindsay)
- “I believe it will add to the amenity of the area for locals and visitors” (Q#35, A Lindsay)
- “Provide a good quality dining and social facility in a great location. Encourage tourism” (Q#36, J Biss)
- “It will be a welcomed addition to the Augusta scene” (Q#37, A Dawnes)
- “There is no facilities like this in our area + it will be an asset to the town” (Q#39, B Gillam)
- “This initiative will be great for both the locals and visitors to the town” (Q#40, C Norris)
- “It will bring social life to this remote corner of the township” (Q#41, D Shine)

Q2. Are you likely to patronise Colourpatch Café if the small bar licence application is granted?



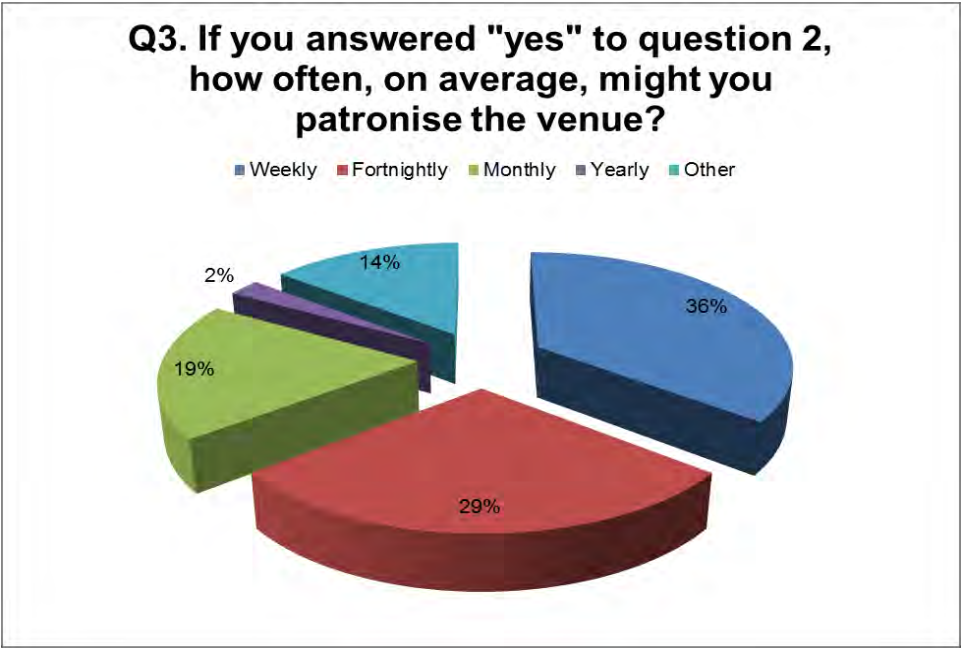
Only one participant (Q#38, August Chamber of Commerce) did not respond. However it provided the following supporting comment: "It was felt all would patronise the café at different times for various reasons."

100% of the other participants who did respond ticked **Yes**. Supporting comments include:

- "It is within close walking distance of home and has the best water views." (Q#1, A Fandry)
- "I am a regular visitor to the current café and will use it even more if upgraded to offer more services" (Q#2, A de Gruchy)
- "This is a style of entertainment that I currently travel outside of town to enjoy" (Q#5, B Evans)
- "I like a small intimate setting with a great menu and a good list of alcoholic choices" (Q#6, C Williams)
- "To be able to have a beer or a lovely glass of WA cab/sav in what must be one of the most beautiful settings" (Q#7, D Williams)
- "Waterfront dining and a drink – sounds great!" (Q#10, E Hannon)
- "To enjoy the view and the experience" (Q#14, I Cochrane)
- "It offers a very much needed service in Augusta" (Q#15, J Williams)

- “Convenient to our home address, beautiful location” (Q#16, J Thom)
- “I am just down the street and don’t like going to the Hotel” (Q#17, J Adams)
- “I like the location and view. It is walking distance from my house” (Q#20, L Wilson)
- “It has a lovely location, and it would be a great spot to have a drink or dinner” (Q#21, M Woolcock)
- “There is a shortage of this type of facility within Augusta” (Q#22, M Smart)
- “Great to sit with a glass of wine & look at that fabulous view!” (Q#25, P Higginson)
- “To enjoy liquor in a small bar environment with friends and with a meal in a restaurant in a beautiful riverside location” (Q#32, T Liddell)
- “Because there is nowhere else to go with decent/food drink except Glenarty Road winery and that is only daytime.” (Q#33, W Tunbridge)
- “It is a top site for WA. The licence will add and give people a reason to enjoy this world class site.” (Q#34, E Lindsay)
- “A great alternative wining and dining option” (Q#35, A Lindsay)
- “A good location to relax with friends or celebrate an event, eg birthdays” (Q#36, J Biss)
- “To enjoy a superb location that has both good service, food and drink” (Q#37, A Dawnes)
- “Fantastic location; currently no service like this available” (Q #40, C Norris)
- “As my retiree residence is in York Street, 700m away” (Q#41, D Shine)

Q3. If you answered “yes” to question 2, how often, on average, might you patronise the venue?



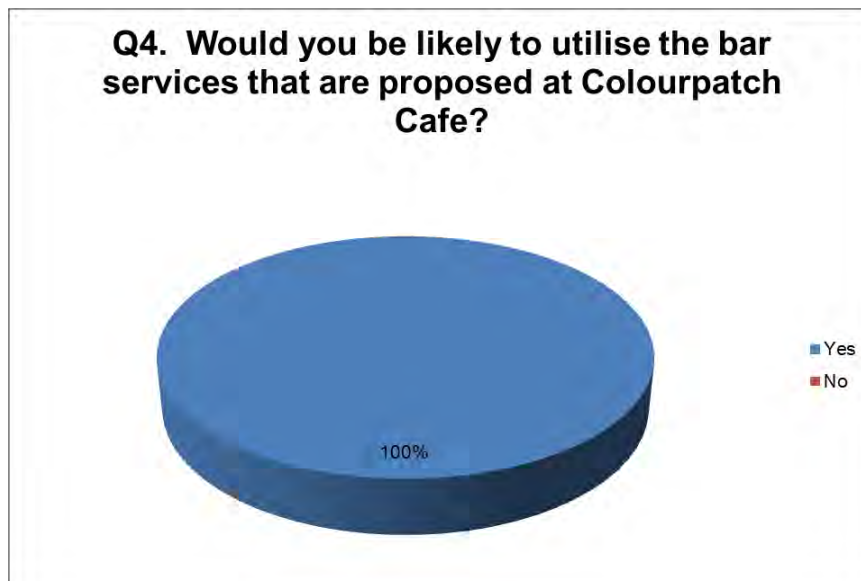
Weekly	Fortnightly	Monthly	Yearly	Other
15*	12*	8	1	6**

*One participant ticked **Weekly** and **Fortnightly**: Q#16, J Thom)

Those who answered **Other commented:

- “Whenever spending time at our house in Flinders Bay”
- “Holiday family”
- “As often as we are in Augusta (several times a year)”
- “Monthly-ish”
- “3 – 10 times a year”
- “Quarterly”

Q4. Would you be likely to utilise the bar services that are proposed at Colourpatch Café?

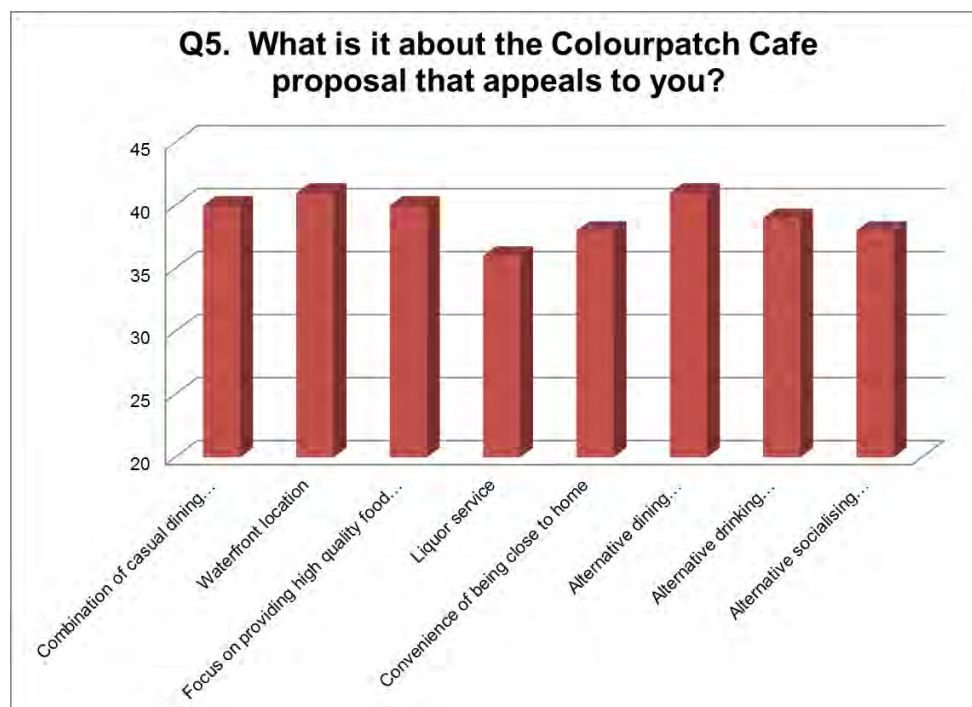


100% of participants ticked **Yes**. Supporting comments include:

- “It would be the only bar within easy walking distance of home” (Q#1, A Fandry)
- “A small/intimate setting to enjoy quality food & beverage with a great view of the Blackwood” (Q#2, A de Gruchy)
- “To meet friends, have a meal, socialise” (Q#4, B Adams)
- “I enjoy trying new and interesting wine lists” (Q#5, B Evans)
- “Who wouldn’t have a beer at the bar in front of the Blackwood River” (Q#6, C Williams)
- “We visit Margaret River regularly and we would make the trip to Augusta if such a lovely café like this was there” (Q#7, D Williams)
- “A beautiful place for a social gathering” (Q#9, D Ellis)
- “Definitely, we can enjoy a drink, meal, safely walk home” (Q#16, J Thom)
- “Beautiful location and ambience” (Q#19, J Williams)
- “It would be nice to sit with a cocktail and look out at the view” (Q#21, M Woolcock)
- “It would be a great location to meet with friends and enjoy the stunning location” (Q#22, M Smart)
- “To enjoy a drink with friends in an intimate environment in a beautiful waterfront location” (Q#32, T Liddell)
- “It is a beautiful position and on a lovely place to sit and relax.” (Q#33, W Tunbridge)

- “To have a worthwhile place to meet and catch up will ensure us enjoy the services” (Q#34, E Lindsay)
- “It will be a great place to meet friends for a drink and enjoy the view” (Q#35, A Lindsay)
- “Local facility to have a drink with friends – great views, no need to drive” (Q#36, J Biss)
- “An upmarket alternative without losing the Augusta appeal or ambience” (Q#37, A Dawnes)
- “We currently only have 1 option in town for this type of service” (Q #40, C Norris)
- “I am a social person who enjoys company in an ambivalent state. Also the location/scenery supports good vibes!!!” (Q#41, D Shine)

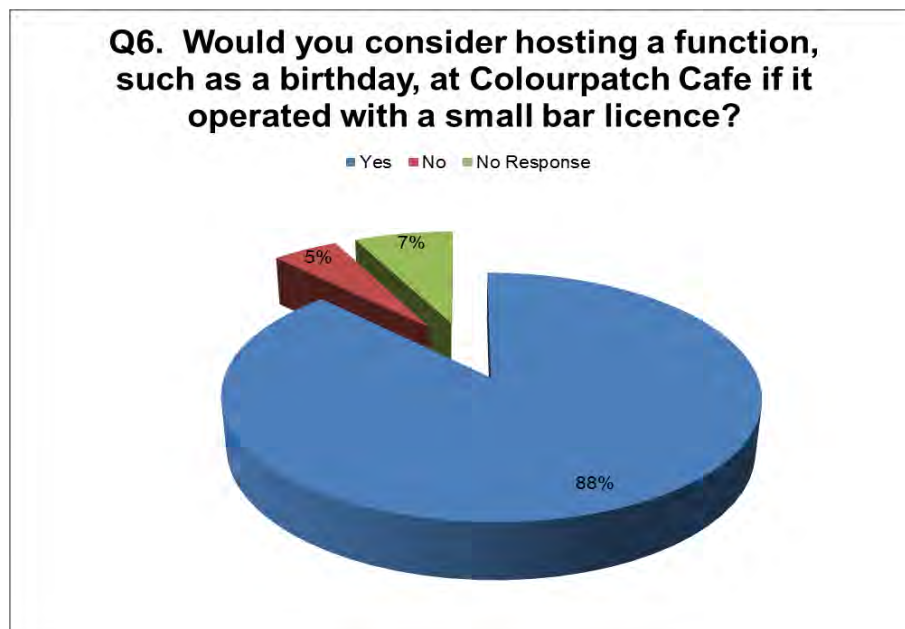
Q5. What is it about the Colourpatch Café proposal that appeals to you? (You may select more than one answer)



Combination of casual dining, restaurant and bar styles in one location	40
Waterfront location	41
Focus on providing high quality with a focus on local produce	40

Liquor service	36
Convenience of being close to home	38
Being an alternative choice for dining in Augusta	41
Being an alternative choice for drinking in Augusta	39
Being an alternative choice for socialising in Augusta	38

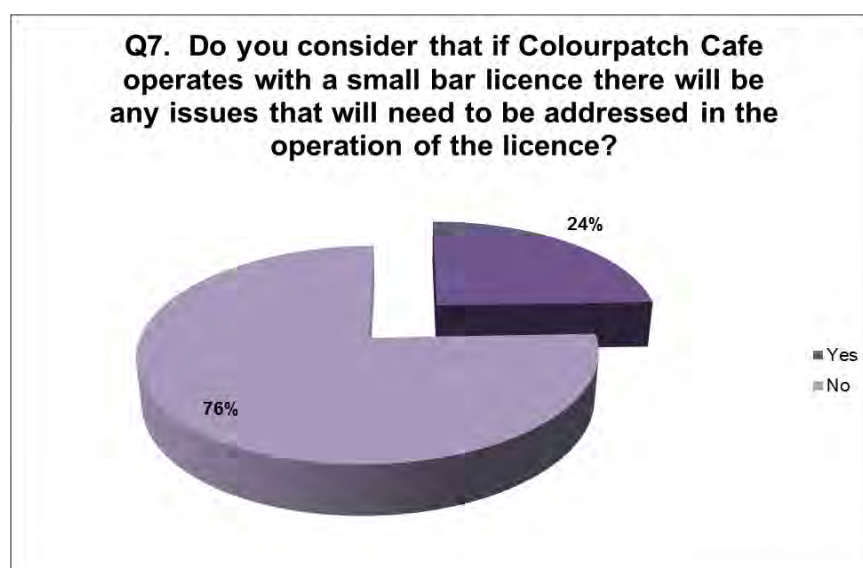
Q6. Would you consider hosting a function, such as a birthday, at Colourpatch Café if it operated with a small bar licence?



Yes	No	No Response
36	2	3*

*Three did not respond, but two provided comments. One participant (Q#3, B Muir) wrote "Maybe". The other participant (Q#15, J Williams) wrote "Probably not but family will definitely do so".

Q7. Do you consider that if Colourpatch Café operates with a small bar licence there will be any issues that will need to be addressed in the operation of the licence?



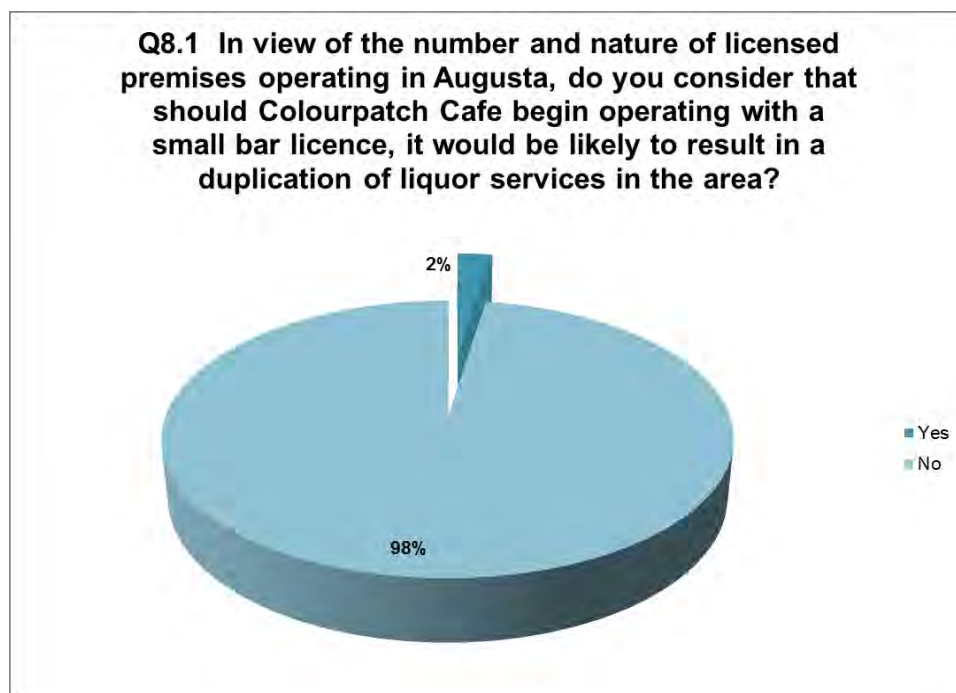
Yes	No
10*	31

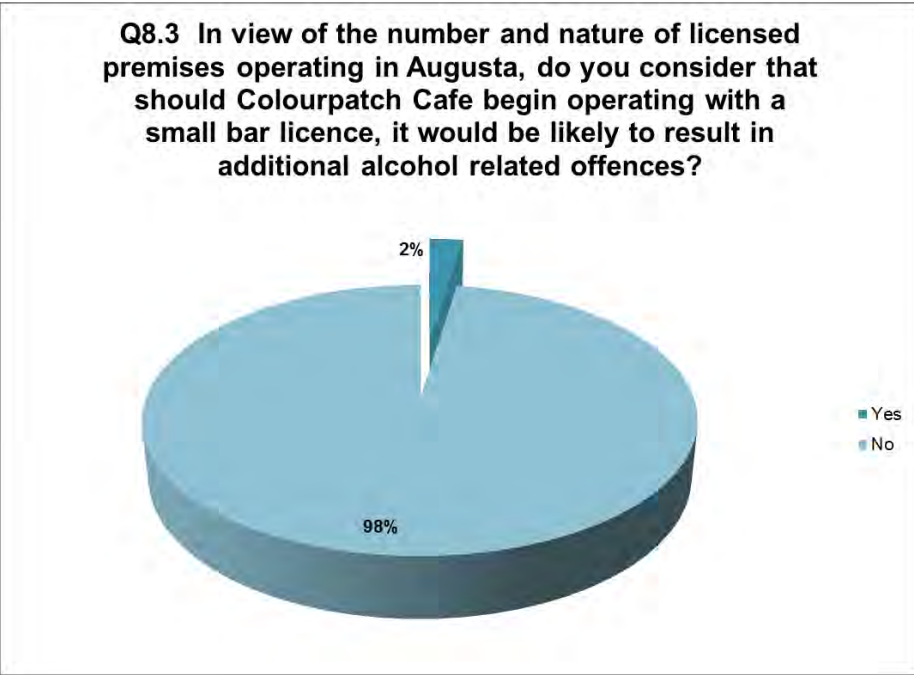
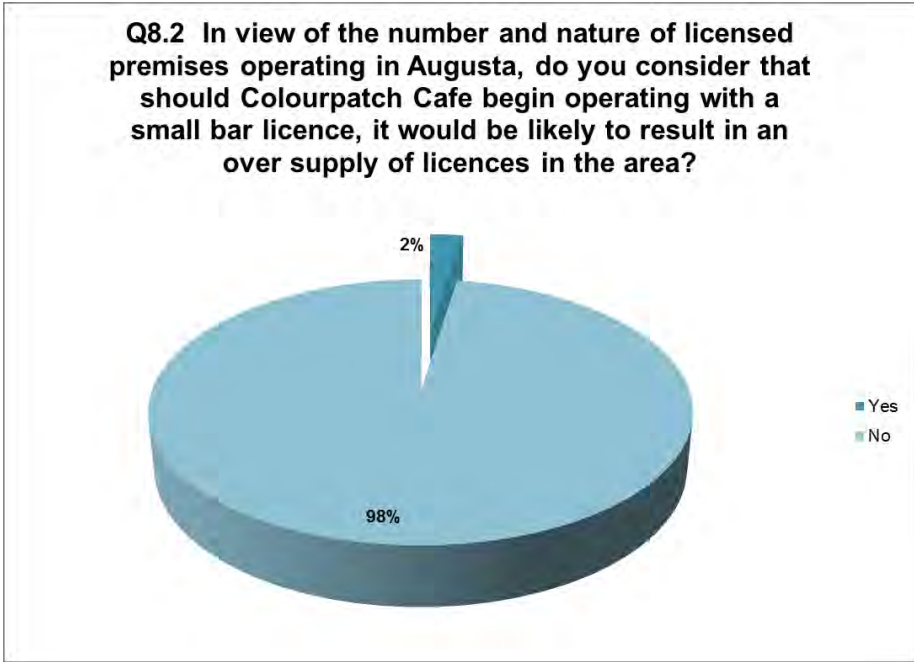
The 10 participants who ticked **Yes** provided the following comments to explain their answer:

- “Low chance of alcohol related anti social behaviour” (Q#10, E Hannon)
- “There should be a good separation from the unlicensed fish & chip/takeaway area. Also, a reasonable standard of dress would be desirable” (Q#12, E Fraunschiel)
- “Talk to the neighbours eg re – closing time & noise” (Q#13, G Shearwood)
- “Must be encouraged to kept ‘family friendly’ safe environment” (Q#16, J Thom)
- “Possible need for extra car parking facility” (Q#19, J Williams)
- “Encourage reasonable drinking habits as dangers of near water” (Q#23, M Jackson)
- “Due to popularity – more wining/dining access” (Q#30, S Beilken)
- “Parking may need to be extended eg along Albany Tce to the south” (Q#32, T Liddell)
- “Recommend patrons can BYO with meal. Encourage parking on rear” (Q#36, Jim Biss)
- “Crowd control if over booked / oversized gathering (anti social behaivour) (Q#41, D Shine)

Q8. *In view of the number and nature of licensed premises operating in Augusta, do you consider that should Colourpatch Café begin operating with a small bar licence, it would be likely to result in....:*

		Yes	No	No Response
8.1	a duplication of liquor services in the area?	1	40	0
8.2	an over supply of licences in the area?	0	41	0
8.3	additional alcohol related offences?	2*	37	2**



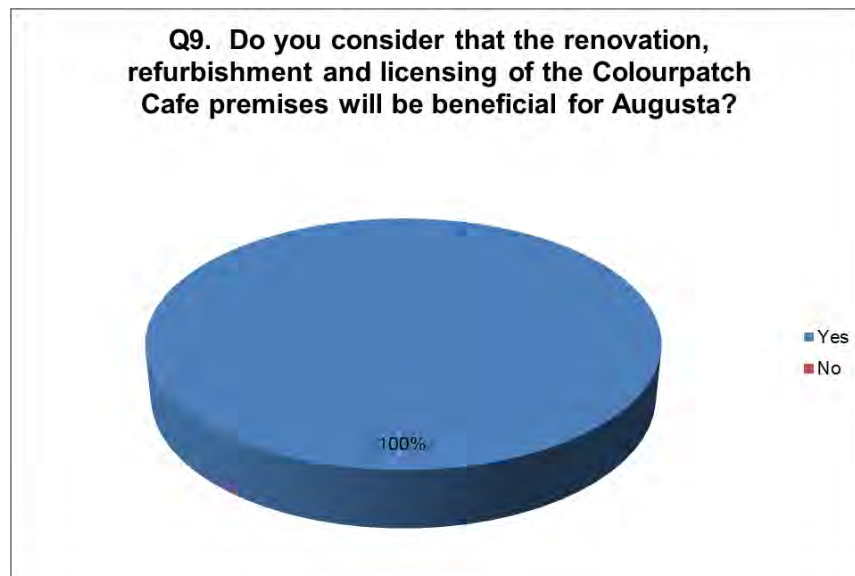


*One of the participants (Q#41, D Shine) wrote on the side “Particularly high visitor periods”.

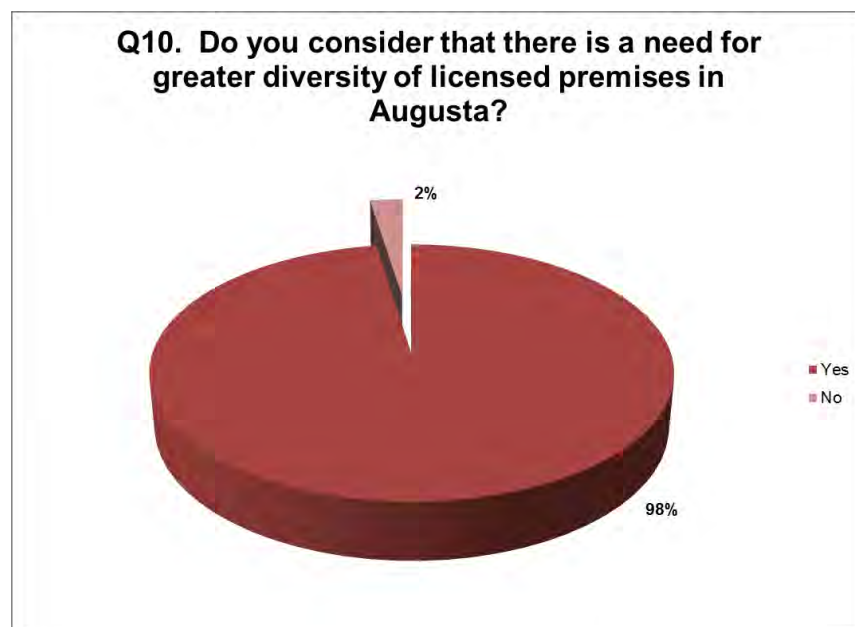
**One of the participants (Q#30, S Beilken) who did not respond, wrote on the side “(Not necessarily)”.

Q9. Do you consider that the renovation, refurbishment and licensing of the Colourpatch Café premises will be beneficial for Augusta?

100% of participants ticked **Yes**.



Q10. Do you consider that there is a need for greater diversity of licensed premises in Augusta?

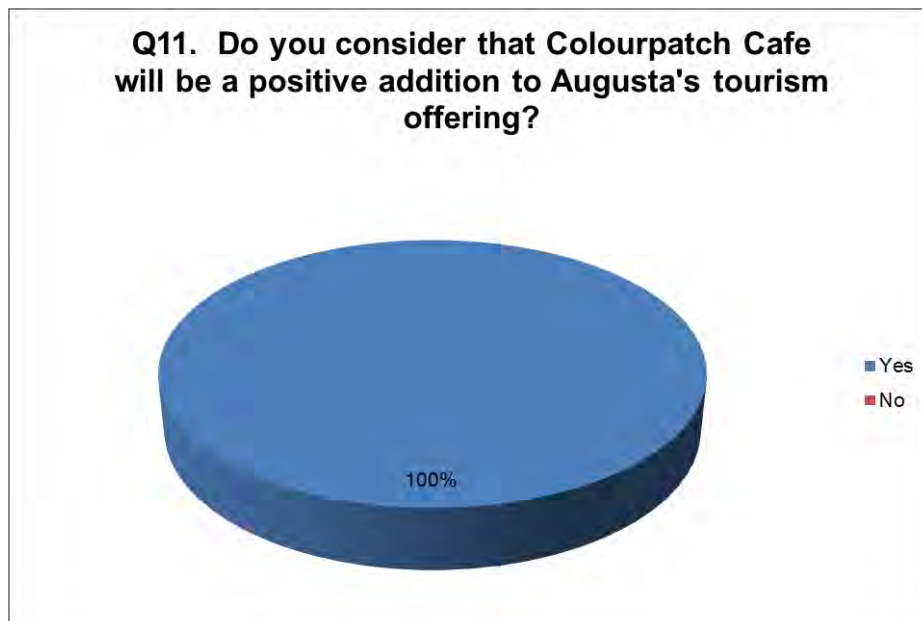


All but one participant ticked **Yes**. That one participant that ticked **No** (Q#41, D Shine) wrote on the side "Not if this application is successful".

Yes	No	No Response
40	1	0

Q11. Do you consider that Colourpatch Café will be a positive addition to Augusta's tourism offering?

100% of participants ticked **Yes**.



Q12. Please feel free to add any other comments regarding the Colourpatch café small bar licence proposal:

- "The Colourpatch Café is in an iconic location for both tourists and locals and it will benefit our small town in attracting more tourism, which the town relies on so heavily to exist." (Q#1, A Fandry)
- "It will provide quality food/beverage services for families who enjoy the popular river beach. It will provide a service for Blackwood [River] boaters as well as tourists." (Q#2, A de Gruchy)
- "The proposal will meet a strong demand for diversity in both food and beverage" (Q#5, B Evans)
- "Augusta needs something like this. Whilst we love visiting friends who holiday/live there, we do not frequent current establishments. Colourpatch would be a huge asset to Augusta!" (Q#7, D Williams)
- "Love everything about the concept!!" (Q#10, E Hannon)

- “Augusta is “crying out” for a facility such as this. Nothing south of Margaret River!” (Q#11, E Williams)
- “I think this is a great enterprise and one that can only benefit tourism and the people of Augusta – especially holiday makers” (Q#15, J Williams)
- “Bring it on. The town needs this” (Q#17, J Adams)
- “Augusta needs more attractions. The small, relaxed and different areas is a good model. There is also the need for more places to dine out. They are limited” (Q#18, J Butcher)
- “Augusta is a beautiful town, and it is important to encourage enterprises that will enhance it’s (sic) attraction to locals and visitors, and if this project is done well it should have that effect” (Q#21, M Woolcock)
- “I welcome this proposal and look forward to it becoming a reality” (Q#27, R Clarke)
- “Augusta needs more food + beverage options desperately! Build it and the crowds will come from far + wide!” (Q#28, R Kelsall)
- “I think this is an ongoing concept and cannot wait until it is completed” (Q#29, R Muir)
- “The refurbishment is a long overdue and welcomed facility and attraction to Augusta” (Q#30, S Beilken)
- “A facility such as this is long overdue in Augusta. Not since the (gold plated) Colonial resto have Augusta residents been able to enjoy fine dining” (Q#31, Tom Williams)
- “As a resident and owner of a holiday rental business, Augusta is desperately in need of an alternative licensed dining option. The Colour Patch Café will add to the attraction of Augusta for both resident and visitor” (Q#35, A Lindsay)
- “This type of facility has been sorely lacking in Augusta for a long time. Locals and tourists frequently desire a more relaxed and convivial atmosphere than a hotel and the proposed facility will provide this. It will be a boom for tourism which is such a critical aspect of the Augusta economy” (Q#32, T Liddell)
- “The liquor licence and upgrade of the Colourpatch Café is welcomed by all” (Q #38, Augusta Chamber of Commerce)

11.2 Sustainable Development

11.2.5 LOCAL LAW DETERMINATION IN RELATION TO WALLCLIFFE CLIFFS AND RIVER

Attachment 1 – Permits – Bushtucker Tours, Josh Palmateer Academy,
Outdoor Discoveries

Attachment 2 – Helen Lee Submission 19 March 2018

Attachment 3 – Determination

Attachment 4 – Fence costing and proposed placement

Attachment 5 – Sign costing and proposed placement



Reference No: P215641
File No: RES/41545 ECD/22
Enquiries: Emma Rogers

11 December 2015

Helen Lee
Bushtucker Tours
PO Box 479
MARGARET RIVER WA 6285

Dear Ms Lee

RE EXPRESSIONS OF INTEREST FOR PERMIT TO OPERATE AN ECO-TOUR / WATER-CRAFT HIRE AT THE RIVERMOUTH WITHIN RESERVE 41545

The Shire of Augusta Margaret River is pleased to advise the Expression of Interest to conduct eco-tours / water-craft hire at the Rivermouth submitted by Bushtucker Tours has been awarded under the delegated authority of Council subject to conditions.

Please find enclosed the permit to conduct the approved activity from 17 December 2015 to 30 November 2018 at the Rivermouth within Reserve 41545. The annual permit fee for the 2015-2016 period is \$718. Payment options are detailed below.

Please read through the permit conditions and return a signed copy of the permit to the Shire. Please note that the permit will not be valid until payment is received by the Shire, and a signed copy of the permit has been returned.

For further information relating to this permit, please contact the Shire Governance and Permit Officer, Ms Emma Rogers, on (08) 9780 5253 or by emailing erogers@amrshire.wa.gov.au.

Yours sincerely

ILIYA HASTINGS
DIRECTOR SUSTAINABLE DEVELOPMENT

PAYMENT CAN BE MADE IN THE FOLLOWING WAY Application No: P215641

 In Person (Cash, Cheque, EFTPOS) Customer Service Shire Civic Centre 41 Wallcliffe Road Margaret River	 Telephone (Credit Card only – NO Diners or Amex) Customer Service (08) 9780-5255	 Post (Cheque only - made payable to Shire of Augusta-Margaret River) Customer Service Shire of Augusta-Margaret River PO Box 61 MARGARET RIVER WA 6285
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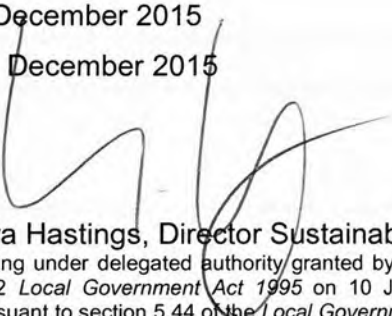
Shire of Augusta Margaret River

Local Government Property Local Law 2013

Permit No. P215641

Helen Lee
Bushtucker Tours
PO Box 479
MARGARET RIVER WA 6285

The application to conduct eco-tours / water-craft hire at the Rivermouth (Reserve 41545) has been approved with the following details and conditions:

Permit Holder	Helen Lee on behalf of Bushtucker Tours
Permit Activity	Canoe eco-tours and canoe hire
Permit Period	17 December 2015 to 30 November 2018
Permit Days and Times	Monday to Sunday 9.30am to 3pm
Permit Area	Rivermouth (Reserve 41545)
Permit Plans	Permit Plan 1,2 in Schedule 1
Application No	P215641
File No	ECD/22, RES/41545
Application Date	4 December 2015
Permit Approval Date	11 December 2015
Approved by	

Iliya Hastings, Director Sustainable Development

Acting under delegated authority granted by the Council to the CEO pursuant to section 5.42 *Local Government Act 1995* on 10 June 2015 and then delegated by the CEO pursuant to section 5.44 of the *Local Government Act 1995* on 10 June 2015.

Note:

This permit to hold a function or activity in or on a Council Reserve, Park or Foreshore does not imply or allow any liability in regard to any accident or injury incurred as a result of the issue of this permit.

This permit to hold a function or activity does not grant the holder exclusive use of the Council Reserve, Park or Foreshore.

CONDITIONS

Principal conditions

1. The Permit Holder is only permitted to:
 - (a) undertake the Permit Activity;
 - (b) during the Permit Days and Times within the Permit Period; and
 - (c) in the Permit Area.
2. This Permit cannot be transferred or assigned unless an application for the transfer of the Permit has been made and approved by the Shire.
3. The Permit Holder must carry a copy of this Permit at all times while undertaking the Permitted Activity and present it to any Shire representative upon demand.
4. The Permitted Activity shall be conducted in accordance with the *Shire of Augusta Margaret River Local Government Property Local Law* and all terms and conditions under this schedule.
5. The Permit Holder shall be responsible for the cost of any damage to, or the cleaning of, the reserve or the road/footpath/car park resulting from the conduct of the Permitted Activity.

Special Conditions

6. The Permit Holder shall provide appropriate waste receptacles and ensure the approved area shall be maintained free of litter at all times. The collection and removal of waste generated by the conduct of permitted activity is the responsibility of the Permit Holder. The Permit Holder shall make provision for removal and disposal of collected waste from the approved location to an approved disposal site at the close of business each day.
7. The Permit Holder shall not park a vehicle on the Reserve except in the area approved by the Shire for the parking of vehicles. Permit Plan 1 marks the designated parking area at the Rivermouth.
8. The Permit Holder shall not occupy more than one (1) car parking bay or the equivalent of one (1) car parking bay for the parking of a vehicle within the Shire's Car Park. The vehicle is to be parked in a direction parallel to the painted lines to best fit within the car parking bay.
9. The Permit Holder shall not deposit or store any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles.
10. No structures temporary or otherwise shall be erected other than those approved by the Shire.
11. All vehicles and equipment (other than those approved by the Shire) shall be removed from the approved area at the close of business each day and not occupy the area until the business next opens for trading as per approved times.
12. The Permit Holder shall not conduct the Permitted Activity, enter or remain on a reserve or foreshore, under the influence of intoxicating liquor or having intoxicating liquor in their possession unless pursuant to a Permit granted under the *Liquor Licensing Act*.
13. Noise emissions resulting from the Permitted Activity shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably

interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.

14. Advertising (signage) for the Permitted Activity is to be limited to one (1) small sign displaying basic information in the approved area which must be removed from the area each day at the close of business.
15. The Permit Holder shall provide all necessary first aid, rescue and safety equipment and ensure all equipment is maintained in a serviceable condition and is present and accessible when conducting the Permitted Activity.
16. The Permit Holder or a member of the Permit Holder's staff must possess a valid Senior First Aid Certificate or equivalent.
17. The Permit Holder must hold a Certificate of Operation issued by the Australian Maritime Safety Authority for the Hire & Drive of all kayaks.
18. The Permit Holder shall provide Personal Flotation Devices (PFDs) to Australian Standards for all participants.
19. The maximum number of canoes to be used for the permitted activity on the River or moored on the banks of the River at any one time is 15. The canoes are to be moored at the Rivermouth in a tidy manner causing minimal obstruction to public access on the foreshore, or removed from site.
20. The permit holder is responsible for ensuring that the tour operations including the tour participants do not damage or remove native vegetation or cause disturbance to the banks of the river.
21. The permit holder shall advise participants hiring canoes not to damage or remove native vegetation or cause disturbance to the banks of the river.
22. The Shire reserves the right to amend this permit which may result in limiting access to the Wallcliffe caves, a registered site under the *Aboriginal Heritage Act 1973* should a decision be made by Council during the duration of this permit.

Permit Fee

23. The following permit fee due shall be paid prior to the holding of the Permitted Activity;

Application No	Details	Fee/Charge	Total Amount Payable (GST INCL)
P215641	2015-2016 Commercial Activity Fee Class 1	\$718.00	\$718.00
	2016-2017 Commercial Activity Fee Class 1	To be advised	To be further invoiced
	2017-2018 Commercial Activity Fee Class 1	To be advised	To be further invoiced

TOTAL AMOUNT (GST INCLUSIVE): \$718.00

No exclusive rights

24. This Permit does not grant the Permit Holder any exclusive rights to the Permit Area.
25. The Permit Holder shall ensure that the permitted activity does not interfere with the use of the proposed areas of the Reserve by other groups authorised to use those areas and

the Shire reserves the right to cancel individual bookings should a conflict with another authorised user's booking occur. Should an event be held at the approved location, the Permit Holder shall not operate unless approval is obtained from the Shire and event organisers prior to the event.

Breach of Conditions

26. Council reserves the right to withdraw approval for the Permitted Activity and all approvals granted by Council to the Permit Holder for the Permitted Activity shall cease should the Facility be in breach of the terms and conditions contained in this schedule.

Insurance

27. The Permit Holder must hold current public liability insurance cover, to the value of not less than ten million dollars (\$10,000,000), for the Permitted Activity, with the Shire of Augusta-Margaret River recorded as an interested party to the policy.
28. The Permit Holder shall ensure that a copy of Insurance Certificate of Currency for the Permitted Activity is provided to Council prior to undertaking the activity.

Indemnification

29. The Permit Holder shall undertake to hold the Shire of Augusta-Margaret River indemnified against all claims which may be made against them for damages or otherwise, in respect of any loss, damage, death or injury caused by, or in the course of or arising out of the use of the venue, or any property of the Shire of Augusta-Margaret River, during all periods when this Permit is in effect.
30. During the term of this permit, the Permit Holder shall accept responsibility for the damage to property or injury/death of any persons associated with the holding of the Permitted Activity and arising from the actions of the Permit Holder or any contractor, agent or person acting on behalf of the Licensee. The Permit Holder shall indemnify and hold harmless the Shire of Augusta-Margaret River, in respect of the Portable Sign, from any claim, action, liability or costs however, wheresoever or whatsoever arising out of anything done or omitted to be done by the Permit Holder or promoter or any contractor, agent or person acting on behalf of the Permit Holder. The Permit Holder shall have each person participating acknowledge that the Shire of Augusta-Margaret River shall not be liable to that person or any person for any injury or damage to person or property arising out of anything done or omitted to be done by the Permit Holder or any contractor, agent or person acting on behalf of the Licensee.

ACKNOWLEDGEMENT

I _____ accept the conditions of this
Permit.

APPLICANT SIGNATURE: _____

DATE: _____

Please Note

- (a) If you consider the decision or conditions of the decision to grant this permit unfavourable you have the right to receive written reasons for the decision: section 9.4 of the *Local Government Act 1995*.
- (b) If you object to the decision then you may lodge a formal objection with the Shire within 28 days of this decision: section 9.5 of the *Local Government Act 1995*. The objection must be prepared in the prescribed Form 4 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (c) You may apply to the State Administrative Tribunal for a review of the Shire's decision in respect of this permit within 42 days of notice of the Shire's decision.

Application for review form is available on the State Administrative Tribunal website at <http://www.sat.justice.wa.gov.au> or by calling (08) 9219 3111.

Schedule 1

Permit Plan 1

Reserve 41545 – Rivermouth carpark



Permit Plan 2

Reserve 41545 – Rivermouth





Reference No: P215643
File No: RES/41545 ECD/22
Enquiries: Emma Rogers

14 December 2015

Josh Palmateer's Surf Academy
PO Box 856
MARGARET RIVER WA 6285

Dear Mr Palmateer

RE EXPRESSIONS OF INTEREST FOR PERMIT TO OPERATE AN ECO-TOUR / WATER-CRAFT HIRE AT THE RIVERMOUTH WITHIN RESERVE 41545

The Shire of Augusta Margaret River is pleased to advise the Expression of Interest to conduct water-craft hire and eco-tours at the Rivermouth submitted by Josh Palmateer's Surf Academy has been awarded under the delegated authority of Council subject to conditions.

Please find enclosed the permit to conduct water-craft hire and eco-tours from 17 December 2015 to 30 November 2018 at the Rivermouth within Reserve 41545. The annual permit fee for the 2015-2016 period is \$718. Payment options are detailed below.

Please read through the permit conditions and return a signed copy to the Shire. Please note that the permit will not be valid until payment is received by the Shire, and a signed copy of the permit has been returned.

For further information relating to this permit, please contact the Shire Governance and Permit Officer, Ms Emma Rogers, on (08) 9780 5253 or by emailing erogers@amrshire.wa.gov.au.

Yours sincerely

NICK LOGAN
ACTING DIRECTOR SUSTAINABLE DEVELOPMENT

PAYMENT CAN BE MADE IN THE FOLLOWING WAY Application No: P215643		
 In Person (Cash, Cheque, EFTPOS) Customer Service Shire Civic Centre 41 Wallcliffe Road Margaret River	 Telephone (Credit Card only – NO Diners or Amex) Customer Service (08) 9780-5255	 Post (Cheque only - made payable to Shire of Augusta-Margaret River) Customer Service Shire of Augusta-Margaret River PO Box 61 MARGARET RIVER WA 6285



Shire of Augusta Margaret River

Local Government Property Local Law 2013

Permit No. P215643

Josh Palmateer's Surf Academy
PO Box 856
MARGARET RIVER WA 6285

The application to conduct water-craft hire and eco-tours at the Rivermouth (Reserve 41545) has been approved with the following details and conditions:

Permit Holder	Josh Palmateer on behalf of Josh Palmateer's Surf Academy
Permit Activity	Canoe Tours and Hire of Canoes, Kayaks, Surfboards, Stand up paddle boards and Bodyboards
Permit Period	17 December 2015 to 30 November 2018
Permit Days and Times	Monday to Sunday 6am to 6pm
Permit Area	Rivermouth (Reserve 41545)
Permit Plans	Permit Plan 1, 2 in Schedule 1
Application No	P215643
File No	ECD/22, RES/41545
Application Date	4 December 2015
Permit Approval Date	14 December 2015
Approved by	

Nick Logan, Acting Director Sustainable Development

Acting under delegated authority granted by the Council to the CEO pursuant to section 5.42 *Local Government Act 1995* on 10 June 2015 and then delegated by the CEO pursuant to section 5.44 of the *Local Government Act 1995* on 10 June 2015.

Note:

This permit to hold a function or activity in or on a Council Reserve, Park or Foreshore does not imply or allow any liability in regard to any accident or injury incurred as a result of the issue of this permit.

This permit to hold a function or activity does not grant the holder exclusive use of the Council Reserve, Park or Foreshore.

CONDITIONS

Principal conditions

1. The Permit Holder is only permitted to:
 - (a) undertake the Permit Activity;
 - (b) during the Permit Days and Times within the Permit Period; and
 - (c) in the Permit Area.
2. This Permit cannot be transferred or assigned unless an application for the transfer of the Permit has been made and approved by the Shire.
3. The Permit Holder must carry a copy of this Permit at all times while undertaking the Permitted Activity and present it to any Shire representative upon demand.
4. The Permitted Activity shall be conducted in accordance with the *Shire of Augusta Margaret River Local Government Property Local Law* and all terms and conditions under this schedule.
5. The Permit Holder shall be responsible for the cost of any damage to, or the cleaning of, the reserve or the road/footpath/car park resulting from the conduct of the Permitted Activity.

Special Conditions

6. The Permit Holder shall provide appropriate waste receptacles and ensure the approved area shall be maintained free of litter at all times. The collection and removal of waste generated by the conduct of permitted activity is the responsibility of the Permit Holder. The Permit Holder shall make provision for removal and disposal of collected waste from the approved location to an approved disposal site at the close of business each day.
7. The Permit Holder shall not park a vehicle on the Reserve except in the area approved by the Shire for the parking of vehicles. Permit Plan 1 marks the designated parking area at the Rivermouth.
8. The Permit Holder shall not occupy more than two (2) car parking bays or the equivalent of two (2) car parking bays for the parking of a vehicle within the Shire's Car Park. The vehicle is to be parked in a direction parallel to the painted lines to best fit within the car parking bay.
9. The Permit Holder shall not deposit or store any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles.
10. No structures temporary or otherwise shall be erected other than those approved by the Shire.
11. All vehicles and equipment (other than those approved by the Shire) shall be removed from the approved area at the close of business each day and not occupy the area until the business next opens for trading as per approved times.
12. The Permit Holder shall not conduct the Permitted Activity, enter or remain on a reserve or foreshore, under the influence of intoxicating liquor or having intoxicating liquor in their possession unless pursuant to a Permit granted under the *Liquor Licensing Act*.
13. Noise emissions resulting from the Permitted Activity shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably

interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.

14. Advertising (signage) for the Permitted Activity is to be limited to one (1) small sign displaying basic information in the approved area which must be removed from the area each day at the close of business.
15. The Permit Holder shall provide all necessary first aid, rescue and safety equipment and ensure all equipment is maintained in a serviceable condition and is present and accessible when conducting the Permitted Activity.
16. The Permit Holder or a member of the Permit Holder's staff must possess a valid Senior First Aid Certificate or equivalent.
17. The Permit Holder must hold a Certificate of Operation issued by the Australian Maritime Safety Authority for the Hire & Drive of all kayaks.
18. The Permit Holder shall provide Personal Flotation Devices (PFDs) to Australian Standards for all participants.
19. The maximum number of canoes to be used for the permitted activity on the river or moored on the banks of the River at any one time is 15. The canoes are to be moored at the Rivermouth in a tidy manner causing minimal obstruction to public access on the foreshore, or removed from site.
20. The maximum number of bodyboards/surfboards/stand-up paddle boards to be hired out at any one time is 10, unless otherwise approved in writing by the Shire.
21. The permit holder is responsible for ensuring that the tour operations including the tour participants do not damage or remove native vegetation or cause disturbance to the banks of the river.
22. The permit holder shall advise participants hiring canoes/ kayaks/ surfboards/ bodyboards not to damage or remove native vegetation or cause disturbance to the banks of the river.
23. The Shire reserves the right to amend this permit which may result in limiting access to the Wallcliffe caves, a registered site under the *Aboriginal Heritage Act 1973* should a decision be made by Council during the duration of this permit.

Permit Fee

24. The following permit fee due shall be paid prior to the holding of the Permitted Activity;

Application No	Details	Fee/Charge	Total Amount Payable (GST INCL)
P215643	2015-2016 Commercial Activity Fee Class 1	\$718.00	\$718.00
	2016-2017 Commercial Activity Fee Class 1	To be advised	To be further invoiced
	2017-2018 Commercial Activity Fee Class 1	To be advised	To be further invoiced

TOTAL AMOUNT (GST INCLUSIVE): \$718.00

No exclusive rights

25. This Permit does not grant the Permit Holder any exclusive rights to the Permit Area.
26. The Permit Holder shall ensure that the permitted activity does not interfere with the use of the proposed areas of the Reserve by other groups authorised to use those areas and the Shire reserves the right to cancel individual bookings should a conflict with another authorised user's booking occur. Should an event be held at the approved location, the Permit Holder shall not operate unless approval is obtained from the Shire and event organisers prior to the event.

Breach of Conditions

27. Council reserves the right to withdraw approval for the Permitted Activity and all approvals granted by Council to the Permit Holder for the Permitted Activity shall cease should the Facility be in breach of the terms and conditions contained in this schedule.

Insurance

28. The Permit Holder must hold current public liability insurance cover, to the value of not less than ten million dollars (\$10,000,000), for the Permitted Activity, with the Shire of Augusta-Margaret River recorded as an interested party to the policy.
29. The Permit Holder shall ensure that a copy of Insurance Certificate of Currency for the Permitted Activity is provided to Council prior to undertaking the activity.

Indemnification

30. The Permit Holder shall undertake to hold the Shire of Augusta-Margaret River indemnified against all claims which may be made against them for damages or otherwise, in respect of any loss, damage, death or injury caused by, or in the course of or arising out of the use of the venue, or any property of the Shire of Augusta-Margaret River, during all periods when this Permit is in effect.
31. During the term of this permit, the Permit Holder shall accept responsibility for the damage to property or injury/death of any persons associated with the holding of the Permitted Activity and arising from the actions of the Permit Holder or any contractor, agent or person acting on behalf of the Licensee. The Permit Holder shall indemnify and hold harmless the Shire of Augusta-Margaret River, in respect of the Portable Sign, from any claim, action, liability or costs however, wheresoever or whatsoever arising out of anything done or omitted to be done by the Permit Holder or promoter or any contractor, agent or person acting on behalf of the Permit Holder. The Permit Holder shall have each person participating acknowledge that the Shire of Augusta-Margaret River shall not be liable to that person or any person for any injury or damage to person or property arising out of anything done or omitted to be done by the Permit Holder or any contractor, agent or person acting on behalf of the Licensee.

ACKNOWLEDGEMENT

I _____ accept the conditions of this Permit.

APPLICANT SIGNATURE: _____

DATE: _____

Please Note

- (a) If you consider the decision or conditions of the decision to grant this permit unfavourable you have the right to receive written reasons for the decision: section 9.4 of the *Local Government Act 1995*.
- (b) If you object to the decision then you may lodge a formal objection with the Shire within 28 days of this decision: section 9.5 of the *Local Government Act 1995*. The objection must be prepared in the prescribed Form 4 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (c) You may apply to the State Administrative Tribunal for a review of the Shire's decision in respect of this permit within 42 days of notice of the Shire's decision.

Application for review form is available on the State Administrative Tribunal website at <http://www.sat.justice.wa.gov.au> or by calling (08) 9219 3111.

Schedule 1

Permit Plan 1

Reserve 41545 – Rivermouth carpark



Permit Plan 2

Reserve 41545 – Rivermouth





Reference No: P215642
File No: RES/41545 ECD/22
Enquiries: Emma Rogers

14 December 2015

Brett Huntly
Outdoor Discoveries
PO Box 1024
MARGARET RIVER WA 6285

Dear Mr Huntly

RE EXPRESSIONS OF INTEREST FOR PERMIT TO OPERATE AN ECO-TOUR BUSINESS AT RIVERMOUTH, (RESERVE 41545)

The Shire of Augusta Margaret River is pleased to advise the Expression of Interest to conduct eco-tours at the Rivermouth submitted by Outdoor Discoveries has been awarded under the delegated authority of Council subject to conditions.

Please find enclosed a copy of the permit to conduct the approved activity from 17 December 2015 to 30 November 2018 at the Rivermouth within Reserve 41545. The annual permit fee for the 2015-2016 period is \$718. Payment options are detailed below.

Please read through the permit conditions and return a signed copy of the permit to the Shire. Please note that the permit will not be valid until payment is received by the Shire, and a signed copy of the permit has been returned.

For further information relating to this permit, please contact the Shire Governance and Permit Officer, Ms Emma Rogers, on (08) 9780 5253 or by emailing erogers@amrshire.wa.gov.au.

Yours sincerely

NICK LOGAN
ACTING DIRECTOR SUSTAINABLE DEVELOPMENT

PAYMENT CAN BE MADE IN THE FOLLOWING WAY Application No: P215642		
 In Person (Cash, Cheque, EFTPOS) Customer Service Shire Civic Centre 41 Wallcliffe Road Margaret River	 Telephone (Credit Card only – NO Diners or Amex) Customer Service (08) 9780-5255	 Post (Cheque only - made payable to Shire of Augusta-Margaret River) Customer Service Shire of Augusta-Margaret River PO Box 61 MARGARET RIVER WA 6285




Shire of Augusta Margaret River

Local Government Property Local Law 2013

Permit No. P215642

Brett Huntly
Outdoor Discoveries
PO Box 1024
MARGARET RIVER WA 6285

The application to operate an Eco-tourism Business at the Rivermouth (Reserve 41545) has been approved with the following details and conditions:

Permit Holder	Brett Huntly on behalf of Outdoor Discoveries
Permit Activity	Canoe Eco-tours
Permit Period	17 December 2015 to 30 November 2018
Permit Days and Times	Monday to Sunday excluding all weekends, public holidays, Christmas school holidays, and April school holidays. 6am to 6pm
Permit Area	Rivermouth (Reserve 41545)
Permit Plans	Permit Plan 1,2 in Schedule 1
Application No	P215642
File No	ECD/22, RES/41545
Application Date	4 December 2015
Permit Approval Date	14 December 2015
Approved by	

Nick Logan, Acting Director Sustainable Development

Acting under delegated authority granted by the Council to the CEO pursuant to section 5.42 *Local Government Act 1995* on 10 June 2015 and then delegated by the CEO pursuant to section 5.44 of the *Local Government Act 1995* on 10 June 2015.

Note:

This permit to hold a function or activity in or on a Council Reserve, Park or Foreshore does not imply or allow any liability in regard to any accident or injury incurred as a result of the issue of this permit.

This permit to hold a function or activity does not grant the holder exclusive use of the Council Reserve, Park or Foreshore.

CONDITIONS

Principal conditions

1. The Permit Holder is only permitted to:
 - (a) undertake the Permit Activity;
 - (b) during the Permit Days and Times within the Permit Period; and
 - (c) in the Permit Area.
2. This Permit cannot be transferred or assigned unless an application for the transfer of the Permit has been made and approved by the Shire.
3. The Permit Holder must carry a copy of this Permit at all times while undertaking the Permitted Activity and present it to any Shire representative upon demand.
4. The Permitted Activity shall be conducted in accordance with the *Shire of Augusta Margaret River Local Government Property Local Law* and all terms and conditions under this schedule.
5. The Permit Holder shall be responsible for the cost of any damage to, or the cleaning of, the reserve or the road/footpath/car park resulting from the conduct of the Permitted Activity.

Special Conditions

6. The Permit Holder shall provide appropriate waste receptacles and ensure the approved area shall be maintained free of litter at all times. The collection and removal of waste generated by the conduct of permitted activity is the responsibility of the Permit Holder. The Permit Holder shall make provision for removal and disposal of collected waste from the approved location to an approved disposal site at the close of business each day.
7. The Permit Holder shall not park a vehicle on the Reserve except in the area approved by the Shire for the parking of vehicles. The Permit Holder shall use the Rivermouth carpark for a drop off and pick area for canoes and equipment, and shall park in the Rivermouth overflow parking area as shown on Permit Plan 3.
8. The Permit Holder shall not occupy more than two (2) car parking bays or the equivalent of two (2) car parking bays for the parking of a vehicle and unhooked trailer within the Shire's Car Park. The vehicle and trailer is to be parked in a direction parallel to the painted lines to best fit within the car parking bays.
9. The Permit Holder shall not deposit or store any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles.
10. No structures temporary or otherwise shall be erected other than those approved by the Shire.
11. All vehicles and equipment (other than those approved by the Shire) shall be removed from the approved area at the close of business each day and not occupy the area until the business next opens for trading as per approved times.
12. The Permit Holder shall not conduct the Permitted Activity, enter or remain on a reserve or foreshore, under the influence of intoxicating liquor or having intoxicating liquor in their possession unless pursuant to a Permit granted under the *Liquor Licensing Act*.
13. Noise emissions resulting from the Permitted Activity shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably

interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.

14. Advertising (signage) for the Permitted Activity is to be limited to one (1) small sign displaying basic information in the approved area which must be removed from the area each day at the close of business.
15. The Permit Holder shall provide all necessary first aid, rescue and safety equipment and ensure all equipment is maintained in a serviceable condition and is present and accessible when conducting the Permitted Activity.
16. The Permit Holder or a member of the Permit Holder's staff must possess a valid Senior First Aid Certificate or equivalent.
17. The Permit Holder must hold a Certificate of Operation issued by the Australian Maritime Safety Authority for the Hire & Drive of all kayaks.
18. The Permit Holder shall provide Personal Flotation Devices (PFDs) to Australian Standards for all participants.
19. The maximum number of canoes to be used on the river at any one time is 13.
20. The permit holder is responsible for ensuring that the operations including the tour participants do not damage or remove native vegetation or cause disturbance to the banks of the river.
21. The Shire reserves the right to amend this permit which may result in limiting access to the Wallcliffe caves, a registered site under the *Aboriginal Heritage Act 1973* should a decision be made by Council during the duration of this permit.

Permit Fee

22. The following permit fee due shall be paid prior to the holding of the Permitted Activity;

Application No	Details	Fee/Charge	Total Amount Payable (GST INCL)
P215642	2015-2016 Commercial Activity Fee Class 1	\$718.00	\$718.00
	2016-2017 Commercial Activity Fee Class 1	To be advised	To be further invoiced
	2017-2018 Commercial Activity Fee Class 1	To be advised	To be further invoiced

TOTAL AMOUNT (GST INCLUSIVE): \$718.00

No exclusive rights

23. This Permit does not grant the Permit Holder any exclusive rights to the Permit Area.
24. The Permit Holder shall ensure that the permitted activity does not interfere with the use of the proposed areas of the Reserve by other groups authorised to use those areas and the Shire reserves the right to cancel individual bookings should a conflict with another authorised user's booking occur. Should an event be held at the approved location, the Permit Holder shall not operate unless approval is obtained from the Shire and event organisers prior to the event.

Breach of Conditions

25. Council reserves the right to withdraw approval for the Permitted Activity and all approvals granted by Council to the Permit Holder for the Permitted Activity shall cease should the Facility be in breach of the terms and conditions contained in this schedule.

Insurance

26. The Permit Holder must hold current public liability insurance cover, to the value of not less than ten million dollars (\$10,000,000), for the Permitted Activity, with the Shire of Augusta-Margaret River recorded as an interested party to the policy.
27. The Permit Holder shall ensure that a copy of Insurance Certificate of Currency for the Permitted Activity is provided to Council prior to undertaking the activity.

Indemnification

28. The Permit Holder shall undertake to hold the Shire of Augusta-Margaret River indemnified against all claims which may be made against them for damages or otherwise, in respect of any loss, damage, death or injury caused by, or in the course of or arising out of the use of the venue, or any property of the Shire of Augusta-Margaret River, during all periods when this Permit is in effect.
29. During the term of this permit, the Permit Holder shall accept responsibility for the damage to property or injury/death of any persons associated with the holding of the Permitted Activity and arising from the actions of the Permit Holder or any contractor, agent or person acting on behalf of the Licensee. The Permit Holder shall indemnify and hold harmless the Shire of Augusta-Margaret River, in respect of the Portable Sign, from any claim, action, liability or costs however, wheresoever or whatsoever arising out of anything done or omitted to be done by the Permit Holder or promoter or any contractor, agent or person acting on behalf of the Permit Holder. The Permit Holder shall have each person participating acknowledge that the Shire of Augusta-Margaret River shall not be liable to that person or any person for any injury or damage to person or property arising out of anything done or omitted to be done by the Permit Holder or any contractor, agent or person acting on behalf of the Licensee.

ACKNOWLEDGEMENT

I _____ accept the conditions of this Permit.

APPLICANT SIGNATURE: _____

DATE: _____

Please Note

- (a) If you consider the decision or conditions of the decision to grant this permit unfavourable you have the right to receive written reasons for the decision: section 9.4 of the *Local Government Act 1995*.
- (b) If you object to the decision then you may lodge a formal objection with the Shire within 28 days of this decision: section 9.5 of the *Local Government Act 1995*. The objection must be prepared in the prescribed Form 4 in Schedule 1 of the *Local Government (Functions and*

General) Regulations 1996.

- (c) You may apply to the State Administrative Tribunal for a review of the Shire's decision in respect of this permit within 42 days of notice of the Shire's decision.

Application for review form is available on the State Administrative Tribunal website at <http://www.sat.justice.wa.gov.au> or by calling (08) 9219 3111.

Schedule 1

Permit Plan 1

Reserve 41545 – Rivermouth carpark



Permit Plan 2

Reserve 41545 – Rivermouth



Permit Plan 3
Reserve 41545 – Over flow Rivermouth carpark



Attachment 3 DETERMINATION

1. The Shire makes the following determination to be read in conjunction with the determinations found in clause 2.2 of Schedule 2 of the Shire's *Local Government Property Local Law 2013*.

Cave includes any hollow in any cliff face, any cavern or overhang.

(1) No person is to-

- a) Enter any cave on local government property including but not limited to Reserve 41545 without prior written authorisation of the local government;
- b) Deface, destroy, damage or alter any cave on local government property.

(2) A person, who an authorised officer suspects of entering or defacing any cave, must leave the area where the cave is located if an authorised person makes such a request.

(3) No person is to traverse any local government land located on Reserve 41545 east of the Cape to Cape track and north east of Wallcliffe road as shown in the schedule 1 to this determination.

Nothing in this determination should be construed to restrict any right of access and 'traditional use' under the *Aboriginal Heritage Act 1972*.

2. The determination found at clause 2.5 of Schedule 2 of the Shire's *Local Government Property Local Law 2013* is revoked and replaced with the following determination.

2.5 Launching and retrieval of boats

(1) Subject to sub clause 4, no person must launch, beach or leave a boat from any local government property that adjoins the Margaret River west of Caves Road other than in designated areas set aside for the purpose of launching, beaching or leaving of boats by this determination.

(2) The following areas are designated areas set aside for the purpose of launching beaching or leaving of boats by this determination:

- i. Anywhere along the existing sand track on the water side of the fence line but not more than 300m north of the River Mouth carpark on Reserve 41545; and
- ii. 20m east and 50m west of the Margaret River Rowing Club building located on Reserve 43268; and
- iii. On the foreshore at the clearing to the west of the Cliffs/Cave on Reserve 41545

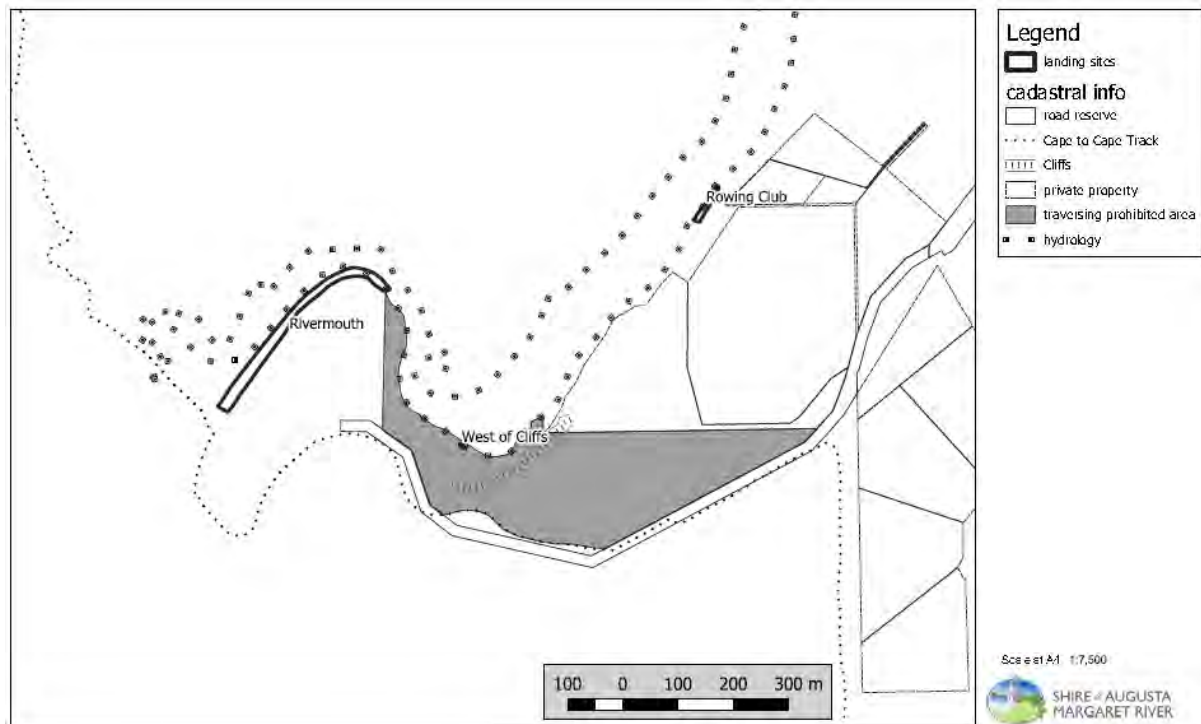
(3) Subject to sub clause 4, a person may not launch beach or leave any motorised boat from any local government property.

(4) A Person in control of a boat does not breach this determination where -

- (a) the person has a permit issued under the Local Law or written authorisation from the local government permitting the launching beaching or leaving of boats;
- (b) the person is a local government employee or contractor acting in the course of their duties;
- (c) the person is engaged in rescue service or dealing with an emergency;
- (d) the local government property is a boat ramp delineated as such site by a sign to that effect.

(5) A person in control of the boat shall remove it from any area upon immediate direction to do so by an authorised person.

Schedule 1 – Portion of Reserve 41545 east of the Cape to Cape track and north east of Wallcliffe Road where traversing is prohibited



Attachment 4

Fence costing and proposed placement

At the west landing site on the foreshore near the Cliffs/Cave, the Shire may need to estimate the annual high water mark line (late Spring) and then add a metre or two up so canoes can access the river bank. On the eastern site (which is not a designated area) the river bank may be partially submerged at certain times of the year so this will need to be taken into account when erecting fencing here.

Estimate \$100/linear metre for post and rail fencing of the style installed at Surfers Point (see below image), however the proposed placement sites will be more expensive to erect fencing due to access constraints.



Proposed placement

- Wallcliffe cliffs/caves- areas to the west and east
- Margaret River Rowing club- 20m east and 50m west of the club at the furthest point

Attachment 5

Sign costing and proposed placement



Cost for a sign of the size above was \$516.00 installed in 2016. It would cost more to get this installed due to the proposed remote locations.

Proposed wording

- Culturally significant site please do not enter.
- OR
- This is a registered aboriginal heritage site climbing at this site is prohibited

Proposed Placement

- Margaret River mouth carpark
- Wallcliffe cliffs/caves- areas to the west and east
- Margaret River Rowing club- 20m east and 50m west of the club

At the west landing site on the foreshore near the Cliffs/Cave, the Shire will need to take into account the annual high water mark before placing signs. The eastern site (which is not a designated area) can also be partially submerged at certain times of the year so will also need to be taken into account when placing signs here.