



**SHIRE**  
*of*  
**DANDARAGAN**

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIE BAY**

on

**THURSDAY 19 DECEMBER 2019**

**COMMENCING AT 4.00PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*



## ORDINARY COUNCIL MEETING

**THURSDAY 19 DECEMBER 2019**

Welcome to the Ordinary Council Meeting of the Shire of Dandaragan.

Please be advised that the Ordinary Meeting of Council will be held on the following dates, times and venues:

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>MEETING VENUE</b>
<b>Thurs</b>	<b>19 December 2019</b>	<b>4.00pm</b>	<b>Jurien Bay</b>
<b>Thurs</b>	<b>23 January 2020</b>	<b>5.00pm 6.00pm</b>	<b>Dandaragan AGM of Electors</b>
<b>Thurs</b>	<b>27 February 2020</b>	<b>4.00pm</b>	<b>Jurien Bay</b>
<b>Thurs</b>	<b>26 March 2020</b>	<b>4.00pm</b>	<b>Jurien Bay</b>
<b>Thurs</b>	<b>23 April 2020</b>	<b>4.00pm</b>	<b>Badgingarra</b>
<b>Thurs</b>	<b>28 May 2020</b>	<b>4.00pm</b>	<b>Jurien Bay</b>
<b>Thurs</b>	<b>25 June 2020</b>	<b>4.00pm</b>	<b>Jurien Bay</b>

**Brent Bailey**  
**CHIEF EXECUTIVE OFFICER**



## **DISCLAIMER**

### INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

**Please note:**

The recommendations contained in this agenda are Officer's Recommendations only and should not be acted upon until Council has considered the recommendations and resolved accordingly.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's Decision.

**Brent Bailey**  
**CHIEF EXECUTIVE OFFICER**



## COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

*Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.*

*When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.*

*Council has prepared an appropriate form and Public Question Time Guideline to assist.*

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant** or **in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

**Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration should it be determined appropriate by the Chief Executive Officer.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Shire of Dandaragan Administration Centre and all four libraries as well as on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Shire of Dandaragan Libraries and on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) within ten (10) working days after the Meeting.

**NOTE:**

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

## SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

The Shire of Dandaragan welcomes community participation during public question time as per the Shire of Dandaragan Standing Orders Local Law.

A member of the public who raises a question during question time is requested to:

- (a) provide a copy of his or her questions at least 15 minutes prior to the commencement of the meeting;
- (b) first state his or her name and address;
- (c) direct the question to the President or the Presiding Member;
- (d) ask the question briefly and concisely;
- (e) limit any preamble to matters directly relevant to the question;
- (f) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
- (g) each **member of the public** with a question is **entitled to ask up to 3 questions** before other members of the public will be invited to ask their questions;
- (h) when a member of the public gives written notice of a question, the President or Presiding Member may determine that the question is to be responded to as normal business correspondence.

The following is a summary of procedure and a guide to completion of the required form.

1. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
2. Questions must relate to a matter affecting the Shire of Dandaragan.
3. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Mayor or Presiding Member and therefore not considered.
4. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
5. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
6. When the President or presiding member calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, then ask the question.
7. Questions to be put to the President or presiding member and answered by the Council. No questions can be put to individual Councillors.
8. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** Questions not asked may still be submitted to the meeting and will be responded to by mail.
9. When you have put your question, resume your seat and await the reply. If possible, the President or presiding member will answer directly or invite a staff member with special knowledge to answer in his place. However, it is more likely that the question will have to be researched, in which case the President or presiding member will advise that the question will be received and that an answer will be forwarded in writing. Please note under NO circumstances, will the question be debated or discussed by Council at that meeting.
10. To maximise public participation only three questions per person will initially be considered with a time limit of 2 minutes per person. If there is time after all interested persons have put their questions the President or presiding member will allow further questions, again in limits of two per person.
11. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
12. Please ensure your form is submitted to the minute's secretary.

If you have difficulty in or are incapable of writing the question, Shire staff are available on request to assist in this task.

We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

# SHIRE OF DANDARAGAN

## QUESTIONS FROM THE PUBLIC

**Any member of the public wishing to participate in Public Question Time during Council or Committee meetings is welcome to do so, however, Council requires your name, address and written questions to be provided to the meeting secretary.**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact No: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Council Agenda Item No: \_\_\_\_\_

Name of Organisation Representing: \_\_\_\_\_  
(if applicable)

### **QUESTION:**

*Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings.*

Please see notes on Public Question Time overleaf...



# SHIRE OF DANDARAGAN

## Record of Disclosure

Person making disclosure:

**Surname:** \_\_\_\_\_

**Given Names:** \_\_\_\_\_

Member of Council       Officer of Council       Committee Member

**Date of Meeting:** \_\_\_\_\_

**Type of Meeting:**     Ordinary Meeting of the Council     Committee Meeting

Special Meeting of the Council     Selection Panel     Other \_\_\_\_\_

**Report Item No:** \_\_\_\_\_

**Report Title:** \_\_\_\_\_

**Nature of Interest:**     Financial (section 5.60A)       Proximity (section 5.60B)

Indirect Financial (section 5.61)     Impartiality

**Extent of Interest:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(Office Use Only)

Minute Book Page: \_\_\_\_\_

Signature of Staff Recording Entry: \_\_\_\_\_

For the purpose of the financial interest disclosure provisions you will be treated as having an interest in a matter, if either you (as a relevant person), or a person with whom you are closely associated, has –

- a direct or indirect financial interest in a matter; or
- a proximity interest in a matter

### **Section 5.60A – Financial Interest**

The Act provides that: A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person. The elements are:

- there is a matter to be dealt with;
- if the matter were to be dealt with in a particular way, it would be reasonable to expect the person to enjoy a financial gain or benefit, or suffer a financial loss or detriment. All elements must exist for there to be a direct financial interest. When considering the elements to test whether you have a direct financial interest in a matter, remember that the same test must be applied to persons with whom you are closely associated.

### **Section 5.60B - Proximity interest**

The Act requires you to disclose a proximity interest that you, or a person with whom you are closely associated, has in a matter before a council or council committee meeting. You (or a person with whom you are closely associated) have a proximity interest in any matter that concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land;
  - a proposed change to the zoning or use of land that adjoins the person's land; or
  - a proposed development of land that adjoins the person's land (development refers to the development, maintenance or management of the land or of services or facilities on the land)
- The existence of a proximity interest is established purely by the location of land, a financial effect on the valuation of your land or on the profitability of your business does not have to be established. It is therefore important that you fully understand when a proximity interest exists.

### **Section 5.61 – Indirect Financial Interest**

The Act states that a reference to an indirect financial interest of a person includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter. The word “includes” in this context is not exhaustive and therefore other indirect financial interests do exist. An indirect financial interest also includes an interest a person has in a matter if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in an indirect financial gain, loss, benefit or detriment for the person.

The Act does not expressly define “financial relationship”, therefore it should be taken to have its ordinary meaning of a relationship which is of a financial nature (whether or not the relationship also has other aspects). For example, you may have a personal relationship with a person (e.g. friendship), but also a business relationship with that person. It is to be remembered that the existence of an indirect financial interest in a matter can be established by showing that you, or a person with whom you are closely associated, has a financial relationship with a person requiring a local government decision in relation to that matter. There is no requirement to establish a financial gain, loss, benefit or detriment in this instance, the mere existence of a financial relationship and the requirement for a decision is sufficient for a breach of the provision to have occurred.

Elected members must remember that a financial or proximity interest can exist even though the matter is being dealt with by employees under delegated authority. Therefore you should avoid any involvement in discussions on those matters at meetings that you attend as a member. Declaring under this section means that you are required to leave the meeting whilst the item is being discussed. Once the item has been discussed you may re-enter the meeting.

If you have disclosed an interest in writing before the meeting or immediately before the matter is discussed during the meeting, you must not:

- preside at the part of the meeting relating to the matter; or

- participate in, or be present during any discussion or decision-making procedure relating to the matter. In brief, having disclosed an interest you must leave the room. You may re-enter the room and be present during the discussion on the matter in which you disclosed an interest only if allowed by the members present. The Minister for Local Government may also allow you to be present. (refer page 27 under “Can the Minister give approval to participate?”).

After disclosing the nature of your interest in a matter to the meeting, or the presiding person having read out the disclosure, you may, without further disclosure, request the remaining members present who are entitled to vote (you are not entitled to vote) to allow you to be present during any discussion or decision-making procedure on the relevant matter.

### **Disclosure of Interest Affecting Impartiality**

For the purposes of requiring disclosure, an interest is defined in Regulation 34C of the Local Government (Administration) Regulations 1996 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 as, “an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

The existence of an interest affecting impartiality is dependent on –

- the member or employee having an association with a person or organisation that has a matter being discussed at a council or committee meeting;
- the employee being required to give advice on a matter where they have an association with a person or an organisation related to that matter; and
- the type of matter being discussed at a council or committee meeting.

For example, with the declaration of a financial interest an elected member leaves the room and does not vote (unless permitted to do so by the meeting or the Minister). With the declaration of an impartiality interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the meeting continues as if no interest existed.

If the matter in which an elected member or employee has an interest affecting impartiality is to be discussed at a council or committee meeting, the member or employee is to disclose the interest either in a written notice given to the CEO before the meeting or verbally at the meeting immediately before the matter is discussed.

To assist with making the disclosure, the Department has prepared the following declaration which elected members or employees may use when they consider it necessary to disclose an interest affecting impartiality. The nature of the interest must also be stated. “With regard to ... the matter in item x ... I disclose that I have an association with the applicant (or person seeking a decision). This association is ... (nature of the interest ... As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

All disclosures made are to be recorded in the minutes of the relevant meeting. It is important that the minutes distinguish between disclosures of interests affecting impartiality and disclosures of financial interests.

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING**

*"I would like to acknowledge the traditional owners of the land we are meeting on today, the Yued people of the great Nyungar Nation and we pay our respects to Elders both past, present and emerging."*

**1.2 DISCLAIMER READING**

*"No responsibility whatsoever is implied or accepted by the Shire of Dandaragan for any act, omission, statement or intimation occurring during this meeting."*

*It is strongly advised that persons do not act on what is heard, and should only rely on written confirmation of Council's decision, which will be provided within fourteen days."*

**2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****Members**

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor A Eyre	
Councillor W Gibson	
Councillor R Rybarczyk	
Councillor R Shanhun	
Councillor D Slys	

**Staff**

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Mr B Pepper	(Executive Manager Infrastructure)
Ms M Perkins	(Manager Community & Customer Service)
Mr T O'Gorman	(Manager Economic Development)
Mr R Mackay	(Planning Officer)
Ms R Headland	(Council Secretary & Personal Assistant)

**Apologies****Approved Leave of Absence**

Councillor D Richardson  
Councillor J Clarke

- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME**
- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6 CONFIRMATION OF MINUTES**
  - 6.1 MINUTES OF THE ORDINARY MEETING HELD 28 NOVEMBER 2019**
- 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 AUDIT COMMITTEE MINUTES – 28 NOVEMBER 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	9 December 2019
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 28 November 2019.

#### BACKGROUND

The Local Government Act 1995 requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

#### COMMENT

The purpose of the Audit Committee Meeting held 28 November 2019 was to consider the Independent Audit Report for the 2018 / 2019 financial year and to review the CEO's report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control, legislative compliance, financial management systems, and procedures of the local government.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Circulated with the agenda is the following item relevant to this

report:

- Minutes of the Audit Committee Meeting (unconfirmed) held on 28 November 2019 (Doc Id: 145111)
- Live Risk Profile & Reporting Tool (Doc Id: 144751)  
**(Marked 9.1.1)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council;**

- 1. Receive the unconfirmed minutes of the Audit Committee Meeting held on 28 November 2019, and;**
- 2. Endorse the Chief Executive Officer's report inclusive of the Local Risk Profile & Reporting Tool (Doc Id: 144751) thereby satisfying the requirements of Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996**

## 9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	9 December 2019
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

### PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 November 2019.

### BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2019.

### COMMENT

Regulation 34 of the Financial Management Regulations (1996) requires the following information to be provided to Council:

#### 1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 November 2019 was \$6,837,174. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 5 (page 12) of the financial statements and provides information to Council on the budget vs actual rates raised.

#### 2. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 30 November 2019 financial statements, please do not hesitate to

contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management Regulations (1996)

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Financial statements for the period ending 30 November 2019 (Doc Id: 145845)

***(Marked 9.1.2)***

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That the monthly financial statements for the period 30 November 2019 be adopted.**

### 9.1.3 ACCOUNTS FOR PAYMENT – NOVEMBER 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	9 December 2019
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of November 2019.

#### BACKGROUND

As part of the Local Government Act 1995, Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

#### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for November 2019 totalled \$1,202,621.40 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the November 2019 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Cheque, EFT and direct debit listings for November 2019

(Doc Id: 145797)  
***(Marked 9.1.3)***

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the Cheque and EFT listing for the period ending 30  
November 2019 totalling \$1,202,621.40**

### 9.1.4 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENT INCLUSIVE OF AUDITORS REPORT

Location:	Shire of Dandaragan
Applicant:	N / A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	10 December 2019
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

To accept the 2018 / 2019 Annual Report and the 2018 / 2019 Annual Financial Statements including the Auditors Report for the Shire of Dandaragan and to receive the Auditors Management Letter.

#### BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

#### COMMENT

The Shire of Dandaragan finished 2018 / 2019 with a surplus of \$1,093,777. However, the majority of this surplus is as a result of large advance grants and incomplete capital works projects. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus. It reflect rather the outstanding commitments that were reprogrammed into the 2019 / 2020 budget.

Details of the financial income for 2018 / 2019 include:

- A total of \$ 6,173,351 in rate income was raised. By 30 June 2019, 95.6% of rates had been collected.
- A total of \$3,856,188 in grants were secured.

The Auditors report stated the following;

#### **INDEPENDENT AUDITOR'S REPORT**

##### ***To the Councillors of the Shire of Dandaragan Report on the Audit of the Financial Report***

##### ***Opinion***

*I have audited the annual financial report of the Shire of Dandaragan which comprises the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.*

*In my opinion the annual financial report of the Shire of Dandaragan:*

- (i) is based on proper accounts and records; and*
- (ii) fairly represents, in all material respects, the results of the operations of the Shire for the year ended 30 June 2019 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*

***Basis for Opinion***

*I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the Shire in accordance with the Auditor General Act 2006 and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the annual financial report. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.*

***Emphasis of Matter - Basis of Accounting***

*I draw attention to Note 1 to the annual financial report, which describes the basis of accounting. The annual financial report has been prepared for the purpose of fulfilling the Shire's financial reporting responsibilities under the Act. Regulation 16 of the Local Government (Financial Management) Regulations 1996 does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. My opinion is not modified in respect of this matter.*

***Responsibilities of the Chief Executive Officer and Council for the Financial Report***

*The Chief Executive Officer (CEO) of the Shire is responsible for the preparation and fair presentation of the annual financial report in accordance with the requirements of the Act, the Regulations and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards. The CEO is also responsible for such internal control as the CEO determines is necessary to enable the preparation of an annual financial report that is free from material misstatement, whether due to fraud or error.*

*In preparing the annual financial report, the CEO is responsible for assessing the Shire's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the State government has made decisions affecting the continued existence of the Shire.*

*The Council is responsible for overseeing the Shire's financial reporting process.*

***Auditor's Responsibility for the Audit of the Financial Report***

*The objectives of my audit are to obtain reasonable assurance **about** whether the annual financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the annual financial report.*

*As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:*

- Identify and assess the risks of material misstatement of the annual financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.*
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shire's internal control.*
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the CEO.*

*Conclude on the appropriateness of the CEO's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Shire's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the annual financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report, as we cannot predict future events or conditions that may have an impact.*

- Evaluate the overall presentation, structure and content of the*

*annual financial report, including the disclosures, and whether the annual financial report represents the underlying transactions and events in a manner that achieves fair presentation.*

*I communicate with the Council and the CEO regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.*

### **Report on Other Legal and Regulatory Requirements**

*In accordance with the Local Government (Audit) Regulations 1996, I report that:*

- (i) In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:
 
  - a. The Operating Surplus Ratio has been below the Department of Local Government, Sport and Cultural Industries' standard for the past three years. The financial ratios are reported in Note 30 of the annual financial report.**
- (ii) The following material matter indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law was identified during the course of my audit:
 
  - a. The Shire has not reported the Asset Renewal Funding Ratio for 2019, 2018 and 2017 in the annual financial report as required by section 50(1) of the Local Government (Financial Management) Regulations 1996, as planned capital renewals and required capital expenditure were not estimated in a long-term financial plan and asset management plan respectively.**
- (iii) All required information and explanations were obtained by me.*
- (iv) All audit procedures were satisfactorily completed.*
- (v) In my opinion, the Asset Consumption Ratio included in the annual financial report was supported by verifiable information and reasonable assumptions.*

### **Other Matter**

*The financial ratios for 2017 in Note 30 of the annual financial report were audited by another auditor when performing their audit of the Shire for the year ending 30 June 2017. The auditor expressed an unmodified opinion on the annual financial report for that year.*

### **Matters Relating to the Electronic Publication of the Audited Financial Report**

*This auditor's report relates to the annual financial report of the Shire of Dandaragan for the year ended 30 June 2019 included on the Shire's website. The Shire's management is responsible for the integrity of the Shire's website. This audit does not provide assurance on the integrity of the Shire's website. The auditor's report refers only to the annual financial report described above. It*

*does not provide an opinion on any other information which may have been hyperlinked to/from this annual financial report. If users of the annual financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited annual financial report to confirm the information contained in this website version of the annual financial report.*

The "Independent Auditor's Report" as attached is unqualified but does include one matter that in the auditors opinion indicates a significant adverse trend. Therefore in accordance with Section 7.12A(4)(a) of the Local Government Act 1995 "The local government must prepare a report addressing any matter identified as significant by the audit in the report, and stating what action the local government has taken or intends to take with respect to each of those matters."

The matter of significance is as follows;

*"The Operating Surplus Ratio has been below the Department of Local Government, Sport and Cultural Industries' standard for the past three years. The financial ratios are reported in Note 30 of the annual financial report."*

This same matter was identified in the 2017/2018 audit and the response has not changed. However, as a report is required to be submitted to the Minister it is repeated in full as follows;

The Shire's ratio has been negative for the last 4 financial years. The Department of Local Government, Sports and Cultural Industries guidelines state;

*"A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt.*

*A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result."*

This ratio and associated standard utilise the concept of "own source funding." To achieve a positive ratio for a Shire with such a low current debt, would mean that rates would need to increase significantly to achieve this. Achieving a positive ratio for the Shire of Dandaragan would mean the Shire would be sustainable without any type of non- operating grant funding from the State or Federal Government.

Examples of non-operating grants (the vast majority are for the renewal of assets) that have been excluded from this ratio include;

- Roads to Recovery
- Regional Road Group
- Commodity Route Funding

These are all grant funding that the Shire should expect on an ongoing basis to assist in meeting its asset renewal obligations. The prospect of there ever being a time where a Local Government would receive no government funding assistance is highly unlikely and therefore, increasing rates to simply achieve the ratio standard is not advised.

Furthermore, the Shires ratio includes \$5.75M of depreciation within the “expenditure” category of this ratio calculation. The Shire’s current asset management plans are not mature enough at this stage to determine whether this depreciation figure is a true representation of the renewal funding required to be contributed back to existing assets. Until such time as maturity is reached in regard to the AMP’s understanding of community level of service expectation, effective life and unit costs for its fixed assets, depreciation should only be used as a measure of the consumption of an assets economic potential over time.

This is not to say the ratio is entirely irrelevant, but the target for this ratio should be driven by sound asset management planning to underpin it, not simply to meet the standard.

In the meantime, the Shire of Dandaragan maintains significant reserves entirely for the purpose of asset renewal should urgent needs arise.

The report also states one matter of non-compliance as follows;

*“The following material matter indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law was identified during the course of my audit:*

- a. *The Shire has not reported the Asset Renewal Funding Ratio for 2019, 2018 and 2017 in the annual financial report as required by section 50(1) of the Local Government (Financial Management) Regulations 1996, as planned capital renewals and required capital expenditure were not estimated in a long-term financial plan and asset management plan respectively.”*

The auditor has made the following recommendation;

*“...that the Shire prepares, reviews and updates the Long Term Financial Plan and Asset Management Plan annually to ensure 10 year projections are available to calculate the Asset Renewal Funding Ratio.”*

Shire management gave the following in response to the finding;

*“The Shire commenced a complete review of its entire suite of Integrated Planning and Reporting Tools in 2018. To date, a new Strategic Community Plan has been adopted, a new Corporate Business Plan is out for public comment while all new Asset Management Plans and Workforce Plan are in draft form and expected to be adopted in the near future.*

*Once all of the above documents are endorsed a new Long Term Financial Plan will be developed from the information contained in the other documents mentioned.*

*This will be completed within the 2019/20 financial year and will provide an accurate ratio in time for the 2019/20 Annual Financial Statements.”*

At the audit committee meeting held 28 November 2019 the following decision was made;

**OFFICER RECOMMENDATION / AUDIT COMMITTEE DECISION**  
*Moved Cr Shanhun, seconded Cr Slyn*

*That;*

- 1. the Independent Audit Report and the audited financial statements for the year ended 30 June 2019 be received, and;*
- 2. In accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the report that require further action, and;*
- 3. the audit committee determine that the response by the Shire administration to the other matters identified in the audit report and management letter are appropriate.*

**CARRIED 3 / 0**

### CONSULTATION

Executive Management Team

### STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

#### **5.53. Annual reports**

- (1) The local government is to prepare an annual report for each financial year.*

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

\* Absolute majority required.

*Section 7.12A (3) of the Local Government Act 1995*

*(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2019 – 2023 Corporate Business Plan  
Scope of Shire Services

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Annual Report 2018 / 2019 (Doc Id: 146144)
  - Annual Financial Statements (Doc Id: 144509)
  - Independent Audit Report (Doc Id: 144510)
  - Management letter from Office of Auditor General (Doc Id: 144511)
  - Attachment 1 to management letter (Doc Id: 144513)
- (Marked 9.1.4)**

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**

**That Council,**

- 1. In accordance with section 5.54 (1) Local Government Act 1995, Council accept the 2018 / 2019 Annual Report and the 2018 / 2019 Annual Financial Statements inclusive of the Auditors Report, and;**
- 2. in accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the auditor's report that require further action, and;**
- 3. endorse the audit committee's determination that the response by the Shire administration to the other matters identified in the audit report and management letter are appropriate.**

## 9.2 INFRASTRUCTURE SERVICES

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 PROPOSED KOOJAN DOWNS CATTLE FEEDLOT

Location:	Lots 102, 103, 2556, 3559 Yathroo
Applicant:	Element on behalf of Harvest Road Group
File Ref:	Development Services Apps/ Development Applications/ 2019/ 93
Disclosure of Interest:	Nil
Date:	3 December 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

#### PROPOSAL

For Council to consider a development application for an intensive cattle feedlot upon Lots 102, 103, 3556 and 3559 of the Koojan Downs farming title in the locality of Yathroo (the Site) and make a recommendation to the Midwest Wheatbelt Joint Development Assessment Panel (JDAP).

#### BACKGROUND

As the development has an estimated cost over the \$10 million local government planning decision threshold, this application is required to be determined by the JDAP. Therefore, Council can only make a recommendation to the JDAP, the purpose of this item.

Landowner, Harvest Road Group is proposing a \$50 million investment to develop a cattle feeding facility for the Site with the ambition to improve the Western Australian beef supply chain via the consistent supply of high-quality 100-day grain finished cattle.

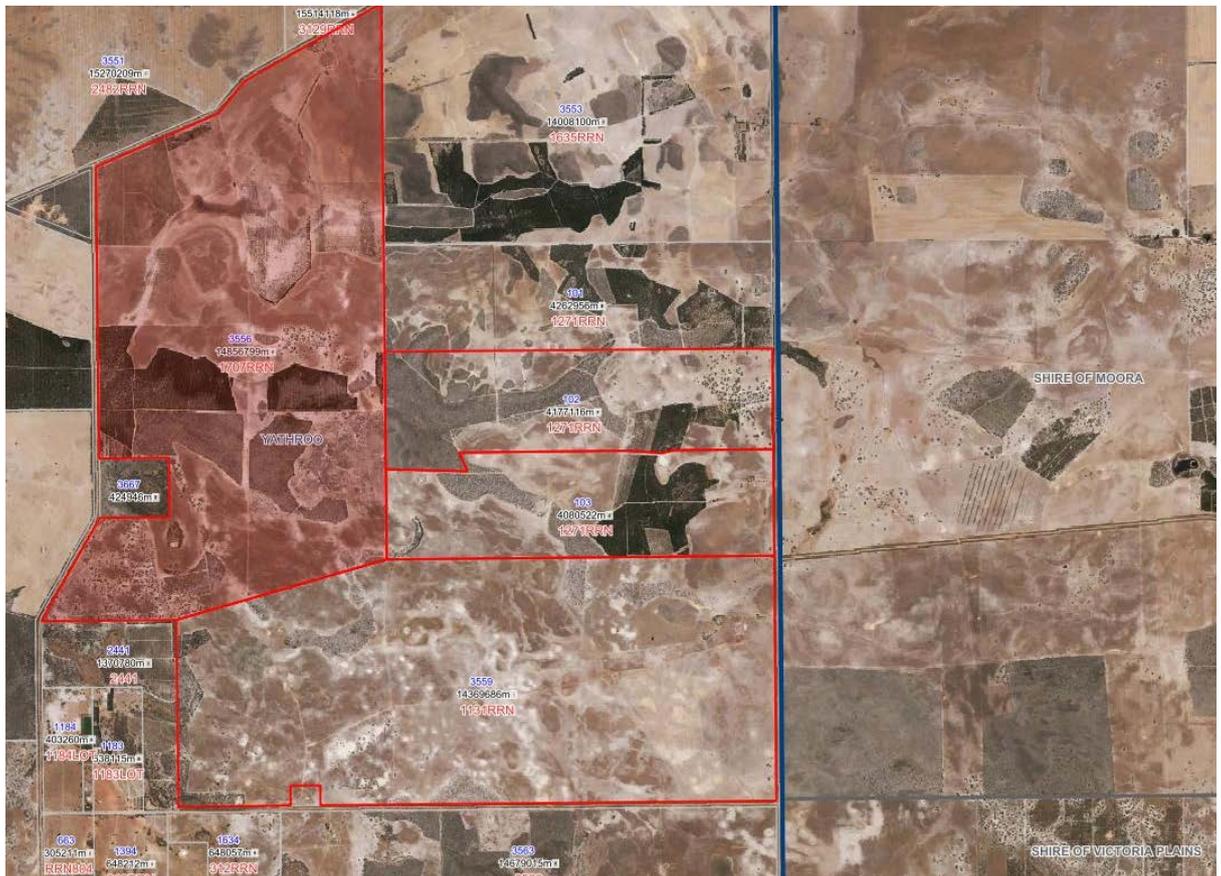
The development will be constructed in two 20,000 head of cattle stages, resulting in a 40,000 head capacity at a stocking rate of 18m<sup>2</sup> per head. Each stage will have associated feed delivery roads, cattle laneways, cattle handling facilities and hospital pens; supported by Site-wide infrastructure that includes:

- earthworks and drainage infrastructure throughout the site;
- an above ground truck weighbridge and associated office at the main entry to the Site off Boundary Road;
- a turkey's nest (above ground dam) to supply water to the intensive feeding facility;
- a feed mill and grain storage facility for processing grain feed;
- effluent dams and sedimentation ponds to manage wastewater disposal;
- a manure handling and storage pad;
- provision for a future 2.8ha solar farm;

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- centre pivot irrigation systems that will utilise recycled water from the sedimentation ponds and effluent dams to support animal fodder growth;
- supply and installation of pipe work and water pumps throughout the Site, including three production bores, two which will be “duty” bores powered by the Site electrical supply, whilst the third bore will be a backup only and fitted with a diesel generator supply;
- a new staff amenity building to complement the existing workers accommodation building on site; and
- a new horse stables building and chemical storage building.

The location of these facilities is shown on the site plan that is included in Appendix C of the Development Application Report. Overall the four property titles which make up the development come to a combined area of 3751ha. An aerial map of the feedlot properties outlined in red is shown below.



It is noted that the Koojan Downs property as a whole also encompasses two lots on the eastern side of Boundary Road, within the Shires of Moora and Victoria Plains, and one additional lot within the Shire of Dandaragan, taking the total farming area to 7,202ha. However, these additional properties will be only be used for traditional extensive cattle husbandry and do not form part of this application.

Given the development is denoted as a prescribed premise under the *Environmental Protection Act 1986*, a Works Approval Application has concurrently been submitted to the Department of Water and Environmental Regulation for consideration. This application prepared by RDC Engineers can be made available to Councillors on request.

The Site has historically been used for extensive livestock grazing and grain production and as result, is largely cleared with no significant remnant vegetation. The Site is also generally flat topography, ranging from 170m AHD to 178m AHD.

The Site is located approximately 25 kilometres southeast of the town of Dandaragan. The land surrounding the subject site is zoned 'Rural' or 'General Agriculture' and comprises primarily agricultural land uses, including cropping and grazing land.

The Local Planning Scheme No.7 (LPS7) objective for the Rural zone is:

*To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.*

A cattle feedlot aligns with the LPS7 land use definition of 'animal husbandry – intensive':

*means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.*

This land use is listed as discretionary ('D') the in Rural zone Under LPS7. With the Rural zone objective in mind, it is appropriate the proposal which seeks a diversified farming industry that is consistent with the rural character and amenity of the locality be considered for development approval.

The Shire's Local Planning Strategy (Draft 2019) provides support for development with the following strategic directions:

*Economy - Work with stakeholders to provide guidance and assist industry to capitalise on opportunities to establish more intensive forms of agriculture in the Rural zone.*

*Rural Land - Facilitate more intensive and diverse use of land that is zoned Rural for to facilitate higher value agricultural products that are compatible with the capability of land and surrounding farming practises (subject to availability of utility and transport infrastructure).*

COMMENT

Preliminary environmental investigations undertaken indicate the Site:

- has no known European or Aboriginal heritage significance;
- is not a registered contaminated site;
- is not located within an Environmentally Sensitive Area (ESA);
- is not a known habitat for conservation significant flora or fauna;
- is not at risk of Acid Sulfate Soils (ASS); and
- requires no vegetation clearing permit to facilitate the proposed development.

Annexure 1 of the Strategy provides the following assessment criteria for intensive agriculture land use proposals:

*When assessing proposals for intensive agriculture activities (such as: 'agroforestry', 'animal husbandry – intensive' or 'aquaculture'), the following matters will be considered:*

- *the nature and capability of the land;*
- *availability and adequacy of water supply;*
- *impact on ground/surface water sources;*
- *sensitivity of adjacent land uses;*
- *remnant vegetation and wetland protection requirements;*
- *crop rotation and/or specific land management requirements;*
- *any infrastructure layout or transport access requirements;*
- *the requirement for permission to use ground and surface water;*
- *impact on existing pre-development hydrological regime will be maintained or enhanced where possible;*
- *separation distances and/or buffers with the adjacent uses which are potentially incompatible can be contained on the subject land rather than being a constraint on adjacent land;*
- *the development impacts can be managed on site;*
- *the development should not significantly detract from any scenic landscape and/or conservation attributes identified in the locality;*
- *the land use will have no adverse impact on the safety, health and amenity of residents in existing dwellings and it will not sterilize land with potential for urban expansion or other long-term land needs such as mining; and*
- *other matters which may be required to be addressed if requested by Council.*

The applicant has sufficiently addressed all these matters on page 18 of the submitted development application report, with no matters of non-compliance raised.

To ensure consistency with best practice environmental management and animal welfare procedures the proposed intensive feeding facility has been designed in accordance with the *National Guidelines for Beef Cattle Feedlots in Australia* and the

*National Beef Cattle Feedlot Environmental Code of Practice.* A significantly lower stocking density than a typical beef cattle feedlot is also proposed; this provides the capacity for familiar herds of cattle to move through the supply chain together, reducing stock stress-levels.

The concurrent works approval application prepared by RDC considers, in depth, a diverse range of environmental risk matters including:

- land use separation requirements;
- water supply, storage and reticulation;
- drainage and waste management procedures;
- ground and surface water management;
- erosion and soil quality management;
- biosecurity and disease control;
- amenity and air quality considerations in relation to odour, noise and dust emissions;
- visual landscape impacts;
- construction management; and
- ongoing operational management practices to ensure the welfare of animals and the environment.

This environmental risk assessment reflects the proponent's commitment to undertaking development in an environmentally responsible manner and aims to implement best practice environmental management as part of a program of continuous improvement. This assessment concludes that the potential impacts on the existing environment as a result of the proposed development include:

- community amenity considerations in relation to air quality, visual landscape impacts, noise and vibration, and traffic and transport;
- groundwater quality and quantity;
- surface water quality and quantity;
- cultural heritage;
- biodiversity;
- soils and land capability; and
- biosecurity.

The applicant provides a summary of the key findings in relation to each of the abovementioned matters on pages 23-25 of the attached Development Application Report. It is concluded all associated environmental impacts can be appropriately managed on site and the proposed development does not present any significant risk to the environment or the amenity of the locality. An Environmental Management Strategy and associated Environmental Management Plans will also be developed for the project, to ensure the ongoing implementation of the mitigation measures identified in the works approval application.

Portions of the Site are located within designated Bushfire Prone Areas as determined by the Department of Fire and Emergency Services. However, all of the habitable areas in which people would be working on a regular basis (i.e. the feeding pens, feed mill, cattle handling facilities, staff amenities building, weighbridge and office, and the existing worker accommodation building) are located outside the identified Bushfire Prone Areas, with only internal roads and infrastructure (such as the sedimentation ponds, effluent dams etc.) proposed within the identified Bushfire Prone Areas. Accordingly, the applicant has stated it is not considered necessary to address the requirements under *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*, on the basis that:

- Part 10A of the Deemed Provisions of LPS7 do not apply, as no habitable buildings are proposed within Bushfire Prone Areas; and
- Planning Bulletin 111/2016 clearly contemplates exemptions for infrastructure (including roads and dams) and rural activities within Bushfire Prone Areas, as proposed.

Therefore, an exemption is practical and entirely appropriate in this instance, as the structures that are proposed within the identified Bushfire Prone Areas do not increase the risk to lives and property from bushfire. Nonetheless, the applicant has provided a Bushfire Attack Level (BAL) Assessment (Basic) Report to demonstrate that all habitable buildings and primary working areas are located more than 100 metres from Bushfire Prone vegetation, and therefore unclassifiable under the BAL Assessment process.

Electrical power for the feedlot will initially be provided by on-site diesel generators, with provision for a future solar farm; due to the nearest grid supply being located over 20 kilometres from the Site. Nevertheless, even when the proposed future solar and battery storage systems are operational, the diesel generators will still be required to supply reliable power to the site during prolonged heavy overcast conditions.

The development will provide employment for some 60 full time personnel when fully developed. This includes staff undertaking administrative, livestock handling, feed storage, preparation and delivery, and waste management activities. The existing dwellings on the subject land or adjacent properties will be used for accommodating a small number of management staff. However, all other staff shall reside off-site, with no additional staff accommodation to be provided on-site. The primary operating hours of the facility will be between 6.00 am and 6.00 pm, 7 days per week including public holidays. However, there will be staff present on-site 24 hours a day, 7 days a week, and all staff shall be trained to meet guidelines in animal health and welfare, and environmental management.

The application is accompanied by a Traffic Impact Assessment (TIA) prepared by Roadswest Engineering Group (Roadswest). This is attached as Appendix D to Development Application Report. The TIA report considers the impact of the proposal on the surrounding road network, which is controlled primarily by the Shires of Dandaragan and Moora, and in the case of Bindoon Moora Road, by Main Roads WA. The report has been informed by a site inspection undertaken by Roadswest in July 2019, and considers the necessary road upgrades required to accommodate the road trains that will transport cattle and feed to and from the site.

The TIA also considers three possible haulage routes, with the preferred route (Route A) comprising Bindoon Moora Road, Koojan West Road and Boundary Road. Bindoon Moora Road is a state-controlled road that is already constructed as a sealed Restricted Access Vehicle (RAV) 6 route that is capable of carrying 87.5 Tonne trucks, and therefore does not require further upgrades. However, various upgrades will be required to Koojan West Road and Boundary Road, including:

- redesigning and reconstructing the intersection of Bindoon Moora Road and Koojan West Road to accommodate RAV 4 vehicles.
- redesigning and reconstructing the intersection of Boundary Road and the Koojan Downs Homestead driveway to accommodate RAV 4 vehicles.
- constructing new pavement from the end of the bitumen seal on Koojan West Road to the Boundary Road intersection and on Boundary Road from the Koojan West Road intersection to the Koojan Downs Homestead driveway - approximately 8.1 km in total.
- undertaking further investigation of longitudinal gradients on Koojan West Road, to determine whether some of the steeper sections need to be sealed.
- installing a floodway and/or culvert on Boundary Road at 2.27 SLK (refer to accompanying TIA), and undertaking further investigations on Koojan West Road to identify if additional culverts are required.
- installing guidance posts for both roads in accordance with the latest Australian Standards.

As these upgrades relate to works within public roads that sit outside the proposed development site, the proponent will pursue the implementation of these upgrades as a separate process to this development application, in consultation with the relevant Shires and Main Roads WA. This responsible authority report requests that JDAP ensure sufficient clauses are established in any planning approval to secure an agreed freight network investment from the proponent to manage the significant additional heavy vehicle load that will utilise the local road network.

In summary, the proposed cattle feedlot represents an intensive form of agricultural land use that will contribute to a more diverse land use profile in the Shire's Rural zone, and conversely, retains rural land for primary agriculture production; consistent with the Shire's strategic land use planning direction. Additionally, the development does not appear to propose conflict with residential land uses and all associated environmental impacts are to be managed on site. Holistically, the development will support economic growth in the region both directly and indirectly through the demand created for locally produced grain feed, whilst providing for an increase in local jobs and business opportunities within the Shires of Dandaragan, Moora and Victoria Plains.

With the abovementioned factors taken into consideration the assessing staff have recommended approval for the development on the consideration that it is logical, appropriate and desirable for the Site.

#### CONSULTATION

Prior to submitting this application, the project team consisting of RDC Engineers, Stafford Adamson & Associates, Meateng, Emerge Associates, Roadswest Engineering Group and Element met and consulted with the following bodies:

- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Shire of Dandaragan
- Shire of Moora
- Shire of Victoria Plains

The subject development application was advertised to the following parties from Wednesday 6 November to Wednesday 11 December 2019:

- Department of Primary Industries & Regional Development;
- Department of Water & Environment Regulation;
- Department of Biodiversity, Conservation and Attractions;
- Wheatbelt Development Commission;
- Main Roads WA;
- Shire of Moora;
- Shire of Victoria Plains; and
- Surrounding land owners.

The following table outlines the submission received and the officer's response. Given this report has been finalised prior to the submission period closing, any further submissions received will be sent to Councillors prior to the meeting for viewing.

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<p><b>Main Roads WA</b></p> <p>The Traffic Impact Report has identified that the development is expected to generate an additional 263 vehicle/day on the Bindoon Moora Road (M002). This combined with the existing traffic volumes of 598 vehicles per day is not expected to have an adverse impact on Bindoon Moora Road.</p> <p>The Traffic Impact Report has also recommended that the intersection of Bindoon Moora Road and Koojan West Road be upgraded to provide the required sealed surface for the heavy vehicle movements through the intersection. Main Roads agrees with this recommendation.</p> <p>Therefore, Main Roads has no objection to the development proposal subject to the following condition being included:</p> <p><i>The intersection of Bindoon Moora Road (M002) with Koojan West Road is designed and upgraded to the satisfaction of Main Roads.</i></p>	<p><b>Officer's response</b></p> <p>Noted.</p>
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**STATUTORY ENVIRONMENT**

- Local Planning Scheme No. 7
- Environmental Protection Act 1986

**POLICY IMPLICATIONS**

- State Planning Policy 2.5 Rural Planning
- State Planning Policy 3.7 Planning in Bushfire Prone Areas
- National Guidelines for Beef Cattle Feedlots in Australia
- National Beef Cattle Feedlot Environmental Code of Practice
- Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia

**FINANCIAL IMPLICATIONS**

The proponent has paid a total fee of \$44,682 for the development application. \$10,486 will be paid to the JDAP for their services, with the remaining \$34,196 to be retained by the Shire.

The development will see benefits for the cattle supply chain in the areas of animal welfare, market stability and drought resilience, as well as significant benefits for local communities through job creation and stimulated economic activity.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029:

02 – Propensity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our Shire has a contemporary land use planning system that	Ensuring that our planning framework is modern and meets the needs of industry, small business and

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

responds to, and creates, economic opportunities.	emerging opportunities. Identify and activate underutilised economic and land assets to promote employment and economic activity.
Our region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Advocate for and facilitate the reduction in economic barriers such as access to water, electricity, logistics infrastructure and telecommunications.

State Planning Strategy 2050 - the proposed development is consistent with the strategic direction identified, in that it:

- proposes an intensive agricultural land use that will enhance agricultural productivity in the region, whilst maintaining a focus on animal welfare and sustainable farming practices;
- will contribute to more diverse economic activity and employment opportunities in the region, both directly and indirectly through the demand created for locally produced grain feed; and
- will assist in meeting domestic and global demand for high quality, Western Australian beef.

Wheatbelt Regional Planning and Infrastructure Framework - the proposal is consistent; being an innovative form of intensive livestock production that will provide greater diversity in the agricultural sector and contribute to the continued economic development of the Wheatbelt region.

**ATTACHMENTS.**

Circulated with the agenda are the following items relevant to this report:

- Development Application Report (Doc Id: 141810)
- Responsible Authority Report (Doc Id: 145573)
- Comments from Vic Swart & Koojan Pool Road Residential Community (Doc Id: 145978)
- Comments from Department of Biodiversity, Conservation & Attractions (Doc Id: 145977)
- Comments from Brian Morrison (Doc Id: 145876)

***(Marked 9.3.1)***

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council endorses the Responsible Authority Report (Doc Id: 145573) to the Midwest Wheatbelt Joint Development Assessment Panel, which recommends development approval of an intensive cattle feedlot upon Lots 102, 103, 3556 and 3559 of the Koojan Downs farming title in the locality of Yathroo.**

### 9.3.2 PROPOSED JURIE BAY RSL FUNCTION CENTRE

Location:	Reserve 28541
Applicant:	Jurien Bay RSL Sub Branch
File Path:	Business Classification Scheme / Recreation and Cultural Services / Museum and Galleries / Management
Disclosure of Interest:	Nil
Date:	6 December 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

#### PROPOSAL

The Returned Services League WA (RSLWA) is seeking development approval for the construction of function centre upon Reserve 28541, abutting the north carpark of 'Memorial Park'.

#### BACKGROUND

Reserve 28541 is attributed to all foreshore areas in Jurien Bay from the south marina wall to Island Point. The subject proposal is concerned with land within what is commonly known as 'Memorial Park'. An aerial image of the park is shown below.



The reserve is classified as 'Parks and Recreation' under the Shire's Local Planning Scheme No.7 and has a land title purpose of 'foreshore management and recreation' with the ability to lease

for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

To date the RSL do not hold a lease over the development land. The possibility of leasing the land under the above classifications was questioned with (the then) Department of Lands staff in October 2013. The response received was that the decision rests with Council, provided the use was limited to community purposes and not commercial, to best align with the reserve purpose. It was also advised the reserve purpose could be amended to include 'RSL function centre' in due course if Council decided supported the development. Previously this matter was considered by Council on 28 July 2016 with the following resolution:

**OFFICER RECOMMENDATION / COUNCIL DECISION**

*Moved Cr Gibson, seconded Cr Slyn*

*That Council agree to the request from the Jurien Bay RSL Sub Branch as follows:*

- *Council to request the Department of Lands to allocate an area of land 40m x 47m, part of Reserve 28541 for the purpose of construction of a RSL Sub-Centre building as per Plan (Document Id: 68566)*
- *Council to request the Department of Lands to amend the management order to change the purpose to include "RSL Sub-Centre Building" and to allow leasing for a period of up to twenty-one (21) years, for non-commercial purposes as indicated by the Department of Lands*
- *That all costs associated with the servicing of the site including but not limited to the provision of power, water, insurance, communications, effluent disposal, construction maintenance, renewal and future replacement and removal costs of the building and surrounds and all legal and other costs be at the expense of the Jurien Bay RSL Sub-Centre.*

*CARRIED 8 / 0*

*Moved Cr McGlew seconded Cr Sheppard*

*That the proposal be advertised in accordance with Local Planning Scheme No 7 as a preliminary planning application.*

*CARRIED 8 / 0*

A community lease is an agreement between the Shire and an external organisation to manage a reserve or facility on behalf of the Shire and for the community. This agreement supports the organisation in conducting their activities/services, and in doing so, provides benefit to the wider community. In many cases this arrangement provides a service to the community that would otherwise not be available or would require significant Shire input.

The Shire seeks to support community groups in increasing capacity and improving facilities within the Shire that result in strengthening of the community helping to build vibrant, inclusive and healthy communities.

The RSL have proposed a building with a predominate use for private functions associated with the RSL. The design of the building has a function hall, bar area and other multi use areas, in addition to a verandah linking it to an open landscaped area. The building is seated behind the existing memorial to the north, adjoining the existing grass area with the aim that the building is a harmonising inclusion into the natural landscape and linked with the existing north carpark for accessibility.

### COMMENT

#### **Reserve Lease**

To facilitate the development, a land lease is required. A lease of the Reserve is seen as reasonable given the future RSL building will activate the 'Memorial Park' portion of the reserve which is underutilised outside ANZAC day ceremonies. 'Memorial Park' also leads itself to an ideal, fitting location for an RSL centre. It is requested Council authorise the Chief Executive Officer to formalise a lease agreement with RSL WA on behalf of the RSL WA. The local sub branch have sought this outcome due to funding for the facility being delivered through the State branch whom will ultimately be responsible for asset ownership.

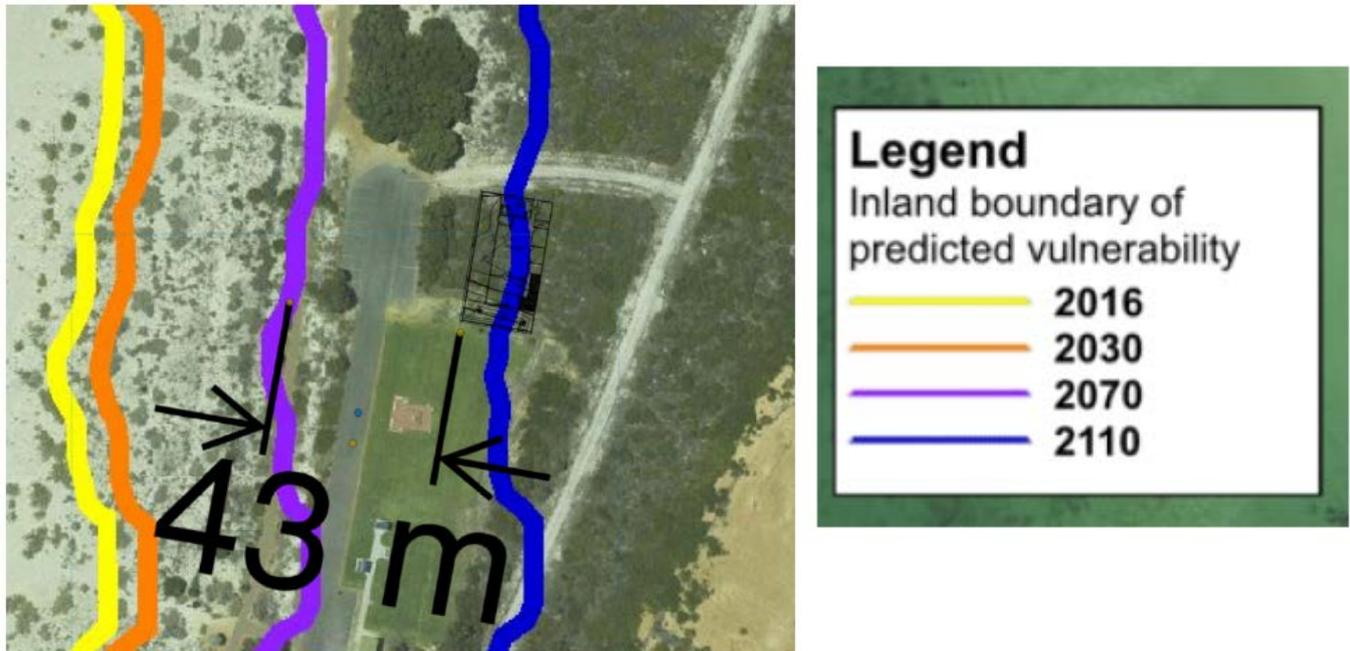
As outlined previously, it is advised the commercial use of the building for functions not RSL related should be avoided to align with the recreation classification of the reserve to facilitate a lease for such a development.

Final details of the exact portion of land will be determined based on the development application plans. In accordance with the Shire's *Policy 6.2 Reserves* the length of the lease will be twenty-one (21) years unless otherwise terminated. Section 1 of the policy outlines matters to be included as conditions of the lease agreement. Council will reserve the right to terminate the lease if it is not carried out in accordance with the set conditions.

#### **Development Application**

Given the proposed building will be constructed of materials which are responsive to the local character of Jurien Bay, with reliability and ease of maintenance in mind, it is anticipated the building's form will be complementary to the natural coastal surrounds. The main materials of the building will be limestone, timber frame, fibre cement feature cladding, corrugated metal roofing, decking composite; in natural colours (browns greens, sands and ocean blues) with bold highlight features; which also aid the above statement.

However, given the coastal location of the development, it is denoted at risk of coastal erosion of the planning timeline. The building is situated on the 100-year high water mark (as shown below) under the Shire's *Coastal Hazard and Risk Management Adaptation Plan*.



Nonetheless, the risk to the development is viewed as acceptable given the risk is several decades away and the proposed building will be built above natural ground (finished floor level of 5m AHD) and setback as far as practicable from the adjoining carpark by a removable floating building design (combination of limestone blocks and metal stilts), which provides the building with the possibility to be relocated when the coastal erosion risk becomes unacceptable.

The development is also at risk from bushfire as it is in a 'Bushfire Prone Area' as determined by the Department of Fire and Emergency Services. However, the class of the building is exempt from bushfire controls under building legislation. Additionally, in terms of town planning bushfire controls; the use of the building is not deemed vulnerable under the *State Planning Policy 3.7 Building in Bushfire Prone Areas* (SPP3.7). A 'vulnerable land use' is defined as a land use where persons may be less able to respond in a bushfire emergency and can be categorised as one or more of the following:

- *land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or*

- assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres;*
- *facilities that, due to building or functional design, offer limited access or the number of people accommodated may present evacuation challenges, such as corrective institutions (prisons) and detention centres;*
  - *short stay accommodation or visitation uses that involve people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire, such as bed and breakfast, caravan park and camping ground, holiday house, holiday accommodation, home business, serviced (short stay) apartment, tourist development and workers' accommodation.*

Given the building will only be used for RSL functions in temporary non-fulltime basis, it is anticipated the below measures will sufficiently address and reduce the bushfire risk of the development.

Under SPP3.7 the development application is still required to be accompanied with the following:

- a BAL Contour Map or a BAL assessment;
- the identification of any issues arising from the BAL Contour Map or BAL assessment; and
- an assessment against the bushfire protection criteria contained within the SPP3.7 Guidelines demonstrating compliance within the boundary of the development application.

This information will be requested as a condition of approval, with any resulting design changes to be implemented in the subsequent building application.

Additionally, an emergency evacuation plan will be required for the building application under the class of the building. The applicant states this plan will incorporate elements of bushfire triggers.

Power and water for the site will be provided off-grid via solar power and a combination of scheme and large capacity rainwater harvesting tanks. The water tanks will also be provided with an independent power supply for fire emergencies. Wastewater will be disposed via a grinder pump which will transfer the by-product to the Water Corporation sewer junction at the west end of Seaward Drive. Final details of these systems will be submitted as part of the subsequent building application. The building application will also consider accessibility needs of the building.

Council are requested to approve the development application assuming that the alternate proponent for the lease agreement is supported.

CONSULTATION

Given the nature of the proposal and previous public consultation undertaken in 2016 further consultation has not been carried out.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Land Administration Act 1997
- Local Government Act 1995

Local Government Act 1995 Section 3.58 requires that the disposal of property whether by sale or lease be advertised for a period of two weeks.

There is an exemption provided under Functions and General Regulations, regulation 30 which is appropriate for not profit community groups as applicable in this case.

**3.58. Disposing of property**

(1) *In this section —*

**dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

**property** *includes the whole or any part of the interest of a local government in property, but does not include money*

**30. Dispositions of property excluded from Act s. 3.58**

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(b) *the land is disposed of to a body, whether incorporated or not —*

*(i) **the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and***

*(ii) **the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;***

POLICY IMPLICATIONS

- State Planning Policy 3.7 Building in Bushfire Prone Areas
- Coastal Hazard Risk Management and Adaptation Plan
- Shire Policy 6.2 Reserves:

*Lease Provisions*

*Where Council resolves to lease a Reserve Vested in its control or resolves to lease land owned by it to a local sporting or community organisation, the following notes are to form the basis for the lease agreement:*

- (a) *Length of lease to be for twenty-one (21) years unless otherwise terminated. (Maximum permissible under management order).*
- (b) *Annual rental to be “a peppercorn”.*
- (c) *The Lessee shall not carry out any permanent structural improvements on the reserve without the prior written approval from the Council.*
- (d) *All structural improvements on the reserve shall be and remain at law, the property of the Shire. The Club shall have the sole use, benefit and enjoyment of the reserve and all structural improvements thereon during the operation of the lease.*
- (e) *The Lessee shall comply with all Acts of Parliament, Orders, Regulations, Local Laws, etc., that apply to the reserve and structural improvements.*
- (f) *The Lessee shall keep the Reserve area and all structural improvements in a maintained, clean and tidy condition at all times and shall comply with any directions of the Council that may be issued requiring works to have the Reserve area and structural improvements placed in a maintained, clean and tidy condition.*
- (g) *The Lessee shall not disturb the surface soil and vegetation in a manner likely to cause erosion. If erosion damage does occur, the Club shall take remedial action as directed by the Council.*
- (h) *The Lessee shall permit the Shire’s officers access to the Reserve and structural improvements at all reasonable times to ensure that the lease conditions are being complied with.*
- (i) *The lease may be terminated by the Council if the Club fails to comply with provisions of the lease agreement. The Council shall give the Lessee at least thirty (30) days notice in writing requiring the Club to rectify the breach of lease before taking action to terminate the lease under this provision.*
- (j) *The Lessee shall not assign or part with possession of any Crown lease without prior approval from the Council and the responsible Minister.*
- (k) *The Lessee shall meet all costs in relation to preparing and stamping the lease document.*
- (l) *Any leases entered into relating to Council’s Reserves are to include a plan completed by a licensed surveyor depicting the area of land to be leased as an attachment to the lease document.*

#### FINANCIAL IMPLICATIONS

The RSL will be required to pay the costs of a survey for the lease area. However, there is no lease processing fee applicable.

Given the community nature of the RSL and precedent set with other community groups, a request has been made to waive the development application fee.

**STRATEGIC IMPLICATIONS****Strategic Community Plan – Envision 2029:**

02 – Propensity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Identify and activate underutilised economic and land assets to promote employment and economic activity.
04 – Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcomes</b>	<b>Our Roles</b>
A region that develops and supports community leadership and collective values.	Provide governance support for community groups to deliver their objectives.

**ATTACHMENTS**

Circulated with the agenda is the following item relevant to this report:

- Development application (Doc Id: 145682 & 145681)  
**(Marked 9.3.2)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council agree to lease part of Reserve 28541 to Returned Service League WA (RSLWA) for the purpose of RSL function centre and**

- 1. authorise the Chief Executive Officer to formulate the lease agreement documentation with the following material terms to be forwarded to the Minister of Lands for final approval.**
  - a. Authorised Use: Returned Services League WA.**
  - b. Term: 21 years**
  - c. Annual Rent: \$1**
- 2. waive the fees relevant for the development application (DA 107 / 2019) from the Returned Service League WA (RSLWA);**
- 3. grant development approval for a function centre upon Reserve 28541 to the RSLWA subject to following conditions and advice:**

- A. All development shall be in accordance with the submitted plans and documentation date stamped 19 December 2019 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.
- B. Prior to the commencement of development, the following bushfire planning matters are to be addressed to the satisfaction of the Shire:
  - a BAL Contour Map or a BAL assessment;
  - the identification of any issues arising from the BAL Contour Map or BAL assessment; and
  - an assessment against the bushfire protection criteria contained within the State Planning Policy 3.7 Guidelines demonstrating compliance within the boundary of the development application.
- C. The building materials being of non-reflective nature and colour consistent with the predominant colours of the individual site.
- D. This development approval is valid for a period of three (3) years. If the development is not substantially commenced within this period, the approval shall lapse and be of no further effect.
- E. The use of building is to be limited RSL related activities.
- F. endorsement of the lease agreement prior to commencement of development.

**Advice:**

The applicant is advised this is planning approval only and not a building permit. A building permit must be obtained for this development.

### 9.3.3 MAIN ROADS WA REQUEST FOR COMMENT, PROPOSED AMENDMENTS TO SPEED ZONES BASHFORD STREET JURIE BAY

Location:	Bashford Street/Indian Ocean Drive, Jurien Bay
File Ref	Business Classification Scheme / Roads / Design & Construction/ Roads Signs
Disclosure of Interest:	None
Date:	9 December 2019
Author:	David Chidlow, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

Council to make comment to Main Roads WA on proposed amended speed zones along Bashford Street.

#### BACKGROUND

The last time speed limits were reviewed along Bashford Street was in November 2013 in response to a letter from the then Shire President Cr Gibson to Main Roads following an accident along the north section of Bashford Street.

There have been requests over a number of years from community members seeking a reduction of speed limits at the Bashford Street/Middleton Boulevard intersection given the high speed limit relative to leaving a residential area.

Main Roads WA have provided the following proposal to amend the speed limits as the extent of the current 50km/h limit has caused complaints as well as police concerns.

*As discussed, since our Region has taken over the responsibility of Indian Ocean Drive south of Leeman the speed zone through Jurien Bay has been a common complaint regarding the lengthy 50 km/h zone on the approaches to the built up/commercial area.*

*Police have also recently advised about the non-compliance within the 50km/h zone. They have advised that motorists have indicated after stopping at one of the Service stations to refuel they have proceeded on and driven to the speed that they feel comfortable with which is in excess of the current speed zone of 50. The region has since indicated that they will install repeater speed signs however this is only an interim treatment until the speed zones were reassessed.*

*An assessment of the site was completed and it was concluded that as the vast majority of properties approaching the commercial development along Bashford Street were well set back, our standards recommend that a 60 or 70km/h speed zone would be the appropriate speed for the environment.*

*The assessment is recommending that the speed zones be amended as follows (refer attached layout plan):*

- *80km/h speed zone be installed to replace the 70, 90 and 110km/h speed zone from 350 metres south of Lesueur Drive to 260 metres south of Middleton Blvd*
- *60km/h speed zone be installed to replace the 50k and 70km/h speed zone from 30 metres south of Bayliss Street to 350 metres south of Lesueur Drive.*
- *60km/h speed zone be installed to replace the 50k and 70km/h speed zone from 60 metres south of Doust Street to 80 metres north of Airstrip Road.*

*Classifiers have been positioned within the proposed speed zones and all sites reflect to proposed speeds.*

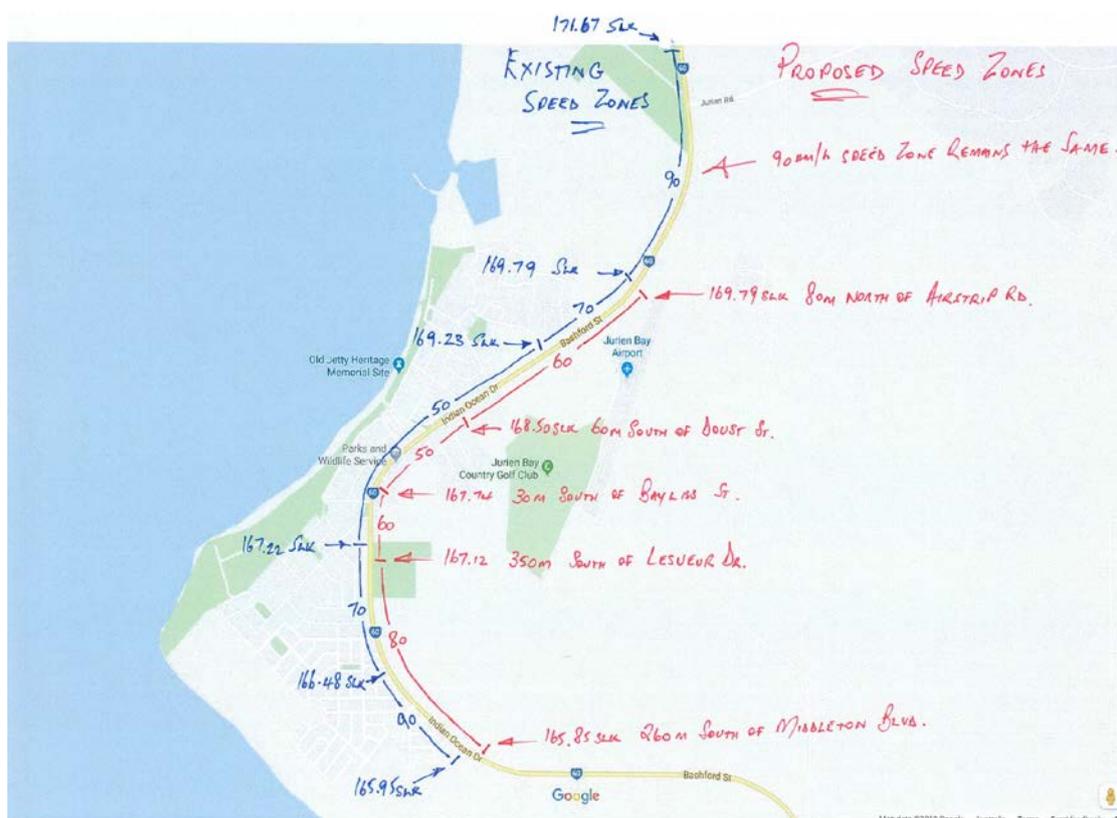
*The 85<sup>th</sup> percentile of traffic has been recorded throughout these sites as follows:*

- 150 metres north of Dryandra Blvd*
  - *85<sup>th</sup> % Speed = 74.16km/h*  
*70 metres south of Lesueur Drive*
  - *85<sup>th</sup> % Speed = 60.57km/h*  
*70 metres south of Roberts Street*
  - *85<sup>th</sup> % Speed = 52.29km/h*  
*100 metres north of Hastings Street*
  - *85<sup>th</sup> % Speed = 57.24km/h*

*Please provide any comments/concurrence regarding the proposals.*

*The Region is required to submit the recommendations for formal approval through our Perth office.*

*The changes to the speed zones will then be advertised in your local paper specifying the installation dates.*



### COMMENT

The proposed speed changes are supported by staff as it will result in a better distribution of the speed zones based on lower speeds in the high density area and higher speeds in the less dense areas.

Concern has been raised that there are too many speed changes along Bashford Street and the proposed new limits will further exacerbate the problem. Too many speed changes within a short travel distance can lead to confusion, unless there is a plethora of signage, which is also not desirable. In this case the additional 60km speed zone is proposed to provide better traffic flow and limit speed in the busier areas of town. The proposal however does increase the speed limit at the Dryandra / Bashford Street intersection from 70km to 80km.

An alternate recommendation if Council does not support the proposed changes is suggested below;

*That Council advise Main Roads WA that it does not support the proposed amendments to speed zones along Bashford Street as presented, however Council will consider support for an alternate proposal that has less speed changes.*

### CONSULTATION

Amending speed limits is at the discretion of Main Roads WA. Main Roads WA will advertise any amendments made.

STATUTORY ENVIRONMENT

Main Roads Act 1930

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Draft speed limit plan (Doc Id: 146084)

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council advise Main Roads WA that it does not object to the proposed speed changes along Bashford Street as set out in draft speed limit plan (Doc Id: 146084)**

## 9.4 GOVERNANCE & ADMINISTRATION

### 9.4.1 FIRE CONTROL OFFICER'S MEETING MINUTES NOVEMBER 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	Nil
Date:	11 December 2019
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	N/A

#### PROPOSAL

To receive the minutes of the Shire's Fire Control Officer's meeting and endorse two recommendations associated with a Camping and Cooking Fire Policy and a review of the Shire's participation in the Community Emergency Services Manager program.

#### BACKGROUND

The Shire's Fire Control Officer's recently held their biannual meeting in preparation for the 2019/2020 peak bushfire season. The minutes of this meeting are provided as an attachment to this agenda item for Council review and consideration.

There were two key recommendations from the Fire Control Officer's meeting, firstly to consider the establishment of a policy to provide a framework to permit camping and cooking fires and secondly for Council to consider their ongoing participation in the Community Emergency Services Manager program.

#### **Camping and Cooking Fires Policy**

Currently the Shire of Dandaragan does not have a camping and cooking fire policy. Policy around camping and cooking fires is controlled through the application of the restricted and prohibited burning periods and applies across all areas of the Shire regardless of if it is a backyard, a farm or a camp area.

Currently if someone lights a solid fuel BBQ or lights a cooking or campfire in their backyard in September, October or March without a permit they are breaching the rules. The same applies for November through to February when even permit burning is not permitted. All of these months represent the restricted and prohibited burning periods. This is a blanket style approach and applies without exception regardless of the weather conditions or physical conditions around the camp or cooking fire. During the months April through to the end of August no conditions are applied and camping or cooking fires are permitted.

**Community Emergency Services Manager Program**

The meeting was also advised by the Chief Bushfire Control Officer that the Shire's Community Emergency Services Coordinator (CESC) had resigned from his position following the Woodbine Road Incident.

The Chief noted that he remained dissatisfied that the CESC had been directed by the DFES regional office to relocate from Perth during the incident against the Chief Bushfire Control Officer's requirements as the incident controller. The level of support provided to the local area was also discussed and recommended for review.

**COMMENT****Camping and Cooking Fires Policy**

A draft Camping and Cooking Fires policy has been developed for public advertising recognising that outdoor cooking at a property owner's place of residence is a desirable and legitimate part of everyday living and supported by the Fire Control Officers and Shire staff when carried out in a responsible manner. This policy aims to permit the use of outdoor cooking implements such as pizza ovens, charcoal BBQ's and contained cooking fires under the conditions as described in the policy.

It is recommended that the attached policy is advertised for public comment prior to adoption by Council.

**Community Emergency Services Manager Program**

At present the region is in peak fire season and as a short term measure the Shire has directly employed the former CESC outside of the Community Emergency Services Manager program. This will continue logistical and operational support for the Chief Bushfire Control Officer in the short term.

It is recommended that Council support the Fire Control Officer's request for a review of the Shire's participation in the Community Emergency Services Manager Program. A review process is expected to take a number of months to allow adequate consultation between all affected parties.

**CONSULTATION**

The Camping and Cooking fire policy was presented to the general meeting of the Fire Control Officers by the Community Emergency Services Coordinator and unanimously endorsed.

It is recommended that the policy be advertised before being considered for approval at the next Council meeting.

STATUTORY ENVIRONMENT

- Bush Fires Act 1954 clause 25 (1) (a) No fire to be lit in the open air unless certain precautions are undertaken.
  - (1) *Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act, save and except in accordance with and subject to the following provisions —*
    - (a) *a fire for the purpose of camping or cooking shall not be lit within 3 m of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 m from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is “catastrophic”, “extreme”, “severe” or “very high”, such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do.*

POLICY IMPLICATIONS

This item recommends the advertising of a draft policy.

FINANCIAL IMPLICATIONS

There are financial implications if the Shire’s participation in the Community Emergency Services Manager Program is discontinued. DFES support for the position including equipment and overheads equates to approximately \$91,000 annually.

STRATEGIC IMPLICATIONS

The CESC position is an essential resource for the delivery of fire mitigation and response and works across a number of priority outcomes within the Shire’s Community Strategic Plan.

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Unconfirmed minutes of the general meeting of the November Fire Control Officers meeting (Doc Id: 144674)
- C-8CCFP04 Draft Camping and Cooking Fire Policy (Doc Id:145889)
- Fire Pit Registration Form (Doc Id: 145936)
- Draft Frequently asked questions (Doc Id: 145898)

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

**That Council**

- 1. receive the unconfirmed minutes of the Fire Control Officer's Meeting held at the Badgingarra Community Centre on Wednesday 13 November 2019.**
- 2. endorse the draft Camping and Cooking Fire policy for public advertising.**
- 3. endorse the Fire Control Officer's request for Council to conduct a formal review of its future participation in the Community Emergency Services Manager program.**

## **9.4.2 REVIEW OF ENVIRONMENTAL GRANT APPLICATIONS**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Grants and Subsidies / Applications / Shire Community Grants
Disclosure of Interest:	Nil
Date:	10 December 2019
Author:	Michelle Perkins, Manager Customer & Community Services
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

### PROPOSAL

The purpose of this report is to authorise the allocation of funds for the Shire of Dandaragan Environmental Grants for 2019.

### BACKGROUND

On 24 September 2019 Council endorsed the establishment of the 2019/2020 Environmental Grants Program in accordance with the attached guidelines, and allocated \$35,000 from the Protection of the Environment budget towards the program.

The core objectives of the program are as follows:

- Benefit the environment through local projects
- Involve the local community in project design and delivery
- Raise awareness and understanding of environmental and sustainability issues
- Support people to take action and share skills and knowledge about the local environment
- Build the capacity of the community to address environmental sustainability.
- Deliver short-term tangible environmental results that are consistent with the Shire's long term environmental sustainability direction.

Local individuals, organisations and groups were encouraged to apply for up to \$10,000 for projects on public or private land. Applicants were able to apply for a funding commitment over multiple years where they could demonstrate a compelling need such as the commitment from Council being an essential requirement to access other external funding, or projects that would require an action over a number of years to see significant outcomes.

### COMMENT

This year, the funding pool is \$35,000. The Grants Program received a total of three (3) applications with a total funding request of \$29,558.55:

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Jurien Bay Regional Herbarium Group	Dandaragan Foreshore Pyp Grass Eradication Project	\$9,759
KE Smith Farm	Smith Landscape Rehydration Demonstration Site	\$10,000
West Midlands Group	Roberts Farm Soil Amelioration Practices Demonstration Site	\$9,800
	<b>TOTAL</b>	<b>\$29,559</b>

This will be the first year of the Shire of Dandaragan Community Grants Program. The assistance provided by the Shire is to support environmental community events and is not intended to be the sole source of funding. The grant guidelines are deliberately broad in the grant's objectives in order for the Shire to receive a range of projects and initiatives to be considered on their merits. Outcomes and learnings from this first round of funding will assist the development of the aligned Council policy for Environmental Grants similar to the process for Council's Community Grants program. It is intended that the future policy will be in place for the 2020/2021 budget cycle.

Staff met with a representative from Department of Biodiversity, Conservation and Attractions, Mr Steve Buitenhuis in Jurien Bay in late November to review the applications from a local benefit perspective, whilst also reviewing the broader implications or benefits of each project.

All three projects were reviewed and approved for eligibility. With two of the projects being undertaken on private land, issues around broader community promotion, community education and understanding of the objectives of the projects, and reporting outcomes were discussed. Shire officers and DBCA staff agreed that provided a clear contribution towards research and innovation was demonstrated with regular update reports including comparison photos, and opportunities for the community to learn from the project via construction / community viewing events, field visits and open days, and an agreement that Shire would be able to request viewings and updates, then the projects were relevant and eligible. These issues would be addressed in a signed grant agreement between successful applications and the Shire.

A review of the following applications was undertaken:

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

PROJECT	BENEFITS / ISSUES	RECOMMENDATIONS
Dandaragan Foreshore Pyp Grass Eradication Project	<ul style="list-style-type: none"> <li>▪ Demonstrated effectiveness in controlling identified invasive weed of significance</li> <li>▪ Builds on previous control treatments</li> <li>▪ Requires ongoing / yearly treatment to ensure prevention of reinfestation</li> <li>▪ Allows revegetation of native plantings to re-establish in order to stabilise coastal dunes</li> <li>▪ Aligned with Shire's Coastal Hazard Risk Management Action Plan (CHRMAP)</li> <li>▪ Provides employment for local contractors</li> <li>▪ Collaboration with local coastcare groups and school</li> <li>▪ Builds on existing partnership with local Parks and Wildlife (DBCA) to grow seedlings for revegetation in DBCA depot, in addition to use of mobile water unit on plantings</li> <li>▪ Builds capacity of local community organisation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide before / after images for reporting and promotion purposes</li> <li>▪ Invite broader community to assist planting</li> <li>▪ Coordinate spraying / revegetation activities with Shire Parks and Gardens schedule</li> <li>▪ Provide annual project report to Council / Shire</li> <li>▪ Provide annual update to local newspapers identifying the project and partnership with the Shire</li> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes</li> </ul>
Smith Landscape Rehydration Demonstration Site	<ul style="list-style-type: none"> <li>▪ Highlights Shire's commitment to support innovative research on environmental / agricultural practices</li> <li>▪ Demonstration / research site for rehydration of agricultural site using innovative approach</li> <li>▪ Builds on existing Department of Primary Industries and Regional Development research initiative</li> <li>▪ Provides a detailed Catchment Function Analysis of demonstration site however this may be perceived negatively due to being on private land</li> <li>▪ Provides opportunity to identify if regenerative agricultural practices can rehydrate local catchment areas and agricultural land resulting in less run-off and less flooding and erosion</li> <li>▪ Potential to improve local waterway (Minyulo Brook) and wet lands</li> <li>▪ Aligns with Shire of Dandaragan Strategic Community Plan – Envision 2029</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide before / after images for reporting and promotion purposes</li> <li>▪ Provide annual project report to Council / Shire demonstrating agricultural and environmental outcomes</li> <li>▪ Provide annual update to local newspapers identifying the project and partnership with the Shire</li> <li>▪ Ensure project is promoted as a demonstration site</li> <li>▪ Non confidentiality clause to ensure Council is able to visit site at mutually agreed times and publish appropriate content and share project particulars to facilitate community learning.</li> <li>▪ Hold Open Day 12 months after first Spring period</li> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes</li> </ul>

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

	<ul style="list-style-type: none"> <li>▪ Application didn't demonstrate a high level of local collaboration with grower and environmental groups</li> <li>▪ Project identified capacity to hold field days / community education events</li> <li>▪ Regenerative agricultural is not widely accepted as a successful practice – particularly in a local setting therefore project may be controversial</li> </ul>	
<p>Roberts Farm Soil Amelioration Practices Demonstration Site</p>	<ul style="list-style-type: none"> <li>▪ Coordinated by well established organisation</li> <li>▪ Uncomplicated testing of new schedules of soil amelioration practice</li> <li>▪ Demonstration site will provide opportunities for community education activities</li> <li>▪ Highlights Shire's commitment to support innovative research on environmental / agricultural practices</li> <li>▪ Aligns with Shire of Dandaragan Strategic Community Plan – Envision 2029</li> <li>▪ demonstrate a high level of local collaboration with grower and local landholder groups</li> </ul>	<ul style="list-style-type: none"> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes</li> <li>▪ Provide before / after images for reporting and promotion purposes</li> <li>▪ Provide annual project report to Council / Shire demonstrating agricultural and environmental outcomes</li> <li>▪ Provide annual update to local and regional newspapers identifying the project and partnership with the Shire</li> <li>▪ Ensure project is promoted as a demonstration site</li> <li>▪ Non confidentiality clause to ensure Council is able to visit site at mutually agreed times and publish appropriate content and share project particulars to facilitate community learning.</li> </ul>

CONSULTATION

- Chief Executive Officer Brent Bailey
- Steve Buitenhuis, Nature Conservation Coordinator,  
Department of Biodiversity, Conservation and Attractions Jurien  
Bay office

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

POLICY IMPLICATIONS

There is no current policy associated with this proposal. It is proposed that an Environmental Grants Policy is developed to guide the 2020/2021 budget process.

FINANCIAL IMPLICATIONS

A suitable funding source is already contained within Council's 2019/2020 budget – GL 27060.1004.00201.00100 – Protection of the Environment.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

03 Environment	The Shire will be a responsible custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
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ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Applications JB Herbarium Pyp Grass Project (Doc Id: 145987)
- Application – Smith Farm Rehydration Project Doc Id: 145989)
- Application – WMG Roberts Farm Soil Amelioration Project (Doc Id: 145991)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Approve the following Environmental Grants from the 2019/2020 allocation:**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

ORGANISATION	PROJECT DESCRIPTION	GRANT
Jurien Bay Regional Herbarium Group	Dandaragan Foreshore Pyp Grass Eradication Project	\$9,759
KE Smith Farm	Smith Landscape Rehydration Demonstration Site	\$10,000
West Midlands Group	Roberts Farm Soil Amelioration Practices Demonstration Site	\$9,800
	<b>TOTAL</b>	<b>\$29,559</b>

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – NOVEMBER 2019 COUNCIL STATUS REPORT

Document ID: 145666

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 28 November 2019. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2019

Document ID: 145745

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for November 2019. **(Marked 9.5.2)**

### 9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2019

Document ID: 145744

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for November 2019. **(Marked 9.5.3)**

### 9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR NOVEMBER 2019

Document ID: 145565

Attached to the agenda is monthly report for Tourism / Library for November 2019. **(Marked 9.5.4)**

### 9.5.5 WA ELECTORAL COMMISSION – 2019 REVIEW OF WA ELECTORAL BOUNDARIES

Document ID: 145358

Attached to the agenda is a media release from WA Electoral Commission in relation to 2019 Review of Western Australia's Electoral boundaries. **(Marked 9.5.5)**

### 9.5.6 DEPARTMENT OF PREMIER & CABINET – DISCUSSION PAPER ABORIGINAL EMPOWERMENT STRATEGY

Document ID: 145790

The Department of Premier and Cabinet have a discussion paper on Aboriginal Empowerment Strategy, please follow the link below <https://www.wa.gov.au/organisation/departments-and-cabinet/developing-aboriginal-empowerment-strategy>

### 9.5.7 WALGA – MINUTES OF STATE COUNCIL HELD 4 DECEMBER 2019

Document ID: 145865

Attached to the agenda is a copy of the Summary Minutes of State Council held 4 December 2019. A full copy of the Minutes can be viewed by following the link below:

<https://walga.asn.au/getattachment/8668f9f6-836d-4998-bad9-0967d238e321/Full-Minutes-State-Council-4-December-2019.pdf>

**(Marked 9.5.7)**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 19 DECEMBER 2019**

- 10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING**
  
- 11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**
  
- 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 13 CLOSURE OF MEETING**