



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 23 FEBRUARY 2017

COMMENCING AT 4.05PM

THESE MINUTES ARE YET TO BE CONFIRMED

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 4.05pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud by the Chief Executive Officer.

“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, 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 W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)
Ms R Headland	(Council Secretary & PA)
Mr T O’Gorman	(Community Services Coordinator / Club Development Officer)

Apologies

Mr S Clayton	(Executive Manager Corporate & Community Services)
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Approved Leave of Absence

Councillor D Slyns	(Deputy President)
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Observers

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Dianne Knight asked the question where will the Turquoise Coast Pathway come into Cervantes.

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The following response was provided to Dianne Knight following the asking of the question at the Council Meeting of 25 January 2017.

The initial concept plan is for the path to be constructed heading into Cervantes close to the foreshore and connect up to the existing path on the foreshore in Cervantes. This is however, subject to further funding from State Government.

4 PUBLIC QUESTION TIME

Nil

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

Moved Cr McGlew, seconded Cr Kulisa

That leave of absence be approved as follows:

- Cr Scharf – 14 May to 8 July 2017
- Cr Sheppard – 16 May – 28 May 2017

CARRIED 7 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 25 JANUARY 2017.****COUNCIL DECISION**

Moved Cr Kulisa, seconded Cr Richardson

That the minutes of the Ordinary Meeting of Council held 25 January 2017 be confirmed.

CARRIED 7 / 0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 RECOGNISE HEALTHWAY GRANT AND AUTHORISE BUDGET AMENDMENT TO YOUTH SERVICES

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	None
Date:	14 December 2016
Author:	Michelle Perkins, Community Development Officer

Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

Signature of Senior Officer:	
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PROPOSAL

For Councillors to recognise the Healthway grant to the amount of \$3,000, and the Lotterywest grant to the amount of \$10,000, and authorise a Youth Services Budget Amendment to the same amounts in order for Shire Staff to undertake coordination of the Spray the Grey Youth Festival.

BACKGROUND

The Shire provides Youth Services funding through its budget processes in accordance with the Community Strategic Plan and the Shire Corporate Business Plan. Spray the Grey Youth Festival is now an annual event budgeted for under Youth Services, however additional funding is required from external sources in order to continue to develop the event as a high quality participatory event for young people across the Shire.

COMMENT

In November 2016, the Shire of Dandaragan Community Development Team was successful in obtaining a \$3,000 grant from Healthway to assist with coordination of the Spray the Grey Youth Festival 2017. The grant will go towards funding of equipment hire, printing of promotional materials, cost of the DJ and a photobooth.

In January 2017, the Shire was successful obtaining a \$10,000 grant from Lotterywest to assist with coordination of the Spray the Grey Youth Festival 2017. The grant will go towards funding of ride hire, transport, stalls, and workshops.

CONSULTATION

- Deputy Chief Executive Officer
- Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

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6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution; or
 - (c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Healthway and Lotterywest grants will increase the Youth Services budget by \$13,000, funding Spray the Grey Youth Festival.

STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the shire will contribute
2.3 Enhance vibrancy and community identity through culture and arts	a) Deliver or support the delivery of selected arts, culture and community events

ATTACHMENTS

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

- Healthway / Shire of Dandaragan Sponsorship Agreement - Drug Aware Spray the Grey Youth Festival (Doc Id: 76624)
- Lotterywest / Shire of Dandaragan Grant Letter and Approval Schedule (Doc Id: 79044)

(Marked 9.1.1)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Kulisa

That Council authorise a budget amendment to:

- 1. recognise the Healthway grant to the amount of \$3,000;**
- 2. recognise the Lotterywest grant to the amount of \$10,000; and**
- 3. increase the Youth Services Budget for the amount of \$13,000;**
 - i. In order for Shire staff to undertake coordination of the Spray the Grey Youth Festival.**

CARRIED BY ABSOLUTE MAJORITY 7 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

9.1.2 ACCOUNTS FOR PAYMENT – DECEMBER 2016

Location: Shire of Dandaragan
 Applicant: N/A
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure
 Disclosure of Interest: None
 Date: 20 January 2016
 Author: Scott Clayton, Executive Manager Corporate & Community Services
 Signature of Author: 
 Senior Officer: Tony Nottle, Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of December 2016.

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 December 2016 totalled \$1,650,688.02 for the Municipal Fund.

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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for December 2016 (Doc Id: 80042)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Scharf, seconded Cr Richardson****That the Municipal Fund cheque and EFT listing for the period ending 31 December 2016 totalling \$1,650,688.02 for the Municipal Fund be accepted.****CARRIED 7 / 0****9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2016**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	2 February 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 November 2016.

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 2016.

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 [ie surplus / (deficit)] position as at the 30 November 2016 was \$6,819,025. 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 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) 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.

Law, Order and Public Safety

Income is at 135% of year to date budget and is due to a DFES grant for a new fire unit

Recreation and Culture

Income is at 163% of Y-T-D budget and is due to greater grant being received than budgeted for the Cervantes Community Centre project and unbudgeted grant income for the Sandy Cape blueprint project

Economic Services

Income is at 116% and is due to a Regional Visitor Centre Sustainability grant.

Expenditure is at 82% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Other Property and Services

Income is at 38% of Y-T-D budget and is due to expected income from the commercial waste disposal arrangement not having commenced as expected.

Expenditure is at 118% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 30 November 2016 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)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 30 November 2016 (80043)
(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

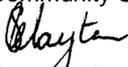
OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr McGlew

That the monthly financial statements for the period 30 November 2016 be adopted.

CARRIED 7 / 0

9.1.4 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 February 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 December 2016

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 December 2016.

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 [ie surplus / (deficit)] position as at the 31 December 2016 was \$6,040,761. 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 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) 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.

Governance

Income is at 186% of Y-T-D budget and is due to a good driver rebate and a dividend from LGIS.

General Purpose Funding

Expenditure is at 82% of Y-T-D budget and is due to less than budgeted expenditure on legal expenses.

Law, Order and Public Safety

Income is at 125% of year to date budget and is due to a DFES grant for a new fire unit

Recreation and Culture

Income is at 133% of Y-T-D budget and is due to greater grant being received than budgeted for the Cervantes Community Centre project and unbudgeted grant income for the Sandy Cape blueprint project

Economic Services

Income is at 116% and is due to a Regional Visitor Centre Sustainability grant.

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Expenditure is at 79% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Other Property and Services

Income is at 43% of Y-T-D budget and is due to expected income from the commercial waste disposal arrangement not having commenced as expected.

Expenditure is at 66% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 31 December 2016 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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 31 December 2016 (86460)

(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Kulisa, seconded Cr McGlew****That the monthly financial statements for the period 31 December 2016 be adopted.****CARRIED 7 / 0****9.1.5 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 JANUARY 2017**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 February 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 January 2017

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 31 January 2017.

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 [ie surplus / (deficit)] position as at the 31 January 2017 was \$4,776,879. 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 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) of

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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.

Governance

Income is at 173% of Y-T-D budget and is due to a good driver rebate and a dividend from LGIS.

Law, Order and Public Safety

Income is at 135% of year to date budget and is due to a DFES grant for a new fire unit

Recreation and Culture

Income is at 155% of Y-T-D budget and is due to greater grant being received than budgeted for the Cervantes Community Centre project and unbudgeted grant income for the Sandy Cape blueprint project

Economic Services

Income is at 133% and is due to a Regional Visitor Centre Sustainability grant.

Expenditure is at 75% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Other Property and Services

Income is at 44% of Y-T-D budget and is due to expected income from the commercial waste disposal arrangement not having commenced as expected.

Expenditure is at 112% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 31 January 2017 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)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 31 January 2017 (86461)
(Marked 9.1.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Scharf

That the monthly financial statements for the period 31 January 2017 be adopted.

CARRIED 7 / 0

9.1.6 ACCOUNTS FOR PAYMENT – JANUARY 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	7 February 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of January 2017.

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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for January 2017 totalled \$1,379,327.56 for the Municipal Fund.

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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for January 2017 (Doc Id: 86464)

(Marked 9.1.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa

That the Municipal Fund cheque and EFT listing for the period ending 31 January 2017 totalling \$1,379,327.56 for the Municipal Fund be accepted.

CARRIED 7 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 ILUKA CATABY PROJECT MIMEGARRA ROAD DESIGN ENDORSEMENT

Location:
Applicant:

Mimegarra Road, Cataby
Iluka Resources

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

Folder Path:	Business Classification Scheme / Roads / Applications / Realignments
Disclosure of Interest:	Nil
Date:	10 February 2017
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Iluka Resources is seeking endorsement from the Shire of Dandaragan of the designs of the Mimegarra Road / "Mine Access Road" intersection, "Haul Road Crossing" and Mimegarra Road / Brand Highway intersection to enable them to proceed to construction phase.

BACKGROUND

Iluka Resources has had ongoing consultation with Shire staff regarding various components of their Cataby Project. A key component of this that affects Shire assets and infrastructure is proposed design and construction of the following intersections along Mimegarra Road

- Mimegarra Road / "Mine Access Road" intersection
- "Haul Road Crossing" and
- Mimegarra Road / Brand Highway intersection

The design of these intersections was previously put to Council for approval at the September 2014 Council Meeting. At that point in time Shire officers indicated that there were a number of issues that required further discussion and resolving between the Shire, Iluka and Main Roads WA. These primarily related to the following:

- Specific technical design issue regarding the inclusion of a northbound left turn pocket from Brand Highway into Mimegarra Road.
- Specific technical design issue regarding the inclusion of a westbound right turn pocket from Mimegarra Road into the "Mine Access Road".
- Specific technical design issue regarding the inclusion of an eastbound acceleration lane from "Mine Access Road" turning into Mimegarra Road.
- Battery Limits and Cost Contribution for Mimegarra Works.
- Timing of Iluka's Mimegarra and Brand Highway works in relation to the Shire's proposed upgrade of Mimegarra Road.

The following resolution was moved:

*Moved Cr Bailey, seconded Cr Short
That Council:*

1. *Endorses Iluka Resources' concept design of the Mimegarra Road / "Mine Access Road" intersection and "Haul Road Crossing" to proceed to detailed design stage.*

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2. *Request the CEO to have follow-up discussions with Main Roads WA regarding the following design issues:*
 - *The inclusion of a left turn slip lane with an acceleration lane from "Mine Access Road" into Mimegarra Road.*
 - *The inclusion of a westbound right turn pocket from Mimegarra Road into the "Mine Access Road".*
 - *The inclusion of a northbound left turn pocket from Brand Highway into Mimegarra Road.*
3. *Delineate Iluka Resources' "battery limits" for their works to be undertaken on Mimegarra Road to be from SLK 0 (Brand Highway intersection) through to SLK 1.500 inclusive. Iluka Resources will be responsible for the cost and construction for all works within this area from Brand Highway intersection to SLK 1.500 including:*
 - *Mimegarra Road / Brand Highway intersection;*
 - *"Mine Access Road" (Mimegarra Road);*
 - *"Haul Road Crossing" (Mimegarra Road);*
 - *Services Crossing Mimegarra Road; and*
 - *Mimegarra Road pavement and seal from SLK 0 to SLK 1.500.*
4. *Request the CEO to negotiate an ongoing maintenance agreement, with Iluka, for Mimegarra Road between SLK 0 and SLK 1.500.*
5. *Request the CEO to have follow-up discussions with Iluka Resources regarding the timeframe and scheduling of their Mimegarra Road and Brand Highway works in relation to the Shire's proposed scheduling of works for Mimegarra Road upgrade.*

CARRIED 7 / 0

COMMENT

Since the September 2014 Council Meeting further discussions have taken place between Shire officers, Main Roads WA and Iluka Resources.

The key design issues raised by Council at the September 2014 Meeting Shire were put to Main Roads WA for comment and ultimate endorsement of the design. The following provides a summary of Main Roads response as received via email (Doc Id 86466).

"The drawings provided by Iluka have been reviewed by Main Roads and the following comments are provided for consideration in finalising the design:

BRAND HWY LEFT TURNING LANE

A left turn lane is required to accommodate northbound vehicles turning left into Mimegarra Road. This section of Brand Hwy has limited overtaking opportunities south of this area and the site has a single barrier line which will stop following vehicles overtaking the turning vehicles.

LINE MARKING & SIGNAGE

Iluka to review and update drawings of the submitted Signs and Pavement marking drawings to reflect the comments from Main Roads as outlined below in conjunction with the relevant Main Roads' guidelines drawings:

- *All existing and proposed signage should be detailed by a precise longitudinal location by an appropriate chainage / dimension or SLK from a known point;*
- *All pavement marking lengths and precise location should be indicated by an appropriate chainage, dimension or SLK showing how to tie-in to the existing pavement marking;*
- *Free flow slip lane island - edge line to be 300mm offset from kerb (refer attachment)*
- *Free flow slip lane island for traffic exiting Mimegarra Road not delineated and travel path is not defined. Line marking on approach to median island to be revised – Include edge line/RRPM's on the approach and tie into edge line of the through alignment;*
- *Mimegarra intersection apron not clear in relation to the travel path. Recommend some form of treatment is applied to define the edge of seal and outer travel path.*
- *Scale bar to added in drawings;*
- *Lane widths to be detailed;*
- *Recommend RRPM's be installed through overtaking lanes as per MRWA drawing 200631-0039-10;*
- *MRWA follows the Australian Standard 1742.2 for the installation of "STOP" signs with warrants based on visibility alone. Based on the available sight lines at the intersection the installation Give Way sign control is considered appropriate;*
- *Does the proposed upgrade include the upgrade and sealing of Yandin Rd intersection? Only 10m of pavement marking is proposed - Recommended - 25 metres double two way barrier line;*
- *Recommend consideration be given for the installation of guideposts/red unidirectional RRPM's at the overtaking lane merge tapers in accordance with MRWA drawing 200631-0039-10."*

Based upon this information received, Shire officers are now happy with design proposed by Iluka resources subject to above mentioned requirements outlined by Main Roads.

Shire officers still maintain that the following continue to be pursued with regard to the Shire's ongoing position with Iluka regarding battery limits and maintenance:

1. Delineate Iluka Resources' "battery limits" for their works to be undertaken on Mimegarra Road to be from SLK 0 (Brand Highway intersection) through to SLK 1.500 inclusive. Iluka Resources will be responsible for the cost and construction for all works within this area from Brand Highway intersection to SLK 1.500 including:

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- Mimegarra Road / Brand Highway intersection;
 - “Mine Access Road” (Mimegarra Road);
 - “Haul Road Crossing” (Mimegarra Road);
 - Services Crossing Mimegarra Road; and
 - Mimegarra Road pavement and seal from SLK 0 to SLK 1.500.
2. Request the CEO to negotiate an ongoing maintenance agreement, with Iluka, for Mimegarra Road between SLK 0 and SLK 1.500.

CONSULTATION

The following parties have been involved in consultation throughout this process

- Deputy Chief Executive Officer
- Manager Planning
- Iluka Resources
- Main Roads WA – Midwest Region
- Main Roads WA – Wheatbelt Region

STATUTORY ENVIRONMENT

Main Roads Act 1930 Sections 13, 13A, 15 and 15A.

POLICY IMPLICATIONS

Policy Number 7.6 – Mimegarra Road from SLK 0 – SLK 1.500 will need to be reclassified Restricted Access Network 5 heavy haulage route, to be confirmed with Main Roads WA.

FINANCIAL IMPLICATIONS

The Shire is still awaiting details of a maintenance agreement with Iluka regarding the ongoing maintenance of the affected 1.5km section of Mimegarra Road. At this stage no financial details are available.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How Shire will Contribute
1.3: Ensure timely provision of essential and strategic infrastructure	a) Provide and manage a network of roads and bridges for safe and efficient vehicle movement
1.4: Ensure Shire is “open for business” and supports industry and business development	b) Identify and engage with future new business and industry opportunities

ATTACHMENTS

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

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- 20170206 MRWA Email - Iluka proposed Mimegarra Road upgrade (Doc Id: 86466)
(Marked 9.2.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Sheppard

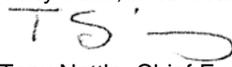
That Council:

1. Endorses Iluka Resources' Mimegarra Road Design to proceed to construction including:
 - Mimegarra Road / "Mine Access Road" intersection,
 - "Haul Road Crossing" and
 - Mimegarra Road / Brand Highway intersection, and subject to the following requirements as outlined by Main Roads WA:
 - a. BRAND HWY LEFT TURNING LANE
A left turn lane is required to accommodate northbound vehicles turning left into Mimegarra Road. This section of Brand Hwy has limited overtaking opportunities south of this area and the site has a single barrier line which will stop following vehicles overtaking the turning vehicles.
 - b. LINE MARKING & SIGNAGE
Iluka to review and update drawings of the submitted Signs and Pavement marking drawings to reflect the comments as outlined by Main Roads in conjunction with the relevant Main Roads' guidelines drawings.
2. Request the CEO to delineate Iluka Resources' "battery limits" for their works to be undertaken on Mimegarra Road to be from SLK 0 (Brand Highway intersection) through to SLK 1.500 inclusive. Iluka Resources will be responsible for the cost of all maintenance works within this area from Brand Highway intersection to SLK 1.500 including:
 - Mimegarra Road / Brand Highway intersection;
 - "Mine Access Road" (Mimegarra Road);
 - "Haul Road Crossing" (Mimegarra Road);
 - Services Crossing Mimegarra Road; and
 - Mimegarra Road pavement and seal from SLK 0 to SLK 1.500.
3. Request the CEO to negotiate an ongoing maintenance agreement, with Iluka, for Mimegarra Road between SLK 0 and SLK 1.500.

CARRIED 7 / 0

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 APPOINTMENT OF AUTHORISED OFFICER – RANGER SERVICES – GRAEME GARDNER

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path	Business Classification Scheme / Personnel / Authorisations / Gazettals
Disclosure of Interest:	Nil
Date:	8 February 2017
Author:	Terry Sims, Senior Ranger
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council authorise Graeme Gardner under relevant Acts as Authorised Persons and Registration Officers.

BACKGROUND

The requirement to ensure that Shire personnel are appropriately authorised to conduct their functions and responsibilities within legislative guidelines.

COMMENT

The Dog Act 1976 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers with the exception of section 11(1) and Local Laws adopted by Council.

It is therefore proposed that authority be given to persons listed below under s12A (2), s16, s29 and s44.

Authorised officers:

Graeme Gardner - Ranger:

- Section 12A (2) allows an authorised person or other person named in a warrant to enter and inspect any premise for any purpose relating to the enforcement of the Dog Act 1976 with the authority of a warrant.
- Section 16 requires persons to be authorised by the local government as registration officers to affect the registration of dogs under the Act.
- Section 29 contains powers allowing an authorised person to exercise powers to enter property, seize and detain dogs.
- Section 44 allows proceedings to be taken under the Act by an employee of the Shire authorised to take proceedings in the name of the Shire.

Graeme Gardner - Ranger:

Section 51

- (1) In the performance of a function under this Act, an authorised person may enter any premises if entry is required for the performance of the function —
 - (a) with the consent of the person who is, or appears to be, the owner or occupier of the premises; or
 - (b) if a notice has been given in accordance with subsection (2) and the period specified in the notice as the period within which objections may be made has elapsed with no objection being made; or
 - (c) under a warrant issued under Subdivision 3.
- (2) An authorised person wishing to enter any premises may give to the owner or occupier of the premises notice in writing
 - (a) stating that the authorised person wishes to enter the premises; and
 - (b) specifying the purpose for which entry is required; and
 - (c) specifying that the owner or occupier may object to the entry and the period (being not less than 24 hours) within which the objection may be made; and
 - (d) specifying how the objection may be made.
- (3) Where a notice has been given under subsection (2) and no objection has been made to the authorised person within the time specified in the notice —
 - (a) the notice continues to have effect until —
 - (i) the purpose for which entry was required has been effected; or
 - (ii) 7 days after the end of the objection period specified in the notice, whichever occurs first; and
 - (b) successive entries for that purpose are to be regarded as entries to which the notice relates.
- (4) The powers of entry under this section are in addition to and not in derogation of any power of entry conferred by any other law.
- (5) Entry under this section may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required.

Graeme Gardner - Ranger:

The Control of Vehicles (Off Road Areas) Act 1978 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers. It is therefore proposed to appoint persons appointed to the position listed below as authorised persons under section 5(5) of the Act.

Section 5(5) allows a local government to employ fit and proper persons to be authorised officers for the enforcement of the Act

Graeme Gardner - Ranger:

Caravan Parks and Camping Grounds Act 1995

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The Caravan Parks & Camping Grounds Act 1995 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers. It is therefore proposed to appoint persons appointed to the position listed below as authorised persons under section 17(1) of the Act.

Section 17 (1) allows a local government to appoint such persons as the local government considers necessary. It is therefore proposed the following persons be authorised under the Act:

Graeme Gardner - Ranger:

CONSULTATION

Due to the nature of this application it was felt that further consultation was unnecessary.

STATUTORY ENVIRONMENT

- Dog Act 1976
- Cat Act 2011
- Control of Vehicles (Off-road Areas) Act
- Caravan Parks & Camping Grounds Act 1995

POLICY IMPLICATIONS

Shire of Dandaragan's policy in relation to delegations

FINANCIAL IMPLICATIONS

The cost of advertising in the Government Gazette.

STRATEGIC IMPLICATIONS

It shall be the duty of the local government within its district to administer and enforce the provisions of these Acts.

2016 - 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How Shire will Contribute
2.5 Provide environmental health and safety services	e) Firebreak management f) Manage litter and abandoned vehicles g) control illegal off road vehicles h) camp ground management and control of illegal camping

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Scharf

That Council;

1. agree to appoint Graeme Gardner as an authorised

- registration officer pursuant to:
- a) section 16 of the Dog Act 1976;
 - b) section 48 (1) of the Cat Act 2011;
 - c) section 17 (1) of the Caravan Parks & Camping Grounds Act 1995;
 - d) section 5 (5) of the Control of Vehicles (Off Road Areas) Act 1978; and
2. that Council revoke the previous appointment of Rosalyn Edwards as registered officer pursuant to:
- a) section 16 of the Dog Act 1976;
 - b) section 48 (1) of the Cat Act 2011;
 - c) section 17 (1) of the Caravan Parks & Camping Grounds Act 1995; and
 - d) section 5 (5) of the Control of Vehicles (Off Road Areas) Act 1978.

CARRIED 7 / 0

9.3.2 BADGINGARRA RESEARCH STATION - EXTENSION TO FARM LEASE AGREEMENT

Location:	Lot 3712 Winjardie Road, Badgingarra
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Purchasing
Disclosure of Interest:	None
Date:	13 February 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

That Council agrees to the extension to the Farm Lease Agreement for the Badgingarra Research Station (BRS) between the Shire of Dandaragan and the Department of Agriculture and Food Western Australia (DAFWA) for a further three years to the 28 February 2020 and that Council amends the Sublease with West Midlands Group (WMG) to reflect this extension.

BACKGROUND

Council has been discussing the possibility of acquiring the BRS since discussions first commenced in 2012, when the Department of Agriculture and Food WA (DAFWA) advised it would be selling off some of its assets.

At Council's meeting held on the 26 September 2013, it was resolved:

That Council agree to contact the Department of Lands, State Lands Services expressing its interest in acquiring the Badgingarra Research Station located at Lot 3712 Winjardie Road, Badgingarra.

CARRIED 8 / 0

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Council's Expression of Interest (EOI) to purchase the BRS was communicated to the Department of Lands, via representatives from the Lands Property Asset Clearing House.

On the 3 November 2015, an email was received from Mr Tyack from the Department of Lands advising that the BRS was no longer surplus due to a proposed business direction and will be retained for ongoing research therefore, removing it from their disposal program.

However, since this time, the proposed business direction did not occur in which DAFWA then advertised the BRS for lease as of 1 February 2016 for 12 months.

On the 10 December 2015, Council held a special meeting and resolved the following:

That Council agrees to submit an Expression of Interest to the Department of Agriculture and Food Western Australia for the lease of the Badgingarra Research Station, Lot 3712 Winjardie Road, Badgingarra as per the following conditions:

- 1. amount to be stipulated at \$36,848 per annum as per the previous arrangement between the West Midlands Group and the Department of Agriculture and Food Western Australia for the amount of \$36,848 per annum for a 12 month period;*
- 2. Department of Agriculture and Food Western Australia be advised that the Shire of Dandaragan wish to purchase the property freehold at the conclusion of the lease at an agreed value; and*
- 3. that the West Midlands Group be required to meet all lease conditions via an appropriate agreement on behalf of the Shire of Dandaragan to be subleased at the amount of \$36,848 per annum.*

CARRIED 7 / 0

Council's EOI to lease the BRS was successful with a lease agreement being signed in May 2016 for a 12 month period commencing from 24 May 2016 with an option of a further 12 months. The WMG currently sublease and manage the property as it has done for the last three to four years.

On the 31 January 2017 Cr Richardson, representing the Shire President, and the CEO met with the Minister for Agriculture and Food the Hon Mark Lewis MLC together with representatives from the WMG, the Badgingarra Community Association and DAFWA.

It was discussed at this meeting that an extension to the lease would allow the current operations to continue while decisions could be made at a State Government level in relation to the future

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of the BRS. The group generally agreed that a three (3) year term would be ideal.

COMMENT

The current lease expiry date is 23 May 2017. The lease agreement provides an option to extend the term of the agreement for a further 12 months by mutual consent of both parties.

In consultation with DAFWA, Council has been successful in securing an extension to the lease of up to three years commencing from 23 May 2017 to 28 February 2020 at the same rent and conditions as detailed in the current lease.

CONSULTATION

- Department of Agriculture and Food
- West Midlands Group
- Badgingarra Community Association
- Minister for Agriculture and Food, Hon Mark Lewis MLC

STATUTORY ENVIRONMENT

There are no statutory implications in relation to the leasing of the BRS.

Appropriate lease and subleases have been prepared by Council's solicitors to ensure our interests are protected and clearly outlined.

POLICY IMPLICATIONS

There are no relevant policies in relation to this item.

FINANCIAL IMPLICATIONS

WMG has confirmed that they will continue to reimburse the Shire for the same amount so that the lease arrangement has a nil effect on the Shire's operational budget.

The agreement with the WMG would need to be amended to reflect the extension and to continue to ensure they are responsible for the lease conditions during that period.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for residential and Business Development</i>	
Objectives	How Shire will Contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth	c) Activate Growth Plan
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities c) Realise potential of Council controlled or lazy land assets

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ATTACHMENTS

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

- Correspondence from DAFWA confirming the three year extension to the lease (Doc Id: 86450)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Richardson

That Council agrees to extend the Farm Lease Agreement for the Badgingarra Research Station between the Shire of Dandaragan and the Department of Agriculture and Food Western Australia for a further three years to the 28 February 2020 and that Council amend the Sublease with West Midlands Group to reflect this extension.

CARRIED 7 / 0

9.3.3 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	7 February 2017
Author:	Denaye Yandle, Executive Secretary
Signature of Author	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to:

- Lease Agreement for the Lease of Aircraft Hangar, Jurien Airstrip between the Shire of Dandaragan and Lester James Northey & Cheryl Northey; and
- Sublease: Badgingarra Research Station between the Shire of Dandaragan and West Midlands Group.

BACKGROUND

The Shire of Dandaragan's common seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the seal is applied.

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Generally, the common seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the seal is required to be applied urgently and Council's endorsement is sought retrospectively.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High performing Administration	c) Compliance in all legislative requirements and functions

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Richardson

That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to:

- 1. Lease Agreement for the Lease of Aircraft Hangar, Jurien Airstrip between the Shire of Dandaragan and Lester James Northey & Cheryl Northey; and**
- 2. Sublease: Badgingarra Research Station between the Shire of Dandaragan and West Midlands Group.**

CARRIED 7 / 0

9.4 DEVELOPMENT SERVICES

9.4.1 PROPOSED MICROLIGHT AND AUTOGYROS AIRCRAFT FLIGHT SCHOOL - JURIEN BAY AIRFIELD

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Location:	Jurien Bay Airfield Reserve 35408
Applicant:	Patrick Connors
Folder Path:	Business Classification Scheme/Traffic and Transport/Service Provision/Airports and Landing Facilities
Disclosure of Interest:	None
Date:	13 February 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider an application submitted by Patrick Connors to operate a flight training school (Microlight and Auto Gyros) out of the Jurien Bay Airfield.

BACKGROUND

The applicant has provided the following background;

The business model that we are proposing to the Shire is to provide the general public of all ages a modern, exciting and vibrant opportunity of learning to fly using the latest state of the art 'sport' microlight aircraft and auto gyros at a greatly reduced cost compared to general aviation.

Our business would provide Trial Instructional Flights (TIF) to allow ab-initio pilots the chance to take to the air and experience the wonder of flight hopefully inspiring them to take further lessons following a dedicated Civil Aviation Safety Association (CASA) syllabus by fully qualified and experienced instructors. The business would be using aircraft manufactured by the largest and very successful microlight producer in Australia, 'Airbourne Australia', based in Newcastle NSW. They also import, assemble and distribute the latest high tech Italian made gyros by Magni of which we would utilize too.

Along with TIF's and flying instruction we would provide a full sales, syndicate, service and engineering back up with the support of Airbourne Australia where we would become a distributor for their aircraft.

Jeff and I have been in discussions with local businesses to make them aware of our intentions and to insure them that we hope to enhance their existing businesses, posing no threat to them. We understand the skydiving business is extremely busy and have viewed their aircraft frequency and have concluded that we can operate alongside them following standard aviation circuit protocol. At this time, there is no one offering a similar service to what we plan, in fact there is only one other flying school operating from the aerodrome this being a relatively new business operating the much older, single engine Piper Warrior light aircraft, giving instruction towards the much more expensive category of 'Private Pilots Licence', not microlights or gyros. There is in fact only one

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other such school providing microlight instruction and that operates out of 'White Gum' airfield east of York.

With reference to the 'Airsport Assist Jurien Bay Aerodrome Development Plan' we feel that our business proposal fulfils such criteria listed within this document, hopefully promoting and increasing tourism and growth to the local area and shire.

Regarding the aerodrome, we have also been in discussions to share one of the existing hangars; however, we would be very interested in leasing one of the new 'proposed' hangars if and when available.

Our aircraft utilize modern, lightweight designs with low engine noise of around 75 decibels, therefore we envisage minimal impact on the local environment with very little or no impact on local residents compared to other general aviation type aircraft. Our aim, again, is to provide trial flights and deliver full training for prospective clients to obtain their unrestricted licence on these modern sport aircraft.

Jeff and myself currently reside within the Perth metropolitan area, however we are prepared to relocate to the district as soon as the business enables us. Jeff and I will at all times be members of RAAS and HGFA and will have current instructor ratings as required to provide such training.

The plans are to have 2 staff members in attendance. We intend on operating weekends initially however we envisage there will be a small amount of attendance during the week.

In regards to operating hours this does depend on weather conditions. We anticipate up to 5 hours per day on Saturday and Sunday and around 5 hours for the entire week.

Students in attendance would be between 1 or 2 at any one time.

Council met with the applicant at the Council Forum held on 9 February 2017. There was extensive discussion on noise levels and safety issues. The applicant advised that they did not wish to fly over any residential areas and would accept this restriction as a condition of approval. Safety issues were not considered a factor for these type of aircraft as they are able to land by gliding without engines.

There was discussion about the possibility of a demonstration flight with Councillors and submitters (viewing from the ground) or alternately visiting the airfield in Bunbury to witness the craft and noise levels.

There was also extensive discussion about flight paths and low level flying and the introduction of a special or enforcement of the current En Route Supplement Australia (ERSA).

COMMENT

Currently, any licenced person can land and fly microlight and auto gyros at the airfield and surrounding areas (including town sites) subject to compliance with safety regulations. The airfield is a public facility.

The proposed aircraft to be used for this business have a very low noise level compared to small aircraft and will not be permitted to fly over Residential Areas as a condition of approval. The applicants have advised that they do not intend to fly or provide lessons to persons over residential areas and are satisfied to have such a condition placed on their approval to operate.

Concern has been raised that once local people become qualified to fly these aircraft, that there will be no restrictions prohibiting flying over residential areas in accordance with safety regulations. The applicant has advised that these craft cost between \$70,000 to \$100,000 to purchase new. It is an expensive hobby and unlikely to generate a large number of such craft. The target clients for these machines are persons from the metropolitan area seeking to gain qualifications whilst enjoying the views in the Jurien Bay reserves and coastal areas north and south of the town.

Safety issues for the type of craft proposed are not the same as for general aviation. The applicant has pointed out that these craft can operate without an engine and it is not uncommon for them to land by gliding.

Should Council decide to refuse the application, the following staff recommendation is provided;

CONSULTATION

The proposal was advertised on the Shire website from 12 December 2016, the 21 December edition of Craytales as well as the Shire's Facebook page.

Usual advertising is for 14 days, however due to the Christmas break an additional week was given. Closing date for submissions was set at 4:00pm Friday 13 January 2017, however persons making enquiries after this date were advised that they could still make a submission up until early February as the item was deferred from the January Council meeting at the request of persons wishing to submit a petition.

A schedule of submissions is provided in the attachments

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities
<i>Goal 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS.

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

- Schedule of Submissions (Doc Id: 86572)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL MOTION

Moved Cr Richardson, seconded Cr Scharf

That Council grant approval to Patrick Connor to operate a flight training school (Microlight and Auto Gyros) out of the Jurien Bay Airstrip Reserve 35408 subject to the following conditions and advice notes:

1. All training flights shall be conducted:
 - a) between to the hours of 7.00am to 6.00pm; and
 - b) by a qualified aviation trainer.
2. All flights shall execute a flight plan/path away from built up areas of Jurien Bay and surrounding Rural Residential areas, to minimise the impact of noise.
3. The following documentation shall be submitted to the local government prior to the commencement of the operations:
 - a) a copy of the certificate of approval from the Civil Aviation Safety Authority to conduct flight training;
 - b) a copy of a current public liability insurance policy to a minimum value of \$20 million for the period of this approval.

Advice Notes:

Note 1. The erection of signage promoting the flight training is subject to a separate application for planning approval.

Note 2. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

LOST 2 / 5

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa

That Council defer consideration of the application from Patrick Connor to operate a flight training school (Microlight and Auto Gyros) out of the Jurien Bay Airstrip Reserve 35408 for the following reason;

- 1. Prior to giving further consideration to the application the Council wishes to see a demonstration of the type of aircraft to be used and listen to noise levels generated. Demonstration to take place in Jurien Bay.**

Advice Note:

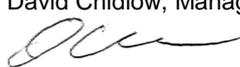
Note 1. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

**The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"**

CARRIED 7 / 0

Notation: Council did not adopt the Staff Recommendation as it wished to see a demonstration of the use of aircraft.

9.4.2 ILUKA RESOURCES - PROPOSED MINING ACCOMMODATION CAMP PREVIOUSLY APPROVED BY THE WHEATBELT JOINT DEVELOPMENT ASSESSMENT PANEL – REDUCTION IN SIZE - LOT 2080 CATABY ROAD, DANDARAGAN

Location:	Lot 2080 Cataby Road, Dandaragan
Applicant:	Iluka Resources
Folder Path:	Development Services App / Development Application / 2012 / 21
Disclosure of Interest:	None
Date:	7 February 2017
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer

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Signature of Senior Officer:



PROPOSAL

An application has been received from Iluka Resources to amend existing planning approval to commence development for a new relocated mining accommodation camp at Lot 2080 Cataby Road. The amendment is in the site layout plan only and results in a lesser sized development. An amendment (reduced site plan) application was refused at the 18 January 2017 Midwest/Wheatbelt Joint Development Assessment Panel (JDAP) due to a differing interpretation of the term "substantial". Changes in the legislation that took effect from 1 February 2017 allow the Council to determine this application at the choice of the applicant.

BACKGROUND

The Wheatbelt Joint Development Assessment Panel granted Planning Approval in August 2012 to Iluka Resources for a mining accommodation camp at Lot 2080 Cataby Road and relocation and redevelopment of the Tronox mining accommodation camp at Lot 2065 Cataby Road.

A copy of the minutes of the August 2012 Joint Development Assessment Panel is provided in the attachments listing the approvals and conditions of approval.

The applicant proposes a lesser development for Lot 2080 than what was approved. This report does not deal with the proposed Tronox camp at Lot 2065 for which there are no proposed amendments to the size of the camp.

Council considered the application for lesser development at the 15 December 2016 Council meeting and recommended approval to the Midwest/Wheatbelt Joint Development Assessment Panel (JDAP).

The application for an amended reduced site plan was refused at the 18 January 2017 Midwest/Wheatbelt Joint Development Assessment Panel (JDAP) as the Joint Development Assessment Panel believed that the amendment was substantial and required a new application with more detailed plans.

The applicant has requested that the Council determine the application in accordance with the amended Development Assessment Panels legislation that took effect from 1 February 2017 to allow the Council to determine this application at the choice of the applicant.

COMMENT

The applicant proposes a reduction in the number of facilities and accommodation units previously approved by the Wheatbelt Joint Development Assessment Panel (JDAP).

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The following table demonstrates the amendments proposed.

Approved development	Proposed amendments (where amended)
Car and bus parking 100 bays + 64 temporary construction bays	123 bays + motorcycle bays
Bus pick-up/drop off area	Location amended
Administration building	Location amended
Managers house	Deleted
160 accommodation units – permanent, with full en-suite facility	144 accommodation units – permanent, with full en-suite facility
100 accommodation units – for use during construction, with full en-suite facility	Deleted
Kitchen/Mess	Location amended
Laundries	Location amended
BBQ/Pool area	BBQ
Recreation/games building	Gymnasium building/Sport Court
Gymnasium building	Gymnasium building/Sport Court
Firewater tanks and system	Location amended
Wastewater treatment plant	Wastewater treatment plant with sprayfield
Water treatment plant – Reverse Osmosis (RO) system and evaporation pond if required	Water treatment plant – Reverse Osmosis (RO) system
Service and maintenance area and building	Location amended
Estimated cost of development	Estimated cost of development
\$19,400,000	\$8,234,768

The following response was provided to the Presiding Member of the Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP)s question prior to the Joint Development Assessment Panel (JDAP) meeting “why the amendments, if approved, would not constitute a substantial change to the development approved in 2012”.

The online Oxford dictionary defines “substantial” as:

1. *Of considerable importance, size, or worth:
‘a substantial amount of cash’*
2. *Concerning the essentials of something:
‘there was substantial agreement on changing policies’*
3. *Real and tangible rather than imaginary:
‘spirits are shadowy, human beings substantial’*

The proposed land use for workers accommodation has not changed. The changes proposed are only related to the reduced scale of accommodation and facilities as well as changes to the layout of the proposed development. There will be no changes to infrastructure such as waste water and power (confirmed by discussion with applicant). If the proposal were to be located in an urban or semi-rural environment, then there would be a good argument that the amendments are substantial as there would be an impact on landowners and residents in proximity to the development, which would be of considerable importance in the above definition.

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In this instance, the proposal is in a remote rural environment and there will be no substantial impact on any nearby landowners or residents from the reduction in facilities and amended layout, and is therefore of minimal importance.

In addition to the above consideration, the scale (size and worth in the above definition) of the accommodation camp has to be considered in context to the overall project. The Iluka Campsite is one of two campsites proposed for a large scale mining operation approximately 250-275 million dollars. The large scale mining operation does not require planning approval and is therefore not being considered as part of the development application. If the Iluka campsite is considered in isolation to the entire project, then there may be argument that it is substantial. However when taking into consideration the entire development associated with this proposal, the scale of the amendments are minor in comparison and would not in the Shire's opinion be "substantial".

In summary, the Shire is of the view that the proposed amendments are not substantial when considered in context of no change to the use and purpose of the development, the remote location, lack of any impact, and the scale of the amendments when taking into account the overall project.

At the Joint Development Assessment Panel (JDAP) meeting the point was raised that the applicant could just use the existing development approval and only construct to a lesser size. The point was also raised that it seemed overly burdensome to make the applicant go through a new application process for what is in effect a lesser development that has already been approved and will have a reduced impact on the environment and amenity.

Because the Joint Development Assessment Panel (JDAP) refused the application, the applicant has the option of submitting a new application for the Council consider for approval. The officer recommendation is that Council grant approval for the lesser development with the same conditions of approval as granted by the Joint Development Assessment Panel (JDAP) including any minor amendments due to changes in legislation or Government Departments.

CONSULTATION

Advertising was not undertaken for the amendment. The proposed amendment is for a lesser development which is considered to have less impact on the environment and amenity than currently approved.

STATUTORY ENVIRONMENT

- Shire of Dandaragan Local Planning Scheme No.7
- Shire of Dandaragan Local Planning Strategy Rural Land Use and Rural Settlement - Strategy 8.1.5 Workers Accommodation in Rural Areas.

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POLICY IMPLICATIONS

WAPC SPP 2.5- Rural Planning

The Shire of Dandaragan's Local Planning Policy 8.2 Mining, Horticultural and Agricultural Ventures – Accommodation for Staff, aims to encourage use of facilities within townsites of the Shire except for the accommodation provided for essential key personnel which, by necessity, needs to be located onsite.

FINANCIAL IMPLICATIONS

The applicant has previously paid all the fees necessary for this application.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>Goal 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Plans of existing approved site layout and amended site layout.
(Doc Id: 86534)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Richardson

That Council grant planning approval to Iluka Resources for a proposed mining accommodation camp at Lot 2080 Cataby Road subject to the following conditions:

- 1. All development shall accord with the attached approved plan(s) and specification dated 15 November 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Chief Executive Officer of the Shire.**
- 2. Access from the approved development to Cataby Road is to be constructed to the satisfaction of the Chief**

- Executive Officer of the Shire and at the full cost of the applicant.
3. A drainage management plan shall be prepared for the site to the satisfaction of the Chief Executive Officer of the Shire and no water shall be discharged from the site at flow rates or with pollutant levels in excess of the pre-development condition.
 4. The Proponent shall provide and maintain a potable water supply to the approved development with sufficient on-site storage for a minimum of 48 hours peak usage to the satisfaction of the Chief Executive Officer of the Shire.
 5. The Proponent shall provide and maintain a suitable solid and liquid waste management program for the approved development to the satisfaction of the Chief Executive Officer of the Shire.
 6. The Proponent shall provide and implement a fire management plan to the satisfaction of the Chief Executive Officer of the Shire.
 7. All internal roads and car parking areas are to be sealed, line marked and appropriately drained and maintained for the duration of the intended use of the lot as a mining accommodation camp.
 8. The Proponent shall provide and implement a landscaping plan to the satisfaction of the Chief Executive Officer of the Shire, prior to the occupation or use of any buildings in accordance with this approval.
 9. Security and on-site lighting shall be installed and shaded to prevent light spill from the site or cause nuisance to motorists using Cataby Road.
 10. Upon the closure or cessation of use of the Mining Accommodation Camp land use, the Proponent shall remove all infrastructure and return the site to its former agricultural use, or a use otherwise agreed by the Chief Executive Officer of the Shire.
 11. Approval is granted for a period of three (3) years expiring on the 3 September 2020 and if the development is not substantially commenced the approval shall lapse and be of no further effect.

Advice Notes:

- Note A.** In regards to condition 2, the applicant will be responsible for the costs associated with any road works, adjustments to road drainage and any signage identified in a traffic safety audit report.
- Note B.** In regards to condition 4, the advice of the WA Health Department will be sought by the Council on the suitability and adequacy of the proposed supply.
- Note C.** In regards to condition 5, the advice of the WA Health Department will be sought by the Council on the suitability and adequacy of the proposed waste management proposal.

- Note D.** In regards to condition 6, the advice of the DFES may be sought on the suitability and adequacy of the proposed fire management options. Any storage tanks intending to supply water for fire-fighting purposes are to be fitted with BFB couplings.
- Note E.** In regards to condition 9 the Proponent shall plant, reticulate and maintain any plantings identified in the landscaping plan, replacing any plants that die or are damaged, for the duration of the occupation of the site as an mining accommodation camp.
- Note F.** The Proponent is advised that this approval does not remove the requirement to secure approvals and licences that may be required under subsidiary legislation (see following examples) and the Proponent is required to make separate inquiries on those requirements:
- a) Bush Fires Act 1954 — s33
 - b) Food Act 2008
 - c) Health (Treatment & Storage of Effluent & Liquid Waste) Regulation 1974 - Reg 4A
 - d) Rights in Water & Irrigation Act 1914 -s26A
 - e) Environmental Protection (Clearing of Native Vegetation) Regulations 2004
 - f) Local Government (Miscellaneous Provisions) Act 1960

CARRIED 7 / 0

9.4.3 APPLICATION FOR ALFRESCO DINING ON VERGE – PT LOT 1 ROBERTS STREET, JURIEN BAY

Location:	Pt Lot 1 Roberts Street, Jurien Bay
Applicant:	Peter House
File Ref:	Development Services Apps/ Development Applications/ 2017/03
Disclosure of Interest:	None
Date:	11 February 2017
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 approval to construct clear plastic weather blinds on portion of the Road Reserve (carpark/footpath used for alfresco dining and pedestrians) to service the Cafe.

BACKGROUND

In March 2015 Council granted approval for an outdoor eating area for the Bakery and Restaurant (Café)

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Bailey, seconded Cr Kent

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That Council grant temporary planning approval to TN & HV Nguyen and I Craig for a period of 12 months only for use of portion of the verge to be used as an outdoor eating area (alfresco dining) immediately adjacent to Pt Lot 1 and Lot 6 Roberts Street Jurien Bay identified as plan marked TD00574B dated 19 February 2014, subject to:

- 1. The public shall be free to use the tables and chairs at all times, whether paying customers or not.*
- 2. No umbrellas or sunshades shall be erected.*
- 3. The tables and chairs shall not be fixed to the public footpath paving material unless otherwise approved by Council.*
- 4. The tables and chairs shall be removed from the public footpath area outside normal trading hours.*
- 5. The shop owners shall, to the satisfaction of the Shire, cleanse daily and keep clean at all times the pavement of the eating area, the tables, chairs and umbrellas and also shall keep the footway and roadway in the vicinity of the eating area of litter and waste materials and remove all sweepings and washdown waste from the street.*
- 6. Boundary of dining area to be marked in accordance with Australian standards so as to assist Vision impaired persons using the footpath.*
- 7. Council shall be indemnified against any damage which may arise, with the indemnity being Public Liability Insurance cover of \$10 million minimum.*
- 8. Council shall be advised directly by the Insurance Company of the Policy and any changes to that Policy, a copy of which is required to be kept at Council.*
- 9. The applicant shall ensure that rubbish shall be regularly removed from the premises in order to ensure high public amenity.*
- 10. The service of alcohol shall not commence unless the relevant approval has been obtained from the Liquor Licensing Division of the Office of Racing and Gaming.*
- 11. The Council will provide footpath identification of the approved area of the outdoor eating facility.*
- 12. Tables and chairs placed in a public place that enables unlimited public use shall not be considered as part of the premises in calculating the required number of public toilets under the Health Act.*
- 13. All electrical wiring connected to lights, devices or appliances which are situated on or above the eating area shall not be placed -*
 - a. on or under the eating area;*
 - b. above any part of a street or public place so as to interfere or obstruct the passage of vehicles or pedestrians; or*
 - c. in any place or in any manner which may be prejudicial to public safety.*
- 14. All persons, equipment and activities associated with the operation of the outdoor eating area shall remain wholly within the defined area, except for the conveying of food, drink, tableware and furniture across the footpath.*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

15. *The eating area or any part thereof shall be cleared of obstructions as required by the Council for pavement maintenance and repair work, except in emergencies, at least 72 hours notice shall be given to this requirement.*
16. *The shop owners shall bear the cost of all pavement repairs carried out by the Council within the eating area or part thereof, which in the opinion of the Council have been rendered necessary by the existence or use of the eating area.*

Advice Note:

Note 1: The applicants are advised that this is a temporary 12 month approval that will expire on 31 March 2015 so as to allow Council to consider either a planning policy or Local Law on verge outdoor eating areas with associated fees and that granting this approval does not imply that the a new approval will be granted after March 2015.

The applicant proposes to construct clear plastic weather blinds to the existing awning from the roof edge down to the existing brick line. The proposal will not enclose the area across the footpath and will not impede pedestrian traffic along the footpath.

COMMENT

There has been no additional demand for alfresco dining in the Shire since this approval was granted. There have also been no complaints or issues raised from the operations of the alfresco dining.

Staff have not as yet formalised a local policy or local law on this matter, therefore the planning approval has been extended until such time as a policy is implemented.

The planning approval has met the requirements of ensuring that the alfresco is operated in a manner that does not impede pedestrian traffic.

Access by pedestrians will not be impeded as 2.5m width of available footpath will be provided. This accords with the City of Fremantle requirements of 1.8m and City of Greater Geraldton requirement for 1.5m of clear pedestrian access width associated with Alfresco dining activities.

It is noted that the shop has a canopy that extends over the footpath and is already using the area by virtue of having a built structure overhead.

Given that there will be no impediment to pedestrians from the proposal, it is recommended for approval with matching conditions previously granted for the alfresco.

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CONSULTATION

The addition is considered to be a minor addition to an existing awning that does not warrant public advertising.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Building Act 2011
 - 76. No encroachment without consent, court order or other authority
 - (1) A person responsible for work must ensure that no part of a building or an incidental structure is placed beyond the boundaries of the works land —
 - (c) unless the encroachment is prescribed as a minor encroachment; or
 - (e) except in prescribed circumstances.
- Building Regulations 2012
 - 45B. Circumstances prescribed for purposes of section 76(1)(e)
 - (2) For the purposes of subregulation (1)(c) an awning, verandah or thing attached to an awning or verandah is constructed in an approved manner if —
 - (a) the construction —
 - (i) is development as defined in the Planning and Development Act 2005 section 4(1); and
 - (ii) is in accordance with the requirements of that Act that applied to the construction at the time of the construction; or
 - (b) the construction is in accordance with a local law made under the Local Government Act 1995 section 9.60 that applied to the construction at the time of the construction.

The proposal can be defined as development in the Planning and Development Act and the existing awning has been in place for many years. The purpose of the above regulation is to avoid referring minor applications to the Department of Lands that can be determined by the Local Government.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

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<i>GOAL 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Elevation and Floor Plans (Doc Id: 86517)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Sheppard

That Council grant planning approval for use of portion of the verge to be enclosed with clear plastic weather blinds in accordance with the plans marked "250-100 issue A" on the road reserve immediately adjacent to Pt Lot 1 Roberts Street Jurien Bay, subject to;

- 1. The public shall be free to use the tables and chairs at all times, whether paying customers or not.**
- 2. No umbrellas or sunshades shall be erected.**
- 3. The tables and chairs shall not be fixed to the public footpath paving material unless otherwise approved by Council.**
- 4. The tables and chairs shall be removed from the public footpath area outside normal trading hours.**
- 5. The shop owners shall, to the satisfaction of the Shire, cleanse daily and keep clean at all times the pavement of the eating area, the tables, chairs and umbrellas and also shall keep the footway and roadway in the vicinity of the eating area free of litter and waste materials and remove all sweepings and washdown waste from the street.**
- 6. Boundary of dining area to be marked in accordance with Australian standards so as to assist vision impaired persons using the footpath.**
- 7. Council shall be indemnified against any damage which may arise, with the indemnity being Public Liability Insurance cover of \$20 million minimum.**
- 8. Council shall be advised directly by the Insurance Company of the Policy and any changes to that Policy, a copy of which is required to be kept at Council.**
- 9. The applicant shall ensure that rubbish shall be regularly removed from the premises in order to ensure high public amenity.**
- 10. The service of alcohol shall not commence unless the relevant approval has been obtained from the Liquor Licensing Division of the Office of Racing and Gaming.**

11. The Council will provide footpath identification of the approved area of the outdoor eating facility.
12. Tables and chairs placed in a public place that enables unlimited public use shall not be considered as part of the premises in calculating the required number of public toilets under the Health Act.
13. All electrical wiring connected to lights, devices or appliances which are situated on or above the eating area shall not be placed -
 - (a) on or under the eating area;
 - (b) above any part of a street or public place so as to interfere or obstruct the passage of vehicles or pedestrians; or
 - (c) in any place or in any manner which may be prejudicial to public safety.
14. All persons, equipment and activities associated with the operation of the outdoor eating area shall remain wholly within the defined area, except for the conveying of food, drink, tableware and furniture across the footpath.
15. The eating area or any part thereof shall be cleared of obstructions as required by the Council for pavement maintenance and repair work, except in emergencies, at least 72 hours notice shall be given to this requirement.
16. The shop owners shall bear the cost of all pavement repairs carried out by the Council within the eating area or part thereof, which in the opinion of the Council have been rendered necessary by the existence or use of the eating area.

Advice Notes:

Note 1. The applicants are advised that this approval may be supplemented by either a Planning Policy or Local Law on verge outdoor eating areas with associated fees in the future.

Note 2. The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

**The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”**

CARRIED 7 / 0

**9.4.4 PLANNING APPLICATION – PROPOSED OVERHEIGHT
OUTBUILDING WITH REDUCED SETBACK – LOT 861 CNR
MOSMAN PARADE AND PREVELLY WAY, JURIEN BAY**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

Location:	Lot 861 Cnr Mosman Pde and Prevelly Way, Jurien Bay
Applicant:	E Baden & S Harper
Folder Path:	Development Services App / Development Application / 2016 / 79
Disclosure of Interest:	None
Date:	13 February 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 9.82m x 6.5m (64m²) with reduced (0.5m) side boundary setback along the side boundary, exceeding Council's Policy for setbacks. Lot size is 861m².

BACKGROUND

The proponent has submitted a proposal to construct a 64m² skillion roof outbuilding with a reduced side boundary setback. The proposed parapet wall height on the nil setback boundary is from 3.3m to 4m and length of 9.82m.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy) the required side boundary setback in accordance with table 2 of the R Codes is 1.5m.

The Council at its discretion can approve variations to the Policy if there is sufficient justification which includes no impact on neighbours or streetscape amenity.

The lot is currently vacant. The policy states that a Building application will not be approved for an outbuilding on a vacant residential property, unless said property has a substantially commenced dwelling onsite. Should Council decide to approve the application, it should be subject to a condition that the outbuilding is not to be constructed until there is a substantial dwelling onsite.

Council has consistently refused applications for outbuildings that do not fully meet the policy requirements where there is insufficient justification for a variation. The State Administrative Tribunal have on appeal previously applied a 1.0m setback in lieu of a 1.5m setback for an outbuilding in Jurien Bay as it was considered that amenity would not be compromised with the reduction from 1.5m to 1.0m.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 6 January 2017. One submission was received from an impacted neighbour objecting to the proposal. A copy of the submission is included in the attachments.

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After discussions with the applicant the plans were amended by removal of a 4.5m high continuous parapet wall along the boundary and reducing the height of the proposed outbuilding. This information was conveyed to the neighbour, the neighbour requested that the setback be 1.5m. Further negotiations were undertaken between the neighbours (via the Shire) with consideration to a 0.5 to 1.0m setback. At the time of writing this report, comment from the neighbours has not been received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
<i>* Note that total wall / ridge heights are measured from the ground level at the closest common boundary</i>			

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a council decision.
8. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision
10. A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved;

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- the higher end of the sloping wall is adequately screened from the roadside;
 - the higher wall is orientated away from the closest common boundary/s;
 - the skillion roof is pitched between the lesser wall span; and
 - boundary setbacks are as per clause 7.
11. A Building application will not be approved for an outbuilding on a vacant residential property, unless said property has a substantially commenced dwelling onsite.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>Goal 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Location plan & Elevations (Doc Id: 79560)
- Submission (Doc Id: 79562)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Gibson

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 8 December 2016 on Lot 861 Cnr Mosman Pde and Prevelly Way, Jurien Bay subject to:

Conditions:

- 1. All development shall be in accordance with the attached plans date stamped 8 December 2016 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;
2. the roof and wall material matching the existing dwelling and being of non-reflective nature and colour; and
 3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.
 4. the outbuilding shall not to be commenced until substantial construction of the dwelling on site.
 5. the side boundary setback to be a minimum of one (1) metre.

Advice Notes:

- Note 1.** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2.** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3.** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4.** The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:
The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 7 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – JANUARY 2017 COUNCIL STATUS REPORT

Document ID: 86389

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 25 January 2017. *(Marked 9.5.1)*

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – FEBRUARY 2017

Document ID: 86486

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for February 2017. *(Marked 9.5.2)*

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JANUARY 2017

Document ID: 86211

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for January 2017. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JANUARY 2017

Document ID: 80077

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for January 2017. **(Marked 9.5.4)**

9.5.5 RDA WHEATBELT INC - E-NEWSLETTER JANUARY 2017

Document ID: 79726

In this issue:

- Building Better Regions Fund (BBRF)
- RDA Wheatbelt Submission. Response to PC Telecommunications Draft Recommendations
- Government and Community News
- Grants and Funding Opportunities

9.5.6 2017 NATIONAL AWARDS FOR LOCAL GOVERNMENT

Document ID: 79724

Entries for the 2017 National Awards for Local Government will be accepted from Monday 23 January 2017 through to midnight on Friday 3 March 2017. This document was emailed to Councillors on 19 January 2017.

9.5.7 DLGC – CIRCULAR NO 04-2017 – WALGA, LGMA & ALGA GIFT DECLARATION EXEMPTIONS

Document ID: 79715

Attached to the agenda is full content of Circular No 04-2017. **(Marked 9.5.7)**

9.5.8 WALGA – LOCAL GOVERNMENT NEWS – JANUARY 2017 – ISSUE 2

Document ID: 79712

In this issue:

- Meeting with Reform Leader
- Commencement of the Biodiversity Conservation Act 2016
- Environmental Planning Tool Training (EPT) – Expression of Interest
- Submission to the Joint Standing Committee on the National Broadband Network
- Training
- Coastal Grants for Local Governments
- Australia Day Supporter Kit

9.5.9 WALGA – ROADWISE – ROAD SAFETY NEWSLETTER – JANUARY 2017 – ISSUE 25

Document ID: 79541

In this issue:

- Child Car Restraint Update
- No Driver? No Worries!
- City Continues to Commit to Road Safety Action Plan

- Road Safety All Year Round
- “Have the Conversation” – WA Police (Northam) Campaign
- Carnarvon RoadWise Left No One Wondering at the Christmas Wonderland
- Wheatbelt Farm Gates Get Road Safety Face Lift
- Kalbarri RoadWise Committee Gets Ready for Action in 2017
- Be #RoadWise in the Kimberley Region

9.5.10 HON TERRY REDMAN MLA– MEDIA STATEMENT – NEW PATH TO PUT JURIEBAY ON THE CYCLING MAP

Document ID: 79921

- Supports greater transport, recreational and tourism opportunities
- Made possible by the State Government’s Royalties for Regions

Jurien Bay residents now have opportunities for greater recreational activities closer to home thanks to a new 3.9km cycle path between Booka Valley and the mouth of Hill River. Speaking from the site, Minister Regional Development Terry Redman said the cycle path would serve as a new venue for formal runs, bike ride and swim events, with the potential to attract national and international sporting events.

9.5.11 HON JOHN DAY MLA – MEDIA STATEMENT – HEALTH CARE BOOST FOR GROWING COASTAL TOWN

Document ID: 79919

- \$22.46 million investment in Jurien Bay, Lancelin and Dongara
- Includes telehealth to help deliver primary care and outpatient services
- Extension of successful Southern Inland Health initiative
- Made possible by Liberal National Government’s Royalties for Regions

Health Minister John Day said the funding would deliver essential emergency, acute, short-stay and community based care, along with an expansion of telehealth services to help streamline primary and outpatient care. This substantial investment will ensure residents and visitors in popular coastal areas from Lancelin to Dongara have access to more comprehensive health services.

9.5.12 HON PAUL MILES MLA – MINISTERIAL CIRCULAR NO 03-2017

Document ID: 79911

“Recently, I have had the privilege of awarding funding through the Country Local Government Fund – Youth Development Program to 25 local government scholarship recipients and 12 local governments to implement traineeship programs. I wish to congratulate the successful recipients on their dedication to providing young people with employment, skills and career development opportunities”.

9.5.13 RICH MASLEN BUSHFIRE SERVICE AWARD

Document ID: 79754

Nominations for the Rich Maslen Bushfire Service Award are now open and closing 31 July in each year. The award recognises outstanding achievements of a person involved in the Bushfire Service. The award will be presented by Mr Rich Maslen's representative at the September meeting of the DOAC.

9.5.14 WALGA – LOCAL GOVERNMENT NEWS – 27 JANUARY 2017 – ISSUE 3

Document ID: 79911

In this issue:

- Meeting with Shadow Minister for Local Government
- Public Libraries Forum
- Vacancies on Boards and Committees
- Training
- Bushfire Planning and Biodiversity Workshops
- Commencement of *Public Health Act* Stage 3
- Provide Input for Fire Prone Areas
- Workshops on Regional Touring Circuits
- Healthy Sponsorship Boosts Campaign

9.5.15 RDA WHEATBELT CHAIR RECEIVED OAM IN AUSTRALIA DAY AWARDS

Document ID: 79910

Congratulations to RDA Wheatbelt chairman Graham Cooper who was recognised with an Order of Australia medal (OAM) on Australia Day for his tireless volunteer work advocating for the Wheatbelt community, including his seven-year tenure on the Regional Development Australia Wheatbelt's committee.

9.5.16 KEEP AUSTRALIA BEAUTIFUL WA – TIDY TOWNS SUSTAINABLE COMMUNITIES AWARDS 2017

Document ID: 79518

Tidy Towns Sustainable Communities Awards 2017 is open for registration. Keep Australia Beautiful WA encourages Shires to enter their community projects into this year's Tidy Towns awards program. Registrations close on 1 March 2017.

"Tidy Towns is a great opportunity for communities to showcase what is happening 'on their patch'. I think in a small town it certainly is an opportunity to galvanise the community, develop pride and engage everyone on a different level."

9.5.17 HON PAUL MILES MLA – MINISTERIAL CIRCULAR NO 01-2017 – LOCAL GOVERNMENT (REGIONAL SUBSIDIARIES) REGULATIONS 2017

Document ID: 79907

"I am pleased to announce the introduction of the regional subsidiary model in Western Australia. This is a mechanism that local governments have sought for many years and the necessary changes have now been enacted. In 2016, the Local Government Act 1995 was amended to permit two or more local governments

to form a corporate entity known as a 'regional subsidiary' for the purposes of carrying out joint activities in their districts."

Attached to the agenda is the full content of this circular. **(Marked 9.5.17)**

9.5.18 HON PAUL MILES MLA – MINISTERIAL CIRCULAR NO 02-2017 – CONTROLLING OF OFF-ROAD VEHICLES

Document ID: 79908

"In light of recent off-road vehicle incidents across the State, local governments are reminded of the options available for controlling off-road vehicle use in the community.

The Control of Vehicles (Off-road Areas) Act 1978 (the Act) currently only operates in certain areas of the State, meaning that the provisions of the Act can only be enforced in these areas. It also means that 'Permitted Areas', established under the Act, cannot be established until such time as the Act covers the relevant area."

Attached to the agenda is the entire content of this circular. **(Marked 9.5.18)**

9.5.19 HON TERRY REDMAN MLA – MEDIA STATEMENT – COMMUNITY CHEST FUNDING FOR WHEATBELT REGION

Document ID: 79897

- \$560,874 invested into 21 locally driven projects in the Wheatbelt region

The Community Chest Fund provides voluntary organisations, schools and community groups with grants of up to \$50,000 to support local projects.

Minister for Regional Development Terry Redman today announced the successful grant recipients of the 2017 Wheatbelt region's Community Chest Fund.

Attached to the agenda is the full content of the media statement. **(Marked 9.5.19)**

9.5.20 CENTRAL WEST MEN'S SHED CERVANTES

Document ID: 79094

Attached to the agenda is further correspondence from Central West Men's Shed. **(Marked 9.5.20)**

9.5.21 CHRISTINE MCSHANE – PROPOSED FLYING SCHOOL

Document ID: 79797

Letter from Ms McShane wishing to express her concerns over the proposal for a flying school to be based at the Jurien Bay Airport. Attached to the agenda is Ms McShane's letter expressing her concerns. **(Marked 9.5.21)**

9.5.22 SENATOR BARRY O’SULLIVAN – FEDERAL REVIEW INTO THE PETROLEUM RESOURCE RENT TAX (PRRT)

Document ID: 79837

“I write to seek your support for an important policy initiative that has the potential to provide significant benefits for our rural and regional communities. As you might be aware, there is currently a federal review into the operation of the Petroleum Resource Rent Tax (PRRT), crude oil excise and associated Commonwealth royalties. The review is led by independent expert Mr Michael Callaghan AM, with the support of the Commonwealth Treasury and the review team will report back to the Government by April 2017 on recommendations for reform of the PRRT.”

9.5.23 WALGA – LOCAL GOVERNMENT DIRECTORY UPDATE REQUEST

Document ID: 86084

“WALGA has undergone a number of enhancements to our corporate website, providing additional functionality and simplified administrative processes for not only the corporate site but also accompanying online platforms of knowyourcouncil.com and localeye app.”

9.5.24 WALGA – LOCAL GOVERNMENT NEWS – FEBRUARY 2017 – ISSUE 4

Document ID: 86057

In this issue:

- WALGA Divests From Fossil Fuels
- Training
- Vacancies of Boards and Committees
- State Three of the Public Health Act 2016 Now in Operation
- Underground Power Program Projects Announced
- Feedback Sought on Accessible Temporary Toilets
- Safe Active Streets National Workshop
- WACOSS Self-Directed Services Events, February and March
- Australian Urban Research Infrastructure Network

9.5.25 THE WEST AUSTRALIAN – COURT RULING PUTS NATIVE TITLE DEALS IN JEOPARDY – FRIDAY 3 FEBRUARY 2017

Document ID: 86318

Hundreds of native title agreements across Australia have been thrown into doubt by a Federal Court ruling handed down in Perth yesterday. Billions of dollars worth of mining and petroleum leases, land development titles and government tenure approvals were potentially invalid, the peak native title body said.

The full content of this article is available on request.

9.5.26 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT – MINUTES 6 DECEMBER 2016

Document ID: 86290

Attached to the agenda is a copy of the General Minutes of the West Koojan-Gillingarra Land Conservation held 6 December 2016. **(Marked 9.5.26)**

9.5.27 RAY WHITE JURIE BAY – CONGRATULATIONS ONCE AGAIN – OVERFLOW CAMPERS AND CARAVANERS

Document ID: 86196

Correspondence from Greg Johnson, Principal Licensee from Ray White Jurie Bay expressing congratulations to the staff from the Shire of Dandaragan on their proactive action taken to keep holiday makers accommodated over the Australia Day Weekend after the unforeseeable problem that occurred at the rear of the oval, the area of the normal overflow camping.

9.5.28 WALGA – WASTE NEWS – 10 FEBRUARY 2017 – ISSUE 25

Document ID: 86424

In this issue:

- Waste Certified
- Plastic Bag Banter
- Community Waste Grants Funding
- Asbestos Case Studies Call
- E-waste takes the podium

Save the date: the Waste & Recycle will be back on Wednesday 13 to Friday 15 September 2017. More information coming soon!

9.5.29 WALGA – LOCAL GOVERNMENT NEWS – 10 FEBRUARY 2017 – ISSUE 5

Document ID: 86425

In this issue:

- Review of the Emergency Services Levy
- Control of Off-road Vehicles
- Bushfire Planning and Biodiversity Workshops
- Training
- Breast Cancer Network Australia Survey
- Child Safe Seminars
- Outstanding Information and Communications Technology Award
- Active Transport Seminar
- 2017 Australasian Road Safety Conference – Submission of Abstracts
- Communication with Housing Industry Association Members

9.5.30 WALGA – STATE COUNCIL AGENDA – 1 MARCH 2017

Document ID: 86426

The next State Council will be held on 1 March 2017 and a copy of the agenda can be found on the WALGA website at – <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>

9.5.31 WALGA – MEDIA RELEASE - FUNDING ASSISTANCE FOR FLOOD DAMAGE ESSENTIAL TO RECOVERY

Document ID: 86457

State and Federal financial assistance will be essential to the recovery of communities from the impacts of widespread flooding around the State.

Cr Craigie said “Many communities are still in an emergency response phase, and we encourage those communities to remain

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in contact with their Councils and relevant authorities to learn of any emerging issues and ensure their own safety.”

9.5.32 WA GOVERNMENT – OFFICE OF EMERGENCY MANAGEMENT - 2016 / 17 WANDRRA ELIGIBLE DISASTER PROCLAMATION NOTIFICATION – FLOODING IN KIMBERLEY

Document ID: 86480

The above event has been proclaimed an eligible disaster under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) on 24 August 2015, pursuant to subclause 4.2 of the Natural Disaster Relief and Recovery Arrangements Determination 2012 Version 2.0, issued by the Commonwealth Government Attorney-General. The State Government will provide immediate financial assistance to those people who have been affected through joint State and Commonwealth disaster relief and recovery arrangements.

Attached to the agenda is the proclamation notification – Flooding in Kimberley (23-27 January 2017). **(Marked 9.5.32)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.55pm.

These minutes were confirmed at a meeting on

Signed

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 FEBRUARY 2017

Presiding person at the meeting at which the minutes were confirmed

Date