



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

BADGINGARRA COMMUNITY CENTRE, BADGINGARRA

on

THURSDAY 22 MARCH 2018

COMMENCING AT 4.02PM

(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 Acting Chief Executive Officer declared the meeting open at 4.02pm and welcomed those present.

1.2 DISCLAIMER READING

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

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanahun	
Councillor A Eyre	
Councillor J Clarke	
Councillor D Slyns	

Staff

Mr S Clayton	(Acting Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Mr R Mackay	(Planning Officer)

Apologies

Approved Leave of Absence

Nil

Observers

Mr Wilfred Wimpler, Mrs Renate` Wimpler and Mr Sam Collard

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

The following question has been received from Mr Wilfred Wimmler

During the upcoming Council Meeting in Badgingarra I seek an update from the Council on action taken by the Shire in regards to the complaints of unbearable odour from Perron Place. Have all avenues been explored communicating with the Shire of Gingin? We look forward to being informed that all rules and regulations and as well as licences from various departments are upheld. In particular we are keen receive confirmation that the operation follows a necessary approvals in depositing and spreading bulk quantities of manure and dead birds, such as

- The correct use of land
- That the storage of dead bird and manure entails no health risk to neighbours and environment
- That the Department of Water is satisfied with the waste management plan and there is no risk to the water table in the area.

Furthermore we look forward to be informed who is independently checking the correct procedures being followed.

I look forward to being briefed at the Council Meeting in Badgy. If there is anything we can contribute to resolving these issues, please advise.

The Executive Manager Development Services responded by saying:

Shire staff have obtained legal advice relating to the storage and dispersion of poultry manure on farmland causing complaints of offensive odour emanating from Perron Place farm.

The 10 page summarised advice received is “the current approach of the Shire in negotiating with relevant stakeholders and endeavouring to bring to bear some pressure from the Department of Agriculture and Water Resources and the DWER on the land owner would appear to be the preferred approach in the circumstances”.

With regard to the Shire of Gingin enforcing the provisions of planning approvals, the legal advice is “If the applicant (that is the operator of the farm in the Shire of Gingin) was failing to comply with a condition of the approval, then the Shire of Gingin would be entitled to prosecute the applicant under s. 218(0) of the Planning and Development Act 2005 (PD Act) or to issue a direction to the applicant under section 214 of the PD Act. As the Shire of Dandaragan is not the responsible authority in relation to the farm producing the manure within the Shire of Gingin, the Shire of Dandaragan itself does not have any direct enforcement powers exercisable under the PD Act. It would nonetheless be open to the Shire of Dandaragan to complain to the Shire of Gingin if it suspected that chicken manure from the farm was being disposed of in contravention of the Environmental Management Plan and conditions of

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*approval. However, it would be within the discretion of the Shire of Gingin as to whether it took any enforcement action in response to such a complaint".
The Shire of Gingin have been cooperating with Shire staff in this matter.*

Staff met with the Department of Agriculture with the following actions taken (summarised);

- 1. Revised the guidance document on manure stockpiling and spreading in paddocks.*
- 2. Commenced discussions with DWER. Essentially where the conversation got to is that there are unreasonable odour provisions within their Environmental Protections Regulations that possibly could be enacted. DWER has forwarded information to their Pollutions Response Group (who deal with this kind of odour complaint situation) and they should be contacting you in the near future. Let me know if you don't hear from them. As we discussed at our meeting, it is likely to take a combined effort to get a resolution.*
- 3. We have had preliminary discussions with both industry associations to keep them updated on the situation.*
- 4. We are in the process of determining if the Department of Health has a role to play in resolving this one.*
- 5. We will contact the landowners spreading the manure directly over the next couple of days.*
- 6. We are still in the process of obtaining weather data that can be used to cross-analyse the odour complaints already received. As we mentioned at our meeting, in similar situations in the past we have been able to develop some rules of thumb as to when to avoid conducting activities that are likely to lead to an odour.*

Subsequent to this advice, the DWER will be sending an officer out to the property on 29 March with our Environmental Health Officer to independently investigate the odour and determine if the DWER has a role to play in any licencing and conditions relating to the storage and spreading of the manure. This investigation will assist in determining if there are any breaches of regulations relating to use of the land, health risks and if there is any issue with groundwater.

In summary and response to direct questions:

- The correct use of land - Our legal advice is that "Planning approval would only be required if there was a change in the use of the land from the rural use of the land undertaken to date. I consider it very unlikely that a court or tribunal would consider the depositing and spreading of bulk quantities of manure and chicken carcasses as a change in use in circumstances where the spreading of the "wet manure" was incidental and related to the rural use of the land."*
- That the storage of dead bird and manure entails no health risk to neighbours and environment - Risk to human health is low due to the distance to neighbours. The issue of risk to environment will be assessed by the DWER.*
- That the Department of Water is satisfied with the waste management plan and there is no risk to the water table in the area. Risk to water table is low*

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due to the vertical distance to water table. The issue of a waste management plan will be looked at by the DWER.

Furthermore we look forward to be informed who is independently checking the correct procedures being followed. Shire staff, DWER and Department of Agriculture are all checking the property.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved Cr Scharf, seconded Cr McGlew

That the following request for leave of absence be approved:

Cr Holmes – 12 ~ 23 April 2018.

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY MEETING HELD 22 FEBRUARY 2018

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Ordinary Meeting of Council held be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President announced that today was Scott's last Council Meeting as the Acting Chief Executive Office and thanked him with the following words:

I would like to take this opportunity to say a few words of thanks to Scott Clayton for the excellent job he has done as CEO of the Shire of Dandaragan. The correct title is Acting CEO but there has been no keeping the seat warm in the last 3 months with Scott.

Scott has risen to the job in many ways that I am sure he has surprised himself. He has been capable and confident in handling many challenging situations and jobs that have required careful handling.

Scott has been so good to work with and together we have managed some quite interesting things. We would get to the end of each week and wonder what was coming the next week.

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Scott works with no ego and a ton of empathy, to say nothing of a unique intellect and grasp of the job at hand. He has the most important component for a leader and that is bravery at all times.

As we get ready to welcome Brent into the CEO position I have great confidence that together they will serve our Shire very well into the future.

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS


Nil

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9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 AUDIT COMMITTEE MINUTES – 8 MARCH 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	12 March 2018
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	

PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 8 March 2018.

BACKGROUND

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

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

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

COMMENT

The purpose of the Audit Committee Meeting held 8 March 2018 was to consider the Budget Review for 2017 / 18 and the Compliance Audit Return for 2017.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Minutes of the Audit Committee Meeting (unconfirmed) held on 8 March 2018 (Doc Id: 107338)


(Marked 9.1.1)

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VOTING REQUIREMENT

Simple majority

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**Moved Cr Scharf, seconded Cr McGlew****That the unconfirmed minutes of the Audit Committee Meeting held on 8 March 2018 be received.****CARRIED 9 / 0****9.1.2 BUDGET REVIEW 2017 / 2018**

Location:	Shire of Dandaragan
Applicant:	N / A
Folder ID:	Business Classification Scheme / Financial Management / Financial Reporting
Disclosure of Interest:	None
Date:	2 March 2018
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	

PROPOSAL

That the budget review for the 2017 / 2018 financial year based on the financial statements from 1 July 2017 to 31 December 2017 be recommended for adoption.

BACKGROUND

As part of the amendments to the Financial Management Regulations (1996), Regulation 33A - Review of budget has been inserted.

"This requires;

- 1. between 1 January and 31 March in each year, local government is to carry out a review of its annual budget for that year;*
- 2. it is to be submitted to council within 30 days of the review;*
- 3. Council is to consider the review and determine whether or not to adopt the review, any parts of the review or any recommendations made in the review; and*
- 4. a copy of the review and determination is to be then forwarded to the Department within 30 days."*

COMMENT

Staff have reviewed the 2017 / 2018 budget to identify any significant variances. The financial statements to the 31 December 2017 have been used as the basis for the review, however, where a variance has occurred and is known prior to the completion of the staff component of the review on 15 February 2018, these have been accounted for.

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Attached is a detailed summary of the identified variances, the Rates Setting Statement and other statements showing the effect of these variances.

In addition to the listed changes the actual opening surplus carried forward was \$55,845 more than budgeted.

The budget review for the 2017 / 2018 financial year has been reviewed by the Audit Committee at its meeting held on 8 March 2018 and has been recommended for adoption.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Regulation 33A and 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The adoption of this budget review will amend the budget with an overall recognition of a surplus of \$191,362.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5 - Proactive and Leading Local Government</i>	
Objectives	How the Shire will Contribute
5.2 High Performing Administration	Compliance in all legislative requirements and functions

ATTACHMENTS

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

- Budget Review identified variances and statements for the period ending 30 June 2018 (Doc Id: 107310)
(Marked 9.1.2)

VOTING REQUIREMENT

Absolute Majority

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Gibson

That the budget review, as presented with a deficit of \$191,362, be adopted, with the following variances being formally adopted as budget amendments;

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GL	GL Name	Amount DR (CR)	Description
13140	Standpipe	(2,500)	Increase in standpipe usage
13180	other reimbursement	(1,367)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(9,321)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(944)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(354)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(19,764)	Contribution to outgoings Civic Centre - JBCRC 31/07/14 - 30/6/17
13180	other reimbursement	(927)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(5,000)	JB Chamber of Commerce - Turquoise Way landscape path maintenance
13180	other reimbursement	(39)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(38,801)	Refund of registration fees as stamp duty concession was reinstated
13180	other reimbursement	(4,272)	Refund of registration fees as stamp duty concession was reinstated
13201	Insurance Scheme Dividend	(8,806)	Good driver rebate given 30/06/16 - 30/06/17
13260	Other Reimbursements (No GST)	(3,600)	Housing rental reimbursed through debtors not wages
14120	Grants Commission	28,965	Actual grant differed from estimate in budget
14140	ESL	(10,356)	Additional funding given for overspend of ESL from 16/17
14150	Other grants	(34,023)	Country Local Government Fund grant - traineeships x 2
14150	Other Grants	(8,006)	Regional visitors centre sustainability grant
15112	Other Non-Operating Contributions	(50,000)	Turquoise Way Path Project Reserve funds
20009	Contract EHO Services	(3,375)	Shire of Gingin reimbursement of EHO services
20290	Staff housing rent	3,600	Housing rental reimbursed through debtors not wages
20650	Development Application Fees	(30,000)	Increase in development application income (solar facility)
20820	Sandy Cape Camping	(60,000)	Increase income from Sandy Cape Camping Fees
22120	Fuel Rebate	(9,000)	Increase in fuel rebate able to be claimed
26110	Salaries	(42,288)	Correct Budget allocation error - transferred to waste management from library
26110	Salaries	42,288	Correct Budget allocation error - transferred to waste management from library

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26110	Salaries	34,023	Country Local Government Fund grant - payment of wages for traineeships
26550	Staff Housing	9,877	Contract Planning Officer housing
27065	Contract Labour - Other	52,754	Contract Planner salaries
27160	IT Operations	(3,000)	New agreement reduces councillor laptop lease
27160	IT Operations	(3,000)	Docs on Tap costs less than budgeted
27160	IT Operations	10,137	Convert Amlib library system and training
28545	Materials and Contracts (ALL)	1,634	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	1,634	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	1,634	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	808	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	160	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	1,634	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	808	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	808	Award new 3 year cleaning contract slightly higher than budgeted
28545	Materials and Contracts (ALL)	808	Award new 3 year cleaning contract slightly higher than budgeted
28715	Recreation Plan	26,765	Badgingarra Tennis Light Project
28735	Tourism Expenses	8,006	Regional visitors centre sustainability grant
28815	Lease Repayments	7,404	Budget Omission - Civic centre water filter hire
31110	Property Insurance	3,048	Property Insurance endorsement adjustment for 30/6/16-30/6/17
32105	Depreciation on Buildings	180,097	Move budgeted depreciation department for Civic Centre Schedule only
32105	Depreciation on Buildings	(180,097)	Move budgeted depreciation department for Civic Centre Schedule only
33200	Loss on Sale of Plant & Equipment	1,489	Sale of DCEO Toyota Prado
38265	Debtor Write off	12,988	Write Off - Contribution to outgoings Civic Centre - JBCRC 31/07/14 - 30/06/17
38270	Rates Write Off	3,372	Write off rates for Men's Shed assessment
38280	Other Expenses	2,868	Return unspent CLGF grant
51217	Footpath Construction Reserve	50,000	Transfer from Sport & Recreation Reserve
51218	Sport & Recreation Reserve	(26,765)	Transfer from Sport & Recreation Reserve
62100	Buildings & Improvements	(2,677)	Completed job under budget - JCC Repairs to internal wall behind ball nets.
62100	Buildings & Improvements	2,884	Completed job over budget - BCC Carpark lighting at exit point


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62199	Less Accumulated Depreciation	(180,097)	Move budgeted depreciation department for Civic Centre
62199	Less Accumulated Depreciation	180,097	Move budgeted depreciation department for Civic Centre
63100	Furniture & Equipment	3,000	Correct fixed asset allocation - Air Compressor
64100	Plant & Equipment	(44,500)	Sale of DCEO Toyota Prado
64100	Plant & Equipment	(3,000)	Correct fixed asset allocation - Air Compressor
64100	Plant and Equipment	4,040	Purchase new tandem axle trailer
64199	Less Accumulated Depreciation	6,647	Sale of DCEO Toyota Prado
66100	Infrastructure - Roads	(9,000)	Completed job under budget - McKays rd. Gravel Resheet 0.0-3.0km
66100	Infrastructure - Roads	(15,683)	Completed job under budget - Black Arrow rd. Gravel Resheet 2.0-6.0km
66100	Infrastructure - Roads	(11,025)	Completed job under budget - Koodjee rd. Gravel Resheet 0.0-4.0km
66100	Infrastructure - Roads	123,241	Completed job costs reallocated - Jur. East rd. Widen to 8m 0.0-7.0km
66100	Infrastructure - Roads	(125,324)	Completed job costs reallocated- Jur. East rd. Final Seal 0.0-7.0km
66200	Infrastructure - Drainage	3,789	Completed job over budget - Town Centre Sewerage
66300	Infrastructure - Footpaths	5,549	Completed job over budget - Turquoise Way Staged Replacement
66500	Infrastructure - Other	(5,462)	Completed job under budget - Cer. Transfer Fencing staged replacement
69404	Jurien Sport and Rec Centre Loan 132	21,000	Self-Supporting Loan JB Sport & Rec Centre
71650	Proceeds from sale of assets	36,364	Sale of DCEO Toyota Prado
74200	Self-Supporting Loans Non- Current	(3,398)	Self-Supporting Loan JB Sport & Rec Centre
82200	Self-Supporting Loans Non- Current	(17,602)	Self-Supporting Loan JB Sport & Rec Centre
95300	Retained Earnings - Net Movement in Reserves	(50,000)	Transfer to Footpath Reserve
95300	Retained Earnings - Net Movement in Reserves	26,765	Transfer from Sport & Recreation Reserve
96100	Transfers To Reserve Funds	50,000	Transfer to Footpath Reserve
96200	Transfers From Reserve Funds	(26,765)	Transfer from Sport & Recreation Reserve

CARRIED BY ABSOLUTE MAJORITY 9 / 0

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9.1.3 STATUTORY COMPLIANCE AUDIT RETURN 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Audit / Internal
Disclosure of Interest:	None
Date:	9 March 2018
Senior Author:	Scott Clayton, Acting Chief Executive Officer,
Signature of Author:	

PROPOSAL

To adopt the Statutory Compliance Audit Return for the period 1 January 2017 to 31 December 2017 be adopted.

BACKGROUND

Local governments in Western Australia are required to complete, on an annual basis, a Compliance Audit Return (CAR). The Return is a self-assessment of compliance with Local Government (Audit) Regulation 13 and covers compliance in the areas of Caravans and Camping, Cemeteries, Commercial Enterprises, Delegations, Disclosure of Interest, Disposal of Property, Elections, Executive Functions, Finance, Local Government Employees, Grants Commission, Local Laws, Meeting Process, Miscellaneous Provisions, Official Conduct, Swimming Pools and Tenders.

In December 2011, Mr Castrilli announced a reduction of 20 per cent to the size of the CAR with a further 70 per cent reduction in 2012, meaning local governments will deal with eight, not 27 pages.

The remaining questions relate to areas of compliance considered high risk, such as:

- financial interest disclosures;
- procurement and tendering;
- delegation and use of delegated power; and
- the recruitment and appointment of the Chief Executive Officer.

The Compliance Audit Return has been reviewed by the Audit Committee at its meeting held on 8 March 2018 with the following recommendation being carried:

OFFICER RECOMMENDATION / COMMITTEE DECISION

Moved Cr Scharf, seconded Cr Slyns

That it be recommended to the Audit Committee that the Compliance Audit Return as per attached for the period 1 January 2017 to 31 December 2017 be adopted.

CARRIED 3 / 0

Following Council's review and adoption of the Compliance Audit Return a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or

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qualifying the compliance audit, is to be submitted to the Director General of the Department of Communities by **31 March 2018**.

COMMENT

For the period 1 January 2017 to 31 December 2017 the CAR demonstrates that the Shire has achieved the required level of compliance.

CONSULTATION

- Executive Secretary

STATUTORY ENVIRONMENT

The contents of the Compliance Audit Return relates to the *Local Government Act 1995* and a range of local government legislation

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Compliance Audit Return 2017 (Doc ID: 107361)
(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr McGlew, seconded Cr Shanhun

That the Compliance Audit Return as per attached (Doc Id: 107361) for the period 1 January 2017 to 31 December 2017 be adopted.

CARRIED 9 / 0

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9.1.4 ACCOUNTS FOR PAYMENT – FEBRUARY 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	12 March 2018
Senior Author:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of February 2018.

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for February 2018 totalled \$957,193.55 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the February 2018 Accounts for payment, please do not hesitate to contact the Acting Chief Executive Officer 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

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 MARCH 2018

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for February 2018
(Doc Id: 107989)

(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Eyre

That the Municipal Fund cheque and EFT listing for the period ending 28 February 2018 totalling \$957,193.55 the Municipal Fund be accepted.

CARRIED 9 / 0

9.1.5 OPERA AT THE PINNACLES SPONSORSHIP

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Event Management / Community Events
Disclosure of Interest:	Nil
Date:	9 March 2018
Author:	Alison Slyns, Economic Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider a Budget allocation of \$10,000.00 ex GST to WA Opera for sponsorship of the "Opera at the Pinnacles" scheduled to be held on Saturday 5 May in the Nambung National Park.

BACKGROUND

At the Council forum on Thursday 22 February 2018 Terasa Letizia from West Australian Opera presented to Council with a proposal to provide financial sponsorship for their 'Opera in the Pinnacles' event.

The event was first held on Saturday 22 April 2017 to coincide with WA Opera's 50th birthday celebrations and was the first event by WA Opera held in regional Western Australia. The event was modelled on WA Opera's highly successful outdoor event 'Opera in the Park' which has been held in Perth's Supreme Court Gardens for 26 years and WA Opera continue to grow their regional event program with events in 2017 and 2018 being held in Denmark and Margaret River.

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COMMENT

WA Opera is supported by Wesfarmers Arts as Principal Partner, Act Belong Commit Healthway as Participation Partner and other partnership arrangements including Major, Opera and Government Partners as well as Opera Supporters and individual donors.

The company relies on a combination of government, corporate and individual sponsorship to deliver its program of events and as well as performances the company offers a range of musical workshops, school experiences, youth events and cultural engagements to bring opera to a wide audience. These programs are largely no or low cost to participants and allow for local businesses, schools and community groups to be involved in donating, fundraising or participating in opera.

WA Opera has requested a sponsorship of \$10,000.00 from the Shire of Dandaragan towards the Opera in the Pinnacles event and in return will provide:

- Logo on all collateral
- Opportunity for the Shire to nominate a representative to speak at the event
- Facebook posts with links to the Shire
- 2 x school incursions (one performance, one workshop)
- 1 x adult singing workshop

CONSULTATION

Council via Council Forum 8 March 2018

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Allocation of \$10,000 ex GST from the Tourism and Area Promotion Fund 2017-18.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3: Ensure timely provision of essential and strategic infrastructure	b) Provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation
1.4: Ensure the Shire is "open for business" and supports industry and business development	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife
<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute

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2.3: Enhance vibrancy and community identity through culture and the arts	a) Deliver or support the delivery of selected arts, culture and community events
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ATTACHMENTS

Nil


VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Shanhun, seconded Cr Eyre**

That Council endorse a budget allocation of \$10,000 ex GST from the existing tourism expense line item within the 2017 / 2018 budget towards sponsorship of West Australian Opera for their 'Opera in the Pinnacles' event on Saturday 5 May 2018.

CARRIED 9 / 0**9.1.6 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 28 FEBRUARY 2018**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	12 March 2018
Author:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 28 February 2018.

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 28 February 2018.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 28 February 2018 was \$5,203,859. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them,

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in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

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

Note 14 of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 28 February 2018 financial statements, please do not hesitate to contact the Acting Chief Executive Officer 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

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Financial statements for the period ending 28 February 2018 (108058)
(Marked 9.1.6)

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VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Eyre, seconded Cr Gibson****That the monthly financial statements for the period ended 28 February 2018 be adopted.****CARRIED 9 / 0****9.2 INFRASTRUCTURE SERVICES****9.2.1 MAINTENANCE GRADER CHANGEOVER 2017 / 18**

Location:	Dandaragan Depot
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Plant and Equipment Stores / Tendering / Tender Evaluations
Disclosure of Interest:	None
Date:	7 March 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider the changeover of 1 x maintenance grader as outlined in the 2017/18 Shire Budget.

BACKGROUND

In the 2017/18 Budget the Shire has allocated funds for the replacement of 1 x maintenance grader. The Budget allocation for purchase of a new grader and disposal of existing graders with changeover price (ex GST) summarised as follows:

PLANT	PURCHASE PRICE	TRADE / DISPOSAL	CHANGEOVER TOTAL
Volvo G930	\$ 355,000	\$ 70,000	\$ 285,000

COMMENT

In 2015 / 16 a similar process was undertaken regarding changeover of graders. At the time it was preferred to have a fleet of CAT graders to assist with continuity of maintenance servicing, parts and operator familiarity. A cost assessment was undertaken regarding new purchase prices as follows:

- CAT 12M = \$347,185 + GST
- John Deere 670G = \$351,000 + GST
- Komatsu GD555_5 = \$344,000 + GST

A written Request for Quote document developed to changeover existing plant (PCG010) Volvo Grade G930 with a CAT 120M Grader. The budget and scope for new grader included a "free

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roller” which was unfortunately excluded in the 2015/16 budget process, hence the slight increase in new purchase price budget.

The following WALGA preferred suppliers were invited to provide a quote:

- Westrac – supplier of CATERPILLAR Graders

Quote received from Westrac (WALGA Preferred Supplier)

- Trade Volvo G930 = \$70,000 + GST
- Purchase CAT 120M = \$359,100 + GST
- Changeover = \$289,100 + GST
- Changeover Budget = \$285,000 + GST
- Changeover Price is within 10% of budget.

A written Request for Quote document was also issued to the following outlets with regards to disposal of the existing Volvo G930 grader:

- Smith Broughton Auctions = \$65,000 + GST
- Pickles Auctions = \$54,545.45 + GST

A summary of submissions received with changeover costs is as follows:

MACHINE	PURCHASE NEW	TRADE / DISPOSAL	CHANGEOVER TOTAL (ex GST)
WESTRAC - CAT 120M	\$ 359,100	\$ 70,000	\$ 289,100
Smith Broughton Auctions		\$ 65,000	
Pickles Auctions		\$ 54,545.45	

Based upon the quotes and trade prices received the preferred method of changeover for the Volvo G930 grader is through Westrac via purchase and trade-in, with a changeover figure of \$289,100 + GST.

CONSULTATION

- Operations Supervisor – Dandaragan
- Chief Executive Officer

STATUTORY ENVIRONMENT

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publically invited

Section 3.58 Local Government Act (1995) – Disposing of property

3.58. Disposing of property

- (1) In this section —
- dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property includes the whole or any part of the interest of a local government in property, but does not include money.

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- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15

FINANCIAL IMPLICATIONS

The following is a summary of the changeover cost for the preferred supplier:

VENDOR	PURCHASE	TRADE	CHANGEOVER
Budget	\$ 350,000	\$ 70,000	\$ 280,000
WESTRAC - CAT 120M	\$ 359,100	\$ 70,000	\$ 289,100

This is more than the budgeted changeover figure by \$9,100 but within 10% of the material variance threshold.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	o) Plant Operations p) Asset Management

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Shanhun


That Council authorise the Chief Executive Officer to award the changeover of 1 x Vovlo G930 maintenance grader to Westrac – Caterpillar 120M grader for a changeover price of \$289,100 exclusive of GST and details as follows:

VENDOR	PURCHASE	TRADE	CHANGEOVER
WESTRAC - CAT 120M	\$ 359,100	\$ 70,000	\$ 289,100

CARRIED BY ABSOLUTE MAJORITY 9 / 0

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9.3 GOVERNANCE & ADMINISTRATION**9.3.1 COUNCIL MEETING SCHEDULE 2018 / 2019**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Meetings / Meetings
Disclosure of Interest:	None
Date:	20 February 2018
Author:	Scott Clavton, Acting Chief Executive Officer
Signature of Author:	

PROPOSAL

To determine a Council meeting schedule for the period 1 July 2018 to 30 June 2019 and to consider start times for Council Meetings.

BACKGROUND

On an annual basis, local governments in Western Australia are required to establish and advertise a schedule of Council meetings. The Shire of Dandaragan's current schedule sets meetings up to 30 June 2018 and as such it is timely to adopt a new schedule.

COMMENT

Currently, Council meets every fourth Thursday of the month, excepting December. Other changes can occur due to public holidays.

In previous years, Council has allocated one Ordinary Meeting of Council to be held in Cervantes, Dandaragan and Badgingarra. The town that holds the Annual General Meeting of Electors also has the Ordinary Meeting of Council held the same day in that location. In this year's situation, the Annual General Meeting of Electors is to be held in Badgingarra. There will be one Ordinary Council Meeting held in Cervantes and Dandaragan. Badgingarra there will be two.

Please note that Anzac Day falls on Thursday 25 April 2019, the proposed April Council Meeting, the suggested date for the April Meeting would be Wednesday 24 April 2019. The December meeting is always brought forward one week, because of Christmas.

Council set the 4.00pm start time which has been in place since July 2016. This time was adopted by Council when the dates for the 2016 / 2017 Council Meeting Schedule were adopted.

Council has previously discussed the pressures of a long meeting day with the Council Meeting commencing at 4.00pm following the Forum and various other commitments prior. There has been no evidence to suggest that a 4.00pm start has increased the number of members of the public to a Council Meeting.

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CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 requires the advertising of a local government's ordinary meetings of Council.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council adopt the following meeting schedule for the 2018 / 2019 financial year:

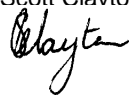
DAY	DATE	TIME	MEETING VENUE
Thurs	26 July 2018	4.00pm	Jurien Bay
Thurs	23 August 2018	11.00am	Jurien Bay School Visit
Thurs	27 September 2018	4.00pm	Dandaragan
Thurs	25 October 2019	4.00pm	Jurien Bay
Thurs	22 November 2018	4.00pm	Cervantes
Thurs	20 December 2018	4.00pm	Jurien Bay
Thurs	24 January 2019	4.00pm 6.00pm	Badgingarra AGM of Electors
Thurs	28 February 2019	4.00pm	Jurien Bay
Thurs	28 March 2019	4.00pm	Jurien Bay

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DAY	DATE	TIME	MEETING VENUE
Wed	24 April 2019	4.00pm	Badgingarra
Thurs	23 May 2019	4.00pm	Jurien Bay
Thurs	27 June 2019	4.00pm	Jurien Bay

CARRIED 9 / 0

9.3.2 COUNCIL FORUMS SCHEDULE 2018 / 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Meetings / Meetings
Disclosure of Interest:	None
Date:	20 February 2018
Author:	Scott Clavton, Acting Chief Executive Officer
Signature of Author:	

PROPOSAL

To determine a Council forum meeting schedule for the period commencing 1 July 2018 to 30 June 2019.

BACKGROUND

Council generally hold forums on the second Thursday of each month, at Jurien Bay commencing at 9.00am and as required prior to Council Meetings at the venue of the Council Meeting.

COMMENT

The current system seems to be working well, however if any Councillors wish to raise issues please do so.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Financial implications relate to the Councillors travel expenses and catering and are not deemed to be significant.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

Objectives	How the Shire will Contribute
5.2 High performing Administration	c) Compliance in all legislative requirements and functions

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council adopt the following Council forum dates / times for the purpose of informally progressing issues of policy, strategy and to receive delegations and presentations:



DAY	DATE	TIME	NOMINAL VENUE *
Thursday	12 July 2018	9.00am	Jurien Bay
Thursday	9 August 2018	9.00am	Jurien Bay
Thursday	13 September 2018	9.00am	Jurien Bay
Thursday	11 October 2018	9.00am	Jurien Bay
Thursday	8 November 2018	9.00am	Jurien Bay
Thursday	13 December 2018	9.00am	Jurien Bay
Thursday	10 January 2019	9.00am	Jurien Bay
Thursday	14 February 2019	9.00am	Jurien Bay
Thursday	14 March 2019	9.00am	Jurien Bay
Thursday	11 April 2019	9.00am	Jurien Bay
Thursday	9 May 2019	9.00am	Jurien Bay
Thursday	13 June 2019	9.00am	Jurien Bay

* Location may be changed on an “as required basis”.

CARRIED 9 / 0

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9.3.3 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	13 March 2018
Author:	Denaye Yandle, Executive Secretary
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to the following documents relating to subdivision conditions of approval for the Dawes property on Lot 800 Indian Ocean Drive:

1. Form N1 - Notification Under Section 70A – advising that a network electricity supply is not available to the lots;
2. Form N1 - Notification Under Section 70A – advising that mains potable water supply and a reticulated sewerage service is not available to the lots;
3. Restrictive Covenant – No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government.

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.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 9.49A of the Local Government Act 1995 applies to the affixing of the Common Seal.

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


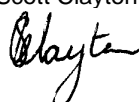
Moved Cr Clarke, seconded Cr Scharf

That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal retrospectively on the following documents relating to subdivision of Lot 800 Indian Ocean Drive:

- 1. Form N1 - Notification Under Section 70A – advising that a network electricity supply is not available to the lots;**
- 2. Form N1 - Notification Under Section 70A – advising that mains potable water supply and a reticulated sewerage service is not available to the lots;**
- 3. Restrictive Covenant – No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government.**

CARRIED 9 / 0

9.3.4 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	21 February 2018
Author:	Julie Rouse, Executive Secretary
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

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PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to the Deed of Licence Agreement between the Shire of Dandaragan and Coastal Kids Care Inc.

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.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 9.49A of the Local Government Act 1995 applies to the affixing of the Common Seal.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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


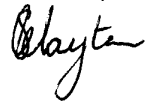
ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Shanahun, seconded Cr Clarke****That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal retrospectively on the Deed of Licence Agreement between Shire of Dandaragan and Coastal Kids Care Incorporated.****CARRIED 9 / 0****9.3.5 TURQUOISE COAST VISITOR CENTRE WORKING GROUP**

Location:	N/A
Applicant:	Turquoise Coast Visitor Centre Working Group
Folder Path:	Business Classification Scheme / Economic Development / Programs / Tourism
Disclosure of Interest:	Nil
Date:	14 March 2018
Author:	Alison Slyn, Economic Development Coordinator
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to receive the Turquoise Coast Visitor Centre Working Group's (TCVCWG) meeting minutes dated 30 January 2018 and 16 February 2018.

BACKGROUND

After being formed in June 2017, the first meeting of the Visitor Centre Working Group was held on Friday 13 October 2017. The Working Group subsequently established a Terms of Reference and has continued meeting regularly to discuss potential implementation of Key Recommendations in the Turquoise Coast Visitor Centre Business Plan (5 Year Plan) 2016-2021.

COMMENT

The Working Group has continued dissecting the Key Recommendations in the Business Plan to establish a process for either implementing them or recommending that they be amended. Once the Working Group has developed more detailed plans for implementation recommendations will be referred to Council for endorsement.

CONSULTATION

- Turquoise Coast Visitor Centre Working Group

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this report.

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POLICY IMPLICATIONS

There are no policy implications in relation to this item. However, the Plan may suggest a direction that Council may wish to consider in a policy at a future time.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report. However, the implementation of the Plan may incur financial costs, which would be subject to Budget consideration in the future.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife c) Expand and improve the visitors' centres network

ATTACHMENTS

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

- 20180207 Visitor Centre Working Group minutes 30 January 2018 (Doc Id: 107979)
- 20180302 Visitor Centre Working Group minutes 16 February 2018 (Doc Id: 107328)

(Marked 9.3.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION



Moved Cr Eyre, seconded Cr Richardson

That Council receive the Turquoise Coast Visitor Centre meeting minutes from 30 January 2018 and 16 February 2018.

CARRIED 9 / 0

9.4 DEVELOPMENT SERVICES

9.4.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PROPOSED SUBDIVISION OF LOT 309 DALTON STREET JURIE BAY

Location:	Lot 309 (42) Dalton Street, Jurien Bay
Applicant:	WAPC and Links Surveying
File Ref:	Development Services Apps\Subdivision Applications\WAPC 156821 - Lot 309 Dalton Street
Disclosure of Interest:	None
Date:	26 February 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

To consider an application for the subdivision of Lot 309 (42) Dalton Street, Jurien Bay and make recommendations to the Western Australian Planning Commission (WAPC).

BACKGROUND

This application is for the subdivision of Lot 309 Dalton Street (980.26m²) into two lots. Approximately, the proposed street frontage lot will be 502m² and rear battle-axe lot 477m² respectively.

The subject land is zoned "Residential" with a Residential Design Codes density number of R12.5.

Development and subdivision of residential zoned land is controlled by State Planning Policy 3.1 Residential Design Codes (R-Codes) which is adopted as part of the Shire of Dandaragan's Local Planning Scheme No.7 under clause 4.2.2.

Table 1 of the R-Codes provides general site requirements for single houses, grouped dwellings and multiple dwellings in areas coded less than R30. The attributes of the table relevant to this subdivision proposal are the minimum site area per dwelling and minimum lot area for rear battle-axe lots. The requirements of a R12.5 coded lot is a minimum site area of 700m² per dwelling and a minimum rear battle-axe lot of 762.5m².

Therefore with these requirements the proposed subdivision is non-compliant with the R-Codes with its current zoning. However strategic planning direction has been given by the Jurien Bay City Centre Strategy (JBCCS) to make such a proposal appropriate given it meets set necessities.

The JBCCS adopted by Council in 2012 stated for the Northern Precinct in which this site is located in should have its residential coding increased to R25 to provide for increased residential

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 MARCH 2018</p>

development and range of dwelling types that will make better use of infrastructure.

The implementation of the JBCCS is highly dependent on provision of mains sewer being constructed in the town centre precinct. With the completion of the sewer pump station and commencement of works for various stages of infill sewer the Shire is currently undertaking the subsequent Local Planning Scheme Amendment, Amendment 35 to align the strategic visions of the JBCCS with the statutory planning document of the Shire, Local Planning Scheme No.7.

Amendment 35 was adopted with modification for final approval by the Western Australian Planning Commission by Council at its 22 February 2018 meeting. Points 2 and 7 of the Amendment are of relevance and influence this proposed subdivision (shown below).

2. Recoding all residential zoned lots within the City Centre area from Residential R12.5 to Residential R12.5/25.

7. Deleting Clause 4.2.6 and introducing Clause 4.3.1 and 4.3.2 as follows:

'4.3.1 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.'

'4.3.2 For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy.'

Consequently, Amendment 35 allows this subdivision to meet the R-Codes site area provisions of R25 coding given it has the ability to connect to reticulated sewerage.

COMMENT

This item is presented at this meeting as comments to the WAPC on the proposed subdivision are due by 4 April 2018.

At an R-Codes density number of R25 the proposed subdivided lot sizes comply with the R-Codes site requirements; as the requirements of a R25 coded lot is a minimum site area of 300m² per dwelling and a minimum rear battle-axe lot of 425m². The smallest lot proposed which is also the battle-axe lot is 477m².

Another point of interest is the access way to the proposed rear battle-axe lot; however the minimum width proposed of 3m is R-Code compliant under clause 5.6 of section 5.3.5 Vehicular Access.

The existing lot contains a single dwelling, outbuilding and limestone retaining wall in the backyard. Only the dwelling will be

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retained in the street frontage lot if this subdivision is successful. All other structures will be removed.

Therefore, the only matter to still be considered for this subdivision to be deemed appropriate is the ability for the site to be connected to reticulated sewerage. Currently the sewer upgrades are across the other side of Dalton Street to service the newly built Strata development. Shire Officers have discussed this matter with the landowner and he understands the requirement to connect to this service and is willing to ensure the site is connected in due course. A recommended subdivision condition to the WAPC of this report will ensure this eventuates.

In summary, the Officer recommends Council support this subdivision with standard conditions to the WAPC.

CONSULTATION

Department of Planning, Lands and Heritage / WAPC

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No 7
- State Planning Policy 3.1: Residential Design Codes
- Development Control Policy 1.1: Subdivision of Land – General Principles
- Development Control Policy 2.2: Residential Subdivision

POLICY IMPLICATIONS

- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

- Jurien Bay City Centre Strategy
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan

Goal 1: Great Place for Residential and Business Development

Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy

ATTACHMENTS

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

- WAPC Referral Letter (Doc Id: 107688)
- Application for Subdivision (Doc Id: 107684)
- Subdivision Plan (Doc Id: 107686)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

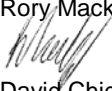

That the Western Australian Planning Commission be advised that Council supports the proposed application for a 2 lot subdivision at Lot 309 Dalton Street, Jurien Bay and provides the following recommended standard conditions:

1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lots at the time of subdivision approval being demolished and materials removed from the lots.
2. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.
3. Suitable arrangements being made with the Shire of Dandaragan for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
4. The access way forming part of the rear lot shall be a minimum width of 3 metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan.
5. The proposed access way being constructed and drained at the landowner/applicant cost to the specifications of the Shire of Dandaragan.
6. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision.
7. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

CARRIED 9 / 0

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9.4.2 AMENDMENT TO PLANNING APPROVAL STRATA PLAN 62036 - "THE WAVES" - 23 DALTON STREET JURIE BAY

Location:	23 Dalton Street, Jurien Bay
Applicant:	Planning Solutions on behalf of Lineview Holdings Pty Ltd
File Ref:	Business Classification Scheme / Land Use and Planning / Subdivision / Requests
Disclosure of Interest:	None
Date:	7 March 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

The applicant seeks to amend planning approval granted by Council on 28 May 2009 for Strata Plan 62036 ("The Waves", 23 Dalton Street, Jurien Bay) to allow an additional 10 units to be used for both permanent accommodation and short stay accommodation (Dual Use).

BACKGROUND

On 23 January 2007, Council granted planning approval for the development of 20 'Grouped Dwellings' (also referred to as tourism accommodation units) on the land now known as Strata Plan 62036. Whilst there were no conditions of approval which specifically limited the use of the land, the dwellings were restricted for short stay accommodation via the strata plan, pursuant to Section 6(1) of the Strata Titles Act 1985. This allows persons to occupy the premises for no more than three months within a 12 month period.

On 28 May 2009, Council granted approval to convert units 9, 10, 11, 12 and 13 (now known as Strata Lots 2, 3, 4, 5 and 6) from short stay accommodation to 'dual use' - allowing the units to be used for either permanent or short stay accommodation. The remainder of the units were therefore limited to short stay accommodation.

On 20 December 2012, Council granted approval for units 4 to 6 and 15 to 20 to be available for permanent residential. However Council revoked this decision on 18 February 2013 on request by DesignInc Perth Pty Ltd on behalf of Lineview Investments Pty Ltd.

On 14 November 2014, the Officer Recommendation of:

That approval not be granted to DesignInc in regard to the request to allocate all units for permanent and short term accommodation at Lots 450 Hill Street and 671 Dalton Street, Jurien Bay for the following reasons:

- 1. The proposal is not consistent with the objectives of the "Tourist" Zone in Local Planning Scheme No.7 which states "To provide for tourism development and uses associated with*

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tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development”.

2. *The proposal is not consistent with the Shire of Dandaragan Local Tourism Planning Strategy which states “The maximum proportion of residential restriction units shall be such that the site retains a dominant tourism function and character as determined by the Council”.*
3. *The proposal is not in keeping with proper and orderly planning.*

LOST 4 / 5

Subsequently, Council decided that the applicant be requested to present their proposal at an Ordinary Meeting of Council or a Council Forum.

At the Council Forum in April 2016 Councillors indicated that there maybe some support for a Scheme Amendment to the subject land to rezone out of the Tourist Zone in order to enable the owner’s development vision. Council advised that it would not support 100% of the site being converted to dual use of permanent and semi-permanent use, but may support a scheme amendment that addressed the tourism use of the site but also allowed for some permanent accommodation.

An item was presented to the April 2016 Council meeting where it was resolved to:

Refuse to amend Local Planning Scheme No.7 to rezone Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay (‘the subject land’) from ‘Tourist’ to “Special Use’ for the following reasons;

1. *The application is contrary to the recommendations of the Shire of Dandaragan Local Tourism Strategy 2012 for this site which seeks to retain the Tourist zoning of this property due to its close location and proximity to the foreshore.*
2. *The applicant has not demonstrated that there is alternate suitable zoned Tourist land available for the long term needs of the community.*
3. *The type and number of proposed permitted uses on this site are not acceptable and not in keeping with the amenity of the area.*

The applicant submitted a modified scheme amendment which Council resolved the following on 15 December 2016:

Pursuant to Regulation 37(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) not to proceed to advertise proposed Amendment Number 30 to rezone Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay from ‘Tourist’ to “Special Use’ to the Local Planning Scheme for the following reasons:

- a) The application is contrary to the recommendations of the

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Shire of Dandaragan Local Tourism Strategy 2012 (the strategy) for this site which seeks to retain the Tourist zoning of this property due to its close location and proximity to the foreshore.

- b) The need for the retention of Tourist zoned lots and achieving quality tourism outcomes is a key concern raised within the Strategy.
- c) The location of short stay units on the beachfront is a key requirement to maintain a mandatory tourism component to the overall development. The proposed location of the tourist short stay units away from the beachfront and facing a residential zone is not accepted as achieving a significant tourist component.

Ensuing these scheme amendment refusals the applicant has now submitted a new simpler proposal which intends to modify the 2009 planning approval to permit an additional 10 units for 'Dual Use'.

This application is for the following Units:

- Strata Lot 1 (comprising 1 existing building and 6 of 11 partially constructed buildings);
- Strata Lot 7 (comprising 1 existing building);
- Strata Lot 8 (comprising 1 existing building); and
- Strata Lot 9 (comprising 1 existing building).

This is reflected as units 1, 7 - 9 and 15 – 20 on Strata Plan 62036. Refer to attachment "Planning Solutions Submission" (Doc ID 107472) for both the Strata Plan and site plan.

The applicant has advised the following:

Since the above approvals were granted, only nine of the units have been fully constructed and are in use. The remaining units have had concrete slabs constructed, but have not progressed further than this. The units have remained in this state for approximately nine years. Completion of the units has been delayed due to financing issues. Put simply, banks and lenders require substantial deposits for short stay accommodation developments, which has been the key factor which has delayed this development.

The units classified as 'dual use' will be capable of use as either permanent and short stay accommodation and would not require further approval to change between these two uses.

The proposal will result in the complex having an overall allocation of 15 units available for 'dual use' out of 20 units, equating to 75%.

The five partially constructed units nearest to the beach are not proposed to be allocated as dual use.

COMMENT

The applicant has supplied the following support for the application:

Shire of Dandaragan Local Planning Scheme No. 7

The subject site is zoned 'Tourist' pursuant to the provisions of the Shire's Local Planning Scheme No. 7 (LPS7). Clause 3.2 of LPS2 sets out the following objective for the Tourist zone:

To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

The proposed use of permanent accommodation most accurately relates to the 'Group Dwelling' land use under LPS7.

'Group Dwelling' is defined under Schedule 1— Dictionary of Defined Words and Expressions is defined as:

means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another. Except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.

'Grouped Dwelling' is a discretionary ('D') use and is therefore capable of approval at the discretion of the decision maker.

The justification for the proposed dual use is discussed in Section 5 of this submission.

Shire of Dandaragan Local Tourism Planning Strategy (2012)

The Shire's Local Tourism Planning Strategy guides the provision of tourism development and accommodation within the Shire. The strategy identifies the subject site as being a 'non-strategic tourism site'. For non-strategic tourism sites, the strategy recommends:

A specified portion of the proposed tourism development or redevelopment of a site, being between zero and 25 per cent inclusive (the approved percentage), may be permitted without imposition of a residential occupancy restriction subject to the site being located to provide adequate access to residential services and amenities, within an appropriate planning context and zoned appropriately.

Rather than set aside certain units as permanent accommodation, this proposal seeks to offer 'dual use' accommodation on the site at a rate of 75%. This is considered appropriate for the following key reasons:

- *Converting an additional ten units on the site to 'dual use' will not prejudice the overarching intent for the site to be used for tourism accommodation, as the units can still be used for short*

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stay accommodation.

- *At present, the unfinished development offers no benefit to the surrounding area and is not achieving its potential as what could be a high quality 'dual use' development within a key area of Jurien Bay. Approving dual use for the selected units will make it is easier to complete the development, at the benefit of the community.*
- *The five beachfront units — being the highest value part of the subject site — are proposed to remain short stay accommodation only. Removing the restriction of short stay accommodation on the remainder of the units will actually make it easier for the entire development (including these beachfront units) to be completed. Approval of this dual use proposal is therefore likely to increase the short stay accommodation offering in Jurien Bay.*

The Local Tourism Planning Strategy is a guiding document, not a binding document. A flexible approach is appropriate in this instance because it will help to resolve the issue of a site where more than half the units have had slabs constructed 10 years ago, but have gone no further.

Planning Bulletin 83/2013 — Planning for Tourism

The WA Planning Commission's Planning Bulletin 83/2013 — Planning for Tourism is intended to guide decision making for planning proposals that relate to tourism.

Table 2 below provides an assessment against the key principles of Planning Bulletin 83.

Table 2: Planning Bulletin 83/2013 assessment

Key principle	Response/comment
<i>Whether the site has the capacity to be developed for a mix of uses and can also deliver a sustainable tourism outcome that will result in the size, type and quality of tourist accommodation appropriate to the site and location.</i>	<p><i>The approved development comprises a total of 20 dwelling units, which are set out in a 'Grouped Dwelling' style configuration. The units are easily convertible and transferable without modifications to the existing or proposed buildings.</i></p> <p><i>The approved development has remained largely uncompleted for a number of years, partially due to the restriction of its use for only tourism accommodation. Offering dual use for the selected dwellings is considered to be the most sustainable way in which to facilitate this development proceeding.</i></p> <p><i>This application will not prejudice the ability for the units to be used for short stay accommodation. The dual use allocation allows units to be used interchangeably as either permanent or short stay accommodation, which allows owners to make decisions on how they are used in response to tourism accommodation demand.</i></p>

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<i>The suitability and sustainability of non-tourism accommodation development within the broader planning and settlement context of the site.</i>	<i>The subject site is highly suitable for non-tourism accommodation as the development is designed in a grouped dwelling style configuration. In terms of the broader site context, it is noted the site is surrounded by residential development to the north, south and east. Additional residential uses in this location would have no impact on the surrounding area.</i>
<i>Assessment of the existing tourist accommodation facilities in the area which takes into consideration the capacity for new tourism development and the projected demand/range of tourist accommodation in a precinct, locality or region.</i>	<i>The development itself has been approved and substantially commenced as short stay accommodation. It is unlikely that the conversion of ten units on the subject site will result in an adverse planning impact, given the existing supply of tourist accommodation facilities in Jurien Bay.</i>
<i>Residential units are designed to encourage integration into the management/letting pool for the tourism facility.</i>	<i>All units are currently on a single strata plan, meaning they must be managed via a strata arrangement.</i>
<i>Innovative master planning of the site to integrate residential and tourism components of the site to both enhance the tourism component of the site and to ameliorate potential conflicts that may arise, such as noise, between tourist accommodation and permanent residents.</i>	<i>N/A— the site only entails 20 units and would not necessitate master planning.</i>
<i>Provision of appropriate lot sizes that will attract the desired tourism operator and type of tourism accommodation required.</i>	<i>N/A — the lot sizes are consistent with the existing approval.</i>
<i>The intensity and compatibility of land use and development including consideration of lot sizes, building heights, scale and character of development and the potential impacts on the surrounding area.</i>	<i>N/A — the proposal simply seeks to change the use of ten approved units to 'dual use'.</i>
<i>Compliance with the relevant State and local government policies and guidelines.</i>	<i>This submission demonstrates consistency with relevant State and local planning requirements.</i>
<i>The location of all units on the site shall provide for ease of tourism access through the site.</i>	<i>The approved units are appropriately located and configured to obtain access via a single internal accessway, which ensures safe, legible and easy access.</i>
<i>The tourism component of a mixed use development shall incorporate those facilities normally associated with tourist accommodation developments such as recreation,</i>	<i>N/A — the development has previously been approved and is within appropriate walking distance of the necessary facilities.</i>

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<i>entertainment facilities and integrated management facilities.</i>	
<i>Appropriate staging so that the tourism development and provision of facilities occurs concurrently to the mixed use and/or residential development.</i>	<i>N/A — the development is already partially completed and is likely to be completed in either one or two further stages.</i>
<i>Conversion of an existing tourism development to facilitate a residential component should not be supported without demonstrating the development will provide a quality tourism outcome or a resultant tourism benefit. Examples include a major refurbishment or increase in the number of tourism units, renovations and/or development of public spaces and new facilities such as pool or restaurant.</i>	<p><i>The proposed conversion of an additional ten dwellings for 'dual use' will assist in delivering a quality outcome for the following reasons:</i></p> <ul style="list-style-type: none"> ▪ <i>Relaxation of the existing tourist restriction will ensure the overall development can be completed, including the five beachfront units which will remain for the sole use of tourism accommodation.</i> ▪ <i>Completion of the development will result in positive impacts to the amenity of the area, through a high quality built form outcome.</i> ▪ <i>Completion of the development will increase the existing extent of tourism accommodation in Jurien Bay.</i>

Having regard to the above, the proposal is consistent with the key principles set out by the Planning for Tourism bulletin and warrants approval accordingly.

JUSTIFICATION

The application to allow 10 of the existing/proposed units to be utilised for dual use will provide added flexibility and is ultimately intended to help this development proceed.

Reason 1— Flexibility will facilitate completion of the development

The approved development commenced construction in 2009, with nine units being completed, but 11 remaining uncompleted, having been constructed to slab level only. Being almost a decade since construction commenced, the owners have not been able to obtain the necessary financing, nor have they been able to sell the uncompleted units to another party who may be interested in completing the development.

At present, the unfinished development contributes nothing to the surrounding area and is clearly not achieving its potential as a beachfront property within a key area of Jurien Bay. The proposal for dual use of the existing and proposed units will offer the owners (and future owners) with greater flexibility. The completion of the development will improve the streetscape, offering activity and surveillance at the benefit of the broader community.

Reason 2 — Maintains short stay accommodation as a key component

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Converting an additional ten units on the site to 'dual use' will not prejudice the overarching intent for the site to be used for tourism accommodation, as the units can still be used for short stay accommodation. Whilst the Local Tourism Planning Strategy has sought to mandate a proportion of the site to be maintained as short stay accommodation, it should be noted that the strategy is not a binding document. We submit it is appropriate, in this circumstance, to apply a more flexible approach, particularly noting the difficulties in developing these units as identified in reason 1 above.

Once constructed, the market would ultimately dictate how many of the units would be used for short stay accommodation. However, for the existing units which are used for short stay accommodation, these have been well occupied, particularly in summer months. Without the flexibility of being able to tenant the properties for longer than three months, banks and investors see this as a risk when financing a development.

Importantly, the five beachfront units are proposed to remain short stay accommodation only. These are the 'premium' units on the subject site as they have a direct outlook to the ocean. This will ensure that the highest value portion of the site is dedicated to short stay accommodation. Furthermore, as outlined in reason 1, removing the restriction of short stay accommodation on the remainder of the units will actually make it easier for the entire development (including the beachfront units) to be completed. Approval of this dual use proposal is therefore likely to increase the short stay accommodation offering in Jurien Bay.

Reason 3 — No undue impacts on surrounding areas

At present, short stay accommodation units can be tenanted for up to three months at a time. Removing the restriction on short stay accommodation for the ten additional units will simply give owners the option to lease the units for a period longer than three months. This change has no impact on the amenity of the surrounding locality. Furthermore, the location is highly appropriate for permanent residential, particularly noting the areas to the north, south and east of the site are zoned for residential purposes.

Given the comprehensive submission from the applicant it is the officer's recommendation that the applicant be granted an amendment to the 2009 approval to convert an additional 10 units on Strata Plan 62036 (23 Dalton Street, Jurien Bay) for 'Dual Use' for the following concluding reasons:

- The proposal will facilitate the completion of a high quality development within a key location of Jurien Bay, resulting in a measurable community benefit.
- The proposal will not prejudice the ability of the units to be used for tourism accommodation, noting they will be available for 'Dual Use'.
- The five beachfront units, representing the highest value units

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on the site, are proposed to remain short stay accommodation only.

- The proposal meets the key principles set out by Planning Bulletin 83/2013 - Planning for Tourism, which relate to the provision of permanent accommodation within tourist locations.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Strata Titles Act 1985

POLICY IMPLICATIONS

- Planning Bulletin 83/2013 - Planning for Tourism
- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$295.

STRATEGIC IMPLICATIONS

- Local Tourism Planning Strategy 2012
- 2016 – 2026 Strategic Community Plan:

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

ATTACHMENTS

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

- Planning Application The Waves (Doc Id: 107705)
- Planning Solutions Submission (Doc Id: 107706)
- The Waves Strata Meeting (Doc Id: 107707)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

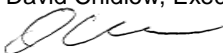

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council amend its approval granted on 28 May 2009 for Strata Plan 62036, "The Waves", 23 Dalton Street, Jurien Bay to allow an additional ten (10) units to be used for both permanent accommodation and short stay accommodation (Dual Use), resulting in 75% of the units being listed as Dual Use. The ten (10) units subject to this amendment are units 1, 7 - 9 and 15 - 20 in accordance with the attached plans date stamped 22 March 2018.

CARRIED 9 / 0

9.4.3 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLANNING – FINAL DRAFT ADVERTISING

Location:	Cervantes and Jurien Bay Foreshore and associated areas
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Grants and Subsidies / Programs / Coastal & Marine Management
Disclosure of Interest:	None
Date:	7 March 2018
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider initiating a public consultation process with respect to the Shire of Dandaragan's Draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)

BACKGROUND

State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6 or the Policy) requires local planning authorities to prepare for the impacts of coastal erosion and coastal inundation (temporary flooding of normally dry land). The Policy requires local government to show due regard for its policy when making or revising schemes and assessing new development.

The Policy also requires that local governments, and other relevant planning authorities with coastal jurisdiction, prepare CHRMAPs in accordance with the Policy, policy guidelines and CHRMAP guidelines.

The Policy indicates a clear preference for relevant authorities to consider a strategy of Planned or Managed Retreat over coastal protection. Planned and managed retreat is aimed at accommodating the impacts of long term sea level rise (current projections of 0.9m by 2110), preserving public beach access and coastal ecosystems, and providing future decision makers with flexibility to change management approaches (unlike hard coastal protection).

In September 2017, the Western Australian Planning Commission released the draft Planned and Managed Retreat Guidelines (the Guidelines) to provide guidance as to how planned and managed retreat could be implemented under the existing State legislative and policy framework. The Guidelines recommend the use of voluntary or compulsory acquisition provisions provided for under the Land Administration Act 1997 (WA) and Planning and

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Development Act 2005 (WA). In reality, this is unlikely to occur in the Shire of Dandaragan unless the State or Commonwealth Governments provide the majority of funding to acquire property. There is no obligation on Government to adopt a strategy that may invoke a requirement to compensate land owners for loss due to erosion.

It is important to note that while the managed retreat option is recommended in this CHRMAP, its future implementation will need further investigation with respect to the implications for both Government and private stakeholders. It is also important to note that landowners who may be considering purchasing or developing land in designated hazard areas should not assume that any funds will be forthcoming to support future retreat.

Community engagement sessions were held in the Shires of Dandaragan and Gingin during May 2017. At these sessions, the community had the opportunity to view and discuss the maps, provide information about the uses and values of coastal areas to inform future planning, and see examples of how other communities are adapting to coastal change. These sessions were open to all members of the public and participants were asked to complete a feedback form at the session. Coastal engineers, marine scientists, planners and Shire representatives were on hand to discuss the information in person.

The information gathered at these sessions was used to inform this final draft of the plan.

COMMENT

Ashley Robb, Project Manager, Coastal Adaptation Planning Gingin Dandaragan Coastal Partnership presented to the Council at Forums held on 23 March 2017 and 7 December 2017.

Development of the Dandaragan Draft CHRMAP has followed the requirements of SPP 2.6 and supporting guideline documents. Previous work had highlighted that the town-sites of Jurien Bay and Cervantes as being at risk of coastal erosion and these areas form the focus for this CHRMAP.

The coastal zones of each township were divided into management units with similar asset types and exposure to coastal hazards. The risk and vulnerability assessment was applied to each management unit and results highlighted the most vulnerable management unit within each township, for which more detailed assessment of adaptation options were investigated. A range of options for addressing the challenges of coastal erosion and its effects on the coastal zone over the next decade and century have been outlined.

While it is natural that local communities would prefer to protect and preserve the current features of the coastal zone, the reality is

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that unless some new and innovative protection methods are developed, the costs of maintaining current features will likely become prohibitively expensive at some point in the future, given current sea level rise projections.

The interim nature of protect options needs to be recognised across the community and adaption options developed and solutions optimised for social, environmental and economic (affordability) drivers.

In the absence of funding to acquire properties and implement a strategy of planned or managed retreat and resources to fund long term protection strategies, the Shire's Administration has worked with Cardno and the Department of Planning, Lands and Heritage to design an alternative interim planning framework. This planning framework accords with advice received from the Department of Planning, Lands and Heritage in 2016 and can be readily adapted to facilitate a strategy of planned or managed retreat as per the Guidelines if funding becomes available for acquisition in the future.

This alternative framework utilises time limited planning consents to allow the continued development and use of land until coastal hazards materialise. This framework does not provide compensation to landholders if coastal hazards materialise. The complex planning issues around setting the intent and establishing controls such Special Control Areas to either restrict development within currently developed areas and / or rezone currently undeveloped land to avoid future development are discussed for each of the management units within each township. A number of options was identified that aim to protect developed areas under imminent threat of a storm erosion event. The Shire of Dandaragan's Draft CHRMAP is provided in the attachments.

CONSULTATION

In the event that Council agrees to proceed to public consultation with respect to the Draft CHRMAP, then advertising will be undertaken with a submission period of 45 days. It is envisaged that a further report, including any public submissions, will be submitted to the next available Council meeting following consultation.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.
- Planning and Development Act 2005
- State Planning Policy 2.6: State Coastal Planning Policy

POLICY IMPLICATIONS

- There are no local policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

- The project has been funded by the Department of Planning, the Shires of Dandaragan and Gingin.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goat 4: Healthy Natural and Built Environment</i>	
Objectives	How the Shire will contribute
4.1 Maintain integrity of coastal and marine environments	a) Manage pressure on coastal/beach environment from visitation/locals on Shire of Dandaragan reserves

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

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

ATTACHMENTS

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

- Shire of Dandaragan's Draft CHRMAP (Doc Id: 108165)
(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


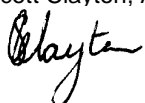
Moved Cr McGlew, seconded Cr Richardson

That Council agree to initiate a public consultation process to the draft Coastal Hazard Risk Management and Adaption Plan (CHRMAP) (Doc Id: 108165) for a period of 45 days.

CARRIED 9 / 0

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9.4.4 PROPOSED NEW AMBULANCE CENTRE, PORTION OF LOT 595 WESTON STREET, CERVANTES

Location:	Lot 595 (vacant crown land) Weston Street, Cervantes
Applicant:	Shire of Dandaragan
File Path:	Business Classification Scheme / Emergency Services / Service Provision / Ambulance Services
Disclosure of Interest:	None
Date:	12 March 2018
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to seek vesting for purposes of Emergency Services (ambulance) and management order over portion of Lot 595 Weston Street Cervantes from the Department of Planning, Heritage and Lands to accommodate a new ambulance centre.

BACKGROUND

The Department of Fire and Emergency Services submit the following request;

St John Ambulance Cervantes are delivering a proposal for consideration by the Dandaragan Shire Council into the feasibility of building a new Ambulance station in Cervantes and the possibility of the shire providing an appropriate "block of land" to build that station on.

Over the past five years Cervantes' Ambulance workload has increased significantly and it has become a very busy ambulance station. Aside from local calls, Cervantes supports numerous surrounding ambulance districts including Jurien Bay, Moora, Lancelin, Green head and Leeming, as and when required.

In 2012 Cervantes completed 54 ambulances Calls. Comparatively in 2017 - 212 ambulance calls were completed.

The volunteers of the Cervantes Ambulance sub centre are now formally approaching the Dandaragan shire to investigate the expansion of Ambulances services and ensure the continued delivery of a world class ambulance service into the future.

The Cervantes Ambulance station was refurbished in 1998 and the ambulance team has outgrown the current facility. The station only has room for two ambulances and does not allow for expansion of our fleet, response and operational activities and adequate first Aid delivery.

Upgrading the current facility would not be cost effective or practical; St John Ambulance currently has a new generic building

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plan that would suit the needs of Cervantes and the shire (Attached plan), and address these issues.

We therefore request your consideration and feedback regarding the feasibility and possible acquisition of the vacant land beside the Cervantes Fire Station as an appropriate site for building this new facility.

Proposed location



COMMENT

The land is currently Vacant Crown Land VCL comprising an area of 9751m². The applicant has requested a portion of land that aligns with the existing rear boundaries abutting the playground and vehicle track on lot 795 Weston Street and also abutting the unmade road reserve to the south of the lot. For the purposes of this request the track is included in the request until final details of the exact portion of land are determined based on a development application.

The proposed site is in keeping with the locality being approximately 50m from the existing ambulance facility and approximately 35m from the fire station.

An approximate 2530m² is proposed to be excised from the total land area of Lot 595. The land is vacant crown land and there will be a process including any indigenous land title claims.

The purpose of this report is to initiate the process for vesting of the land.

CONSULTATION

Nil

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STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Land Act

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	g) Manage risk

ATTACHMENTS

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

- Proposed new Ambulance Centre (Dowerin plans)(Doc Id: 106867)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That Council agree to the request from Fire and Emergency Services to consider land for the purposes of a new St John Ambulance centre and seek from the Department Planning, Lands and Heritage vesting for the purposes of Emergency Services with management plan over portion of Lot 595 Weston Street, Cervantes.

CARRIED 9 / 0

Cr Clarke declared an impartial interest in Item 9.4.5 due to having worked for AAA Egg and still working for them occasionally.

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9.4.5 PROPOSED FREE RANGE POULTRY FARM – LOT 3751 MUNBINEA ROAD HILL RIVER

Location:	Lot 3751 Munbinea Road, Hill River
Applicant:	AAA Egg Company Pty Ltd
File Ref:	Development Services Apps / Development Applications / 2017/ 70
Disclosure of Interest:	None
Date:	8 February 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for a free range poultry farm located on Lot 3751 on the corner of Munbinea and Cervantes Roads, Hill River.

BACKGROUND

Lot 3751 Munbinea Road (1939ha) has recently been subdivided into two lots of approximately 1668.8ha and 270.2ha respectively. The applicant proposes the egg farm development for the smaller lot of 270.2ha (future lot 42), which is majority cleared of native vegetation and of minuscule topography. The proponent outlines this development has essentially the same design features as the egg farm at Lot 25 Munbinea Road (approximately 2km northwest) approved by Council in July 2017. AAA Egg Company Pty Ltd also applied for a third egg farm at Lot 4 Mimegarra Road, Cataby. This egg farm was recommended by Council to be approved by the Wheatbelt JDAP in August 2014, however AAA Egg Company withdraw their application before the JDAP Hearing due to further environmental findings of the site.

The proponent intends to situate the egg farm in the middle of the property with the nearest laying shed to any boundary being 200m from Cervantes Road. No other boundary setbacks are given on the site plan.

The proposal consists of:

- 12x egg laying sheds approximately 100m x 22.4m
- 2x 250m² managers residences
- 50m x 7.5m workers accommodation and kitchen
- 16m x 26m office, cool-room and staff amenities
- 38m x 10m workshop and machinery shed
- 2x water tanks
- 8m x 6m gen shed
- 40m x 12m fodder shed

The maximum number of laying hens on site will be 360,000, 30,000 per shed.

The objective for 'Rural' zoned land in Local Planning Scheme no.7 is:

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

A free range poultry farm fits under the land use “animal husbandry – intensive” Under the Scheme this is defined as:

“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots”.

Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are “D” uses (discretionary approval) in a Public Drinking Water Supply Area where Council will have due regard to the potential impact on groundwater quality.

The proponent's newly subdivided property is located outside the northwest border of a Department of Water and Environmental Regulation's Priority 2 Public Drinking Water Source Area (Cervantes Water Reserve) and approximately 16km from the Water Corporation's production bores.

The proponent's property is however located in the predicative Bassendean Precinct Special Control Area of Scheme. Whereby, the Scheme states the following:

5.2 Bassendean Precinct Special Control Area

The Bassendean Precinct Area is an important environmental unit in the central coast region. The area comprises deep porous sands that are hydrologically connected to a number of wetlands in the area. The area is noted as a significant area of internal drainage which is particularly vulnerable to the use of fertilizers.

Purpose of the Special Control Area

- 1. To preserve the ecological values of the Bassendean Precinct and interrelated wetlands.*
- 2. To avoid development and land uses which would negatively impact on the environmental values of the area.*
- 3. To ensure that future land use in the area, including agriculture, mining and recreational activities does not degrade the area.*
- 4. To ensure that any development takes place in such a manner so as to safeguard the environmental values of the area.*

Relevant Considerations

In considering any rezoning request, subdivision or development application the Local government will have regard to the following:

- Development applications for land within the Bassendean Precinct should not be approved where the development may result in an increase of nutrient release into the soil. The impacts of proposals for aquaculture, commercial tree*

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plantations, earthworks (such as filling and excavation) and intensive agriculture will be carefully assessed.

Local strategic planning guidance is given in the Shire's Local Planning Strategy - Rural Land Use and Settlement 2012:

8.1.2 Intensive Agriculture

The 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. seek to ensure the impacts of the proposed use/development can 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.*

Avoiding Landuse Conflict

Intensive animal industries such as feedlots, some horticultural activities and piggeries have the potential for detrimental impacts of water pollution, noise, dust, odour and possible soil erosion. Location of these uses therefore requires careful consideration by the Council in order to avoid environmental degradation and land use conflict.

Department of Environment and Conservation (DWER) guidelines in relation to buffers to minimize land use conflicts between rural industries and residential areas are summarised in Table 7. These buffer distances should be considered as a starting point for planning purposes and not the sole means of minimising the risk of land use conflict.*

*Table 7: DEC recommended buffer distances between Rural Industries and Residential areas**

INDUSTRY	BUFFER DISTANCE (metres)
Poultry industry	500

Conflict can also occur between various forms of agricultural land use and for many agricultural practices it is not feasible to contain impacts within lot boundaries.

Greater awareness of, and adherence to, relevant Codes of Practice for other agricultural land use activities can also help to minimise land use conflict as well as off-site environmental impacts.

Further local strategic planning guidance is given the Shire's Draft Local Planning Strategy 2016 (this strategy will supersede Local Planning Strategy - Rural Land Use and Settlement 2012):

5.3.4 Avoiding land use conflict

Guidance for separation distances between Industrial land and sensitive land uses is provided by the Environmental Protection Authority. (EPA: Guidance for the Assessment of Environmental Factors No. 3, June 2005). These generic separation distances and buffer areas have been developed to complement and assist the implementation of the SPP 4.1, State Industrial Buffer Policy. It is intended to provide an approach to minimise the land use conflict between industry, including rural industries and surrounding sensitive land uses. These buffer distances are not a substitute for taking all necessary measures to contain impacts on-site.

Registering of notifications on land titles alerting surrounding landowners to amenity impacts may also be needed to limit potential future land use conflicts. Those purchasing land will be made aware that living in or close to an agricultural area may impinge on their quality of lifestyle.

5.3.9 Accommodation for farm workers

As the agricultural activities diversify, costs increase for travel and local circumstances change, there is a growing interest in providing on-site accommodation for managers and full time, part time and seasonal workers working on the property.

In principle, the shire supports the use of workers' accommodation on or near the properties on which they work subject to each application being assessed on it's the individual merits. When considering application for farm workers accommodation on rural land Council will take the following matters into consideration:

- *suitable access to the property being provided;*
- *the availability of services and infrastructures;*
- *the management of potential adverse impacts and land use conflict;*
- *a preference to cluster similar uses on the property, and*
- *the inclusion of conditions in the approval to prevent workers accommodation being used as justification for a future subdivision.*

COMMENT

The following is comments on the major concerns of the proposed poultry farm.

Services and Infrastructure

- Cervantes and Munbinea Roads are sealed roads and provide good access to the site.

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- The applicant is advised to liaise with Western Power to ensure there is sufficient power available to the site.

Land Capability

- The applicant has advised that from a desktop study and site visit the evaluation results indicate the site would be suitable for its intended purpose of a free range egg production farm (see attached Environmental Assessment).

Vehicle Access Requirements

- A traffic management plan will be implemented to maintain and enhance internal vehicle access areas and minimise the potential for traffic conflict and generation of unreasonable offsite noise or dust.
- A dust management plan will also be implemented to minimise dust generation with the potential for off-site impact.

Ground and Surface Water

- The Department of Water and Environmental Regulation (DWER) were consulted for comment on the proposal and provided the following feedback on this matter:

The submitted proposal did not include any detailed information regarding soil and water management during the construction of the development. Particular attention should be paid to potential weather effects on range areas that may impact on poultry, soil or water resources including:

- *Free to range enclosures should be sited where the ground surface is at least three metres above the water table to reduce the risk of flooding. Where soils have low permeability, floodwaters may transport nutrients from manure into wetlands.*
- *A site where open areas of standing water may occur should be avoided as wild birds may be attracted, exposing poultry to an increased risk of disease.*
- *A suitable area should be provided to allow roaming birds to forage without causing significant soil damage, nutrient leaching or loss of contaminant filtering vegetation to property boundaries, waterways and water bodies.*

It is recommended that should the development be approved that conditions are enforced requiring the following plans to be developed in consultation with the Department of Water and Environmental Regulation (Regulatory Services (Water)):

- *Assessment of the wetland areas located on the property with appropriate buffers and fringing vegetation defined.*
- *Soil and Water Management Plan.*
- *Stormwater Management Plan prepared in accordance with the Stormwater Management Manual for Western Australia.*

It is also recommended that any wastewater treatment and disposal systems for the manager's houses and/or donga accommodation be designed in accordance with the Water Quality Protection Note No. 70 – Wastewater treatment and disposal – domestic systems

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Service Water

- The applicant is liaising with DWER to gain permission to use ground and surface water. It is believed there will be sufficient quality and quantity of bore water to service the industry.

Remnant Vegetation and Wetland Protection Requirements

- The site is largely cleared of original vegetation; however an area of remnant banksia wood in the central part against Cervantes Road and an uncleared wetland area in the north west of the property exist. The proposed development is located away from both these land characteristics.

Land Use Conflict

- There is no wider potential for land use conflict from things such as spray drift or smoke between existing and proposed use.
- The use will not sterilise land with potential for urban expansion or other long term land needs as there is unlikely to be any urban expansion in the vicinity.
- There are no sensitive adjoining land uses.
- The proposed development will form a uniform group with AAA Egg Company's first site located approximately 2km northwest at Lot 25 Munbinea Road.
- The development should not significantly detract from any scenic landscape and/or conservation attributes identified in the locality as the proposal is approximately 11km from Indian Ocean Drive.
- Tronox request that the proximity of valuable mineral resources and possible future mining activities be communicated to the proponent.

Buffers with Adjacent Uses

- As there are no existing dwellings or other sensitive land uses within 1000m of the site the application complies with both local and State buffer distance standards.
- Further to Table 7 from the Shire's Local Rural Planning Strategy illustrated above the Department of Primary Industries and Regional Development (DPIRD) have advised that there is a required minimum distance of 1000m required between any other poultry farm sheds. The proposed poultry farm complies with this requirement as the poultry farm will be located approximately 2km from the proponent's other operating poultry farm in the Hill River region.
- The proposed development will also comply with the 1000m setback requirement from any sensitive land use stipulated under the EPA Guidance Statement No. 3 – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses.

Safety, Health and Amenity of the Locality

- Given the site management protocols, separation distances from existing dwellings and the very unlikely development of

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urban land within the vicinity of the proposal, there are no adverse impacts on nearby residents.

- An advice note is provided to applicant to advise that the proposal should at all times comply with the Biosecurity & Agriculture (Stable Fly) Management Plan 2013 in order to minimize the effects of stable flies on the community.

Size and Timing of the Operation

The applicant has advised the following:

- The operation of a poultry farm is 24 hours a day, 7 days a week commitment, however the applicant has stated standard hours of operation for regular activity will be from 6am to 8pm Monday to Sunday.
- 120m³ of manure is produced weekly.
- Each poultry shed is depopulated approximately every 5.25 weeks creating 60tons of carcasses (11.43tons weekly).
- General waste is approximately 2 to 3m³ per month.

Waste Disposal

- A waste and manure management plan will ensure best industry practices are implemented to ensure offsite impacts are minimised.
- Manure moisture levels are monitored and will be kept below the level known by the farm managers to cause odour.
- Manure from the poultry sheds will not be spread on the property.
- Manure will be removed from the poultry sheds twice weekly via conveyor belts to waiting trucks who will remove the waste offsite for further processing, reuse or disposal.
- Normal mortality of birds will be collected daily or more frequently if required. The disposal of such will also occur daily either through refrigeration, composter or other approved methods of disposal.

Conditions of approval will ensure all waste is disposed correctly and safely and any adverse impacts of the waste to the environment are minimised and are not simply transported elsewhere. Conditions of approval will ensure all waste transported offsite for:

- further processing and/or reuse shall be to the standards stated in the Environmental Guidelines for the Australian Egg Industry; and
- disposal is to a Department of Water and Environmental Regulation Licensed Controlled Waste Facility under Part V of the Environmental Protection Act 1986. However this is only applicable to waste facilities which receive in excess of 1,000 tonnes annually under Schedule 1 of the Environmental Protection Regulations 1987.

The Department of Primary Industries and Regional Development on consultation requested further information from the proponent

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to make a comment on the proposal. In response to this Terry Woodard, the Director of AAA Egg Company stated the following:

As submitted, we are proposing to build 12 x 30,000 bird controlled environment, free-range poultry sheds that are the latest technology equipment from Big Dutchman in Europe who are global leaders in poultry housing systems.

The sheds design, equipment and construction will allow the hens to spend up to 8 hours per day free ranging on reticulated paddocks, the balance of the hens time will be spent inside the shed where they will drink, feed, lay eggs and roam in the controlled environment. The specifics of the daily life of the hens meet or exceed the current Poultry Code of Practice 4th Edition as well as the proposed Australian Animal Welfare Standards and Guidelines for Poultry currently being reviewed.

AAA Egg Company is the leading producer of both cage and free range eggs in Western Australia and operate multiple free range sites in WA that strictly follow HACCP principals of food safety that are incorporated into our QA systems to comply or exceed the minimum standards identified by the various codes. We strongly support the Standards and Guidelines for Poultry review becoming mandatory legislation nationally to further strengthen the requirements of egg producers.

Our farm managers are trained in HACCP based Quality Assurance systems that are practical, effective and provide for ongoing improvement via review and action methodologies.

We verify these systems through senior staff (including Livestock, Operations and Quality Assurance managers) who are Certificate IV in Training and Assessment to carry out ongoing internal training and verification of our QA system.

Environmental Standards

Each of our sites including the Proposed Site No 2. Hill River Poultry Farm are bound by a site specific environmental code of practice to ensure we meet or exceed the standards (these can be found in the attached documentation).

The environmental assessment report written in consultation with Dr Peter Keating from Bio Science is derived from the relevant local, state and national environmental standards (these can be found in the attached documentation).

Given the above information it is the Officer's view that if the site is well managed to the protocols listed, there will be minimal impact to neighbouring properties and the environment and is therefore supported with conditions.

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CONSULTATION

- Department of Primary Industries & Regional Development;
- Department of Water & Environment Regulation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Fire and Emergency Services;
- Local newspapers;
- Surrounding land owners; and
- Shire Officers.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Environmental Protection Act 1986
- Environmental Protection Regulations 1987

POLICY IMPLICATIONS

- SPP 2.5 – Rural Planning Guidelines
- SPP 2.9 – Water Resources
- WAPC Fact Sheet – Poultry Farms
- Environmental Code of Practice for Poultry Farms in Western Australia
- Environmental Guidelines for the Australian Egg Industry
- Poultry Code of Practice 4th Edition
- Australian Animal Welfare Standards and Guidelines for Poultry
- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of \$17,553 for the planning application.

STRATEGIC IMPLICATIONS

- Local Planning Strategy - Rural Land Use and Settlement 2012
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them

ATTACHMENTS

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

- Subdivision Plan (Doc Id: 107611)
- Site Plan (Doc Id: 107597)
- Environmental Assessment (Doc Id: 107599)
- Environmental Management Plan (Doc Id: 107596)
- Schedule of Submissions (Doc Id: 107602)

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Gibson

That Council approve the planning application for a proposed Free Range Poultry Farm on Lot 3751 Munbinea Road, Hill River to AAA Egg Company subject to the following conditions of approval:

- 1. The land use and development shall be undertaken in accordance with the approved and stamped plans, including the approved Environmental Management Plan.**
- 2. This Approval is for an Animal Husbandry - Intensive (Free Range Poultry Farm) only.**
- 3. The use and development must be substantially commenced within 3 years of the date of this approval.**
- 4. Poultry shed design and management, management of stock feed, water, waste products and all other aspects of poultry farm operation are to comply with the management guidelines set out in the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004) and the Environmental Guidelines for the Australian Egg Industry (June 2008).**
- 5. The maximum number of laying hens shall be 360,000.**
- 6. Crossovers, access and egress to the subject site from Munbinea Road and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent.**
- 7. All internal roadway surfaces within the site are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit dust generation to the satisfaction of the Shire's Chief Executive Officer.**
- 8. The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of:**
 - i. Transportation of materials, goods and commodities to and from the premises;**
 - ii. Appearance of any buildings, works and materials;**

and

- iii. The emission of noise, odour, vibration, dust, wastewater, waste products or reflected light.
- 9. The applicant is to carry out of each of the elements of the Environmental Management Plan including the audit protocol set out within the Environmental Management Plan.
- 10. Prior to the commencement of the development, an amended Soil and Water Management Plan shall be submitted to the Shire and approved by the Chief Executive Officer.
- 11. Prior to the commencement of the development, a Stormwater Management Plan prepared in accordance with the Stormwater Management Manual for Western Australia shall be submitted to the Shire and approved by the Chief Executive Officer.
- 12. Prior to the commencement of the development, an assessment of the wetland areas located on the property with appropriate buffers and fringing vegetation defined shall be submitted to the Shire and approved by the Chief Executive Officer.
- 13. All waste transported offsite for further processing and/or reuse shall be to the protocols of the Environmental Guidelines for the Australian Egg Industry (June 2008).
- 14. All waste transported offsite for disposal shall be to a Department of Water and Environmental Regulation Licensed Controlled Waste facility under Part V of the Environmental Protection Act 1986. This condition is not applicable to facilities which receive less than 1,000 tonnes of waste annually under Schedule 1 of the Environmental Protection Regulations 1987.
- 15. In the event of any adverse environmental conditions caused by the proponent, the Chief Executive Officer may impose conditions to rectify and remediate the environment by and at the cost to the proponent.

Advice Notes:

- Note 1:** Further to this approval, the Applicant may be required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and the Health Act 1911 which are to be approved by the Shire's Manager Building Services and/or Manager Environmental Health prior to issuing a Building Licence.
- Note 2:** The Department of Health advises that any form of pest control using pesticides must comply with the Health (Pesticides) Regulations 2011.
- Note 3:** It is advised that the proposal should at all times comply with the Biosecurity & Agriculture (Stable Fly) Management Plan 2013 in order to minimize the effects of stable flies on the community.
- Note 4:** It is advised that the proposal should at all times

comply with the provisions of the Food Act 2008 and related regulations, codes and guidelines and in particular the Primary Production Standard in relation to Egg production.

Note 5: The applicant is advised that the Shire of Dandaragan is aware of the potential for poultry manure and dead birds used as fertiliser on farms to cause offensive odours. The Shire requires the applicant to accept responsibility to ensure that their waste is disposed of in an appropriate manner to the Department of Primary Industries and Regional Development (Agriculture) guidelines and relevant industry and Australian Standards. The Shire considers this to be especially important where there may be any surrounding sensitive land uses such as tourist based industry and residential to ensure that odours do not impact on those land uses

Department of Water and Environmental Regulation Advice Notes:

- Free to range enclosures should be sited where the ground surface is at least three metres above the water table to reduce the risk of flooding. Where soils have low permeability, floodwaters may transport nutrients from manure into wetlands.
- A site where open areas of standing water may occur should be avoided as wild birds may be attracted, exposing poultry to an increased risk of disease.
- A suitable area should be provided to allow roaming birds to forage without causing significant soil damage, nutrient leaching or loss of contaminant filtering vegetation to property boundaries, waterways and water bodies.
- Any wastewater treatment and disposal systems for the manager's houses and/or donga accommodation be designed in accordance with the Water Quality Protection Note No. 70 – Wastewater treatment and disposal – domestic systems.

Western Power Advice Notes:

The applicant is to be made aware that before commencing any work it is essential that they complete a Dial Before You Dig enquiry to obtain the location and voltage of the Western Power network.

Mining Advice Notes:

Tronox request that the proximity of valuable mineral resources and future mining activities be accounted for in the assessment of this development and communicated to the proponent. If approved, the development must be undertaken with the knowledge of being located adjacent to future mining and mineral haulage activities, and the associated

interactions that will arise.

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – FEBRUARY 2018 COUNCIL STATUS REPORT

Document ID: 107283

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 February 2018. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – FEBRUARY 2018

Document ID: 107355

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for February 2018. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – FEBRUARY 2018

Document ID: 107354

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for February 2018. **(Marked 9.5.3)**

9.5.4 WA ELECTORAL COMMISSION – 2017 LOCAL GOVERNMENT ORDINARY ELECTIONS – CEO SURVEY FINDINGS

Document ID: 106829

Attached to the agenda is correspondence from WA Electoral Commission 2017 Local Government Ordinary Elections – CEO Survey Findings **(Marked 9.5.4)**

9.5.5 WHEATBELT SECONDARY FREIGHT ROUTES

Document ID: 107167

Attached to the agenda is a copy of the Wheatbelt Secondary Freight Routes Update **(Marked 9.5.5)**

9.5.6 LOCAL EMERGENCY MANAGEMENT PLAN FOR PROVISION OF WELFARE SUPPORT

Document ID: 107253

Attached to the agenda is a copy of the Local Emergency Management Plan for Provision of Welfare Support – Moora District **(Marked 9.5.6)**

9.5.7 DEPARTMENT OF PLANNING, LANDS AND HERITAGE

Document ID: 107124

Attached to the agenda is correspondence in relation to Closure of portion of Aragon Street and Talavera Road for creation of new reserve for purpose of "Memorial Park" **(Marked 9.5.7)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 MARCH 2018**9.5.8 LEMC MEETING MINUTES – 21 FEBRUARY 2018**

Document ID: 106882

Attached to the agenda is a copy of the Minutes of the Local Emergency Management Committee (LEMC) held 21 February 2018 (*Marked 9.5.8*)

9.5.9 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR FEBRUARY 2018

Document ID: 107529

Attached to the agenda is monthly report for Tourism / Library for February 2018 (*Marked 9.5.9*)

9.5.10 PREMIER MARK MCGOWAN MLA – MOORA RESIDENTIAL COLLEGE

Document ID: 108175

Attached to the agenda is correspondence from Premier Mark McGowan in relation to the closure of Moora Residential College (*Marked 9.5.10*)

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

The presiding member declared the meeting closed at 5.00pm.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 MARCH 2018

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date