



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

DANDARAGAN COMMUNITY RECREATION CLUB

on

THURSDAY 26 SEPTEMBER 2013

COMMENCING AT 5.02PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.02pm and welcomed those present.

1.2 DISCLAIMER READING

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

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor W Gibson	(President)
Councillor L Short	(Deputy President)
Councillor M Russell	
Councillor D Kent	
Councillor T Bailey	
Councillor K McGlew	
Councillor M Sheppard	
Councillor L Holmes	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr B Wall	(Executive Manager Infrastructure & Major Projects)
Mr D Chidlow	(Manager Planning)
Miss D Kerr	(Council Secretary & PA)

Apologies

Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr I Rennie	(Deputy Chief Executive Officer)

Approved Leave of Absence

Observers

Shirley Harris
Trish Cahill
Mac Hewlett
David Lantzke

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3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

David Lantzke made note to the importance of 9.4.5 if it was not passed by Council.

Shirley Harris asked if the Shire had jurisdictions as to how the Turquoise Coast Directory is put together.

The Chief Executive Officer responded that it is put together by the Central Midlands and Coastal Advocate and will need to be discussed with them.

David Lantzke left the room at 5.11pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved Cr Russell, seconded Cr Short

That leave of absence be approved as follows:

- Councillor M Russell – Sunday 3 November 2013 to Wednesday 20 November 2013 (inclusive)

CARRIED 8 / 0

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF ORDINARY MEETING HELD 22 AUGUST 2013

COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That the minutes of the Ordinary Meeting of Council held 22 August 2013 be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS

Cr Mike Sheppard

- 10 September
- 18 September

Central Coast Health Advisory Group
Jurien Bay Chamber of Commerce

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- 20 September Australasian Safari

Cr Lawrie Short

- 23 August 2013 Avon Midland Zone Meeting
- 26 August 2013 Council Horticulture Area Inspections
- 28 August 2013 Wolba Wolba Management Meeting
- 4 September 2013 WALGA Regional Policy Forum
- 4 September 2013 WALGA State Council
- 18 September 2013 Water Corporation (for Rural Water Council)
- 24 September 2013 Moore Catchment Council Executive Meeting
- 25 September 2013 Special WALGA State Council Meeting

Cr Russell

- 23 August 2013 Avon Midland Zone Meeting
- 26 August 2013 Council Horticulture Area Inspections
- 27 August 2013 Badgingarra Community Centre Management Committee Meeting
- 17 September 2013 Cervantes Community Recreation Centre Committee

Cr McGlew

- 23 August 2013 Avon Midland Zone Meeting
- 26 August 2013 Council Horticulture Area Inspections
- 5 September 2013 State Library of WA Board Meeting
- 10 September 2013 Wheatbelt Integrated Aged Support and Care Solutions Meeting
- 14 September 2013 Badgingarra Community Association Meeting
- 16 September 2013 WA Premiers Book Awards – SLWA

Cr Holmes

- 19 September 2013 Joint Chambers Tourism Meeting
- 20 September 2013 Cervantes Chamber of Commerce

COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Russell

That the delegates' reports to 26 September 2013 as presented be received.

CARRIED 8 / 0

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 FINANCE

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9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 JULY 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	26 August 2013
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Kottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 July 2013.

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 July 2013.

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 July 2013 was \$2,838,796. 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, Restricted Assets and Trust. 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

The Statement of Financial Activity provides variances to budget by way of percentages. Council's adopted policy states a 10 percent threshold for these variances to be reported. An explanation of these variances is as follows:

Recreation and Culture

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Expenditure is at 77.5% of Y-T-D budget. This is due to less than budgeted expenditure for materials and contracts. The Y-T-D budget distributes materials and contracts evenly across months, however, actual expenditure rarely follows this pattern. As an early indicator it is more likely a timing issue rather than a true variance.

Transport

Expenditure is at 116.1% of Y-T-D budget and is due to higher than budgeted employee and on costs. The Y-T-D budget evenly distributes maintenance and capital works across months. However, this first month there has been a focus on maintenance over capital works. This should even out as capital works are commenced in future months.

Other Property and Services

Expenditure is at 67.2% of Y-T-D budget and is due to less than budgeted parts and repairs costs.

Should Councillors wish to raise any issues relating to the 31 July 2013 financial statements, please do not hesitate to contact the Executive Manager Corporate & Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

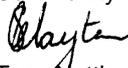
- Financial statements for the period ending 31 July 2013 (Doc Id: 16206)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Short, seconded Cr McGlew****That the monthly financial statements for the period ending 31 July 2013 be adopted.****CARRIED 8 / 0****9.1.2 ACCOUNTS FOR PAYMENT – JULY 2013**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	26 August 2013
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 and direct debit listing for the month of July 2013.

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 and electronic funds transfer (EFT) listing for July 2013 totalled \$1,243,454.62 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

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque and direct debit listings for July 2013 (Doc Id: 16211)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Russell, seconded Cr McGlew

That the Municipal Fund cheque and EFT listing for the period ending 31 July 2013 totalling \$1,243,454.62 be accepted.

CARRIED 8 / 0

9.2 WORKS AND PLANT

9.2.1 EMPLOYMENT OF A TRAINEE / APPRENTICE HORTICULTURALIST

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Personnel / Industrial Relations / Industrial Agreements
Disclosure of Interest:	None
Date:	13 September 2013
Author:	Brian Wall, Executive Manager Infrastructure & Major Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Council to consider the employment of a trainee / apprentice horticulturalist.

BACKGROUND

A request to host a school based traineeship with the Shire was received from Jurien Bay District High School Vocational Education and Training Officer (VET) Jodie Fitzsimmons. The initial request is to employ a student for 2 days a week in the area of Horticulture whilst they are undertaking formal qualifications and education through the Jurien Bay District High School.

COMMENT

Given the difficulty in attracting skilled staff, and the lack of opportunity for local youth to gain employment and in particular traineeships/apprenticeships without leaving Jurien Bay, the employment of a trainee/apprentice can benefit both local youth and the Shire, building a locally skilled employment base for future employment whilst providing a career path for youth who may not wish to continue at school or do not wish to leave Jurien Bay.

In this instance the student in question has indicated his interest to leave school at the end of 2013 and undertake a full time

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apprenticeship, this of course is dependant on budget and the performance of the trainee.

The Shire in support of local youth employment should consider offering traineeships and apprenticeships on a regular basis and should consider an annual allocation to accommodate in the salaries and wages budget. This will provide an opportunity for local youth leaving high school, support local business and encourage them to employ youth, and will eventually result in an increased skilled employment base.

CONSULTATION

- Executive Management Team
- Vocational Employment and Training Officer
- Trainee

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Whilst the position of trainee/apprentice has not been listed in 13/14 Infrastructure salaries and wages budget, given recent gaps in replacing staff, there is sufficient funds within current budget to accommodate this position.

The current cost to Council based on a 2 day per week trainee in Horticulture will cost \$3150, if the trainee was to be offered a full time apprenticeship commencing next calendar year, the cost to Council for the remainder of 13/14 would be \$11,000. The ongoing cost to Council for the completion of the apprenticeship will be approximately \$25,000 per annum with incremented annual increases.

Council may wish to consider the employment of trainees and apprentices on a biennial rotation, ensuring the replacement of a trainee after completion of a traineeship every 2 years, 2 trainees on staff at all times.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.5 GOAL NUMBER FIVE: Build a proactive and leading local government					
OBJECTIVE 1: Build capacity of elected Councillors and staff to ensure Shire of Dandaragan is a highly performing local government which attracts high quality Councillors and staff.					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS

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G5-O1-A2	Invest in training and development plan for all Council staff to ensure top performance is able to be achieved and maintained.	Workforce Plan	Short - Medium	Organisation	WALGA Dept of Local Govt
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ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Russell, seconded Cr Kent****That Council acknowledge and support:**

- 1. the employment of a school based trainee horticulturalist through the Jurien Bay District High School Vocational Employment and Training Program for the remainder of 2013; and**
- 2. transfer of the traineeship to a full time apprenticeship in horticulture in 2014 based on a successful performance review undertaken by the youths direct supervisor and the schools Vocational Employment and Training Officer.**

CARRIED 7 / 1**9.2.2 TENDER 04 / 2013 SUPPLY OF VARIOUS GOODS AND SERVICES AND PLANT HIRE**

Location: Applicant: File Ref: Disclosure of Interest: Date: Author: Signature of Author: Senior Officer: Signature of Senior Officer:	Jurien Bay Shire of Dandaragan /Business Classification Scheme / Corporate Management / Tendering / Tender Documents None 13 September 2013 Brian Wall Executive Manager Infrastructure / Major Projects  Tony Nottle Chief Executive Officer 
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PROPOSAL

For Council to consider the tender submissions for Tender 04 / 2013 within the Shire of Dandaragan.

BACKGROUND

In accordance with Council's Procurement policy, Tender 04 / 2013 was advertised in the West Australian newspaper Saturday July 20 2013 for the Supply of Various Goods and Services and Plant Hire.

At the close of the tender period 40 tenders were received, across various aspects of the tender requirements. All tenders conformed

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to the specific areas tendered in their submissions.

COMMENT

The scope of the tender was to prequalify contractors to a Shire panel. Providing Council with a qualitative response of the local market.

Tenders were assessed against compliance and competency in the services tendered, the contract was not to deliver a specific purchase or service. All purchasing of services from the panel will be accessed based on a needs basis as required.

The tender panel comprised of:

- Brian Wall (Executive Manager Infrastructure & Major Projects)
- Kerri Renton (Coordinator Infrastructure Operations)

All contractors were required to demonstrate a capacity to achieve Council's desired OS&H standards as a requirement of the tender process. This was assessed as part of the Compliance Criteria.

CONSULTATION

- Executive Manager Infrastructure/Major Projects
- Coordinator Infrastructure Operations
- WALGA

STATUTORY ENVIRONMENT

- Part 4 of the Local Government (Functions and General) Regulations 1996, section 3.57 of the Local Government Act 1995.

POLICY IMPLICATIONS

1.15 Shire of Dandaragan Purchasing Policy and Tender Guide

OBJECTIVE

- To provide compliance with the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996 (as amended in March 2007);
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Dandaragan; and
- To ensure consistency for all purchasing activities that integrates within all the Shire of Dandaragan's operational areas.

FINANCIAL IMPLICATIONS

Costs associated with this tender are budgeted within annual Infrastructure maintenance budgets.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure
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OBJECTIVE 3: Ensure Shire is "open for business" and support industry and business investment to drive growth strategy

ATTACHMENTS

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

- Schedule of Contractors 1 (Doc Id:16671)
- Schedule of Contractors 2 (Doc Id: 16619) – **Confidential (Marked 9.2.2)**

VOTING REQUIREMENT

Simple majority

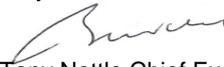
OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Russell

That Council award Tender 04 / 2013 Supply of Various Goods and Services and Plant Hire for a period of two years to a panel of contractors as per the attached Schedule of Contractors 1.

CARRIED 8 / 0

9.2.3 TENDER 05 / 2013 CONSTRUCTION OF THE JURIEN BAY CIVIC CENTRE PROJECT

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
File Ref:	Business Classification Scheme / Council Properties / Urban Design / Civic Precinct
Disclosure of Interest:	None
Date:	17 September 2013
Author:	Brian Wall Executive Manager Infrastructure & Major Projects
Signature of Author:	
Senior Officer:	Tony Nottle Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider the tender submissions for Tender 05 / 2013 Construction of Jurien Bay Civic Centre Project.

BACKGROUND

In accordance with Council's Procurement policy, Tender 05 / 2013 was advertised in the West Australian newspaper Saturday July 20 2013 for the Construction of the Jurien Bay Civic Centre Project, closing Friday 6 September 2.30pm.

At close of the tender period 5 tenders were received. All tenders conformed to tender specifications.

Tenderer	Price (inc GST)
Pindan Contracting	\$7,239,734.35
Cooper and Oxley	\$7,466,250.00
CivilCon (WA)	\$7,567,340.00

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Laneway Construction	\$7,630,766.00
CLPM Pty Ltd	\$7,763,626.78

COMMENT

Tenders were opened by Trevor Saleeba (Saleeba Adams Architects) and Brian Wall (Executive Manager Infrastructure & Major Projects, Shire of Dandaragan) at 2.30pm on Friday 6 September 2013 at Saleeba Adams Architects, 16 Churchill Avenue Subiaco, by Saleeba Adams Architects undertook the assessment of tenders.

The two lowest tenderers are both long established and recognised builders who both have extensive experience in undertaking work in regional area as well as metropolitan WA.

An assessment was undertaken of the lowest tenders and a report is as follows:

Price:

<i>Pindan Contracting</i>	<i>\$7,239,734.35</i>
<i>Cooper & Oxley</i>	<i>\$7,466,250.00</i>

Both Tenders are within budget with Pindan at a \$226,515 advantage over Cooper & Oxley.

Capacity:

Both Tenderers have ample capacity to undertake the works. Pindan had a turnover of approx \$250 million in the 11-12 year.

Cooper and Oxley turned over approx \$120 million in the equivalent period.

Both companies have significant numbers of management and site supervisory staff, and both are well known and have extensive networks of subcontractor trades.

Financial:

As architects, we do not offer advice on financial capacity of 3rd parties.

However both companies are long established builders and are considered within the industry to be sound corporations.

Statements of Financial Position at 30 June 2012 for both companies, have been received for Council information and assessment. However not attached to public item for privacy reasons.

Referees on Past Performance:

Both builders provided two recent referees and these have been contacted and checked with positive results.

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In addition Saleeba Adams have had direct experience with both tenderers, with Pindan having previously completed 3 projects for them and Cooper & Oxley one larger and more complex project.

In addition to metropolitan projects both builders are currently involved with extensive regional contracts and summaries of these projects are attached for your information.

Saleeba Adams consider both builders to have the capacity to successfully deliver this project.

Local Content:

As requested both tenderers provided undertakings regarding local content and these areas attached for information.

Pindan has offered a costed statement whilst Cooper & Oxley have offered more a statement of intent.

Whilst the Cooper & Oxley statement is un-costed we know from experience with them on regional work that this is a genuine attitude.

Pindan have also stated that in addition to the costed summary they too would seek to further explore and maximise local capacity.

Summary:

Overall the results represent good tendering within the budget and Grant funding. Furthermore the two lowest tenderers are long established and recognised builder of considerable capacity including experience in delivering regional work.

We consider both builders well capable of successfully delivering this project and consequently see no reason to look beyond the lowest tenderer Pindan.

Detailed tender information attached.

CONSULTATION

- Executive Manager Infrastructure & Major Projects
- Saleeba Adams Architects

STATUTORY ENVIRONMENT

- Part 4 of the Local Government (Functions and General) Regulations 1996, section 3.57 of the Local Government Act 1995.

POLICY IMPLICATIONS

1.15 Shire of Dandaragan Purchasing Policy and Tender Guide

OBJECTIVE

- To provide compliance with the Local Government Act 1995

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and the Local Government Act (Functions and General Regulations 1996 (as amended in March 2007).

- To deliver a best practice approach and procedures to internal purchasing for the Shire of Dandaragan.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Dandaragan's operational areas.

FINANCIAL IMPLICATIONS

Costs associated with this tender have been secured through Royalties for Regions Super town funding.

The Financial Assistance Agreement (FAA) confirms total funding of \$12,137,850. The purpose of the funding stated in the FAA will be used for the costs of all contracts, materials and capital works relating to the:

- (i) Vistor and Civic Precinct – stage 1 Development, including design, construction and commissioning costs – \$8,443,000; and
- (ii) The City Centre Infrastructure Improvement Project (Sewerage rising main pump station), including planning, design and construction costs – \$3,694,850

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G1-02-A1	Develop civic precinct concept in Jurien Bay.	Town Centre Strategy Plan SuperTowns Growth Plan	Short - Medium	Jurien Bay	CRC DEC Other agencies

ATTACHMENTS

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

- Schedule of Contractors (Doc Id's: 16635 & 16636)
(Marked 9.2.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Short

That:

- 1. Council award Tender 05 / 2013 Construction of Jurien Bay Civic Centre Project to Pindan Constructions at the**

- tendered price of \$7,239,734.35 (inc GST);
2. Council authorise the Chief Executive Officer to execute relevant contract documents; and
 3. the President and Chief Executive Officer be authorised to affix the Common Seal of Council to the successful contract documents.

CARRIED 8 / 0

9.3 ADMINISTRATION

9.3.1 APPLICATION OF COMMON SEAL – CONTRACT FOR PARTIAL TOWN MAINTENANCE SERVICES

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	13 September 2013
Senior Officer:	Tony Nottle, 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 the Contract for Partial Town Maintenance Services between the Shire of Dandaragan and the Badgingarra Community Association.

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.

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.

COMMENT

Nil

CONSULTATION

Not applicable

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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

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Russell, seconded Cr Bailey

That Council endorse the affixing of the Shire of Dandaragan's Common Seal to the Contract for Partial Town Maintenance Services between the Shire of Dandaragan and the Badgingarra Community Association.

CARRIED 8 / 0

9.3.2 SHIRE REPRESENTATION TO THE JURIE BAY COMMUNITY RESOURCE CENTRE

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Community Relations / Meetings / Representatives
Disclosure of Interest:	None
Date:	13 September 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

To consider the appointment of Councillor Kaye McGlew as Council's delegate to the Jurie Bay Community Resource Centre (JBCRC) as a result of Cr Tim Bailey's resignation.

BACKGROUND

The Shire of Dandaragan provides representation to a range of community organisations as well as its own working groups. Delegates to these organisations are normally elected immediately following the election of each new Council and effectively serve a term of two years.

COMMENT

Cr Tim Bailey has tendered his resignation from the JBCRC

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effective immediately. So there is adequate representation by Council on all community organisations, an item to Council is necessary for the replacement of Cr Bailey's position on the JBCRC.

Cr McGlew has previously indicated that she was prepared to act as Council's delegate in the interim until after the elections in October 2013.

CONSULTATION

- Council
- Cr Kaye McGlew
- Jurien Bay Community Resource Centre Committee

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

This particular delegated position has direct involvement with specific actions within the Shire of Dandaragan's Strategic Community Plan.

ATTACHMENTS

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

- Tim Bailey's letter of resignation from the Jurien Bay Community Resource Centre Committee (Doc Id: 16631)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Holmes

That Council appoint Councillor McGlew as its delegate to the Jurien Bay Community Resource Centre up until the October 2013 elections when the delegates list will be reviewed.

CARRIED 8 / 0

9.3.3 ACQUISITION OF BADGINGARRA RESEARCH STATION – EXPRESSION OF INTEREST PROCESS

Location:	Lot 3712 Winjardi Road, Badgingarra
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties /

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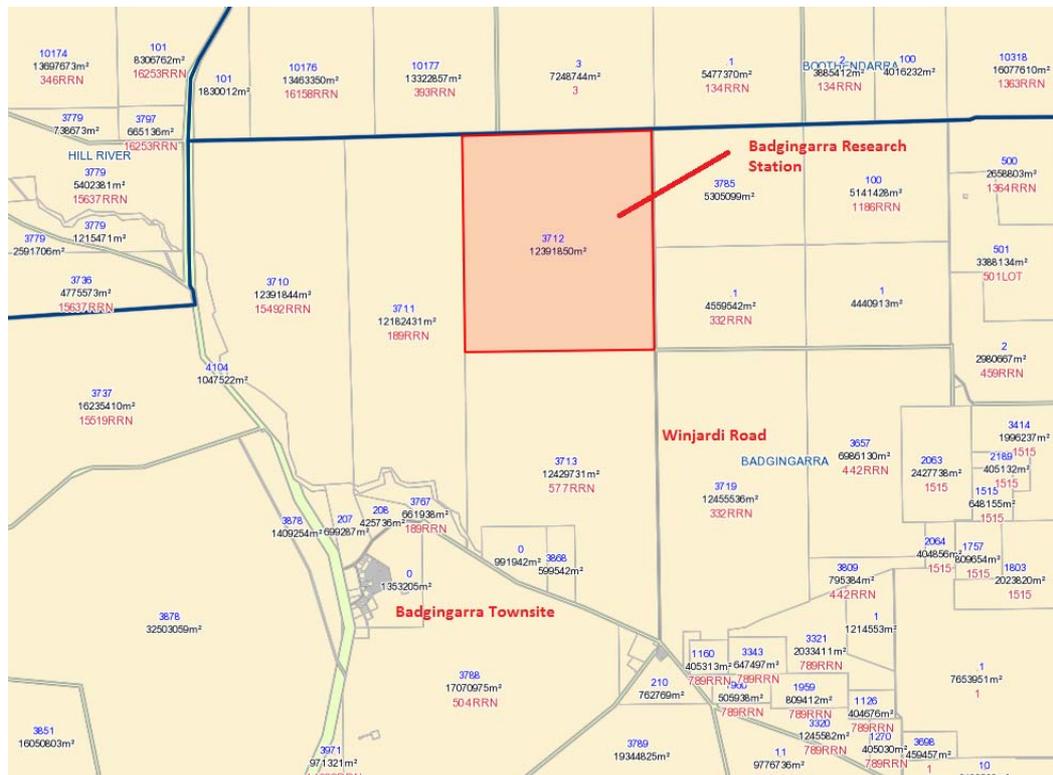
Disclosure of Interest: Nil Date: 16 September 2013 Author: Tony Nottle, Chief Executive Officer Signature of Author: 	Acquisition and Disposal / Purchasing Nil 16 September 2013 Tony Nottle, Chief Executive Officer
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PROPOSAL

For Council to consider lodging an expression of interest with the Department of Lands, State Land Services for the acquisition of the Badgingarra Research Station located at Lot 3712 Winjardie Road, Badgingarra.

BACKGROUND

The Badgingarra Research Station (BRS) is a reserve managed and controlled by the Department of Agriculture and Food WA (DAFWA) and was used up until recently for their own research and development in the Northern Agricultural Region. It is located approximately 8 kilometres north east of the Badgingarra townsite.



The property is approximately 1240 hectares and consists of arable farming land, uncleared native vegetation and infrastructure including staff housing, shearer's quarters, sheds and various forms of farm infrastructure. Details of the property and infrastructure are included in the attachments.

Over the past few years DAFWA have been leasing the property to the private market. More recently DAFWA have leased the property to the West Midlands Group (WMG) who have since leased out all liveable dwellings and the arable portion of the land, generating a small income for the group. They have continued to maintain and improve the buildings, fencing and other

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infrastructure.

On 10 September 2013 the CEO met with Mr Mike Bowley from DAFWA, Anne Wilkins and Gary Peacock from WMG and Mike Kenny and Jonathan Nelson from the Badgingarra Community Association (BCA). At this meeting, Mr Bowley confirmed that DAFWA were disposing of the BRS as it was deemed to be surplus to the Department's needs.

Mr Bowley advised that while the property was a reserve at present, DAFWA were looking at using income generated from the disposal to fund its strategic direction forward into the future by value adding to other assets.

Mr Bowley outlined the process involved in disposing of State Government assets and a copy of the information provided is attached to this report. Mr Bowley advised that the EOI process is open for a period of 30 days, and confirmed it had been open already for approximately 10 days.

At the conclusion of the meeting the following steps forward were resolved:

1. CEO to contact Department of Lands, State Land Services to ascertain what would need to be done to register an expression of interest for the acquisition of the BRS;
2. CEO to discuss this possibility with Council to determine if this should be taken any further; and
3. Should this matter be taken any further, it was suggested that a Steering Group be established consisting of Shire, WMG and BCA representatives.

The CEO presented an item to Councils forum on the 12 September 2013 and was requested to obtain further information and provide a report to Council as soon as practicable.

Following this meeting the CEO contacted Mr Chung Siu, Coordinator Asset Clearing House at the Department of Lands to enquire about the BRS.

Mr Siu confirmed that the process involved had commenced, and that he welcomed an EOI from the Shire of Dandaragan however:

1. State Government Agencies get the first opportunity to acquire the land;
2. Should no State Government Agency express interest in the property it would then be offered to the local government; and
3. Should neither express interest, it will be offered to the private market.

Mr Siu encouraged the Shire of Dandaragan to advise him of its interest should Council wish to be involved in the EOI process. He also confirmed that by expressing interest, it does not tie Council into any financial commitment.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 SEPTEMBER 2013COMMENT

Council has previously expressed interest in the BRS approximately 18 months ago when it was first floated that DAFWA would be selling the property.

Opportunities such as community farming, income generation for local groups and a potential future Regional Waste Refuse site have all been discussed. The WMG have already made good use of the site in the past and have recently leased out the buildings and arable farming land for a small income. WMG has also been carrying out maintenance and repairs from this income to the houses, sheds and fencing.

While the site has not undergone a feasibility study into its suitability for a Regional Refuse Site, the location is an advantage, due to transport corridors and its distance from the Swan Coastal Plain. Council will need to look at its waste disposal into a 20 – 30 year timeframe.

At this point in time, expressing an interest in the property does not commit Council financially. It is also quite likely that another State Government Agency may be interested in acquiring the property, such as the Department for Parks & Wildlife (DPaW) or the Department of Water (DoW).

CONSULTATION

- Mike Bowley, Department of Agriculture and Food Western Australia
- West Midlands Group
- Badgingarra Community Association
- Council
- Department of Lands, State Land Services

STATUTORY ENVIRONMENT

According to the State Government Asset Disposal Policy (ADP) – properties that do not contribute to the agency's core business and to Government desired outcomes should be identified as surplus and disposed of. This process is managed by Department of Lands to ensure the best whole of government outcome and is referred to the Lands Clearing House.

The Clearing House provides whole-of-government coordination for the disposal of real property. It establishes a central listing of all properties that are proposed for disposal, accessible by all general government agencies and public financial or non-financial corporations. The Clearing House provides guidance and advice on disposal processes for agencies, as well as coordinating inter-agency property sales to ensure that the best whole-of-government outcome is achieved in surplus property disposal.

To ensure that there is appropriate whole-of-government oversight of the activities of the Clearing House, it is overseen by the

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Property Asset Clearing House Steering Committee, which comprises senior representatives from a number of government agencies. Secretariat support to the Clearing House is provided by the Department of Lands.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

As the officers recommendation only recommends expressing an interest in the property, this does not commit Council financially now or in the future.

Should Council's EOI be considered, further plans and considerations will need to be undertaken by Council prior to committing any funding.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure
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OBJECTIVE 1: Ensure planning and land availability provides opportunity to generate quality growth and economic benefits to the community and Shire.
--

OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised.
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ATTACHMENTS

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

- BRS Property overview email and attachments (Doc Id: 16517)
- BRS Disposal process and details email and attachments (Doc Id: 16521)

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Russell

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

COUNCIL DECISION

Moved Sheppard, second Dave Kent

That the order of business in the agenda be changed to allow Item 9.4.1 to be dealt with following Item 9.4.6.

CARRIED 8 / 0

9.4 TOWN PLANNING**9.4.2 PROPOSED SOLAR PHOTO VOLTAIC POWER FACILITY – LOT 22 MUNBINEA ROAD, HILL RIVER**

Location:	Lot 22 Munbinea Road, Hill River
Applicant:	Solar Farms Jurien Bay Pty Ltd (on lease from K Loveland)
Folder Path:	Development Services Apps / Development Application / 2013 / 44
Disclosure of Interest:	None
Date:	10 September 2013
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for a 5 megawatt photovoltaic (PV) solar power generating facility at Lot 22 Munbinea Road, Hill River.

BACKGROUND

Solar Farm Jurien Bay Pty Ltd is a joint venture between EMC Solar Construction Pty Ltd and Group T-Solar and would like to develop a solar project in the Shire of Dandaragan. The 5 megawatt installation will cover approx. 10-12 hectares of land and is a part of a broader roll-out of solar farms across the Wheatbelt region.

The solar farm installed in the Shire of Dandaragan will generate 8.76 gigawatt hours per annum, offsetting 6,570 tonnes of carbon and will be sufficient to power approximately 1500 homes each year.

EMC has also developed a solar energy trial at the CBH grain handling facility in Moora where competing PV panel technology is being trialled as a potential clean energy solution for the co-operatives' 4,500+ members.

The solar panels installed will be fixed structures. Each individual solar panel installed will have dimensions of approximately 4 x 4 x 4 metres including foundations.

The WAPC granted a lease on portion of Lot 22 for the purpose of "Solar farm" on the 22 March 2012.

COMMENT

The subject land is currently zoned 'Rural' under the Shire's Local Planning Scheme No. 7 (LPS7). The adjoining land uses are also

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zoned 'Rural' with the exception of the adjacent lot to the north which comprises of a Nature Reserve.

The proposed PV solar power facility is a use not listed under the LPS7 Zoning Table. As a use not listed, in accordance with Clause 4.4.2 of the Scheme, Council is to either:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

When considering an application in accordance with Clause 4.4.2 of the Scheme, the Shire is to have due regard to the relevant matters stated under Clause 10.2 of the Scheme. They are as follows:

- a) *the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;*
- e) *any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- f) *any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- i) *the compatibility of a use or development within its setting;*
- l) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- n) *the preservation of the amenity of the locality;*
- o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- q) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on a traffic flow and safety;*
- y) *any relevant submissions received on the application;*
- z) *the comments or submissions received from any authority consulted under clause 10.1.1.*

The aims and provisions of the Scheme for the subject lot address the objective of the Rural zone as follows:

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

As solar farms are a relatively new development venture in Western Australia, no state or local policy has been developed on this issue, therefore, references shall be extracted from the Western Australian Planning Commission’s (WAPC) Planning Bulletin No 67- Guidelines for Wind Farm Development, as suggested through correspondence from a Department of Planning (DoP) Officer, which suggests:

“Rural, non-rural and similar zones, local governments should consider wind farm proposals under the provisions of Clause 4.4.2(b) of the Model Scheme text.”

The Shire’s Local Planning Strategy (Strategy) is the only relevant plan for such a proposal which supports the development as stated in Objective 4 of section 7.4.2.1 of the Strategy:

“Support appropriate non-rural uses where they are compatible with adjoining and nearby rural uses, environmental attributes and landscape to complement the primary productive use of the land where a site contains remnant vegetation and other environmental features or lacks realistic potential for agricultural use the Council will consider the proposed non-rural uses as the predominant use on its merits.”

Objective 3 under the Strategy for ‘Rural’ zones states:

“Required proposals for non-agricultural uses to be supported and justified by an agricultural impact assessment unless otherwise varied by the Council.”

Under the Strategy, Council may refuse an application for planning consent where in its opinion the proposed development will:

1. Adversely affect the rural landscape;
2. Adversely impact upon the agricultural use of the land and adjoining/nearby areas;
3. Cause detrimental environmental impacts;
4. Result in unacceptable fire management risk;
5. Place unacceptable servicing requirements which have not been appropriately addressed by the applicant;
6. Result in impacts which cannot be adequately contained on the application site; and
7. In the opinion of the Council will result in an undesirable planning outcome and will be contrary to the orderly and proper planning of the locality.

It is considered that the solar farm will not affect the rural landscape or its agricultural pursuit, as it is comparatively a small portion of the rural lot to be utilised for the project.

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The PV panels are designed and engineered to collect and absorb sunlight and not to reflect it, alleviating concern with glare and reflection. Generally solar panels reflect in the order of 4% of incoming light compared to vehicle windows which reflect around 8% of incoming light, therefore will not introduce any additional risk at ground level or air traffic in the vicinity.

Given the above information, it is the Planning Officers recommendation that Council grant approval with conditions.

CONSULTATION

- Adjoining landowners
- Department of Planning
- Department of Environment Regulation
- Department of Parks and Wildlife (Geraldton and Jurien Bay Offices)
- Air Services Australia
- Civil Aviation Safety Authority
- Main Roads Western Australia

One submission was received from a neighbouring landowner concerned about the visibility of the solar panels from their farm dwelling. The submitter requested further information on contours, this information was provided.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Planning Strategy – Rural Land Use and Rural Settlement

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$1,600.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement.

ATTACHMENTS

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

- Application (Doc Id: 15169)
- Plans and details (Doc Id: 15170)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council determines that the use “Solar Photovoltaic Facility” is consistent with the objectives of the “Rural” zone and is

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 SEPTEMBER 2013
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therefore permitted under section 4.4.2 of the Shire of Dandaragan Local Planning Scheme No.7 and grant planning approval for a proposed 5MW Solar Photovoltaic Facility at Lot 22 Munbinea Road, Hill River subject to the following conditions:

1. all development shall accord with the attached plan(s) and specifications dated 12 July 2013 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 Shire;
2. this decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
3. the Proponent shall, at the Proponent's expense, construct and drain an access driveway(s) from Munbinea Road to the property boundary to the satisfaction of the Shire of Dandaragan;
4. the Proponent shall prepare a Traffic Feasibility Study and Delivery Method Statement identifying any roads under the care and control of the Shire of Dandaragan that may form part of the transport route for products from the relevant port and / or local manufacturers to the site during the construction period. Any damage caused to that road(s) by the Proponent or the Proponent's contractors shall be repaired at the Proponent's expense to the satisfaction of the Shire of Dandaragan;
5. the Proponent shall prepare and implement a Management Plan, to the satisfaction of the Shire of Dandaragan, that;
 - a) minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b) details the temporary land uses, the built form of structures and the operation and management of those temporary uses;
 - c) addresses the Proponents response to fire and emergency incidents;
 - d) ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - e) manages weed and pest nuisances on the site and in the locality; and
 - f) addresses the post construction operations of the site and the removal of temporary structures; and
6. Shire of Dandaragan is to be advised of completion of the solar facility.

Advice Notes:

- The Proponent is to liaise with the local school bus operator to ensure these runs are not disturbed due to increased volumes of traffic during the construction phase.
- Storage tanks should be fitted with BFB coupling or a standpipe installed to allow for fast flow.
- Bulk water supply for fire suppression be made available to all Emergency Services within the Shire. Building Protection zones

and Firebreaks will have to be adhered to.

- The proponent may wish to consider providing greater than minimum fire mitigation strategies to protect against bush fire events.
- This is planning approval only and a building permit for temporary and permanent structures must be obtained for this development prior to construction commencing.
- All designs associated with the proposal are to comply with the requirements of the Civil Aviation Safety Authority (CASA).
- Should the applicant be aggrieved by this decision, or any conditions imposed, there is a Right to 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 the decision to the State Administrative Tribunal, GPO Box U1991, PERTH WA 6845.

COUNCIL DECISION

Moved Cr Short, seconded Cr Kent

That Council determines that the use “Solar Photovoltaic Facility” is consistent with the objectives of the “Rural” zone and is therefore permitted under section 4.4.2 of the Shire of Dandaragan Local Planning Scheme No.7 and grant planning approval for a proposed 5MW Solar Photovoltaic Facility at Lot 22 Munbinea Road, Hill River subject to the following conditions:

- 1. all development shall accord with the attached plan(s) and specifications dated 12 July 2013 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 Shire;**
- 2. this decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
- 3. the Proponent shall, at the Proponent’s expense, construct and drain an access driveway(s) from Munbinea Road to the property boundary to the satisfaction of the Shire of Dandaragan;**
- 4. the Proponent shall prepare a Traffic Feasibility Study and Delivery Method Statement identifying any roads under the care and control of the Shire of Dandaragan that may form part of the transport route for products from the relevant port and / or local manufacturers to the site during the construction period. Any damage caused to that road(s) by the Proponent or the Proponent’s contractors shall be repaired at the Proponent’s expense to the satisfaction of the Shire of Dandaragan;**
- 5. the Proponent shall prepare and implement a Management Plan, to the satisfaction of the Shire of Dandaragan, that;**

- a) minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b) details the temporary land uses, the built form of structures and the operation and management of those temporary uses;
 - c) addresses the Proponents response to fire and emergency incidents;
 - d) ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - e) manages weed and pest nuisances on the site and in the locality; and
 - f) addresses the post construction operations of the site and the removal of temporary structures;
6. Shire of Dandaragan is to be advised of completion of the solar facility; and
 7. Screening vegetation is to be planted and maintained to ensure that panels are screened from existing neighbouring dwellings to the satisfaction of the Manager Planning.

Advice Notes:

- The Proponent is to liaise with the local school bus operator to ensure these runs are not disturbed due to increased volumes of traffic during the construction phase.
- Storage tanks should be fitted with BFB coupling or a standpipe installed to allow for fast flow.
- Bulk water supply for fire suppression be made available to all Emergency Services within the Shire. Building Protection zones and Firebreaks will have to be adhered to.
- The proponent may wish to consider providing greater than minimum fire mitigation strategies to protect against bush fire events.
- This is planning approval only and a building permit for temporary and permanent structures must be obtained for this development prior to construction commencing.
- All designs associated with the proposal are to comply with the requirements of the Civil Aviation Safety Authority (CASA).
- Should the applicant be aggrieved by this decision, or any conditions imposed, there is a Right to 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 the decision to the State Administrative Tribunal, GPO Box U1991, PERTH WA 6845.

CARRIED 8 / 0

The Officer Recommendation was not adopted due to the inclusion of condition 7.

9.4.3 APPLICATION FOR BUILT STRATA – FIVE (5) OFFICES AND ONE (1) CAFÉ – LOT 915 MURRAY STREET, JURIEN BAY

Location: Lot 915 Murray Street (Cnr Sandpiper Street), Jurien Bay
 Applicant: Carlton Surveys on behalf of M & N Developments Pty Ltd
 File Ref: Development Services Apps / Building Application / 2013 / 86
 Disclosure of Interest: None
 Date: 10 September 2013
 Author: David Chidlow, Manager of Planning
 Signature of Author: 
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

The proponent seeks approval for six (6) lot built strata subdivision for five (5) offices and one (1) cafe at Lot 915 Murray Street (cnr Sandpiper), Jurien Bay on behalf of M & N Developments Pty Ltd.

BACKGROUND

The subject site is located at the corner of Murray and Sandpiper Streets and has a site area of 1,602m².

The development has been recently constructed. One office is currently occupied by the Department of Parks and Wildlife. The remainder are vacant.

On 26 May 2009, the WAPC resolved to delegate its power to issue a certificate of approval under s25 of the Strata Titles Act to all local governments, except for those applications that:

1. propose the creation of a vacant lot;
2. propose vacant air strata's in multi-tiered strata scheme developments;
3. where, in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to
 - a. a type of development; and/or
 - b. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

An instrument of delegation regarding these arrangements was made under s16(3)(e) of the *Planning and Development Act 2005* and gazetted on 9 June 2009.

Note – the term “built strata” refers to a strata plan for existing dwellings or buildings) or a building which is proposed to be constructed) and where there are no vacant lots.

COMMENT

The development has recently been completed. There are no significant planning issues for this proposal.

CONSULTATION

There are no requirements for consultation for this item as the structure has been constructed.

STATUTORY ENVIRONMENT

- Strata Title Act s25
- Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a fee to the value of \$1,165.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Strata plan (Doc Id: 16498)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

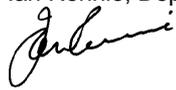
Moved Cr Bailey, seconded Cr Short

That Council issue a certificate of approval for built strata for five (5) offices and one (1) cafe at Lot 915 Murray Street (cnr Sandpiper Street), Jurien Bay, subject to all development being in accordance with the building licence and planning approved plans and any conditions imposed.

CARRIED 8 / 0

9.4.4 CARPENTER BEEF PTY LTD – APPLICATION FOR RENEWAL OF PLANNING APPROVAL – JOANNA PLAINS PEAKER PROJECT

Location:	Lot 3907, Brand Highway, Cataby
Applicant:	Carpenter Beef Pty Ltd
Folder Path:	Development Services Apps / Development Application / 2009 / 48
Disclosure of Interest:	None
Date:	10 September 2013
Author:	David Chidlow, Manager of Planning
Signature of Author:	

Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking renewal of planning approval for the

establishment of the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby.

BACKGROUND

This application was originally submitted to Council in September 2009 on behalf of Griffin Energy Development Pty Ltd. There were a number of issues relating to the application which precluded Council from giving formal consideration to the application. These issues related to mineral resources under the area of the application. These issues were resolved over a period of time and at its meeting on the 24 November 2011, Council granted conditional planning approval to the Joanna Plains Peaker Project for a period of two (2) years. The conditions of approval are as follows:

1. *The proponents shall provide a Traffic Management Plan to Main Roads Western Australia and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;*
 - *Transportation of materials to the project site;*
 - *Obtaining the necessary written approvals / permits from Main Roads Western Australia Heavy Vehicle Operation Branch; and*
 - *The transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.*
2. *The proponents shall provide road signage to the specification and satisfaction of Main Roads Western Australia;*
3. *Following the submission of the application for planning approval, if the proponent proposed changes resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;*
4. *The proponents are required to obtain a clearing permit in accordance with the provisions of the Environmental Protection (clearing of native vegetation) Regulations 2004 in the case of any proposal to clear existing remnant vegetation on the site to the satisfaction of the Department of Environment and Conservation;*
5. *The Joanna Plains Peaker Project shall comply with the Environmental Protection Authorities Guidance Statement No.3 for "Electric Power Generation";*
6. *Prior to the commencement of construction, the proponents shall commission third party noise modelling studies to demonstrate the final design complies with the relevant noise limits outlined in this approval;*
7. *The proponent shall ensure that no nesting birds of the endangered species Carnaby's Black Cockatoo are disturbed by any resulting works such as realignment of fence lines through or near mature trees;*
8. *Decommissioning of the plant and equipment on the subject*

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land will commence within a period of 12 months from termination of operations and to be completed within a time period to the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponent of a plan outlining the process of decommissioning;

9. *Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;*
10. *The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works; and*
11. *That following completion of the construction of the project, the Chief Executive Officer be authorised to request the proponent to undertake screen planting sufficient to screen the development from the Brand Highway.*

The proposal is to construct and operate a 106MW “peaking” dual fuel (diesel and gas) open cycle gas turbine power station that will efficiently supplement electricity generation during times of high electricity demand in the Mid-West Region. The project will be capable of being a standalone unit or being aligned with other wind farm projects.

The project will be located on Lot 3907 being a site characterised by gently undulating, cleared pasture lands. No native vegetation or significant habitats will be disturbed as a result of the development and construction will be carried out under best management practices.

COMMENT

The request for a 2 year extension to the planning approval is permitted under the Local Planning Scheme;

Clause 10.5.2.of the Scheme states;

A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1 (2 years).

However, in granting the extension it should be made clear to the proponent that the Council’s decision does not provide an avenue to change any of the current conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision merely relates to the period of time upon which construction work must have substantially commenced, generally interpreted as ‘slab on the ground’, or in this instance could mean footings completed

Lot 3907 is located on a property in the Cataby area approximately 160km north of Perth and approximately 21km west of the Dandaragan town site. The subject land is commonly known as Joanna Plains. The Joanna Plains farm is a 6950 hectare property comprising of four separate Certificates of Title. The particular

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Certificate of Title affected by this application is commonly referred to as "Marianas".

The proposed development site comprises of an area of 1751 hectares, immediately west of the Brand Highway and is currently used for the grazing of cattle. This site was selected as the most suitable location because of the location of required infrastructure. The Dampier to Bunbury natural gas pipeline is located 11km from the proposed site, whilst the Parmelia gas pipeline is located less than 500m from the proposed site. A 132kV power line held by Western Power traverses the site from south-east to north-west. A 330kV easement also traverses the site and Western Power is in the process of upgrading the 132kV to 330kV as part of their Pinjar to Eneabba transmission line project.

The site is currently used for grazing and was cleared some 20 to 30 years ago. The Joanna Plains farm is located on land zoned "Rural" under the Shire of Dandaragan Local Planning Scheme No.7. Land to the east of the site is also zoned Rural however, land to the north and south is reserved for "Public Purposes" and the land to the immediate west is reserved for "Conservation".

Also located on the Joanna Plains farm is a cattle feedlot operation which has been operational for approximately five years and is situated 4400 metres from the site of the proposed Peaker Project. The Joanna Plains Peaker Project is considered to be separate to the feedlot as it occupies a different lot number which does not form part of this application. The subject site is currently improved by one dwelling, situated 4500 metres to the south of the proposed development site. This is currently needed for farm employees and presently houses the farm manager. The nearest private residence is the Billinue Aboriginal Community which is 3390 metres to the north of the proposed site.

The applicant advises that the following components are proposed to be used in this project:

- 2 x 60MW generators ie operating capacity of 106MW;
- Control room;
- Fuel oil skid;
- Gas skid;
- 18 metre exhaust stack;
- Maintenance / storage building;
- Water treatment building; and
- Fuel tanks.

It is proposed that the plant is designed and intended to be run on a remote basis. The units are capable of operating on dual fuel basis meaning the turbines can function on various fuels including bio diesel, diesel or natural gas. The units are designed as a small modular configuration that is primarily constructed offsite and prefabricated modules are transported to site and basically bolted onto the concrete slab. Each turbine can operate either

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independently or in sync with the other. This allows the two turbines to be progressively brought online within a short period to meet electricity demand. This means the Joanna Plains Project has the capacity to efficiently operate to a minimum output of 15MW through to a maximum output of 106MW.

The proposed substation will occupy 10% of the total area being approximately 4000 square metres and house the outdoor switch gear and a control room fitted out with switch gear, protection, metering and communication equipment.

Access to the proposed site will be located along the northern boundary of the Mariana's paddock and is directly available from the Brand Highway via a new road of approximately 1500 metres. If necessitated, the land owner is agreeable to including the proposed access drive within a dedicated easement. The access road design and the construction will need to suit the sandy soils with possible suitable construction material located about 10 kilometres away. The proposed vehicle manoeuvring area will be constructed to a suitable standard to accommodate heavy rigid vehicles and will enable all vehicles to enter and exit the site in forward gear after performing no more than a 3 point turn. This access is the subject of a submission from Main Roads Western Australia.

General temporary facilities required for construction will include:

- Site sheds and offices;
- Ablution facilities;
- Crib room;
- Covered external area;
- Lay down areas; and
- Small car park.

Application for these temporary facilities will be the subject of a separate application for planning approval as well as for the issuing of a temporary building licence. These facilities will be removed following construction and all areas disturbed will be rehabilitated. It is anticipated that the initial construction phase would be completed within six months of onsite works commencing.

CONSULTATION

The application for planning approval was previously extensively advertised in 2011. All those that made submissions in 2011 were advised by letter of the proposed extension of planning approval and requested to advise if there were any changes to their comments/advice. No formal responses of any changes have been received at the time of the preparation of this report.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Planning Strategy – Rural Land Use and Rural Settlement

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$3,751.10 for extension of the planning approval.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement

ATTACHMENTS

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

- Site plan (Doc Id: 16078)
- Separation plan (Doc Id: 16080)
- Infrastructure plan (Doc Id: 16083)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

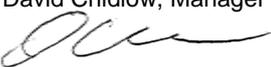
Moved Cr Russell, seconded Cr Sheppard

That Council:

1. pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No.7 grant a two year extension to the planning approval granted 24 November 2011 for the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby resulting in the revised expiry date of 24 November 2015; and
2. that the applicant be advised the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.

CARRIED 8 / 0

**9.4.5 TURQUOISE COAST DEVELOPMENT – JURIEN BAY
STRUCTURE PLAN – MINOR AMENDMENT NO 2**

Location:	Jurien Bay
Applicant:	Mitchell Goff & Associates on behalf of Ardross Estates Pty Ltd
Folder Path:	Development Services Apps / Development Application / 2009 / 48
Disclosure of Interest:	None
Date:	11 September 2013
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

To make a minor amendment to the Jurien Bay Structure Plan for the Turquoise Coast Development to remove the 10 year time limit on the structure plan.

BACKGROUND

The WAPC advised Council in November 2003 that it had resolved to adopt the Turquoise Coast Development Plan. The resolution was subject to the Commission's decision being valid for a period of 10 years. The structure plan expires in November 2013.

Mitchell Goff & Associates on behalf of Ardross Estates Pty Ltd have made application for a minor amendment to the Structure plan to remove the 10 year time limit.

Recently Council officers alerted Mr David Lantkze, the General Manager of Ardross Estates to the fact that the WAPC approved the JBSP on 11 November 2003 subject to a condition limiting the life of that approval to 10 years. The JBSP is therefore potentially due to expire in November this year.

Ardross Estates have obtained legal advice which questions the validity of this condition and if valid, whether it continues to apply.

It is clear from this advice that there is doubt about whether the condition continues to apply. Moreover, the advice points out that there are unforeseen and dangerous ripple effects in the event that the condition is valid. For example, the JBSP is the head document in guiding the development of the Turquoise Coast proposal and all other documents exist under it, including the various Development Plans. If the JBSP ceases to exist, so do the Development Plans etc, leaving no zoning or density control over future and existing development.

Squire Sander's advice was relayed to Mr Eric Lumsden, Chairman of the WAPC with a request to meet since, the subject condition was imposed at the initiative of the Commission. While the request for a meeting was not granted, the attached emailed but undated letter from the Commission was received on 5 August, advising that the power to rectify the current circumstances rests with Council. The letter goes on to suggest that Council can modify the JBSP to delete the time limitation quite simply so long as Council believes the amendment does not affect state interests, servicing authority or the general public.

Rather, the reverse is true. If the JBSP is not amended as a result of a minor amendment before the expiry date, the efforts

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of all State agencies (and Council) to identify Jurien Bay as a "Super Town" will effectively be undone. The blue print for the town's expansion will cease to exist. Further, the planning of servicing agencies will be de-railed. Water supply systems, sewage pumping stations and power schemes will be over capacity in terms of construction, design or both.

In particular, Council's attention is drawn to provision 2. of part 4 of Schedule 12 of the Scheme which advises that no new development or use of land can be carried out until a Structure Plan exists. Accordingly, people who have purchased lots in the Beachridge Estate for example, would not be able to get an approval from Council to construct a house on those lots if the JBSP expires. It is therefore believed that it is in the interests of all parties including the State, Council, servicing agencies and the general public for a minor amendment to be made to the JBSP to ensure that it is ongoing.

In summary, as a result of the WAPC's approval to the JBSP of 11 November 2003, a sunset clause applies to the Structure Plan, foreshadowing its expiry on 11 November 2013. The legality of this sunset clause is questionable but, the WAPC is not convinced of this and has suggested a minor amendment to the Structure Plan.

It is therefore proposed that Council adopt a minor amendment to the JBSP, adding a new paragraph to part 5. – Implementation of the Structure Plan to include the following:

"Notwithstanding the inclusion of the time limit on the operation of the Structure Plan by the Western Australian Planning Commission, specifying its expiration on 11 November 2013, that time limitation is now removed and the Structure Plan continues to operate until such time as it is revoked or reviewed by Council."

In accordance with the Commission's recent advice, we believe this minor amendment is urgently required. As a minor amendment, it merely requires adoption by Council without consultation or advertising in accordance with provision 18 of part 4 of Schedule 12. Council is therefore requested to proceed accordingly as soon as possible and certainly before 11 November 2013.

COMMENT

The procedure for amending a Structure Plan contained within Local Planning Scheme No 7, Schedule No 12. is;

18. The Council may approve or permit any change or departure from an approved Structure Plan which in the opinion of the Council:
 - a. is minor;

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- b. does not affect any State interest;*
- c. has minimal impact upon any person other than the proponent;*
- d. does not affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan.*

But any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (10) and considered in accordance with the procedures outlined in sub paragraphs (11) to (17).

This report supports that all of the above four (4) criteria are met to satisfy deleting the time limit on the plan as a minor amendment as outlined by MGA Town Planners

CONSULTATION

- Ardross Estates Pty Ltd
- Mitchell Goff & Associates
- Dept of Planning (verbal advice)

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simply majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Short

That Council in accordance with clause 5.15 and Schedule 12 of the Shire of Dandaragan Local Planning Scheme No7, resolves to carry out a minor amendment of the Turquoise Coast Development – Jurien Bay Structure Plan by:

- 1. Adding the following paragraph to Part 4. Implementation of the Structure Plan document "Notwithstanding the inclusion of the time limit on the operation of the Structure Plan by the Western Australian Planning Commission, specifying its expiration on 11 November 2013, that time limitation is now removed and the Structure Plan (inclusive**

- of Amendment No.1) continues to operate until such time as it is revoked or reviewed by Council."; and
2. The President and Chief Executive Officer be authorised to affix the common seal of Council to the amendment document.

CARRIED 8 / 0

9.4.6 PROPOSED SCHEME AMENDMENT NO.21 (REZONING) – SPECIAL USE – LOT 62 ROBERTS STREET, JURIEN BAY

Location: Lot 62 Corner Roberts and Heaton Streets
 Applicant: Burgess Design Group on behalf of Carl Aloï
 Folder Path: Business Classification Scheme / Land Use Planning / Planning / Planning Scheme / Amendment 7.21 – Lot 62 Roberts Street

Disclosure of Interest: None
 Date: 13 September 2013
 Author: David Chidlow, Manager Planning
 Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

The Council is in receipt of a request to rezone lot 62 Roberts Street, Jurien Bay consisting of 2.199 hectares in area, and the adjoining South West portion of Heaton Street Road Reserve with an area of 910m² from Tourist to Special Use.

BACKGROUND

At its meeting on 27 September 2012, Council agreed to defer the item until such time that further advice can be sought to be assured that the deed of agreement, required as part of the conditions of approval dated 15 December 2011, is still valid in the event the Scheme Amendment is approved.

Advice has now been received and after discussions with the developer it is proposed to amend condition 1 of the “special use” rezoning to clarify and strengthen the requirement for a deed to be in place before development commences.

The proposed Amendment 21 is a request by the Shire of Dandaragan, as a condition of approval for a ‘Hotel & Residential Resort Development’ dated 20 January 2012, approved at the Ordinary Council Meeting (OCM) on the 15 December 2011. The proponent seeks to rezone the subject land from ‘Tourism’ to ‘Special Use’ under the Shire of Dandaragan’s (The Shire) Local Planning Scheme No.7 (LPS7).

The Site, Lot 62 Roberts Street Jurien Bay, is located within Central Jurien Bay Town site, bounded by Roberts Street (south west), Heaton Street (north west), Sandpiper Street (south east) and Lot 63 Heaton Street (north east), having a total area of 2.199

Hectares.

The subject land is predominantly vacant with some existing vegetation with two (2) abandoned outbuildings situated on it. According to the Landgate Interest Enquiry online mapping system showed the land to be a "Contaminated Site". This is currently being 'remediated' to the satisfaction of the Department of Environment Regulation (DER) in accordance with requirements set out in the "Contaminated Sites Act 2003". Surrounding land uses are predominantly Tourist Activities, north and south of the site. Jurien Bay Commercial Town Centre to the east of subject site with area immediately to the west reserved for 'Parks and Recreation' and Jurien Bay foreshore.

The Site has direct frontage to three (3) roads, Roberts Street (Primary Road), Heaton Street and Sandpiper Street with Bashford Street 200m east along Roberts Street.

The proposal requires the closure of a portion of Heaton Street road reserve and reposition the location in accordance with the proposal of "Building H – Hotel. Realignment of the road will provide better access to new development and allow for the creation of a pedestrian friendly route to the beach. This has been approved by council at the 15 December 2011 OCM.

Water Corp has confirmed reticulated sewerage runs along Sandpiper Street which services the subject land. Required level of sewer supply has been assessed and determined during Development Application (DA) approval process, as with the power supply and telecommunications levels for services and infrastructure.

The Shire LPS7 states the purpose of the "Special Use" Zone are:

'Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

A Person must not use any land, or structure of buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme."

In accordance with the WAPC State Coastal Planning Policy No.2.6, which has specific measures that relate to tourism development, requires development to:

"Maintain and enhance public enjoyment of the coast where this is consistent with the objectives of this Policy.

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Ensure that any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based upon or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).

Ensure that the use of the coast including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.

Ensure that when identifying areas suitable for development, consideration is given to strategic sites for coastal access and commercial development that is demonstrably dependent on a foreshore location including ports, boat harbours and regional boat ramps.

Ensure that land use and development, including roads, adjacent to the coast is sited and designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.

A restriction in building heights to 5 storeys within 300 metres of the coast, or in special circumstances, 8 storeys, with broad community support.”

Given the intention of this amendment is to rezone the land to ‘Special Use’ with the land-use being focused around tourism, and the design being specifically tailored to allow for maximum use of the foreshore by the public, the proposed amendment accords with the goals of the State Coastal Planning Policy.

The WAPC Planning Bulletin 83/2011 – Planning for Tourism addresses matters relating to the objectives of the amendment. The Planning Bulletin highlights the importance of strategic planning, recognising local and regional variations in tourism demand, providing guidance for local government and to help provide flexibility in the design and assessment of tourism and mixed use developments. The policy seeks to improve tourism precincts by incorporating the ‘5 A’s’ into tourism development, these being access, amenities, attractions, accommodation and activities.

The proposal addresses these objectives, with the subject site strategically positioned less than 2km from Jurien Bay airport, and within 250m of the Indian Ocean Drive, being the main road to Perth. The site has good aspect and outlook being situated within the Jurien Bay Commercial Centre and 150m off the beach. The large lot area gives opportunity for the site to support a varied range of accommodation, increasing the diversity of

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accommodation available within the town centre, and to allow for multiple attractions associated with tourism.

As part of the Shire being selected as a SuperTown under the Royalties for Regional Centres Development Plan, aiming to enhance and stimulate growth. Tourism and recreation has been identified within the Jurien Bay Growth Plan as providing ‘significant economic, social and environmental opportunities for the Jurien Bay Region’.

The Shires Draft Local Tourism Planning Strategy seeks to further develop and diversify tourism within the Shire, focusing on key tourism hot spots, including Jurien Bay. It suggests that *‘Jurien Bay and Cervantes currently have a good provision of affordable accommodation; however lack diversity’*. This rezoning will help diversify the local amenities and accommodation, therefore meeting the objectives of the strategy.

A Site Assessment has been conducted on the subject site within the strategy, with the recommendation being that Lot 62 be classified as a ‘Non-Strategic Tourism Site’ of Local Significance; and to rezone the site from ‘Tourist’ to ‘Special Use’ within Schedule 4.

The Jurien Bay Town Centre Strategy Plan provides a clear direction for future development, its main aims that affect the subject site are;

“A vision (and possible theme) for the town centre of Jurien Bay looking forward 10-15 years.

Where future commercial, tourist, medium density residential and mixed use developments occur based on physical, social and environmental conditions.

Appropriate scale and density of development (residential, commercial, tourist) to achieve a sustainable economic benefit, whilst enhancing the quality of well-being lifestyle and services for the broader community.

Consolidation of land use and establish a framework to deliver a more integrated, sustainable, and functional town centre environment.”

The Town Centre Strategy states that the development of Lot 62 would ‘bookend and frame the view looking to the coast along Roberts Street, and about the pedestrian link from Roberts Street to the foreshore and jetty’.

Given the intention to rezone the land to ‘Special Use’ with the development focusing on tourism as a land use, the vision of the Town Centre Strategy Plan will be achieved, by providing:

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- A long term economic benefit to the town centre;
- Providing jobs for the local community;
- Establishing a central tourist core for Jurien Bay for the future;
- Providing a bookend development to Roberts Street; and
- Provide a pedestrian link along Roberts Street to the Jurien Bay Foreshore.

The proposal in light of the guiding planning framework, seeks to rezone Lot 62 Roberts Street and an area of 910m² of the adjoining south west portion of Heaton Street Road Reserve from 'Tourist' to 'Special Use' zone with a SU3 designation under schedule 4 of the existing Scheme. The proposed rezoning is in association with a current Development Application approval dated 20 January 2012 for a Hotel & Residential Resort Development.

The rezoning will allow for the development of the subject land for the currently adopted DA and required, in accordance with a condition associated with the DA, with the conditions associated with the 'Special Use' for the subject site. The proposed Amendment No.21 therefore requests the Shire of Dandaragan's Scheme be amended by:

1. Rezoning Lot 62 from 'Tourist' to 'Special Use' zone with a 'Special Use Area No. 3' designation as shown on the Scheme Amendment Map;
2. Amending the Scheme Map accordingly; and
3. Amend Schedule 4 – Special Use Areas, contained with the Scheme Text by Inserting SU 3 – Lot 62 (No. 20) Roberts Street, Jurien Bay as follows:

Schedule 4 - Special Use Areas

No.	Description of Land	Special Use	Conditions
SU 3	Lot 62 Roberts Street, Jurien Bay	<p>Permitted Uses: Tourist Resort Serviced Apartment Restaurant Tavern Shop Office Café Hotel Grouped Dwelling Multiple Dwelling Cinema/theatre</p> <p>Discretionary Uses: Eco-Tourist Facility Civic Use Reception Centre Caretaker's Dwelling Fast Food Outlet Club Premises Convenience Store Art Gallery and Sales</p>	<ol style="list-style-type: none"> 1. The Heaton Street Rod Reserve is to be designed and developed as an integrated part of the overall site. 2. Until such time as development of the hotel commences, the excised portion of Heaton Street is to be used as a "Public Car Park". 3. It is required that the portion of Heaton Street road reserve to be transferred is only to become part of the larger lot upon which the entire development would be situated and to remain part of that lot until the Hotel development on the north west corner of the site is completed or there are arrangements in place to satisfy

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			<p>Council that it will be completed.</p> <p>4. A deed between the Shire of Dandaragan and the owner of Lot 62 Roberts Street that addresses the issues associated with the closure, realignment and ultimate land transfer of a portion of the Heaton Street Road Reserve to the landowner of Lot 62, on terms satisfactory to the Shire, must be executed before any development on Lot 62 Roberts Street is commenced. The further conditions that apply to this Special Use zone have no effect unless and until the deed is executed by the parties</p> <p>5. Development of the site shall be generally in accordance with the Development Approval granted by Council, unless otherwise determined by the local government in accordance with this Schedule.</p> <p>6. No development, other than necessary communications equipment as determined by the local government, is permitted to exceed 40.0 metres in height measured from natural ground level.</p> <p>7. All development shall commence at a minimum finished floor level of 3.4 metres above the Australian Height Datum.</p> <p>8. Ease of public access to areas of high amenity within or adjoining the site shall be maintained at all times.</p> <p>9. The maximum proportion of permanent residential occupancy units shall be such that the site area and uses retain a dominant tourism function and character.</p> <p>10. The proportion of permanent residential units relative to the total number of accommodation units on the site shall be equal to</p>
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			<p>or less than 45%, unless otherwise approved by the local government.</p> <p>11. A register of guests is to be maintained for each short stay (restricted) unit to be made available for perusal by the local government on request.</p> <p>12. As a whole any residential component of development, shall be of a design and scale that is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.</p> <p>13. All units in the development shall be designed to form part of an integrated residential and tourist complex and shall not be subject to compliance with the Residential Design Codes of Western Australia to the extent necessary to meet these requirements, unless specified under the local government planning scheme.</p> <p>14. Permanent residential occupancy units shall be concentrated in an area of the complex and provided with specific recreation and amenity facilities to ensure the management and use is an integrated part of the overall complex. In assessing the location of units, the permanent residential component shall be located to provide a transition between tourism development and surrounding residential uses.</p> <p>15. The development shall incorporate and maintain access to those facilities normally associated with tourist accommodation developments including recreation, entertainment facilities and integrated management facilities at all times.</p> <p>16. The development shall not interfere with, restrict access to, or in any way inhibit public access and</p>
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			<p>use of the Jurien Bay Foreshore area.</p> <p>17. Subdivision of the land is prohibited within the development site, other than via built strata subdivision or for the creation of separate lots for the completion of individual buildings as approved on the development application.</p> <p>18. Permanent residential accommodation upon the land area, which the hotel is proposed (shown as Building H on the Development Application) is prohibited. Council shall make it permissible for that land to be used only for a hotel and associated ancillary uses (such as a bar and/or restaurant).</p> <p>19. Any building strata subdivision of tourist accommodation in the development site shall be subject to a condition which requires a management statement and associated agreements pursuant to section 5C of the Strata Titles Act (1985) to apply for a minimum of 25 years, and which includes;</p> <ul style="list-style-type: none"> ▪ The establishment of a Schedule 1 by-law that requires, as a minimum, a unit management agreement, lease or alternative arrangement between owner/s and the common facility manager/operator for a minimum period of 25 years; ▪ The ability for a Strata Company to terminate a contract with the facility manager/operator at the need of a 5 year contract or lesser period based on performance criteria as determined by the Strata Company; ▪ The management agreement shall
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			<p>cover all components (i.e. resort reception, security, maintenance, care taking, refurbishment, marketing, rights of access and other services) required to operate as a tourist facility; and</p> <ul style="list-style-type: none"> ▪ Conditions outlined in Schedule 1, 2, and 2a of the <i>Strata Titles Act</i> together with the specific conditions detailed in the Shire's draft Local Tourism Planning Strategy that address facility management, development, refurbishment, right of entry, internal fit out, register of bookings, lengths of stay, availability of services, and approval process. <p>20. Require that any built strata subdivision of short stay accommodation will include a notification in accordance with section 6 of the <i>Strata Titles Act (1985)</i> to the following effect: "No person shall occupy any tourist accommodation unit for more than 3 months in any 12 month period. A register of guests showing periods of occupancy is to be kept and made available to the local government on request in order to ensure compliance with this requirement."</p>
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COMMENT

Under the Local Tourism Planning Strategy Lot 62 is described to be located in immediate proximity to the beach, town centre, Dobbyn Park and Jurien Bay Tourist Park with no alternative vacant sites available with such proximity to beach and town centre.

The site is flat with the potential for a landmark tourist accommodation development, connecting surrounding tourism uses and forming the focal point for a tourism precinct. Potential development of lot 62 is conducive to a high yielding property with a high degree of activity occurring along the street frontage. It is

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important that any development of the site retains public access throughout the surrounding area.

The Jurien Bay Foreshore Plan provides two options for the development of Lot 62. Council is in support of option 2 that proposes to realign Heaton Street through Lot 62 to Roberts Street, to create an iconic freehold site on the ocean side of the road fronting the foreshore reserve, exactly what has been proposed. The approved Hotel and Residential Resort Development on the two parcels of land would 'Bookend' and frame the view looking to the coast along Roberts Street and about the pedestrian link from Roberts Street to the Foreshore and Jetty, a desirable objective from the State Planning Bulletin 83/2011 – Planning for Tourism.

The proposal to rezone the subject lot from 'Tourism' to 'Special Use' will not compromise the pursuit of the tourism objectives for the site. The rezoning is to allow for the tourist vision for the site to be achieved while still allowing for the permitted uses on site, approved by council at the Ordinary Council Meeting on 15 December 2011, which would not be permitted under the current zoning under the LPS7.

The approved multi-storey mixed-use development is to comprise of retail shops, offices, restaurants, bars, function centre, health club, reception area, short-stay and permanent residencies, a hotel, swimming pools and outdoor cinema, as well as additional development attributes such as car parking, landscaping and pedestrian access ways.

Given the identification of tourism being of economic and social importance to Jurien Bay, and the sites inclusion within the SuperTown document as a site with opportunity for a major tourism development, the rezoning of the site to 'Special Use' will allow the vision to be realised by providing jobs for the local community and increasing the availability in amenities to visitors and residents alike.

The subject site is currently being 'remediated' to the satisfaction of the Department of Environment Regulation in accordance with the requirements of the *Contaminated Sites Act 2003*. The proposal requires the closure of Heaton Street and land swap to allow a significant portion of the development to be carried out in a beachside location on what is presently public land (Heaton Street Road Reserve).

Provisions of public access to be provided on the Western, Northern and Eastern Boundaries constructed/landscaped as part of the Development.

Basement and ground level car, boat, bus and bicycle parking with onsite policy of 498 bays for commercial and residential use with 6

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boat bays, 85 on street parking with 1 bus bay provided.

The development requires no setbacks for any of the property boundaries with all boundaries adjoining a thoroughfare. The design of the building incorporates 5 star design principles using solar and wind power generation systems with cross ventilation with the design and positions of all the buildings aiding to achieve this.

It is highly likely the proposal is to generate an extremely diverse tourist base in high volumes, creating an attractive tourism precinct that captures the natural quality associated with the turquoise coast and Jurien Bay's coastal development. The development has the potential of being an iconic landmark along the coast capturing the tourism industry in the Mid-West.

In addressing the issues of Clause 10.2 of the LPS7, stated under the statutory environment. The development, in rezoning the Road Reserve, is to create an interactive development with the Foreshore, Jetty and Beach precinct as well as opening up the hotel and resort development to the public. The development will enhance the aesthetics and amenity of the coastal property contributing to the tourist pursuit of the Shires Local Planning Strategy, Plans and State Planning Bulletin 83/100 – Planning for Tourism.

The rezoning of Lot 62 will provide a long term economic benefit to the town centre by providing jobs for the local community, establishing a central tourist core for Jurien Bay for the future.

CONSULTATION

There is no requirement to undertake community consultation at this stage. A mandatory consultation process will apply should a proposal to rezone the land be supported.

Discussions with the Council's legal advisors were undertaken and advice obtained.

STATUTORY ENVIRONMENT

Rezoning of the land by way of a Local Planning Scheme Amendment is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

Shire of Dandaragan Local Planning Scheme No.7

Part 3 – Reserves

3.4.2 In determining an application for planning approval the local government is to have due regard to –

- a) The matters set out in clause 10.2; and*
- b) The ultimate purpose intended for the reserve.*

Part 10 – Procedure For Dealing with Applications

10.2 *The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –*

- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- (i) the compatibility of a use or development with its setting;*
- (l) the likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (x) the potential loss of any community service or benefit resulting from the planning approval;*
- (za) any other planning consideration the local government considers relevant.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There is a need for Lot 62 Roberts Street to be a highly intensive development for a tourism use, given its strategic location. The approved development for Lot 62 is focused on tourism as a land use, conforming to the objectives of the Tourism Planning Strategy and Jurien Bay Town Centre Plan. The rezoning is to allow for the additional approved uses that do not conform with the tourism zoning, but complement the development of the Hotel and Residential Resort.

ATTACHMENTS

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

- Amendment Proposal (Doc Id: 8347)
- Legal Advice (Doc Id: 14858)

(Marked 9.4.6)

VOTING REQUIREMENT

Simple majority

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OFFICER RECOMMENDATION

That Council:

1. in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend Local Planning Scheme No.7 by rezoning Lot 62 Robert Street Jurien Bay from Tourism to Special Use and the adjoining south west portion (910m²) of Heaton Street from a Road Reserve to Special Use zone;
2. advise the applicant of its resolution and request Scheme Amendment documents be updated in accordance with requirements of the *Town Planning Regulations 1967*;
3. upon receipt of Amendment documents updated in accordance with its resolution, refer a copy of the amendment document to the Western Australian Planning Commission, and the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*; and
4. Subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967* (as amended).

COUNCIL DECISION**Moved Cr McGlew, seconded Cr Bailey**

That Council:

1. in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend Local Planning Scheme No.7 by rezoning Lot 62 Robert Street Jurien Bay from Tourism to Special Use and the adjoining south west portion (910m²) of Heaton Street from a Road Reserve to Special Use zone;
2. amend the Scheme Map accordingly;
3. amend Schedule 4 – Special Use Areas, contained with the Scheme Text by Inserting SU 3 – Lot 62 (No. 20) Roberts Street, Jurien Bay as follows:

Schedule 4 - Special Use Areas

No.	Description of Land	Special Use	Conditions
SU 3	Lot 62 Roberts Street, Jurien Bay	Permitted Uses: Tourist Resort Serviced Apartment Restaurant Tavern Shop Office Café Hotel Grouped Dwelling Multiple Dwelling Cinema/theatre Discretionary Uses: Eco-Tourist Facility Civic Use Reception Centre	<ol style="list-style-type: none"> 1. The Heaton Street Road Reserve is to be designed and developed as an integrated part of the overall site. 2. Until such time as development of the hotel commences, the excised portion of Heaton Street is to be used as a "Public Car Park". 3. It is required that the portion of Heaton Street road reserve to be transferred is only to become part of the larger lot upon which

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		<p>Caretaker's Dwelling Fast Food Outlet Club Premises Convenience Store Art Gallery and Sales</p>	<p>the entire development would be situated and to remain part of that lot until the Hotel development on the north west corner of the site is completed or there are arrangements in place to satisfy Council that it will be completed.</p> <p>4. A deed between the Shire of Dandaragan and the owner of Lot 62 Roberts Street that addresses the issues associated with the closure, realignment and ultimate land transfer of a portion of the Heaton Street Road Reserve to the landowner of Lot 62, on terms satisfactory to the Shire, must be executed before any development on Lot 62 Roberts Street is commenced. The further conditions that apply to this Special Use zone have no effect unless and until the deed is executed by the parties</p> <p>5. Development of the site shall be generally in accordance with the Development Approval granted by Council, unless otherwise determined by the local government in accordance with this Schedule.</p> <p>6. No development, other than necessary communications equipment as determined by the local government, is permitted to exceed 40.0 metres in height measured from natural ground level.</p> <p>7. All development shall commence at a minimum finished floor level of 3.4 metres above the Australian Height Datum.</p> <p>8. Ease of public access to areas of high amenity within or adjoining the site shall be maintained at all times.</p> <p>9. The maximum proportion of</p>
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			<p>permanent residential occupancy units shall be such that the site area and uses retain a dominant tourism function and character.</p> <p>10. The proportion of permanent residential units relative to the total number of accommodation units on the site shall be equal to or less than 45%, unless otherwise approved by the local government.</p> <p>11. A register of guests is to be maintained for each short stay (restricted) unit to be made available for perusal by the local government on request.</p> <p>12. As a whole any residential component of development, shall be of a design and scale that is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.</p> <p>13. All units in the development shall be designed to form part of an integrated residential and tourist complex and shall not be subject to compliance with the Residential Design Codes of Western Australia to the extent necessary to meet these requirements, unless specified under the local government planning scheme.</p> <p>14. Permanent residential occupancy units shall be concentrated in an area of the complex and provided with specific recreation and amenity facilities to ensure the management and use is an integrated part of the overall complex. In assessing the location of units, the permanent residential component shall be located to provide a transition between</p>
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			<p>tourism development and surrounding residential uses.</p> <p>15. The development shall incorporate and maintain access to those facilities normally associated with tourist accommodation developments including recreation, entertainment facilities and integrated management facilities at all times.</p> <p>16. The development shall not interfere with, restrict access to, or in any way inhibit public access and use of the Jurien Bay Foreshore area.</p> <p>17. Subdivision of the land is prohibited within the development site, other than via built strata subdivision or for the creation of separate lots for the completion of individual buildings as approved on the development application.</p> <p>18. Permanent residential accommodation upon the land area, which the hotel is proposed (shown as Building H on the Development Application) is prohibited. Council shall make it permissible for that land to be used only for a hotel and associated ancillary uses (such as a bar and/or restaurant).</p> <p>19. Any building strata subdivision of tourist accommodation in the development site shall be subject to a condition which requires a management statement and associated agreements pursuant to section 5C of the Strata Titles Act (1985) to apply for a minimum of 25 years, and which includes;</p> <ul style="list-style-type: none"> ▪ The establishment of a Schedule 1
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			<p>by-law that requires, as a minimum, a unit management agreement, lease or alternative arrangement between owner/s and the common facility manager/operator for a minimum period of 25 years;</p> <ul style="list-style-type: none"> ▪ The ability for a Strata Company to terminate a contract with the facility manager/operator at the need of a 5 year contract or lesser period based on performance criteria as determined by the Strata Company; ▪ The management agreement shall cover all components (i.e. resort reception, security, maintenance, care taking, refurbishment, marketing, rights of access and other services) required to operate as a tourist facility; and ▪ Conditions outlined in Schedule 1, 2, and 2a of the <i>Strata Titles Act</i> together with the specific conditions detailed in the Shire's draft Local Tourism Planning Strategy that address facility management, development, refurbishment, right of entry, internal fit out, register of bookings, lengths of stay, availability of services, and approval process. <p>20. Require that any built strata subdivision of short stay accommodation will include a notification</p>
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			<p>in accordance with section 6 of the <i>Strata Titles Act (1985)</i> to the following effect: "No person shall occupy any tourist accommodation unit for more than 3 months in any 12 month period. A register of guests showing periods of occupancy is to be kept and made available to the local government on request in order to ensure compliance with this requirement."</p>
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4. advise the applicant of its resolution and request Scheme Amendment documents be updated in accordance with requirements of the *Town Planning Regulations 1967*;
5. upon receipt of Amendment documents updated in accordance with its resolution, refer a copy of the amendment document to the Western Australian Planning Commission, and the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*; and
6. Subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)*.

CARRIED 8 / 0

The Officer Recommendation was not adopted due to the inclusion of the new conditions 2 and 3.

9.4.1 ROAD CLOSURES – PORTION OF TALAVERA ROAD RESERVE – MEMORIAL PARK AND EXTENSION OF CERVANTES PINNACLES CARAVAN PARK, REMOVAL OF ECOTENTS REQUIREMENT FROM DEVELOPMENT PLAN

Location: Reserve 30838, Lot 229 Aragon Street, Cervantes
 Applicant: Council / Holmes Holidays Pty Ltd
 Folder Path: Business Classification Scheme / Land Use and Planning / Design and Construction / Caravan and Camping Parks

Disclosure of Interest: None
 Date: 13 September 2013
 Author: David Chidlow, Manager of Planning

Signature of Author:



Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer:



Cr Holmes disclosed a financial interest and left the room at 5.39pm

PROPOSAL

To recommence the closure of portion of Talavera Road Reserve for the purpose of formalising Memorial Park. To commence the road closure process to extend the lease area of the Cervantes Pinnacles Caravan Park to include portion of Talavera Road Reserve and remove the EcoTents requirement from the Park's management plan.

BACKGROUND

Memorial Park

Memorial Park on the corner of Talavera Road and Aragon Street is currently located within the road reserve of Talavera and Aragon.

In October 2001 Council resolved to request the Minister for Lands under section 58 of the Land Administration Act 1997 to close the section of road that forms Cervantes Memorial Park / Memorial corner. This was at request of the Cervantes Memorial Park Committee. However, for reasons unknown, the process was not finalised.

Cervantes Pinnacles Caravan Park

The Cervantes Pinnacles Caravan Park is located at Lot 229 (Reserve 30838) Aragon Street, Cervantes and is currently leased by the Shire to Holmes Holidays Pty Ltd (Lessee).

Council at its meeting on 16 December 2010 agreed to consider expanding the park into portion of Talavera Road as part of the 35 year lease and associated development plan. The decision from this meeting was as follows:

That Council agree to consider entering into a new 35 year Lease between the Shire of Dandaragan and Holmes Holidays Pty Ltd for the Lease of Reserve 30838, Lot 229 Aragon Street Cervantes (Cervantes Pinnacles Caravan Park) and authorise the Chief Executive Officer to negotiate on its behalf prior to referring final documentation back to Council for their consideration subject to:

- 1. A detailed development plan outlining the proposal for extension into the Talavera Road road reserve, timing for the proposed works and graphically displaying all proposals to the existing Caravan Park being submitted to Council;*
- 2. All costs associated with the drafting of a new lease being met by the Lessee; and*
- 3. All costs associated with the survey, lodgement of plans, community consultation and requirements under the Land Administration Act 1997 associated with the amendment to*

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both the Talavera Road road reserve and the Cervantes Caravan Park Reserve be borne by the Lessee.

At its meeting on 27 October 2011, Council agreed to enter into a new lease with Holmes Holidays Pty Ltd and subject to modifications Council supported a development plan. The decision was as follows:

That Council:

1. *acknowledge preparation of a development plan for the Cervantes Pinnacles Caravan Park;*
2. *authorize the Chief Executive Officer and President to enter a new 35 year lease with the current lessee in accordance with the draft lease document prepared by the Shire solicitor subject to the lessee giving consideration to the development plan being annotated in some way to address the following matters:*
 - a) *Vision statement*
 - b) *Power upgrades*
 - c) *Renovated bathroom blocks*
 - d) *Camp kitchen upgrade*
 - e) *Water sensitive landscaping*
 - f) *Site restoration*
 - *Replace grass with crushed limestone/gravel/blue metal and mats*
 - *Retain larger sites for amenity and privacy of patrons*
 - g) *Retain vegetation, views and open spaces along coastal edge*
 - h) *Eco tents*
 - *affordable luxury*
 - *waterwise landscaping*
 - *natural soft screens*
 - *walkway to beach*
 - *views from balconies*
 - *biocycle waste water treatment system*
 - *low energy use*
 - i) *Upgrade to park entrance*
 - *softer boundary treatment*
 - *need to maintain security for patrons*
3. *advise the lessee that:*
 - a) *the moratorium to CPI increases, Rent Reviews and Rent Increases will apply until 15 December 2015 to coincide with the first rent review under the new lease.*
 - b) *replacement landscaping along Aragon Street to complement the upgrade to the caravan park entrance and the planting of trees along the northern side of Talavera Street will be programmed to take place within the initial lease term for the caravan park.*
4. *subject to the development plan being modified in accordance with Resolution 2 above, adopt the development plan as a guide to future development of the Cervantes Pinnacles Caravan Park for the initial lease term ending 15*

December 2015.

To date, the lessees of the Pinnacles Caravan Park have fulfilled a number of the requirements of the first five(5) year term (Stage 1), ending 15 December 2015 as detailed in condition 2 b) to i) above, including:

- b) Power Upgrades
- c) Renovated bathroom blocks
- d) Upgrades to the camp kitchen are at an advanced level waiting on new stainless steel benches and seating. A gazebo and permanent sitting area has been constructed next to the camp-kitchen
- e) Water sensitive landscaping
- f) Site restoration requirements
- g) Retain vegetation, views and open spaces along coastal edges
- h) see comments below
- i) Upgrade to park entrance

In regards to the Eco-Tents, Council required four (4) to be installed within the first five (5) year term of the 35 year lease. This has become unviable due to weather conditions commonly experienced in the Shires coastal settlements and the lack of resistance to the strong winds from the Eco-Tents. The development of the Eco-Tents resulted in a financial loss via monetary deposits and research expenses. This has put pressure on the need to expand ahead of schedule, to provide the ability to increase the parks revenue capabilities by expanding on the parks accommodation numbers to recoup expenses already invested in the Park.

The Lessee requests that the requirement for the Eco-Tents be removed from the development plan, and that they proceed to Stage 2 of the future plans for the Cervantes Pinnacles Caravan Park being expansion of the Park into portion of Talavera Road.

COMMENT

Both the proposal for Memorial Park and the Cervantes Pinnacles Caravan Park concern the same portion of road reserve. It makes sense to run the road closure processes simultaneously but separately.

Memorial Park

Memorial Park being located within the road reserve does not provide for long term security for the existing memorial. The community have previously shown support for the creation of a separate Reserve for the Park.

The process for this matter started in 2001 and was never finalised, it is recommended that due to the long time period that

has elapsed, that the process be recommenced from the beginning.

Cervantes Pinnacles Caravan Park

Council has previously indicated agreement to consider the expansion of the Cervantes Pinnacles Caravan Park into the Talavera Road Reserve. This is currently a large expanse of vacant land that is unlikely to be required for road purposes and requires regular maintenance by Shire staff. The current width of Talavera Road Reserve is 40 metres, a standard road width that is applied throughout urban areas and the town sites in the Shire is 20 metres. Development of this portion of land will improve the streetscape of Talavera Road.

It is noted that Stage 2 of the "Future Plans for Pinnacles Caravan Park" identifies exploring the possibility of adding land to the west side of the park on Talavera Road. This is to cater for increased tourism along Indian Ocean Drive, the request from C.M.C.A to provide more sites and the potential demand from closure of Wedge and Grey. This was to be commenced following stage 1 of the redevelopment plan for the first lease term ending 15 December 2015 (being 5 years).

In light of the above information, the applicant wishes to pursue with the acquisition of the Talavera Road Reserve as part of the lease area. This will require surveying services to calculate the total area to adjust the rent accordingly as part of the Valuer Generals calculations. Costs for valuation administrative costs i.e advertising and surveying should be paid by the applicant.

The Lessee has provided a revised Redevelopment Plan to reflect the additional area accumulated from the Talavera Road Reserve and a Redevelopment Business Plan to describe the changes proposed for the extension. This can found in the attachments.

CONSULTATION

The proposal must be advertised for a period of 35 days in a newspaper circulating in the district in accordance with the statutory requirement detailed below. As part of the advertising process service authorities and adjoining land owners are contacted for comments.

STATUTORY ENVIRONMENT

Section 58 Land Administration Act 1997

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in

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accordance with the regulations prepare and deliver the request to the Minister.

- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire of Dandaragan will be required to pay the advertising, surveying and valuation costs for Memorial Park. Holmes Holidays Pty Ltd will be required to pay for their proposed expansion. A cost reduction for both parties may be achieved by combining these services.

The rent will be assessed in accordance with the *Valuation of Land Act 1978* to make a fair and equitable valuation conducted by the Valuer General or an independent licensed valuer agreed upon by both parties.

As detailed in Item 11.1.1 of Council's resolution of 27 October 2011 "*the moratorium to CPI increases, Rent Reviews and Rent Increases will apply until 15 December 2015 to coincide with the first rent review under the new lease*".

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 SEPTEMBER 2013
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5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
OBJECTIVE 4: Facilitate industry attraction, expansion and growth to generate diversified regional economy that attracts investment, wealth and income from outside the region and retains it for the benefit of the communities					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G1-O6-A9.	Van park accommodation development strategy for van parks to include investigating expansion and development of additional van park accommodation in Jurien Bay, and investigate expansion of the caravan park in Cervantes	Structure plans	Ongoing	Cervantes to North Head	Developers

ATTACHMENTS

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

- 5 Year Redevelopment Plan (Doc Id: 14806)
- Redevelopment Project Status (Doc Id: 14266)
- Development Proposal (Doc Id: 14412)
- Aerial of Subject Site (Doc Id: 14805)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Russell

That Council:

- 1. recommence the road closure process of portion of Talavera Road and Aragon Street Road Reserves in accordance with Section 58 of the Land Administration Act 1997 for the purpose of creating a Reserve for Memorial Park, Cervantes and removing the Parks current status of being in the Road reserve;**
- 2. commence the road closure process of portion of Talavera Road Reserve in accordance with Section 58 of the Land Administration Act 1997 for the purpose of amalgamating the proposed closed section into Reserve 30838 and necessary amendments being made to the management order and lease agreement; and**
- 3. remove the requirement in the Management Plan for Holmes Holidays Pty Ltd (Cervantes Pinnacles Caravan Park) to provide four (4) Eco Tents to be installed within the first five (5) year term of the 35 year lease.**

CARRIED 7 / 0

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Cr Holmes returned to the room at 5.41pm and the President read aloud the resolution.

At this point business was resumed in the sequence of the agenda.

9.5 HEALTH

9.6 BUILDING

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 MEDIA AND CORPORATE COMMUNICATIONS – NOMINATIONS FOR THE POLICE OFFICER OF THE YEAR

Document ID:

Nominations for the Police Office of Year Awards are now open. The Rotary Club of East Perth began this initiative in 1973 to provide recognition of police officers who have demonstrated exceptional dedication in service to the people of Western Australia.

A form can be completed online at www.police.wa.gov.au.

Nominations close 5.00pm Monday 28 October 2013.

9.7.2 WALGA MINUTES OF ANNUAL GENERAL MEETING HELD 7 AUGUST 2013

Document ID: 16059

Attached to the agenda is a copy of the above mentioned minutes. **(Marked 9.7.2)**

9.7.3 WALGA INFOPAGE – FUTURE OF THE COUNTRY LOCAL GOVERNMENT FUND

Document ID: 16074

Key Issues:

- The State Budget released on 8 August 2013 shows no 'new' money for the Country Local Government Fund (CLGF).
- From 2013 – 2014 country Local Governments will be able to access Royalties for Regions funding through existing and additional programs with a focus on strategic regional projects.
- WALGA seeking to advocate on behalf of country Local Governments for the retention of the CLGF at its current funding formula to address the still significant infrastructure backlog.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.3)**

9.7.4 WALGA INFOPAGE – STATE GOVERNMENT RESPONSE TO THE ROBSON RECOMMENDATIONS

Document ID: 16073

Key Issues:

- State Government announced their response to the Robson Report Recommendation.
- Mostly consistent with WALGA's Submission.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.4)**

9.7.5 WALGA INFOPAGE – EUROPEAN HOUSE BORER - MEMORANDUM

Document ID: 16072

Key Issues:

- The Department of Agriculture and Food has updated WALGA on progress regarding containment of European House Borer.
- Memo on hand from the Department.

9.7.6 WALGA INFOPAGE – DFES AT-RISK PEOPLE STRATEGY

Document ID: 16071

Key Issues:

- DFES has developed the 'At-Risk People Strategy: Improving the safety of at-risk people by assisting them to be better prepared for bushfire and other hazards'.
- People at-risk are defined as 'people who are unable to receive, understand or act on information, prior to or during an emergency'.
- The Strategy acknowledges that responsibility for bushfire planning is a shared responsibility between emergency service, government and the wider community.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.6)**

9.7.7 LOCAL GOVERNMENT NEWS – ISSUE NO 32.13 – 19 AUGUST 2013

Document ID: 16070

Inside this issue:

- WALGA Fights For The Road Wise Community Road Safety Program
- WA Local Government Convention Photos
- WA Local Government Convention Presentations
- Local Government Vision – Waste Management Breakfast
- Public Library Framework Agreement Reminder Feedback Due
- Grants Available – Local Government Injury Prevention and Community Safety Capacity Building Project
- WA Crime Prevention Through Environmental Design Awards 2013
- Training

9.7.8 LGIS WORKING TOGETHER – LAUNCHED A RE-BRANDING

Document ID: 16069

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LGIS has just launched a re-branding that they feel more appropriately reflects their current directions and the relationships they enjoy with Local Governments across the State.

More information is on hand.

9.7.9 CENTRAL MIDLANDS SENIOR HIGH SCHOOL – NEWSLETTER NO.6 – 14 AUGUST 2013

Document ID: 16066

Inside this issue:

- From The Principal
- Reasons To Celebrate
- Welcome
- Community Partnerships
- ERG Report
- Finally
- 2013 Athletic Carnival – Parent Helpers
- Dates To Remember
- Country Week 2013

9.7.10 DEPARTMENT OF REGIONAL DEVELOPMENT – COUNTRY LOCAL GOVERNMENT FUND (CLGF) 2013-14

Document ID: 15973

“The State Government remains committed to the Royalties for Regions (RfR) Program and ensuring benefits continue to be delivered to regional Western Australia. An allocation of \$354.10 million was made to the CLGF from 2008-09 to 2017-18 Financial Years. This is made up of \$320 million to country local government, \$3.2 million to Regional Development Commissions for support of local governments and \$30.09 million for capacity building for the Department of Local Government.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.10)**

9.7.11 ALGA – ROAD AND TRANSPORT PROJECTS

Document ID: 15972

The Australian Local Government Association (ALGA) is calling for Council’s to provide short submissions on road and transport projects. They are seeking details of the challenge and the solution to projects in one of two categories:

1. Local Transport Infrastructure Projects; and
2. Projects Addressing ‘Last Mile’ Challenges.

The aim is to be able to identify projects to be showcased at the National Local Roads and Transport Congress in November.

More information is on hand.

9.7.12 WALGA MEDIA RELEASE – COUNCIL REFORM: COMMUNITY DESERVE SAFETY NET

Document ID: 15664

“Community having a say on the future of their Local Government

should not be removed as a vital part of the process of structural reform.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.12)**

9.7.13 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT COMMITTEE – MINUTES

Document ID: 15660

Attached to the agenda is a copy of the Minutes from the meeting held 4 June 2013. **(Marked 9.7.13)**

9.7.14 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – LOCAL GOVERNMENT ELECTIONS 2013 – BULLETIN NO.2

Document ID: 15827

The Department of Local Government and Communities is providing local governments with its regular series of information bulletins in the lead up to the ordinary elections in October 2013.

Inside this issue:

- Elections Timetable
- Advertising For Enrolments
- Candidate Information Sessions
- Something To Consider – Elections Caretaker Period

9.7.15 WALGA MEDIA RELEASE – COMMUNITY SERVICE RECOGNISED

Document ID: 15866

“Outstanding community service has been recognised with the awarding of two life memberships as part of the annual Local Government Honours.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.15)**

9.7.16 JEANNIE HARRIS – HERBARIUM GROUP – SEEDLINGS AT SANDY CAPE

Document ID: 15870

“I have been asked to write to you on behalf of our herbarium group re the following matter. Recently several of our members went up to Sandy Cape to assist the Rangers in the planting of seedlings which will hopefully help to stop the sand dune drifting on to and covering the boardwalk.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.16)**

9.7.17 DEPARTMENT OF SPORT AND RECREATION – KIDSPORT PROGRAM

Document ID: 15902

The Department of Sport and Recreation would like to thank the Shire of Dandaragan for their support and partnership with the

Department of Sport and Recreation in the implementation of the KidSport program.

Since September 2011, KidSport has been the flagship project of Sport4All, a State Government initiative to increase participation in community sport and recreation throughout Western Australia.

More information is on hand.

9.7.18 LATENT PETROLEUM – NATURAL GAS IN AUSTRALIA

Document ID: 15906

A brochure is on hand that was recently launched by the Australian Petroleum Production and Exploration Association (APPEA) and distributed at the recent Mid-West Economic Summit in Geraldton on 31 July 2013.

As Latent moves towards recommencing operations in the area in 2014, they will hold community, shire and landowner meetings to ensure that they keep everyone informed of their plans and progress.

9.7.19 WALGA MEDIA RELEASE – DRIVER REVIVER ON LIFE SUPPORT

Document ID: 15933

“A State wide community road safety program, iconic for its road side coffee stops, is the latest victim of State Government budget cuts.”

Attached to the agenda is a copy of the above mentioned media release. **(Marked 9.7.19)**

9.7.20 DEPARTMENT OF WATER – EMERGENCY FARMLAND WATER SUPPLY PLANNING – SUMMER 2013/14

Document ID: 16129

Winter rainfall has been well below average in the majority of the dryland agriculture area and there is potential for some landholders to experience water shortages during the coming summer months.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.20)**

9.7.21 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – METROPOLITAN LOCAL GOVERNMENT REFORM UPDATE

Document ID:

Inside this issue:

- Reform Timeline
- Public Comment
- Local Government Updates
- Minister’s Meeting
- Communications Briefing

Attached to the agenda is a copy of the above mentioned reform update. **(Marked 9.7.21)**

9.7.22 CARAVAN INDUSTRY NEWS – MEMBERS NEWSLETTER – 6TH EDITION – AUGUST 2013

Document ID: 15950

Inside this issue:

- Presidents Message
- News From The Desk Of The CEO
- 2013 Annual State Conference
- Caravan WA Website
- Security Survey
- New Staff Member
- Marketing Update
- Membership Information
- Members Stories
- 2013 CIAWA Annual State Conference
- WA Caravan Park Expo
- 2013 CIAWA Annual Gala Dinner
- KPMG Industry Research
- Free Workplace Training
- Tourism WA Action Plan
- Residential Parks (Long Stay Tentant) Act 2006 Update
- Vehicle Compliance Issues
- Water Corporation Update
- Special Announcement
- Industry Update

9.7.23 WESTERN AUSTRALIAN PLANNING COMMISSION – STATE PLANNING POLICY NO 2.6 STATE COASTAL PLANNING POLICY

Document ID: 16131

The *State Planning Policy No 2.6 State Coastal Planning Policy* (SPP2.6) gazetted on 30 July 2013, provides for the long term sustainability of Western Australia's coast.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.23)**

9.7.24 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT – RESULTS

Document ID:

“The project team would like to thank those local governments who took the time to respond to our correspondence dated 23 May 2013, regarding the proposed option to transfer local bush fire brigades to DFES. The response rate has been tremendous with responses from over 86% of all local governments, including 96% of local governments and registered brigades.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.24)**

9.7.25 MOORE CATCHMENT COUNCIL – MINUTES – ANNUAL GENERAL MEETING – FRIDAY 26 SEPTEMBER 2013

Document ID:

A copy of the above mentioned minutes are on hand.

Cr Short advised that the date of this meeting had been changed to be held Friday 4 October 2013.

9.7.26 MINISTERIAL MEDIA STATEMENT – MORE MONEY FOR REGIONAL SPORTS CLUBS

Document ID:

Key points:

- \$2 million to help regional sports with travel and equipment costs.
- Regional athletes aged 13 – 21 can apply for travel assistance for representative competition and training.
- Regional sports clubs to receive assistance to purchase equipment.

9.7.27 KRISTY HASELDINE – JURIE BAY POLICE – BUSINESS SECURITY

Document ID:

Kristy will be a point of contact for the Jurie Bay Business Beat.

"I hope to call into your businesses in the near future to introduce myself but I will otherwise be around town and I am sure I will run into most of you pretty soon."

On hand is a document which covers business security and how you may be able to identify potential weaknesses in your security / building design.

9.7.28 NBN CO LIMITED – STRATEGIC COUNCIL BRIEF

Document ID:

Overview

- The NBN is a once in-a-generation upgrade of Australia's telecommunications infrastructure
- It's one of the largest infrastructure projects in Australia's history, providing the foundation for affordable high speed broadband for all Australians
- The NBN is literally the pipes that carry our data. This data includes: our voices, our emails, websites, videos and photos, everything that we download and upload to our computers, phones and even our TVs
- The NBN will use three different technologies to ensure that ALL Australians have access to high speed broadband – Fibre, Fixed Wireless and Satellite
- NBN Co has an objective of connecting 93 per cent of Australian homes, schools and businesses with Fibre, with a minimum fibre obligation of 90 per cent of Australian premises. The remaining 7 to 10 per cent of Australians premises will be connected by a combination of next generation fixed wireless and satellite technologies

- NBN Co is building the NBN as a wholesale-only, open access network; which means that telecommunications service providers will be competing and selling services over the same national network. This is likely to be good news for retail competition and consumers.

9.7.29 CERVANTES ACT BELONG COMMIT FESTIVAL OF ART 2013 – SHIRE OF DANDARAGAN SPONSORSHIP

Document ID: 16346

Every year the Shire of Dandaragan sponsor the Cervantes Art Festival and on hand is a certificate from the Cervantes Cultural Committee in appreciation of the Shire's sponsorship for the Cervantes Act Belong Commit Festival of Art 2013.

9.7.30 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SUSTAINING OUR ROADS: GOOD BUSINESS, GOOD GOVERNANCE, GOOD BOTTOM-LINE

Document ID: 16341

The Shire has received an invite to this year's *National Local Roads and Transport Congress* to be held in Alice Springs from 12-14 November.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.30)**

9.7.31 SHIRE OF DANDARAGAN – AUGUST 2013 COUNCIL STATUS REPORT

Document ID: 16468

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 August 2013. **(Marked 9.7.31)**

9.7.32 MCLEODS BARRISTERS & SOLICITORS – NATIVE TITLE CLAIMS AFFECTING SHIRE'S DISTRICT AND PROPOSED SOUTH WEST NATIVE TITLE SETTLEMENT

Document ID: 15965

"By way of confirmation, I reported that the State and the South West Aboriginal Land and Sea Council (SWALSC) have been in negotiations for the possible resolution of the various native title claims that cover the South West or parts of the South West, including the Single Noongar Claim."

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.32)**

9.7.33 LOCAL GOVERNMENT NEWS – ISSUE NO 33.13 – 26 AUGUST 2013

Document ID: 16230

Inside this issue:

- Street Lighting Tariffs
- Country Local Government Fund
- WALGA's Climate Change Newsletter
- Breakfast Workshop Establishing A "Waste Connection"
- Successful Recipients Of Community Energy Efficiency

Program

- UPS Power Protection
- Officer Training
- Elected Member Training
- Emergency Management Training Programs
- Regional Training

9.7.34 DEPARTMENT OF HEALTH – STABLE FLY CONTROL – REGULATORY RESPONSIBILITY

Document ID: 16272

Over the past 18 months – 2 years considerable progress has been made to achieve a transfer of responsibility for stable fly control from the Health Act to Bio security legislation.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.34)**

9.7.35 WALGA – WASTE AND RECYCLE CONFERENCE – THURSDAY 12 SEPTEMBER 2013

Document ID: 16315

The Waste and Recycle Conference is an annual event hosted by the WA Local Government Association, Department of Environment Regulation and Waste Management Association of Australia. This year the theme of the conference is *Revolution in Roles and Responsibilities*.

For more information visit the Waste and Recycle Conference website www.wasteandrecycle.com.au

9.7.36 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

Document ID: 16340

“On 29 June 2013, the Minister for Emergency Services announced that following a generous donation from the Royal Automobile Club of Western Australia (RAC), 40 volunteer Bush Fire Brigades across Western Australia will receive an automated external defibrillator (AED) unit to better support the resuscitation of firefighters who suffer cardiac arrest.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.36)**

9.7.37 LOCAL GOVERNMENT NEWS – ISSUE NO 34.13 – 2 SEPTEMBER 2013

Document ID: 16350

Inside this issue:

- WALGA Submission To Inquiry Into Pastoral Leases
- Changes to LGIS
- MWAC Info Bulletin Out Now
- Climate Change Presentation – Synthesis And Key Learning From Australian Adaptation Research Facility
- Officer Training
- Elected Member Training

- Emergency Management Training Programs
- Regional Training

9.7.38 MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 176 – AUGUST 2013

Document ID: 16354

Inside this issue:

- Vincent And Bruce Rock
- Tidy Town Awards
- Composting Ex-Port
- Win Some Lose Some
- National Litter Index
- Write Your Wrong
- C&D Recycling – Asbestos Guidelines
- Carnarvon Powers Up
- Up In The Dump
- Bright Future For FluoroCycle

9.7.39 DEPARTMENT OF FINANCE – OFFICE OF STATE REVENUE – PUBLIC SWIMMING POOL OPERATING SUBSIDY SCHEME

Document ID: 16355

“As part of the 2013-14 State Budget handed down on 8 August 2013, a decision has been made to cease payment of the public swimming pool operating subsidy.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.39)**

9.7.40 DEPARTMENT OF COMMERCE – CHRISTMAS TRADING EXTENSIONS – REGIONAL LOCAL GOVERNMENT AUTHORITIES

Document ID: 16456

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.40)**

9.7.41 LOCAL GOVERNMENT NEWS – ISSUE NO 35.13 – 9 SEPTEMBER 2013

Document ID: 16462

Inside this issue:

- Country Reform Policy Forum
- Metropolitan Reform Implementation Policy Forum
- State Government Cuts The Swimming Pool Operating Subsidy
- Criminal Property Confiscation Grants Program – Now Open
- Extended Deadline: WALGA Submission To Inquiry Into Pastoral Leases
- Host And Nominate – Community Safety Month 2013
- Walk Over October – Registrations Open
- Engineers Australia Coastal Climate Change Guidelines Workshop
- ELearning Training
- Elected Member Training

9.7.42 CENTRAL MIDLANDS SENIOR HIGH SCHOOL –

NEWSLETTER NO.7 – 6 SEPTEMBER 2013

Document ID: 16485

Inside this issue:

- From the Principal
- Reasons to celebrate
- Welcome
- Student – Centred Funding Model
- So how will this affect Central Midlands SHS
- ERG report
- Contributions and charges
- Community partnerships
- AFL Workshop
- School – Community Partnership Agreement
- Dates to remember
- Building bridges
- Alternate education program
- Keep your teeth healthy
- Interhouse athletics carnival
- NAIDOC Day

9.7.43 WA POLICE – GRAFFITI TASKFORCE – STATE GRAFFITI FUND NOW OPEN

Document ID: 16492

The State Graffiti Fund is now open and an application package can be found at www.goodbyegraffiti.wa.gov.au. The guidelines align with the *Tough on Graffiti Strategy 2011 – 2015*. Grants will be available for initiatives that support the Strategy goals which are:

1. Decrease the number of graffiti vandalism offenders.
2. Keep neighbourhoods free from graffiti vandalism.
3. Ensure all graffiti is reported.

Applications close 12 noon on Wednesday 23 October 2013.

9.7.44 WALGA INFOPAGE – METROPOLITAN LOCAL GOVERNMENT REFORM

Document ID: 16433

Key Issues:

- State Council considered Metropolitan Local Government Reform at their 4 September 2013 meeting and discussed three key issues:
 - Legislative authority for the implementation process;
 - State Government funding of the implementation process; and
 - The poll provisions.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.44)**

9.7.45 WALGA – NEWLY ELECTED MAYORS, PRESIDENTS AND COUNCILLORS

Document ID: 16487

The Dean of Perth would once again like to co-host with WALGA a

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Civic Service at St George's Cathedral to celebrate and give thanks for the work of current and newly-elected Mayors, Presidents and Councillors.

The Civic Service will be held on Sunday 24 November 2013, commencing at 5pm.

9.7.46 STATE EMERGENCY MANAGEMENT COMMITTEE POLICY – INCIDENT MANAGEMENT AND INCIDENT LEVEL DECLARATION FOR COMMENT

Document ID: 16522

Draft versions of the above mentioned reports are on hand and are seeking comment by 21 October 2013.

9.7.47 WALGA – STATE COUNCIL SUMMARY MINUTES – SEPTEMBER 2013

Document ID: 16523

Attached to the agenda is a copy of the State Council Summary Minutes from September 2013. *(Marked 9.7.47)*

9.7.48 RURAL HEALTH WEST – NOMINATIONS ARE NOW OPEN FOR THE 2014 RURAL HEALTH WEST DOCTORS SERVICE AWARDS

Document ID: 16542

Rural Health West would like to recognise those doctors that have provided an outstanding or extraordinary service to their communities.

Nominations are now open for the categories of:

- The Award for Remote and Clinically Challenging Medicine.
- The Award for Outstanding Service to Rural and Remote Health.
- The Award for Extraordinary Contribution to Outreach Services.

WA Country Health Services sponsor two awards, with recipients receiving a personal plaque. Nominations are open for the categories of:

- Above and Beyond – Community First.
- Outstanding Hospital Doctor.

Nominations close Friday 24 January 2014. Visit www.ruralhealthwest.com.au/doctorserviceawards to download a nomination form.

9.7.49 SATELLITE TELEVISION AND RADIO AUSTRALIA – NEW FM RADIO SERVICES

Document ID: 16544

Attached is a promotional offer to install ABC Country FM. *(Marked 9.7.49)*

9.7.50 AUSTRALIA DAY COUNCIL OF WESTERN AUSTRALIA – NEWLY APPOINTED CHIEF EXECUTIVE OFFICER

Document ID: 16556

“I’m writing to introduce myself as the newly appointed Chief Executive Officer of the Australia Day Council of Western Australia following the recent retirement of Executive Director Graham Patridge. I’m both delighted and honoured to take on this important role.”

More information is on hand.

9.7.51 BIRDLIFE AUSTRALIA – BIRDLIFE’S NEW CARNABY’S BLACK COCKATOO BREEDING RANGE SURVEY

Document ID: 16574

Birdlife Australia has recently launched a Carnaby’s survey across the breeding range of the species. The survey should hopefully generate some public interest in the Carnaby’s program, as well as opportunities for Birdlife Australia to get some funding for the project work to continue beyond 2013.

More information is on hand.

9.7.52 WALGA INFOPAGE – DEVELOPMENT OF NEW ENVIRONMENTAL PROTECTION REGULATIONS FOR THE OPERATION OF MOBILE ASPHALT MANUFACTURING AND SCREENING EQUIPMENT

Document ID: 16590

Key Issues:

- The Department of Environment Regulation (DER) has notified WALGA of a proposal to develop new mobile equipment regulations.
- An item of the regulations will require that the operators of mobile equipment must inform the relevant Local Government that they have obtained written consent from the owner or occupier of the premises of the location of the operation and that they have informed the owners or occupiers of neighbouring premises.
- The DER is seeking feedback on this item of the proposed regulations.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.52)**

9.7.53 WALGA INFOPAGE – FUNDING CHANGES FOR WALGA’S ROADWISE PROGRAM

Document ID: 16591

Key Issues:

- Road Trauma Trust Account funding for RoadWise Program has been reduced by \$1.4m six weeks into the new financial year.
- Impact on what can be delivered through the Program.
- New RoadWise Program structure.

9.7.54 WALGA INFOPAGE – STATE EMERGENCY MANAGEMENT POLICY (SEMP) 4.1 – OPERATIONAL MANAGEMENT / OPERATIONAL PROCEDURE (OP) 23 – INCIDENT LEVEL

DECLARATION

Document ID: 16592

Key Issues:

- SEMS Secretariat has released SEMP 4.1 – Operational Management and OP-23 – Incident Level Declaration, for final review.
- Local Governments responsibilities are aligned with those outlined in the Emergency Management Act 2005.
- WALGA will be developing a response on behalf of the sector.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.54)**

9.7.55 WALGA INFOPAGE – WESTPLAN AIR CRASH – LOCAL GOVERNMENT CONSULTATION

Document ID: 16593

Key Issues:

- SEMC Secretariat has released Westplan – Air Crash for review.
- The Commissioner of Police is the HMA responsible for air crash.
- Local Government responsibilities in relation to air crash are in accordance with the Emergency Management Act 2005.
- WALGA will be developing a response on behalf of the sector.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.55)**

9.7.56 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 36.13 – 16 SEPTEMBER 2013

Document ID: 16594

Inside this issue:

- Aware 2013 / 2014 Funding Guidelines Launched
- Sustainable Energy Preferred Supply
- WALGA's Environmental Issues Survey Results
- Chain Of Responsibility Legislation
- Local Government Response to DFES Request – Potential Option To Transfer Bush Fire Brigades
- 2013 Roman II Conference – Registrations Now Open
- New Councillor Training
- E-Learning Training
- Officer Training
- Elected Member Training
- Regional Training

9.7.57 SUMMARY OF PLANNING DECISIONS MADE DURING JANUARY 2013 THROUGH TO JUNE 2013

Document ID: 13221

Attached to the agenda is a copy of the above mentioned delegations register. **(Marked 9.7.57)**

9.7.58 SHIRE OF DANDARAGAN INFRASTRUCTURE & MAJOR PROJECTS REPORT – AUGUST / SEPTEMBER 2013

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Document ID:

Attached to the agenda is a copy of the Shire of Dandaragan's Infrastructure & Major Projects Report for August / September 2013. **(Marked 9.7.58)**

Executive Manager Infrastructure & Major Projects gave a verbal rundown of this report.

9.7.59 DEPARTMENT OF WATER – GINGIN GROUNDWATER ALLOCATION PLAN RELEASED FOR PUBLIC COMMENT

Document ID: 16201

The Department of Water has released the *Gingin groundwater allocation plan: for public comment* and your comments are welcomed.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.59)**

9.7.60 MRS OPAL WILKINS – BUDGET HIGHLIGHTS

Document ID: 16598

"It was with interest that I noted some of the 'Budget Highlights' for the 2013-2014 year for the Shire of Dandaragan.

As a ratepayer in Cervantes one could almost think that Cervantes plays a very significant part in the scheme of things within the Shire, especially when you see the amounts allocated for maintenance for the other Recreation Centres compared to our."

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.60)**

9.7.61 MEDIA STATEMENT – GRANT SUPPORTS OUTDOOR RECREATION FOR ALL

Document ID:

Inside this media statement:

- Lotterywest grant of \$168,578 supports Dreamfit's Experience Program.
- Dreamfit engineering assists people with disability to enjoy action sports.
- Grant aligns with Count Me In aspiration for inclusive recreation.

Attached to the agenda is a copy of the above mentioned media statement. **(Marked 9.7.61)**

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

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

In situations where it is deemed that a meeting or part of a meeting must be closed to the public, Section 5.23 (3) states "A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting."

For a decision to be recorded in the minute a formal motion must be passed by Simple majority clearly stating the reason for the closure in accordance with Section 5.23 of the Local Government Act 1995.

Local Government Act 1995

5.23. *Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public -
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -**
 - (a) a matter affecting an employee or employees;**
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 SEPTEMBER 2013
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- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

4A. Meeting, or part of meeting, may be closed to public - s. 5.23 (2) (h)

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23 (2) (h).

11.1 ADMINISTRATION

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

That the meeting be closed to members of the public at 5:58pm in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss item 11.1.1 Chief Executive Officer Performance Review 2012 / 2013.

CARRIED 8 / 0

Mr Nottle disclosed a financial interest and left the room at 5.58pm

All Staff and the public left the room at 5.58pm.

11.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW 2012 / 2013

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / NOTTLE Anthony
Disclosure of Interest:	The author is the subject of the performance review and concerns his contract of employment
Date:	17 September 2013
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

The report has been abridged due to the confidential nature of the content that is contained within this report.

OFFICER RECOMMENDATION / COUNCIL DECISION
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Moved Cr Russell, seconded Cr Short

That:

- 1. Council receive this performance review report and endorses a rating of 'satisfactory - meets performance requirements' for the position of Chief Executive Officer of the Shire of Dandaragan;**
- 2. the next review of the Chief Executive Officer's performance to be conducted by August 2014; and**
- 3. the Key Result Areas for the 2013 / 2014 appraisal period are to be prepared, and considered for adoption at the 24 October 2013 Ordinary Meeting of Council.**

CARRIED 7 / 1

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 SEPTEMBER 2013

COUNCIL DECISION

**Moved Cr Holmes, seconded Cr Russell
That the meeting be reopened to the public.**

CARRIED 8 / 0

Staff and the public returned to the room at 6.10pm.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 6.15pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date