

SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

AT THE DANDARAGAN COMMUNITY RECREATION CLUB

on

THURSDAY 28 JANUARY 2016

COMMENCING AT 5.00 PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JANUARY 2016
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.00pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 3 members of the public present.

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

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting."

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor D Slyns	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	

Staff

Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)

Apologies

Councillor C Carey	
Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)

Approved Leave of Absence

Nil

Observers

Mac Hewlett
Lawrie Short
Graeme Betteridge

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3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

- Lawrie Short questioned whether Turquoise Coast branding has shown an increase in visitors / sales etc and promotion through Visitors Centre rebranding creating a flow on to the rest of the Shire.
- Cr Sheppard said he had been a volunteer for several years and through the Shire would probably have seen 20 visitors per morning as opposed to the Turquoise Coast Visitors Centre where they are receiving 70-80 / morning which is quite an increase.
- Cr Holmes said that some businesses are finding it bumpy
- Cr Holmes said that any increase in business due to Turquoise Coast branding would only be anecdotal.
- Cr Holmes said that joint chamber will look at a statistical baseline
- Cr Holmes said that Council needs to look at a link between New Norcia and coast to pick-up Dandaragan / Badgingarra.

- Lawrie Short questioned Commodity Route Grant Funding and whether there was any prospect of obtaining Commodity Road Funding for Dandaragan Road, West Koojan Pool Road, Koodjie Road and Capitelra Road
Garrick Yandle advised that:
- Dandaragan Road 2016 has 3.5km of works are funded through Regional Road Group, with further funds being approved for 2016/17 budget for another 3km section near Stockyard Road intersection. Traffic counters have recently been put out in January 2016 to assist with funding applications for 2017/18 budget, with planning for this to be done 12 – 18 months in advance in order to obtain funding.
- The Shire is aware of increased pressure on gravel roads in the Boundary Road and Gillingarra Road area due the road trains transporting cattle from stations up north and using properties in this area as a stopover point. The Shire believes that are in breach of the Main Roads Restricted Access Vehicles Operating Conditions and the Shire's Heavy Transport Routes Policy. The Shire is investigating ways to manage the increased numbers of heavy vehicles on these roads, as well as investigating appropriate methods and funding arrangements to maintain the roads to an acceptable standard.

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

Moved Cr Slyns, seconded Cr Scharf

The leave of absence be approved as follows:

- **Councillor D Richardson – Thursday 11 February 2016 through to Tuesday 16 February 2016**
- **Councillor W Gibson – Friday 25 March 2016 through to Wednesday 13 April 2016**

CARRIED 8 / 0

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6 CONFIRMATION OF MINUTES

6.1 MINUTES OF SPECIAL COUNCIL MEETING HELD 10 DECEMBER 2015

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Sheppard

That the minutes of the Special Meeting of Council held 10 December 2015 be confirmed.

CARRIED 8 / 0

6.2 MINUTES OF ORDINARY MEETING HELD 17 DECEMBER 2015

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Sheppard

That the minutes of the Ordinary Meeting of Council held 17 December 2015 be confirmed.

CARRIED 8 / 0

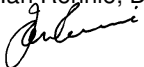

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ADVANCE DANDARGAN – COVER OVER PLAYGROUND IN DANDARAGAN

Location:	JC Grieve Sportsground
Applicant:	Advance Dandaragan
Folder Path:	Business Classification Scheme / Community Services / Service Provision / Childcare
Disclosure of Interest:	None
Date:	24 December 2015
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider a request from Advance Dandaragan in order for an amount of \$9,500 currently being held by Council as a restricted asset for “Capital Expenditure on Recreation Land within the vicinity” of the Dandaragan Recreation Area, to be allowed to be a contribution to a cover over a playground.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JANUARY 2016BACKGROUND

In 2007, an approach was made by Mr IT Oliver for Council to relinquish the Management Order over Reserve 36547 on the corner of Dandaragan Road and Harris Street, Dandaragan. The purpose of the relinquishing the of the Reserve was in view of the fact that the Reserve was not being used at all for the purpose of Recreation and because Mr Oliver intended to use portion of the Reserve in order to create two residential lots. The Reserve was completely undeveloped and portion of the Harris Street Road Reserve ran through the Reserve itself.

Council agreed to the request and over the next several years, the process of relinquishing the Management Order and creating two titles from the Reserve, one for a Road Reserve and the second for residential purposes occurred.

As part of the process of free-holding of the land, Council had to pay \$500 to the then Department of Regional Development and Lands in order to purchase the Reserve. Subsequently, Mr Oliver had to pay Council \$10,000 for the free-holding of this area of land. The net result was that Council lodged \$9,500 in a trust account that was established for the sole purpose of Capital Expenditure on recreation land in the vicinity. These funds have been in Councils control since that date.

COMMENT

Advance Dandaragan have advised that in association with the Dandaragan Playgroup, they are in the process in preparing a design, cost and to erect a shade over the playground at the JC Grieve Sportsground. Advance Dandaragan have requested that Council agree to the \$9,500 being utilised as a contribution towards this project.

Staff have no objection to these funds being utilised for this purpose which is in accordance with the requirements of the Department of Regional Development and Lands.

CONSULTATION

Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

Planning and Development Act 2005

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications from Council's point a view as the funds were being held on behalf of the Community of Dandaragan.

STRATEGIC IMPLICATIONS

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There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Correspondence from Advance Dandaragan
(Marked 61911)

VOTING REQUIREMENT

Simple Majority / Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION



Moved Cr McGlew, seconded Cr Sheppard

That Council agree to utilise \$9,500 currently being held as a Restricted Asset for the purpose of “Capital Expenditure on Recreation Land within the vicinity” as a contribution towards the construction of a shade shelter over the playground equipment at the JC Grieve Sportsground.

CARRIED 8 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 BUDGET AMENDMENT ROAD PROJECTS 2015 / 2016

Location:	Jurien Bay, Sandy Cape Road, Jurien East Road
Applicant:	Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Capital Works
Disclosure of Interest:	None
Date:	13 January 2016
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council consider a budget amendment to transfer to \$134,000 of the Capital Works Budget from Jurien East Road to Sandy Cape Road.

BACKGROUND

The Shire's 2015/16 Roads to Recovery funding allocation is \$1.15M. This included the allocations to the following Capital Road Projects:

Proposed Road	Budget Amount	Funding Sources
Jurien East Road	\$362,000	MRWA \$228,000 RTR \$134,000
Sandy Cape Road	\$50,000	RTR \$50,000
TOTAL	\$412,000	

COMMENT

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During the delivery of the 2015/16 Capital Works Program, Shire staff have determined that it will not be possible to complete all the proposed works for Jurien East Road by the end of the financial year. This is due to complexity with design issues associated with Jurien East Road, restrictions with existing staff resources and contractors tied up with other Shire contracts.

Shire staff have also noted an increase in maintenance requirements along Sandy Cape Road as a result of tourists and lime sand trucks. As a result of these observations Infrastructure staff are recommending that \$134,000 of the 2015/16 Capital Works Budget be reallocated from Jurien East Road to Sandy Cape Road. Shire staff propose to use this funding to upgrade the first 2 kilometres of Sandy Cape Road from Indian Ocean Drive by way of pavement reconstruction and a 7m wide Primerseal. This will be the first stage of progressively sealing the road from Indian Ocean Drive right through to Sandy Cape camp ground which is an approximate length of 7 kilometres.

The following are key points to note with both roads:

Jurien East Road

- Shire staff have a 5 year plan to upgrade this road due to safety issues associated with a narrow seal width (<6m) and significant heavy haulage.
- Design and reconstruction of this road is somewhat complex and requires careful planning and traffic management.
- \$228,000 worth of planning, approvals, clearing and construction work will still be undertaken in 2015/16, which is funded by Main Roads WA as part of De-proclamation process.
- Ongoing funding will be sought annually through Regional Road Group with \$89,000 indicatively approved for 2016/17 financial year.
- Shire staff are seeking approval from Main Roads WA to transfer excess funding from the Mimegarra Road project to the Jurien East Road project in 2016/17, this is estimated to be approximately \$500,000 once Mimegarra Road is complete.

Sandy Cape Road

- \$50,000 of gravel resheeting was completed in September 2015.
- Traffic counts undertaken between November 2014 and February 2015 indicate Average Daily Traffic counts are 225 per day.

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- Maintenance requirements have increased with grading works on a monthly basis, having limited impact over the summer months.
- There has been an increase in complaints regarding condition of road over 2015/16 summer.
- There is a proposed expansion of Sandy Cape Recreational area.
- Shire staff will be seeking additional funding for 2017/18 through Commodity Route Program to continually upgrade the road.
- Jurien Lime Sands have encountered significant delays in opening up their northern access road and cannot give a definitive timeframe on when this is likely to occur.

In light of the above observations the Executive Manager Infrastructure recommends that Council take steps to upgrade Sandy Cape Road from a gravel road to a sealed road (7m side). The first stage of this process is to seal the first 2 kilometres from Indian Ocean Drive. Transferring \$134,000 from Jurien East Road to Sandy Cape Road project will enable this first stage to take place in 2015 / 16.

CONSULTATION

- Chief Executive Officer
- Operations Supervisor Dandaragan

STATUTORY ENVIRONMENT

- Section 6.8 LGA – 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Reallocate \$134,000 of the 2015/16 Capital Works Budget from Jurien East Road to Sandy Cape Road.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
OBJECTIVE 1: Develop strong and supportive community social services					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS

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G1-02-A3	Ongoing priority investment in roads program: - Implement road reconstruction programme; - Implement road resealing	Corporate Business Plan AMP	Ongoing	Shire wide	DoT
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ATTACHMENTS

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

- Nil

VOTING REQUIREMENT

Absolute Majority


OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council approve a budget amendment to reallocate \$134,000 of the 2015/16 Capital Works Budget from Jurien East Road to Sandy Cape Road.

CARRIED 8 / 0

9.3 GOVERNANCE & ADMINISTRATION**9.3.1 MEMORANDUM OF UNDERSTANDING - PROVISION OF AGED CARE SERVICES BAPTISTCARE INC**

Location:	Lot 679 Whitfield Road, Jurien Bay
Applicant:	Baptistcare Inc
Folder Path:	Business Classification Scheme / Public Health / Service Provision / Aged Care Homes
Disclosure of Interest:	Nil
Date:	12 January 2016
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider entering into a Memorandum of Understanding between the Shire of Dandaragan and Baptistcare Inc. for the purpose of investigating further the development of a residential aged care facility within the Shire of Dandaragan.

BACKGROUND

At the Council Forum held 28 May 2015, Council was presented with and discussed the following information:

Background

Council has discussed over a number of years the importance of targeting the over 55's market, and the provision of aged care services and facilities within the Shire of Dandaragan.

Through the planning that was undertaken during the SuperTowns program in 2011 and 2012, the community, Council and key

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stakeholders identified the Aged Care Precinct proposal as its number 1 ranked priority when putting forward business cases for consideration.

Unfortunately, this business case was not funded under the SuperTowns program. However, Shire staff and Council have continued to lobby the State and Federal Governments to push for aged care accommodation and provision within the Shire of Dandaragan.

On the 19 March 2015, the Chief Executive Officer (CEO) met with representatives from Baptistcare in relation to "Aged Care and Home Services".

On the 15 May 2015, the President and Cr Sheppard attended a meeting with the WA Country Health Southern Governing Council at the Jurien Bay Retirement Village Community Centre (run by RSL Care WA).

At this meeting, the CEO of RSL Care WA indicated that they may be interested in applying for "Home and Community Care status and apply for stream 6 (s6) capital grant funding from WA Country Health SIHI program with a view to providing respite and community care services from the old Central West Coast Senior Citizens building." (See copy of email dated 18 May 2015.)

Comment

The Southern Inland Health Initiative funding is clearly what has raised further interest among the aged care and health service providers.

As part of the SIHI program an allocation for a Residential Aged Care and Dementia Investment Program (\$20 million) is available to provide incentive for private providers to expand options for residential aged care and dementia care across the Southern Inland area.

The fact that we have 2 separate providers interested in discussing their proposals further is an opportune time to discuss what our community wants and needs.

The Shire has previously commissioned the Shire of Dandaragan Aged Care Strategy in 2011 as well as taking part in the Wheatbelt Aged Support & Care Solutions (Wheatbelt Development Commission 2014).

Both documents have identified the Coastal Growth area as key areas requiring aged care and health service provision and accommodation.

COMMENT

On Friday 24 July 2015, the President and Chief Executive Officer attended a meeting along with representatives from the Wheatbelt

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Development Commission (WDC), RSL Care WA (RSL) and Baptistcare Inc. (Baptistcare) to discuss aged care servicing for Jurien Bay.

The meeting discussed the current situations and backgrounds of all organisations and the community's desire within the Shire of Dandaragan for aged care services (and improved health services) to be provided locally. It was clear that all organisations shared a common understanding.

As a result of this meeting, it was agreed that Baptistcare and the Shire would investigate further funding opportunities to establish a business case and proposal for aged care service provision.

Adding complexity to the situation is the changing landscape of how funding is allocated for the services. As such, Baptistcare advised that we would be better placed to apply for the 2016 round of funding and to prepare the necessary business cases. The WDC were supportive of this approach.

As outlined in a previous item to Council, we have recently been advised by Department of Lands, that the objection lodged over the identified Health Precinct in Jurien Bay in May 2012 was lifted, paving the way for the reserve to be allocated to the Shire under a Management Order.

In light of the above, the CEO and the Chief Operations Officer of Baptistcare have developed a Memorandum of Understanding (MoU) to progress the project.

The key points within the MoU include:

1. Progress the development of a residential aged care facility within the Shire of Dandaragan and located on land identified as being for aged care services by the Shire;
2. In conjunction with above, develop a number of home care packages for older people and consumer directed care for people with disability under the NDIS and mental health support services. Based initially in Jurien Bay, with potential to provide additional services in other towns within the Shire;
3. Seek to operate an office for Home Care and NDIS coordination staff within the town;
4. Develop a business plan to support the development and delivery of the agreed services;
5. Establish an aged care services model that addresses the key needs of the Shire;
6. Lobby key government and industry bodies; and
7. Jointly participate in the Health Precinct Reference Group, in relation to matters with the land, and the Yued Native Title Claimants.

CONSULTATION

- Council Forum held 28 May 2015

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- Baptistcare Inc.
- RSL Care
- Wheatbelt Development Commission
- WA Country Health Service

STATUTORY ENVIRONMENT

A MoU is not a legally binding document however, it provides a clear scope of how the two parties will work together to achieve a shared outcome. Such a document would also improve the project in the eyes of various funding bodies.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

In the signing of the MoU it does not commit Council to any expenditure. However, operational costs (which are budgeted for) through various officers time, travel etc will occur as we progress the business case.

Any business case or application that commits the Shire of Dandaragan to expenditure would be brought before Council prior to the decision being made.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2015 - 2025

GOAL 2: HEALTHY, SAFE AND ACTIVE COMMUNITY	
<i>The following table outlines how the Shire will maintain and further foster the healthy, safe and active nature of the Shire community.</i>	
<i>Objectives</i>	<i>How the Shire will contribute to these objectives</i>
<i>2.1 Develop health and wellbeing centre and services</i>	<ul style="list-style-type: none"> ▪ <i>Provide health and medical facilities for operation by health service providers.</i> ▪ <i>Lobby for the development of a future health and medical facility that extends the existing health campus and meets growing health and wellbeing needs of the community.</i> ▪ <i>Support development and provision of allied health services.</i>
<i>2.2 Ensure age friendly community</i>	<ul style="list-style-type: none"> ▪ <i>Undertake planning for development of the Shire of Dandaragan as an Age Friendly Community.</i> ▪ <i>Facilitate the development of aged care facilities close to medical services.</i>

ATTACHMENTS

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

- Copy of draft Memorandum of Understanding (Doc Id: 62605) **(Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Richardson

That Council:

1. **agree to enter into a Memorandum of Understanding between the Shire of Dandaragan and Baptistcare Inc. for the purpose of investigating further the development of a residential aged care facility within the Shire of Dandaragan; and**
2. **authorise the President and Chief Executive Officer to execute the document.**

CARRIED 8 / 0

9.4 DEVELOPMENT SERVICES

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – DECEMBER 2015 COUNCIL STATUS REPORT

Document ID: 62685

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 17 December 2015. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JANUARY 2016

Document ID: 62674

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for January 2016. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2015

Document ID: 62322

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for December 2015. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2015

Document ID: 62319

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for December 2015. **(Marked 9.5.4)**

9.5.5 MARINE PARKS & RESERVES AUTHORITY – 2014/15 ANNUAL REPORT

Document ID: 62168

2014 / 15 Annual Report of from Marine Parks & Reserves Authority for the period ending 30 June 2015. The report summarises the activities of the Authority throughout the year and also contains a summary of the Authority membership, role and functions. A copy of the report is on hand.

9.5.6 WALGA – ENVIRO NEWS – DECEMBER 2015 – ISSUE 9

Document ID: 62165

In this issue:

- City of Cockburn – Aerial Project Showcases Sustainability
- Town of Victoria Plains – Adopt-a-Verge Program
- Coastcare Effort Meets at the Border
- Morawa Goes Plastic Bag Free
- Sustainable Agriculture Opportunities Grow in the Peel Harvey
- Rottnest Island Terrestrial Conservation Action Plan
- Three New Waterwise Councils Recognised at Forum
- City of Cockburn – Turtle Watch School Excursions
- Rivers and Estuaries Division Projects Top Stormwater Industry Association Awards
- Historic Climate Change Agreement in Paris
- City of Perth Lighting Upgrade
- Black Cockatoo Tracking and Monitoring Program
- Local Government Fauna Surveys

Events and funding opportunities for Local Government:

- Events
- Funding

9.5.7 HON TERRY REDMAN MLA – MINISTER FOR REGIONAL DEVELOPMENT, LANDS – MEDIA RELEASE 21 DECEMBER 2015

Document ID:

“The Hon Terry Redman MLA announced in a media release on Monday 21 December 2015 that applications will soon be open for the latest round of funding through the State Government’s Royalties for Regions’ Regional Grants Scheme and Community Chest Fund.

He also said that Royalties for Regions investment would continue to improve services and grow prosperity in regional Western Australia.”

9.5.8 WALGA – RULES OF CONDUCT REGULATIONS REVIEW

Document ID: 62263

Circular from WALGA in relation to Rules of Conduct Regulations Review – Council response is requested by Friday 29 January 2016.

Key Issues:

- WALGA is seeking feedback on the Department of Local Government and Communities 'Rules of Conduct Regulations Review' Consultation Paper.
- The Consultation Paper can be accessed on the Department's website at:
<https://www.dlgc.wa.gov.au/LegislationCompliance/Pages/Rules-of-Conduct-Review.aspx>
- Feedback can be provided directly to WALGA.

Attached to the agenda is the in brief (**Marked 9.5.8**)

9.5.9 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – DECEMBER 2015 – ISSUE 12

Document ID: 62215

In this issue:

- WA communities join the road safety movement
- Showcasing the Wanneroo RoadWise Committee
- Child Car Restraints update
- Choose Your Ride in the Kimberley and Northam
- Carnarvon RoadWise Committee Christmas campaign
- Fighting fatigue with fresh food and good planning
- Two Cities join to 'Ride Right'
- No distraction for bus drivers who slow down
- We're all going on a summer holiday
- Cities of Swan and Stirling join forces to check vehicles and child car restraints
- It's (road safety) show time in the Great Southern Region
- Yalgoo Road Safety Day
- Horns and Hooves on the Highway
- Rockingham RoadWise champions road safety on the village green
- Northam's Avondale Primary School targets fatigue
- Road safety with Larry Lobster
- Road safety events, conferences and resources
- ARSC2016 AND 2016 AHPAC – call for abstract submissions

9.5.10 LORD MAYOR'S DISTRESS RELIEF FUND

Document ID: 62153

Letter from the Lord Mayor's Distress Relief Fund with a timely reminder to Council of the importance of fire risk management and that the Lord Mayor's Distress Relief Fund can offer financial support for all Western Australians who experience personal hardship and distress arising from a confirmed natural disaster occurring in our State.

Attached to the agenda is correspondence from the Lord Mayor's Distress Relief Fund (**Marked 9.5.10**)

9.5.11 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Document ID: 62150

Correspondence from the President (Mayor Troy Pickard) stating *"that one of the major challenges facing local government today is the effective management of our very large asset base which*

includes road, buildings, stormwater systems, parks and recreational facilities and, in some states, ports, airports, water and sewerage systems”.

Attached to the agenda is the full correspondence from ALGA **(Marked 9.5.11)**

9.5.12 DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT – NATIONAL STRONGER REGIONS FUND ROUND TWO – CERVANTES MULTIPURPOSE FACILITY EXTENSION

Document ID: 62143

Correspondence from the Department of Infrastructure & Regional Development thanking Council for its application for funding under Round Two of the National Stronger Regions Fund (NSRF) and advising council that on this occasion, the project has not been selected for funding. Round Two of the NSRF was heavily subscribed with 514 applications received by the Department, requesting approximately \$1.47 billion in grant funding.

Attached to the agenda is the full correspondence **(Marked 9.5.12)**

9.5.13 MID WEST DEVELOPMENT COMMISSION – INVITATION – FUTURE OF THE MID WEST: DELIVERING ON THE BLUEPRINT

Document ID:

Invitation from Mid-West Development Commission to attend Future of the Mid West: Delivering on the Blueprint on Thursday 3 March 2016.

Attached to the agenda is the full programme for the meeting **(Marked 9.5.13)**

9.5.14 MELISSA PRICE MP – MOBILE BLACK SPOT PROGRAMME

Document ID: 62113

Correspondence from Melissa Price MP – Federal Member for Durack stating *“given the importance of communications in our vast and often remote electorate of Durack, I am once again requesting your help in ensuring all mobile black spots in your area are brought to the attention of the Minister for Communications for consideration of the Mobile Black Spot Programme.”*

Black Spot nominations for the Programme can be made online at communications.gov.au/blackspots or emailed to myself at Melissa.Price@aph.gov.au

Attached to the agenda is a copy of correspondence **(Marked 9.5.14)**

9.5.15 WESTERN AUSTRALIAN PLANNING COMMISSION – MARINE FIELDS STRUCTURE PLAN

Document ID: 62124

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JANUARY 2016
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Correspondence from WAPC advising that they had granted approval to the Marine Fields Local Structure Plan on 30 November 2015.

9.5.16 KEEP AUSTRALIA BEAUTIFUL WA – TALKING RUBBISH – EDITION 4

Document ID: 62086

In this edition:

- Big thanks to volunteers
- Stamp out risky littering
- Low waste holiday ideas
- WA shines on the national stage
- How clean is your club?
- Get set to #cleanourrivers

9.5.17 WALGA – LOCAL GOVERNMENT NEWS – 11 DECEMBER 2015 – ISSUE 48

Document ID: 62060

In this issue:

- Meeting with Minister for Police; Road Safety; Training and Workforce Development; Women's Interest
- \$40,000 Research Grant Available to Improve Outcomes for People with Disability
- Underground Power
- DER Regulatory Reform: For Comment
- 2016 WA Transport & Roads Forum
- Free GIS Training in 2016
- Wheatbelt Conference 2016 – Save the Date

Mailbag

- InfoPage: 2015 Local Government Elections
- InfoPage: Planning in Bushfire Prone Areas
- InfoPage: Review of *Development Control Policy*
- InfoPage: Reports on Housing for Older Australians

9.5.18 WALGA – SUMMARY MINUTES – STATE COUNCIL MEETING – DECEMBER 2015

Document ID: 62068

Summary Minutes from the State Council Meeting December 2015 are on hand.

9.5.19 MOORE CATCHMENT COUNCIL – MEDIA RELEASE 9 DECEMBER 2015 – BENEFITS OF BUSH PLANTS SHARED AT WORKSHOP

Document ID: 62071

Media Release from the Moore Catchment Council 9 December 2015 – Benefits of Bush plants shared at Workshop.

Attached to the agenda is a copy of the media release (**Marked 9.5.19**)

9.5.20 WALGA – LOCAL GOVERNMENT NEWS – 4 DECEMBER 2015 – ISSUE

Document ID: 62087

In this issue:

- Local Governments Awarded Funding for Disability Access Projects
- Instant Start
- 2016 WA Local Government Convention Accommodation & Parking

Mailbag

- InfoPage: Evacuation Flagging

9.5.21 WALGA – WALGA EMERGENCY MANAGEMENT SUPPORT PROGRAM AND ASSISTANCE FOR SHIRE OF ESPERANCE

Document ID: 62079

Circular from WALGA in relation to WALGA Emergency Management Support Program and Assistance for Shire of Esperance.

Key issues:

- WALGA is establishing a new support program to assist Local Governments recovering from natural disasters and other emergencies.
- Purpose of the support program is to enable other Local Governments to provide financial support, staff resources or plant and equipment to assist with the recovery process.
- Details of how Local Governments can support the Shire of Esperance's recovery efforts are set out below.

Attached to the agenda is the in brief (**Marked 9.5.21**)

9.5.22 LATENT PETROLEUM - WARRO GAS PROJECT – QUARTERLY UPDATE – DECEMBER 2015

Document ID:

Quarterly update from Latent Petroleum on the Warro Gas Project.

Attached to the agenda is the update (**Marked 9.5.22**)

9.5.23 BUILDING COMMISSION – E-ENABLEMENT REFORMS: BUILDING ACTIVITY INFORMATION

Document ID: 62693

“On 31 March 2015, the Minister for Commerce announced a commitment to the e-enablement of the building and plumbing industries to be funded by an increase in the building services levy. No increase in fees or levies is palatable to the government, the industry or consumers, but moving key industry processes online and making core building and plumbing information available electronically are vital for the future health and efficiency of these critical industries.”

The reforms will lead to the introduction of a state-wide electronic lodgement system for the lodging and processing of building permit applications, and for accessing building information.

For the building industry and its clients, this will provide:

- *direct and real-time access to building information;*
- *increased consistency, predictability and transparency of lodgement requirements for building approvals and reduced processing times; and*
- *a consistent user experience and ability to track approval processing.*

Attached to the agenda is the full correspondence (**Marked 9.5.23**)

9.5.24 SHIRE OF CHITTERING – RESIGNATION OF CEO ANNOUNCED

Document ID:

Shire of Chittering have announced the resignation of their CEO Mr Gary Tuffin who has worked for the shire for over four years. He will take up his new position at the Town of East Fremantle in late March 2016.

9.5.25 DEPARTMENT OF REGIONAL DEVELOPMENT – IN YOUR REGION – EDITION 17 - 2015

Document ID:

Article in this edition in relation to Better connectivity in the regions, dramatically improving the mobile and internet coverage in regional Western Australia thanks to the completion of the \$40 million Regional Mobile Communications Project.

Attached to the agenda is the full article on Better connectivity in the regions (**Marked 9.5.25**)

9.5.26 GOVERNMENT OF WA – NEWSPAPER ARTICLE AND REPORT - RESERVES TO TREBLE IN PLAN TO CUT RED TAPE

Document ID

Article from Western Australian Newspaper dated 17 December 2015 stating that WA's conservation reserves are set to treble in size. The barriers to development will be significantly lowered under plans to manage the environmental implications of Perth's population growth.

Attached to the agenda is the newspaper article and Summary – Perth and Peel Green Growth Plan for 3.5 million – December 2015 (**Marked 9.5.26**)

9.5.27 WESTERN AUSTRALIAN PLANNING COMMISSION – GAZETTAL AND PUBLICATION OF PLANNING BUSHFIRE REFORMS

Document ID: 62313

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JANUARY 2016
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“following previous correspondence dated 4 December 2015 I am writing to inform you of the gazettal and publication of key bushfire reform planning documents on Monday 7 December 2015.”

- *Gazetted Planning and Development (Local Planning Schemes) Amendment Regulations 2015 (LPS Amendment Regulations)*
- *Gazetted State Planning Policy No. 3.7: Planning in Bushfire Prone Areas (SPP 3.7);*
- *Planning Bulletin No 111/2015 Planning in Bushfire Prone Areas; and*
- *Fact Sheets to assist in understanding the implementation of these reforms.”*

All documents can be found electronically on the Department of Planning’s website: www.planning.wa.gov.au/bushfire

9.5.28 JURIE BAY DISTRICT HIGH SCHOOL

Document ID: 62310

Correspondence from Jurie Bay District High School students, teachers and parents thanking Council for the donation towards their awards presentation.

9.5.29 CITY OF SUBIACO – CITY OF PERTH BILL – REQUEST FOR YOUR SUPPORT

Document ID: 62304

“The City of Subiaco does not have any concerns about strengthening the City of Perth as the premier Local Government interface for Western Australian and the rest of Australian and the world, not do we have any issues with the requirement to report gifts and travel contributions in a more transparent way.

The City does have a concern over the arbitrary decision to change the boundaries of the City’s south ward and for the majority of this ward to be transferred to the City of Perth. There was no consultation with the City, no consultation with the community and no determination by the Local Government Advisory Board on this proposal.”

The City of Subiaco Council has been fighting the impact of this agenda and has formally adopted the following statement of principle in relation to the City’s relationship with the executive branch of the State Government:

“The City of Subiaco holds it to be a fundamental principle that Local Governments are elected by their residents to be representative and accountable for civic governance. Residents do not want State Government to override the city’s Council. Loopholes in the law intended to protect the rights of residents to a local government of their choice must be closed so that trust and respect can be restored.”

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JANUARY 2016
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9.5.30 CENTRAL MIDLANDS SENIOR HIGH SCHOOL – NEWSLETTER NO 7 – 17 DECEMBER 2015

Document ID: 62303

Central Midlands Senior High School Newsletter – December 2015. A copy is on hand.

9.5.31 REPORT ON MOORE CATCHMENT COUNCIL MEETING – 11 DECEMBER 2015

Document ID:

Report on Moore Catchment Council Meeting of 11 December 2015.

9.5.32 WALGA – MWAC INFORMATION BULLETIN – 11 DECEMBER 2015 – ISSUE 226

Document ID:

In this issue:

- What's your most problematic waste/
- Bin Tagging – Opportunity coming soon!
- Risk and Reform
- Bye Bye Bernie, Bernie Goodbye
- WALGA Wins CitySwitch Award
- Don't leave them outside
- All eyes on you
- Last Information Bulletin for 2015

Submissions:

- Wednesday, **16 December** – Problematic waste survey
- Wednesday, **16 December** – Tyre Stewardship Australia funding
- Friday, **18 December** – Draft Guidance Statement on Publication of Annual Audit Compliance Reports
- Friday, 29 January – WALGA submission, Environmental Siting
- Friday, **5 February** – DER Draft Guidance Statement: Environmental Siting
- Friday, **26 February** – DER Risk and Reform Draft Guidance Statements

Events:

- Friday, **5 February** – WALGA/WMAA workshop, regulation of prescribed premises.

9.5.33 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – GOVERNANCE BULLETIN – DECEMBER 2015 – ISSUE 10

Document ID:

In this issue:

- Change to gift and travel disclosure provisions
- An overview of Freedom of Information (FOI) legislation
- Legislative reviews and developments
- Hot topic: Disclosing share ownership in primary and annual returns
- Governance case study: Close association through share ownership

9.5.34 HON LIZA HARVEY MLA – MEDIA STATEMENT – WEDNESDAY 6 JANUARY 2016

Document ID:

“Police and Road Safety Minister Liza Harvey said officers were out in force ensuring motorists were aware they would be caught if they did the wrong thing on the road during what has historically been a notorious time on Western Australian roads.

I want to stress that the vast majority of motorists drive safely over the hundreds of hours and thousands of kilometres they travelled over this festive season, but there is still a cohort of motorists, as well as new drivers we get on the road each year, that need to get the message about behaviours which are killing and seriously injuring people on our roads.”

9.5.35 DEPARTMENT OF PREMIER AND CABINET – THE SOUTH WEST NATIVE TITLE SETTLEMENT – NEWLETTER DECEMBER 2015

Document ID:

“On 8 June 2015 the Government of Western Australia (WA Government) executed the 6 South West Native Title Settlement Indigenous Land Use Agreements (ILUAs). The signing was significant as it represented the WA Government’s commitment to the largest and most comprehensive agreement to settle Aboriginal interests over land in the history of Australia.”

Attached to the agenda is the Newsletter and Fact Sheets **(Marked 9.5.35)**

9.5.36 SURF LIFE SAVING WESTERN AUSTRALIA 2015 BEACHSAFE REPORT

Document ID: 62347

“SLSWA’s BeachSAFE Report details coastal drowning and injury data and patrol statistics for the 2014/15 surf lifesaving season (1 May 2014 to 30 April 2015). This report is produced annually to inform coastal safety stakeholders about current drowning risks, trends and provides a valuable evidence base to guide future planning for coastal safety in WA.

Tragically, 12 people drowned at WA beaches in the 2014/15 season. In a trend seen over many years, a significant proportion (42%) of all coastal drowning deaths were people of overseas nationality. All drowning deaths occurred outside of patrolled locations demonstrating the enormous value surf lifesaving services have on keeping beachgoers safe.”

A copy of the Report is on hand.

9.5.37 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES

Document ID: 62497

Attached to the agenda are the Minutes of the Local Emergency Management Committee Meeting held Wednesday 25 November 2015 (**Marked 9.5.37**).

9.5.38 SHIRE OF DANDARAGAN – GENERAL MEETING OF FIRE CONTROL OFFICERS

Document ID: 62503

Attached to the agenda are the Minutes of the General Meeting of Fire Control Officer held at the Badgingarra Community Centre on Wednesday 21 October 2015 (**Marked 9.5.38**).

9.5.39 NATIONAL AUSTRALIA DAY COUNCIL – CITIZEN OF THE YEAR AWARDS

Document ID: 62509

National Australia Day Council is keen to see all of our nation's achievers recognised through the Australian of the Year Awards. We are now accepting nominations for 2017 Australian of the Year Awards and we are encouraging your Council to put forward your 2016 Citizens of the Year for our 2017 Award.

Attached to the agenda is correspondence from National Australia Day Council (**Marked 9.5.39**).

9.5.40 SHIRE OF ESPERANCE – LETTER OF APPRECIATION

Document ID: 62512

Letter of appreciation from the Shire President of the Shire of Esperance, in relation to our kind words and offer of assistance as they begin the recovery process in the aftermath of the Esperance fires.

Attached to the agenda is the correspondence received (**Marked 9.5.40**).

9.5.41 WATER CORPORATION SUBDIVISION OF MIXED LOTS – JURIE BAY – INFILL SEWER STAGE 1 – FINAL INSPECTION AND TAKEOVER OF WORKS

Document ID:

"These works have been completed to the satisfaction of the Water Corporation. The Water Corporation has assumed ownership of the works and the 12 month warranty period commenced as of 02/12/2015".

9.5.42 WALGA – MWAC INFORMATION BULLETIN – 8 JANUARY 2016 – ISSUE 227

Document ID:

In this issue:

- Tag a Bin, Change a Life
- New Chair
- Get Risk Ready
- Cigarette recycling stubbed out
- CEFC commits to Bioenergy Function

Submissions:

- Friday, **22 January** – Bin Tagging funding assistance

- Friday, **29 January** – WALGA submission, Environmental Siting
- Friday, **5 February** – DER Draft Guidance Statement: Environmental Siting
- Wednesday, **10 February** – WALGA Submission, Risk and Reform Draft Guidance Statements
- Friday, **26 February** – DER Risk and Reform Draft Guidance

Events:

- Friday, **5 February** – WALGA/WMAA workshop, Risk and Reform Draft Guidance Statements

9.5.43 **NBN – AUSTRALIA’S BROADBAND NETWORK – FIXED WIRELESS FACTSHEET**

Document ID:

Following on from our meeting we took away the following actions;

- **Newsletter - nbn** to provide the first Connected Communities newsletter – hopefully you received my email yesterday with our first edition newsletter J
- **nbn Communications** – I understand that it would be useful for the Council to have access to the schedule and timeline of communications **nbn** will send premises including a copy of the materials sent - I have requested this from our marketing department and hope to be in a position to send that to you next week.
- **Fixed Wireless Towers** – I took an action to provide a map of the Fixed Wireless (FW) tower in Jurien Bay serving the Dandaragan Shire (showing both footprint & tower location). The yellow is the proposed FW footprint with the dark pink the FTTN footprint. The Jurien Bay FW tower is due to be ready for service in August 2016.

A copy of the relevant information is attached (**Marked 9.5.43**).

9.5.44 **WHEATBELT DEVELOPMENT COMMISSION – REGIONAL GRANTS SCHEME AND COMMUNITY CHEST FUND 2016 PROGRAMS NOW OPEN**

Document ID: 62638

“Through the State Government’s Royalties for Regions program the latest round of the Wheatbelt Regional Grants Scheme and Community Chest Fund has commenced, with the round opened today, Monday 11 January, 2016”.

Attached to the agenda is the full correspondence (**Marked 9.5.44**)

9.5.45 **WALGA – INFOPAGE - EMERGENCY SUPPORT PROGRAM – ASSISTANCE FOR THE SHIRE OF HARVEY**

Document ID:

In brief:

Operational Area: Office of the CEO

Key Issues:

- WALGA’s Emergency Support Program (ESP) has been activated to support the Shire of Harvey’s recovery efforts.

- The ESP enables Local Governments to provide support to other Councils recovering from natural disasters through provision of financial support, staff resources or plant and equipment that can assist with the recovery process.
- Details of how Local Governments can register to support the Shire of Harvey are set out below.

Action required: Consideration of assistance for the Shire of Harvey.

Attached to the agenda for your information is the infopage **(Marked 9.5.45)**

9.5.46 WALGA – VACANCIES ON BOARDS AND COMMITTEES

Document ID: 62568

WALGA has advised that they have the following vacancies available for Elected Members:

- Mountain Bike Implementation Reference Group
- Peel Region Planning Committee (PRPC)
- Road Safety Council
- Roadside Conservation Committee (RCC)
- South West Region Planning Committee (SWRPC)
- Western Australian Planning Commission (WAPC)

Copies of Nomination Forms on hand should you be interested in applying for any of these positions.

9.5.47 HON LIZA HARVEY MLA – GRANTS TO IMPROVE WOMEN'S STATUS

Document ID:

Mrs Harvey said that:

"Women in Western Australia face a number of barriers to improve their status; they continue to be underrepresented in leadership roles and more likely than men to have no savings at retirement."

Applications are open for State Government grants for projects which promote women's economic independence and leadership with up to \$5,000 available for projects benefitting women in WA".

9.5.48 INSPIRATIONAL COMMUNITY ARTS NETWORK – MUSICAL EVENT – EASTER SATURDAY 26 MARCH 2016

Document ID: 62696

"ICAN is hosting a musical event featuring 'Kallidad' this coming Easter Saturday, 26 March 2016, at Dobbyn Park in Jurien Bay. This concert, which is anticipated to be a collaboration between the Activate Jurien committee, Community Resource Centre, Shire of Dandaragan and ICAN with some funding from Country Arts WA, has been brought about by the efforts of Will George, Manager Building Services Shire of Dandaragan. The band is of extremely high calibre having recently played at Dunsborough for New Year's Eve, Nannup and Denmark Festivals and other such venues in Western Australia as well as internationally. They are willing to provide two workshops in Jurien and / or Cervantes prior to the concert. They appeal to all age groups and musical genre."

Attached to the agenda is full correspondence (**Marked 9.5.48**)

9.5.49 STATE EMERGENCY MANAGEMENT COMMITTEE – EMERGENCY PREPAREDNESS REPORT 2015

Document ID: 62692

“On 12 November 2015 the Hon Joe Francis MLA, Minister for Emergency Services tabled the 2015 Emergency Preparedness Report in Parliament. This annual report provided an assessment of the State’s preparedness for emergencies and was the fourth of its kind.”

Attached to the agenda is the full correspondence (**Marked 9.5.49**)

10 NEW BUSINESS OF AN URGENT NATURE - INTRODUCED BY RESOLUTION OF THE MEETING

10.1 DEVELOPMENT SERVICES

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

Indian Ocean Rock Lobster have requested temporary approval to locate a skid mounted kitchen at Lot 8 Catalonia Street, Cervantes following the destruction of the existing kitchen on Lot 11 Madrid Street as it is not physically possible to locate a transportable building on the previous kitchen’s position.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Slyns

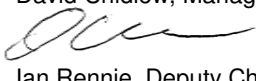
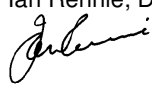
That the following new business of an urgent nature be considered by Council:

That Council grant temporary planning approval for the establishment of a temporary kitchen at lot 8 Catalonia Street, Cervantes for a period of two years until 28 January 2018 subject to the following conditions;

- 1. The development shall be undertaken in accordance with plans approved by the Chief Executive Officer or his delegate;**
- 2. that a building permit is required prior to the commencement of any development onsite;**
- 3. the applicant is to prepare and submit a Scheme Amendment that resolves the incompatible land uses adjoining the Indian Ocean Rock Lobster facility;**
- 4. that all improvements / temporary buildings subject of this approval be removed from lot 8 Catalonia Street, Cervantes by the 28 January 2018; and**
- 5. all temporary buildings not removed in accordance with condition 4 may be removed by the Council and all removal costs are to be paid by the landowner.**

CARRIED 8 / 0

10.1.1 TEMPORARY APPROVAL FOR KITCHEN – LOT 8 CATALONIA STREET, CERVANTES

Location:	Lot 8 Catalonia Street, Cervantes
Applicant:	Nikki Thompson on behalf of Indian Ocean Rock Lobster
File Ref:	Development Services Apps/ Development Applications / 2012 / 59
Disclosure of Interest:	None
Date:	28 January 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant is seeking temporary planning approval of two years for a temporary skid mounted kitchen at Lot 8 Catalonia Street, Cervantes following a fire that destroyed the existing kitchen on Lot 11 Madrid street. During the two year temporary approval time the applicant is to prepare and have approved a Scheme amendment that resolves the incompatible land uses adjoining the Indian Ocean Rock Lobster facility.

BACKGROUND

A fire event at the Indian Ocean Rock Lobster Factory on 21 January 2016 destroyed the kitchen (Lobster Shack) and dwelling at the facility on Lot 11 Madrid Street.

Lot 8 Catalonia Street is zoned Residential under Local Planning Scheme No.7 and was subject to a recent State Administrative Tribunal (SAT) mediation where the lot was being used as a public car-park servicing the Indian Ocean Rock Lobster facility. A car-park is a prohibited "X" use in the residential zone under the Scheme. The Indian Ocean Rock Lobster ceased using lot 8 as a car-park following the mediation. Discussions between Shire staff and Indian Ocean Rock Lobster following the SAT mediation resulted in an agreement that in order to resolve the incompatible land uses and for the site to develop as a tourism facility a Scheme amendment will be required. Indian Ocean Rock Lobster has prepared a Scheme Amendment which will be lodged with the Shire next week. The Manager Planning has been in discussion with a consultant planner over the past year regarding this amendment.

The use of Lot 8 Catalonia Street as a "Restaurant" is an "A" use under the scheme;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

Clause 9.4 requires a proposal to be advertised to affected neighbours.

Whilst the Council could decide to follow the process for the "A" use of a restaurant at the site. The lodgement of a Scheme Amendment next week, will initiate a consultation process that will determine the ultimate use of the site.

The intent of Indian Ocean Rock Lobster is to redevelop the site in accordance with a Scheme Amendment subject to approval of the amendment by Council and the Minister for Planning. The unfortunate circumstances of the fire is premature to the redevelopment of the site and has forced the Indian Ocean Rock Lobster into an urgent temporary arrangement.

The proposed temporary kitchen cannot be located in the same place as the destroyed kitchen due to size and existing surrounding buildings. It is not possible to physically move a new structure into the space. The existing dining area was not affected by the fire and the transportable kitchen will service this area.

Local Planning Scheme No.7 permits the Shire to grant a temporary approval as described below;

10.6. TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

At this stage, plans of the temporary skid mounted kitchen are not available. It is requested that the Chief Executive Officer approve the plans subject to Council granting approval for the temporary use of the land.

COMMENT

The unfortunate circumstances of this fire has necessitated this application for an urgent temporary arrangement to allow the Indian Ocean Rock Lobster to continue trading with the kitchen for it's tourism based operations.

Site constraints do not allow for a transportable temporary building to be located on the original kitchen footprint.

The proposed redevelopment of the site and pending Scheme Amendment warrant the Council granting a temporary approval prior to advertising the proposal by way of a Scheme Amendment.

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CONSULTATION

The application has not at this stage been advertised as it is being considered as a temporary approval. The land use will be advertised as part of a Scheme Amendment in February 2016.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Applicant will be required to pay Scheme Amendment Costs on lodgment of the application.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Aerial image (Doc Id: 62932)

(Marked 10.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
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That Council grant temporary planning approval for the establishment of a temporary kitchen at lot 8 Catalonia Street, Cervantes for a period of two years until 28 January 2018 subject to the following conditions;

- 1. The development shall be undertaken in accordance with plans approved by the Chief Executive Officer or his delegate;**
- 2. that a building permit is required prior to the commencement of any development onsite;**
- 3. the applicant is to prepare and submit a Scheme Amendment that resolves the incompatible land uses adjoining the Indian Ocean Rock Lobster facility;**
- 4. that all improvements / temporary buildings subject of this approval be removed from lot 8 Catalonia Street, Cervantes by the 28 January 2018.**
- 5. All temporary buildings not removed in accordance with condition 4 maybe removed by the Council and all removal costs are to be paid by the landowner.**

Advice:

A. Further to this approval, the Applicant may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Health Act*

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1911 which are to be approved by the Shire’s Manager Building Services and/or Manager Environmental Health prior to issuing a Building Licence.

B. It is advised that the proposal should at all times comply with the provisions of the Food Act 2008 and related regulations, codes and guidelines.

CARRIED 8 / 0

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

The presiding member declared the meeting closed at 5.56pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date