



SHIRE
of
DANDARAGAN

MINUTES (PUBLIC)

of the

ORDINARY COUNCIL MEETING

held at the

DANDARAGAN COMMUNITY RECREATION CLUB, DANDARAGAN

on

THURSDAY 27 SEPTEMBER 2018

COMMENCING AT 4.04PM

(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 Shire President declared the meeting open at 4.04pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 4 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 J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanhun	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms M Perkins	(Community Development Officer)

Apologies

Nil

Approved Leave of Absence

Councillor D Slyns

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 SEPTEMBER 2018**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY MEETING HELD THURSDAY 23 AUGUST 2018****COUNCIL DECISION**

Moved Cr Scharf, seconded Cr McGlew

That the minutes of the Ordinary Meeting of Council held 23 August, 2018 be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – AUGUST 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	17 September 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of August 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 August 2018 totalled \$1,110,384.12 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the August 2018 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for August 2018 (Doc Id: 118479)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That the Municipal Fund cheque and EFT listing for the period ending 31 August 2018 totalling \$1,110,384.12 for the Municipal Fund be accepted.

CARRIED 8 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 AUGUST 2018

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

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 August 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 31 August 2018.

COMMENT

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

1. Net Current Assets

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Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 August 2018 was \$8,468,152. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

Note 14 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 August 2018 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

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- Financial statements for the period ending 31 August 2018 (118408)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Eyre

That the monthly financial statements for the period 31 August 2018 be adopted.

CARRIED 8 / 0

9.1.3 NAMBUNG COUNTRY MUSIC MUSTER

Location:	Shire of Dandaragan
Applicant:	Nambung Station Stay and B&B
Folder Path:	Business Classification Scheme / Waste Management / Fees and Charges / Fee Structures
Disclosure of Interest:	Nil
Date:	11 September 2018
Author:	Alison Slyn, Economic Development Coordinator
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

For Council to consider waiving tip fees incurred from waste receptacles at the Nambung Country Music Muster 2018.

BACKGROUND

The Nambung Country Music Muster is being held at Nambung Station over four days from Thursday 25 October to Sunday 28 October 2018. The event is in its third consecutive year and is run by Nambung Station Stay and B&B, adjacent to the corner junction of Wongonderrah and Munbinea Roads in Nambung. The inaugural event in 2016 attracted over 600 people and in 2017 the attendance numbers swelled to over 1,000. Such is the growing popularity of the event that campers in 2017 started arriving more than 7 days ahead of the scheduled performance events to get a prime spot and then did day trips throughout the region to make the most of their stay.

Although a Shire of Dandaragan event approval is not required due to the event being held on private property, the organiser did submit an application for event approval due to the request for support from the Shire being in excess of what is normally available for events. Any event being held in the Shire is entitled to the free use of event bins and Shire marquees that are collected and returned by the organiser. Both of these equipment loan options have been booked for the Nambung Station event this year. The Shire also promotes the event on its website events calendar and social media accounts, with posters and flyers also distributed through the Turquoise Coast Visitor Centre.

A sponsorship arrangement for the discounted supply of skip bins to the event organiser has been offered by Avon Waste but the sponsorship does not include any tip fees incurred for emptying the waste receptacles. A request was made that the tip fees that would normally be incurred for emptying the skip bins be waived by the Shire.

COMMENT

In considering the request, Shire officers referred to the Shire of Dandaragan's Policy Manual as follows:

Policy 6.3 - Waste Management at Jurien Bay, Badgingarra, Cervantes and Dandaragan

15 Event organisers of community events held in public places are responsible for arranging refuse disposal for the event. In cases where refuse produced as a result of the event, in excess of what can be serviced by existing receptacles at the event, will be at the public organisers expense. The receptacles must be removed by the event organisers as frequently as is necessary with the minimum requirement being at the conclusion of the event.

16 Where the event organisers apply for a contribution from the Shire to run the event through the Shire's Community Grant scheme or other schemes the contribution is designed to be inclusive of refuse disposal costs.

Officers also referred to the Shire of Dandaragan's *Public Events Support Information* as follows:

Waste Disposal and Clean Up

Large amounts of people generally results in large amounts of waste being produced. Provisions must be put in place to handle the waste generated during the event. A number of rubbish bins are located in public parks and community facilities however if your event is expected to generate additional rubbish you will need to consider how to address this issue and how you will meet the cost.

The Shire's Waste Management Policy and Public Events Support Information both refer to events held on public land. It was deemed by officers that the intent of the policy is to require event hosts to meet additional rubbish costs where they exceed existing waste management capacity and this should also apply to events seeking support on private land. The officer's recommendation is therefore consistent with the current policy position.

At the request of the event organiser and because the Policy position is not definitive the request has been referred to Council. In considering this request Council may take into account the charitable pursuits of the event which the applicant advises in 2017 a total of \$16,000 was raised.

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Conversely Council may consider that the Shire is already contributing to the event through the provision of marquees and event bins. Ticket prices for the event range from \$25 for an adult one day pass to \$75 for a four day adult pass. Up to 1,000 people attended in 2017 but without a complete breakdown of income and expenditure it is unclear if the event is a profit making enterprise. It is reasonable to request that the waste costs generated by the event guests are met through their ticket costs rather than the general ratepayer.

If the request is supported officers will need guidance from Council as to the grounds for acceptance to update existing policies where events are held on private property and request exemption from waste management fees.

CONSULTATION

Brent Bailey, Chief Executive Officer

Garrick Yandle, Executive Manager Infrastructure

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.12 (b)

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may –
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* *Absolute majority required*

POLICY IMPLICATIONS

In accordance with Shire of Dandaragan's Policy 6.3 Waste Management at Jurien Bay, Badgingarra, Cervantes and Dandaragan

FINANCIAL IMPLICATIONS

Nambung Station Stay and B&B have ordered four (4) skip bins measuring 6m x 3m from Avon Waste, with a capacity of 24m³. The cost for disposal of General Refuse as per the Shire's Fees and Charges 2018-19 is \$28.00m³ so the tip fees the Shire would not receive by supporting the request is up to \$672.00, if all four bins were filled.

STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

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

ATTACHMENTS

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

- 20180516 Event Application Nambung Country Music Muster (Doc Id: 112035)
- Public Events Support Information (Doc Id: 62899)
- 20180904 NCMM2018 Request.msg (Doc Id: 118235)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. decline the request from Nambung Station Stay and B&B to waive tip fees incurred from the Nambung Country Music Muster 2018; and
2. request officers to review the current policies relevant to supporting events to clarify support options available to events held on private properties and / or organised by commercial enterprises.

COUNCIL DECISION

Moved Cr Shanahun, seconded Cr Scharf

That Council:

- 1. approve the request from Nambung Station Stay and B&B to waive tip fees incurred from the Nambung Country Music Muster 2018 as 100% of profits of this event are given to local community groups; charitable organisations; and other charitable causes.**
- 2. commend the organisers of the Nambung Country Music Muster on this exceptional event, noting their benevolence and the benefits, both social and economic, such events bring to the Shire of Dandaragan; and**
- 3. request officers to review the current policies relevant to supporting events to clarify support options available to events held on private properties and / or organised by commercial enterprises.**

CARRIED 8 / 0

Reason for Variation from Officer's Recommendation: Council chose to support the application for the reasons outlined in the Council motion.

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 FINAL ADOPTION – BEACH CLOSURE POLICY

Location:	Beaches under the management of the Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / State Liaison / State Government
Disclosure of Interest:	Nil
Date:	31 August 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

This item seeks Council's formal adoption of a policy to guide the closure of Shire managed beaches in instances of a confirmed sighting and / or attack of a dangerous aquatic species.

BACKGROUND

A beach closure policy is one of the prerequisites for coastal southwest local governments to apply for a signage grant under the Department of Primary Industries and Regional Development's (DPIRD) new Beach Emergency Numbers (BEN) system.

The BEN system, named in honour of fatal shark bite victim Ben Gerring, is a coding system designed to improve emergency response times by installing signs with unique numbers at beach access points. These signs will provide specific location information which is vital when emergency services are deployed in the event of a shark sighting, bite or other beach emergencies. In December 2017, DPIRD launched a grants program to provide financial assistance to local governments who wish to introduce emergency response signs along beaches with public access.

Regional local governments located between Geraldton and the South Australian border may apply for up to \$50,000. The grant can be used for the following:

- a BEN sign to be located at selected beach access points within the local government; and
- design costs and signage fixtures (e.g. brackets, poles etc.).

Grant applications are to meet the following assessment criteria to be successful:

1. The application is from an eligible local government.
2. The application has been discussed with DPIRD prior to submission.
3. The application doesn't exceed the allocated funding of up to \$50,000 for regional local governments.

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4. The application includes all relevant supporting documentation including:
 - a) data collection requirements
 - b) communications plan
 - c) beach closure guidelines
5. The application has been submitted using the online grant application form.

COMMENT

On 26 July 2018, Council resolved to advertise a draft version of the beach closure policy for a period of 28 days. That period has now expired, with no submissions received. Thus, Council are requested to adopt the policy without modification.

It is hoped the Shire's BEN application will be finalised in the near future so BEN signage can be installed before the summer months' high tourist period.

CONSULTATION

A public notice was placed in local papers and on the Shire's Website and Facebook pages inviting submissions for a period of 28 days, to 31 August 2018. No submissions were received within this time.

STATUTORY ENVIRONMENT

- Section 9.10 of the Local Government Act 1995.
- Shire of Dandaragan Property Local Law – Part 5 – Matters Relating to Particular Local Government Property, Division 1 – Beaches.

POLICY IMPLICATIONS

This policy would be appropriately formulated under Section 3: Law Order and Public Safety of the Shire of Dandaragan Policy Manual.

FINANCIAL IMPLICATIONS

The policy outlines all beach closure responses will be subject to Shire resources. Provision has been allocated for this in the adopted budget.

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	f) Ensure safety and accessibility of swimming areas and beaches

ATTACHMENTS

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

- Beach Closure Policy (Doc Id: 117662)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Shanhun

That Council adopts the Beach Closure Policy – 3.5, to be included in Section 3: Law Order and Public Safety of the Shire of Dandaragan Policy Manual.

CARRIED 8 / 0

9.3.2 PROPOSED EXTRACTIVE INDUSTRY (GRAVEL) – LOT 3 ROWES ROAD, YATHROO

Location:	Lot 3 Rowes Road, Yathroo
Applicant:	JAV Brown & Sons
Folder Path:	Development Services App / Development Application / 2018 / 48
Disclosure of Interest:	Nil
Date:	10 September 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

To consider a development application for an extractive industry (gravel) on Lot 3 Rowes Road, Yathroo (the Site).

BACKGROUND

The proposal is to be situated in the north-western portion of the property, which is approximately 26km south-south-east from the Dandaragan town-site, and 11km north-east from Regans Ford. The property comprises a total area of 1039.23ha and is accessed via Rowes Rd to the north and Gillingarra Rd to the south. The Site is part of a broad-acre farming property owned and managed by the proponent for livestock grazing and cropping.

The Site contains an existing shallow gravel pit of approximately 2.9ha in area that has been used on an irregular basis for gravel extraction by the Shire for road-making materials. The proposal intends to increase this pit to approximately 46.6ha. It is envisaged the gravel would be used as foundation material for further roadmaking and in other infrastructure projects in the locality such as the wind farms.

The proponent intends to enter into a commercial arrangement with a suitably experienced civil construction company / extractive

industry operator to further develop the gravel resource, rather than undertake gravel extraction directly.

The Site is zoned Rural under Local Planning Scheme No. 7 (LPS7), where such a land use is "A"; meaning it is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with Clause 64 of the Deemed Provisions of LPS7.

Planning assessment guidance of an extractive industry proposal outside the Perth and Peel planning regions is provided by the Western Australian Planning Commission's *Fact Sheet - Basic Raw Materials 2016*, which states the following considerations are required to be made for an extractive industry proposal:

- *management of air, water, noise and visual impacts;*
- *location and stability of excavations, stock piles and overburden dumps;*
- *amenity of adjacent land uses in the local community; and*
- *rehabilitation of the land consistent with its long-term future use.*

The Environmental Protection Authority's *Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses (GS3)* is referenced by the fact sheet for a generic, non-definite buffer distance of extractive industries. GS3 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. GS3 provides a buffer distance of 300-500m between extractive industries and sensitive land uses, depending on the size of the operation, as buffer distances are influenced by: site characteristics; the proposed location of infrastructure; access routes; pits and stockpiles; and the extraction method.

Appendix 1 of the Shire's *Rural Local Planning Strategy 2012* and Annexure 7 of the Shire's *Draft Local Planning Strategy 2016* both reinforce the above by the listing like matters to be addressed in assessment of applications for extractive industries.

COMMENT

The Site is surrounded by other Rural zoned properties, with the nearest residence (currently unoccupied) located 850m west from the property boundary and 950m from the proposed pit. This complies with GS3's recommended buffer distance of 500m from sensitive land uses. The next adjacent residence is located approximately 2.3km northwest. The proposal will also be visually screened by vegetation from the Rowes Road access point, with 350m being the nearest distance the pit is to be located away from the entry.

The proposal is subject to comply to with the *Environmental Protection (Noise) Regulations 1997* at all times. The extractive

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industry is not considered to operate at noises above these regulations given: there will be no blasting activities; operations will only operate during normal daytime business hours, Monday to Saturday; only modern low noise operating machinery will be used; and the proposal complies with the recommended buffer distance.

Dust is another major amenity concern of the development. Dust management of site activities will be as follows:

1. Disturbance of topsoil - this poses the major risk of dust generation given the finer particle size within topsoil. To minimise such generation this activity will be confined to the wetter months, April to October, when the topsoil material would be less likely to be transported by wind due to its moisture content.
2. Excavation and loading of gravel - residual dust particles during this activity is expected to be locally confined to the pit itself, as the relatively coarse particle size of gravel and its sandy soil matrix isn't conducive to long separation transport by wind; and
3. Transport of gravel - with the offsite transport route being sealed, dust is easily managed in this activity by sufficiently covering truckloads with tarpaulins. The proponent will ensure internal access ways are maintained to a sufficient compact surface level to limit transport dust generation within the Site.

Given the proposal seeks to increase gravel extraction by 15 times its current size there needs to be the consideration of the impact of the proposal on biodiversity. The proposal is located within the property confines cleared of remnant vegetation with only a small portion of individual trees and scrubs required to be cleared within the extraction footprint; which are exempted from requiring a clearing permit as they are more than 50m from any other native vegetation. The Site is also not considered to contain priority agricultural land. Further to this, there is also limited impact to ground and surface water from the proposal, as outlined in the points below:

- There is no apparent water runoff/flooding risk of the pit given the well-drained permeable, low gradient and predominantly gravelly soils contained within.
- There is no risk of stream sedimentation or other adverse impacts of extraction activities on natural drainage systems due to the significant distance to the nearest watercourses (9km to Moore River and 14km to Caren Brook).
- The site is sufficiently elevated above the water-table to avoid any possibility of evacuation adversely affecting groundwater systems.
- No acid sulfate soil conditions occur within the property and the physiography and geology are not conducive to the presence of such.

In terms of biosecurity, the Department of Primary Industries and Regional Development after consultation has recommended the

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applicant submits a Weed Management Plan to ensure minimal biosecurity risk for the landowner and the adjoining farms along the transport route. This will be required as a condition of development approval.

Traffic management is a concern of the proposed development. The Site access and egress would be via Rowes Road, linking onto Dandaragan Road. These access roads proposed are suitable for the volume of traffic and type of heavy vehicles. This route, between Brand Highway and the entrance to the property is 16km in length, all of which is sealed and in good condition, except for approximately 275m of slip road at the access bend to Rowes Road.

This slip road access to the property shown in the picture below is of concern, Shire officers have sought advice from Main Roads WA – Wheatbelt Regional Office regarding the following issues:

- The entry/exit point is on a sweeping 90 degree bend on Rowes Road.
- Vegetation limits sight distance for drivers entering Rowes Road.
- With the above in mind, there are concerns that the proposed increased number of heavy vehicles entering and existing site onto Rowes Road may not be able to do so in a safe manner.



To mitigate these traffic issues the applicant has proposed to install appropriate hazard advice signage and remove some roadside vegetation to improve sightlines. Main Roads WA have indicated that the preferred method to improve safety at the intersection could be the installation of a T junction intersection to Rowes Road to be constructed as detailed in the green aerial image overlay below. This would be similar to the intersection with Rowes Road and Bidgerabbie Road some 9km north of the

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proposed site, which was installed by the Shire through Blackspot Funding due to similar road safety issues.

These issues need to be discussed further with Main Roads WA, Shire officers and the proponent to clarify exact conditions of approval prior to operations commencing. This may include the proponent having to undertake a road safe audit and concept design for an approved site access with Rowes Road at the cost of the proponent.



The entrance gate will be appropriately secured and signposted for access from authorised persons only and warning of “Heavy Vehicles in Operation” and “Evacuation in Process”. Site visitors will be required to contact loader drivers by CB Radio or the site manager by mobile, and report to the site office. Internally the access is track is an unsealed all weather surface, which as mentioned previously, the proponent will ensure is maintained year round through its contractual arrangements with a third party operator.

The proponent notes the predicted number and size of trucks accessing the site will fluctuate with demand for gravel. If the site is successful in winning the future tender to supply the construction of the wind farms, it is anticipated for an approximate six month period that the Site will have an estimated 30 trucks per day with loads varying from 12 to 48 tonnes. After this period the demand is predicted to fall, with only 2-4 trucks predicted to be realised per day. To ensure sustainable road maintenance upkeep of the proponent’s transport route a condition of approval will ensure a fee of 50cents per estimated tonne transported offsite is paid to the Shire annually.

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The final consideration of the development is rehabilitation post gravel extraction. A condition of approval will ensure the site is restored to its current broadacre farming use. To reinforce this, the proponent will be required to submit a bond/guarantee or other acceptable form of security to the Shire to be held in trust until rehabilitation is undertaken to the Shire's satisfaction. To assist in rehabilitation the proponent will stockpile topsoil for respreading and levelling during this final process. Shrubs and trees endemic to the area are also proposed to be scatter planted over the Site.

Provided the above, it is considered the proposed use is consistent with the intent of the Rural zone given it enables an ancillary rural activity to co-exist with the predominant broadacre use of the land in a manner that will not impact on the rural character and amenity of the area. Furthermore, given gravel extraction is a temporary use, the land can continue to be used for broadacre farming once the extractive industry operation has ceased. Therefore, the extractive industry application is recommended for approval subject to conditions.

CONSULTATION

- Department of Primary Industries and Regional Development;
- Department of Mines, Industry Regulation and Safety;
- Department of Biodiversity, Conservation and Attractions;
- Department of Planning, Lands and Heritage;
- Department of Fire and Emergency Services;
- Department of Water and Environmental Regulation;
- Western Power;
- Telstra;
- Main Roads WA;
- Surrounding landowners;
- Executive Manager Infrastructure; and
- Coordinator Infrastructure Services.

Submissions and officer responses to such are detailed in the attached Schedule of Submissions.

STATUTORY ENVIRONMENT

- Local Planning Scheme No.7
- Extractive Industries Local Law
- Environmental Protection (Noise) Regulations 1997
- Local Government Act 1995

POLICY IMPLICATIONS

- Fact Sheet - Basic Raw Materials 2016
- State Planning Policy 2.5 - Rural Planning 2016
- Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses 2005

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FINANCIAL IMPLICATIONS

The applicant has paid the required planning application fee of \$739.00. If Council approves the development application, the applicant will be required to pay a further \$500.00 for an extractive industry licence, with an annual licence renewal fee of \$300.00, given the pit is greater than the 5ha fee threshold.

As discussed previously, the applicant will be required as a condition of the licence to pay the Shire an annual road maintenance contribution fee of 50 cents per tonne transport off site. Given this fee is not listed in the Shire of Dandaragan's 2018/2019 fee and charges the fee will be advertised for a period of 35 days in accordance with Section 6.19 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

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

- Development Application (Doc ID: 115366)
 - Schedule of Submissions (Doc ID: 117729)
 - Additional Rowes Road Access Photos (Doc ID: 118330)
- (Marked 9.3.2)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr McGlew

That Council grant development approval and an Extractive Industry Licence for period of ten (10) years from the date of this approval for an Extractive Industry (Gravel) on Lot 3 Rowes Road, Yathroo subject to the following conditions and advice:

- 1. All development shall be in accordance with the attached approved plans and specifications dated 27 September**

- 2018 subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. Hours of operation shall be limited to 6.30am to 5:30pm Monday to Saturday.
 3. No extraction activities are to operate on Sunday and Public Holidays.
 4. Maximum depth of excavation shall be to an average of 2.5m below natural ground level.
 5. Topsoil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process.
 6. No sales by wholesale or retail shall be undertaken from the site.
 7. All vehicles' loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.
 8. Excavation for the Extractive Industry shall not occur within the following areas:
 - a) 20 metres of the boundary of any land on which the excavation site is located;
 - b) 20 metres of any land affected by a registered grant of easement;
 - c) 40 metres of any thoroughfare; or
 - d) 40 metres of any watercourse.
 9. Any storage of fuels or refuelling on site is to be located on a designated hardstand area location to the satisfaction of the Shire.
 10. Any fuel leakages or spills are to be cleaned up within 24 hours.
 11. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
 12. Prior to the commencement of development, the proponent must submit and have approved by the Shire a Weed Management Plan.
 13. Prior to the commencement of development, the proponent must undertake further discussions with the Shire and Main Roads WA to develop and implement an approved traffic management plan, for when truck >5 per day for site access with Rowes Road.
 14. A report detailing excavation activities and tonnages of material transported from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire by 31st July each year.
 15. The licensee shall pay an annual road maintenance contribution for the lifetime of the operation of \$0.50 per estimated tonnage of material transported off-site. This fee will be advertised for a period of 35 days in accordance with section 6.19 of the *Local Government Act 1995* prior to being charged.
 16. Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the

commencement of operations. Thereafter, payment may be made on a quarterly basis. Advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.

17. Rehabilitation:

- a) Prior to the commencement of development a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire for a sum of \$10,000. To be returned to the licensee upon successful rehabilitation of the site, to the satisfaction of the Shire.
- b) Upon decommissioning of the evacuation area, rehabilitation shall take place in accordance with the approved plan, or as otherwise stipulated.
- c) Any amendments or variations to the rehabilitation shall be approved in writing by the Shire within three months of the commencement of such operations.
- d) Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases.

Advice to applicant:

1. This approval is valid for a period of two (2) years. If the development has not substantially commenced within this period the approval will lapse and be of no further affect.
2. The applicant is advised that the Extractive Industry may require registration or a licence as a "Prescribed Premise" from the Department of Water and Environmental Regulating under Part V of the *Environmental Protection Act 1986* and Schedule 1 of the *Environmental Protection Regulations 1987* if it falls into one of the following categories:
 - a) Category 12: Licensing is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 50,000 tonnes is processed per annum.
 - b) Category 70: Registration is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 500 tonnes per annum but less than 50,000 tonnes per annum is processed.
3. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 8 / 0

9.3.3 MODIFICATION TO SCHEME AMENDMENT NO.36 – PUBLIC DRINKING WATER SOURCE AREAS

Location:	Various locations
Applicant:	Shire of Dandaragan
Folder Path:	BCS/Land Use and Planning/Zoning/Rezoning Applications/36
Disclosure of Interest:	None
Date:	12 September 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

This submission seeks to amend Council's 28 June 2018 resolution in regards Amendment 36 to Local Planning Scheme 7 (LPS7).

Modification to Amendment 36 has resulted after referring the documentation to the Environmental Protection Authority (EPA) in accordance with Section 48A of the *Environmental Protection Act 1986* (EP Act) and Section 81 of the *Planning and Development Act 2005* (PD Act).

BACKGROUND

LPS7's Special Control Area No.1 - Bassendean Precinct is an important environmental unit in the central coast region of the Shire as designated on the Scheme Maps by means of a dotted line. The area comprises deep porous sands (Bassendean) 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 nutrient runoff.

On 28 June 2018, Council resolved the following in regards to this matter:

That Council resolve, pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. *deleting Clause 4.20 Protection of Water Sources.*
2. *deleting Clause 5.1.1 (i) Special Control Area No.1 – Bassendean Precinct and inserting Clause 5.1.1 (i) Special Control Area No.1 – Public Drinking Water Source Areas.*
3. *deleting Clause 5.2 Bassendean Precinct Special Control Area and inserting Clause 5.2 Public Drinking Water Source Special Control Areas as follows:*

“Applications for planning approval for a use or development involving the following within the Public Drinking Water Source Areas shall be referred to the Department of Water Environmental Regulation for comment:

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- a. *the potential increased nutrient loading, particularly having a point source for nutrients, such as a poultry farm or piggery;*
- b. *intensification of the application of fertilisers and pesticides;*
- c. *storage of chemicals, fuels and other potentially polluting substances;*
- d. *a substantial increase in runoff;*
- e. *any other impact which the local government considers to have an impact on the quality of public drinking water; and*
- f. *all development proposals within the water source area that are inconsistent with the DoWER's Water Quality Protection Notes and Guidelines, Land Use Capability Tables or recommendations in current Drinking Water Source Protection Plans.*

In determining any application for planning approval within the Public Drinking Water Source Areas, the Council shall

- a. *have regard to the DoWER's Water Quality Protection Notes and Guidelines;*
- b. *have regard to State Planning Policy No 2.7 (Public Drinking Water Source Policy);*
- c. *have regard to any advice from the DoWER; and*
- d. *endeavour to ensure that the proposed use or development will not have a detrimental impact on water resources.*

Notwithstanding that a use or development may be classified as 'P', 'A' or 'D' on the Zoning Table, where the DoWER advises that a use or development should be refused on the basis of potential impact on surface and/or groundwater resources, the Council shall refuse the use or development."

4. *amending the Scheme Maps accordingly.*
5. *resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 36 is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:
The Amendment to the Scheme is consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
6. *authorise Council officers to prepare the scheme amendment documentation.*
7. *authorise the affixing of the common seal to and endorse the signing of the amendment documentation.*
8. *pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 36 to the Environmental Protection Authority.*
9. *pursuant to Regulation 53 of the Regulations, provides the formal documentation and two copies of Amendment 36 to the Western Australian Planning Commission.*

10. *proceed to advertise the amendment to the local planning scheme without modification.*

COMMENT

Following the above, Amendment 36 was referred to the EPA, pursuant to the EP and PD Acts.

Initial correspondence received from the EPA in response to this referral is detailed in attachment 1 to this report (Doc ID: 116263). This letter requested the Shire supply further information in order for the EPA to determine whether Amendment 36 requires an environmental review under the EP Act.

Acting on this request the Planning Officer consulted with the Department of Planning, Lands and Heritage (DPLH) for guidance. A draft was response to the EPA, attachment 2 (Doc Id: 116291) was forwarded to DPLH. After reviewing the documentation, DPLH advised it was not environmentally sound for Amendment 36 to remove current Special Control Area No.1 – Bassendean Precinct from LPS7; as outlined by Mark Johnston, DPLH Planning Officer below:

It is noted that the removal of Bassendean Sands SCA1 has been considered previously through amendment 5 which was refused, please see attached (attachment 3 (Doc ID: 118251)). Proposed amendment 36 meets the first part of advice (i) in providing an alternative SCA for the Jurien water reserve. However, general development requirements in Part 4 of LPS7, which was Part 5 at the time of amendment 5, to guide development in areas with 'vulnerable soils' have not been provided.

Such provisions in Part 4 may satisfy the EPA in providing the same level of, or better, protection of the environmental values in the Bassendean precinct. However, the Shire may have issues finding a trigger point for determining where vulnerable soils occur in considering development proposals. It was stated at the time that there are environmentally sensitive soils outside of the Bassendean sands which should also be captured by general provisions. No information has been provided regarding what and where these soils are. Therefore, the Shire would have to undertake further technical studies to determine where vulnerable soils exist for general provision to be effectively implemented.

In light of the above, our recommendation would be to maintain the existing SCA1 and modify the text to remove the presumption against rezoning, subdivision and intensifying development on the land subject to the proponent demonstrating that such intensification will not have a detrimental impact on the Bassendean sands and environmental values of area. There is some good wording in the local planning strategy to this effect in Section 7.3 Cockleshell Precinct for rural living development. Should it be determined that vulnerable soils outside of SCA1

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exist deemed provision 67 provides enough consideration to mitigate development impacts accordingly.

The proposed Public Drinking Water Source Areas SCA should still be included in LPS7 though amendment 36 as an additional SCA. These modifications should satisfy the intent of the previous advice provided through the amendment 5 determination.

In conformance with the above, the provisions to Amendment 36 were modified as shown in attachment 4 (Doc Id: 117642) and mailed to the EPA (attachment 5 (Doc Id: 117650)). In receipt of this letter, acting officer for the EPA, Steve Pavey advised the following via email:

Thank you for your letter to the EPA dated 29 August 2018 in which you provide a modified Scheme Amendment 36.

Further to our phone conversation please note the following:

- 1. The EPA is required by the EP Act to keep a record of all scheme amendment referrals, including spatial data showing where any scheme amendment will be applied. This means the EPA will require the spatial data as requested in its letter dated 3 August.*
- 2. Scheme Amendment 36 as originally referred to the EPA was approved by Council with a stated purpose of deleting the Bassendean Sands SCA. For the EPA to accept the modified Amendment 36 which proposes retaining the SCA, Council approval should be provided.*

In relation to the first point, the Shire's Planning Officer will be undertaking Geographic Information Systems (GIS) training in the near future in order to obtain requested spatial data.

The second point is the reason for this agenda item. Council is requested to support the required new provisions of Amendment 36 for the scheme amendment to progress.

Amendment 36 also provides an opportunity to update elements of LPS 7 to be more consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). However, Amendment 36 is not intended to be the mechanism for a comprehensive review of LPS7 as required under regulation 65 of the Regulations, which shall be undertaken at a later stage.

CONSULTATION

- Environmental Protection Authority
- Department of Planning, Lands & Heritage

If the EPA determines an environmental review is not required for Amendment 36 then the documentation can proceed to be advertised to the general public and other relevant government agencies for a minimum period of 42 days.

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STATUTORY ENVIRONMENT

- Section 75 of the *Planning and Development Act 2005* affords a local government the ability to amend its local planning scheme, which is undertaken in accordance with the provisions of the PD Act and the Regulations.
- Section 48A of the *Environmental Protection Act 1986* lists the EPA's and Minister for the Environment's possible directions when a scheme amendment is referred to the EPA under the PD Act.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire will be required to pay the costs of advertising Amendment 36.

STRATEGIC IMPLICATIONS

- Rural Planning Strategy 2012
- Draft Local Planning Strategy 2016
- Strategic Community Plan 2016-2026:

<i>Goal 1: Great Place for Residential and Business Development</i>	
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
<i>Goal 2: Healthy, Safe and Active Community</i>	
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: Healthy Natural and Built Environment</i>	
4.5 Clean, safe key water aquifers	a) Lobby for key drinking water protection areas

ATTACHMENTS

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

- EPA Request for Further Information (Doc Id: 116263)
- Draft Response to EPA (Doc Id: 116291)
- Determination Letter Amendment 5 (Doc Id: 118251)
- Revised Amendment 36 Provisions (Doc Id: 117642)
- Shire Response to EPA (Doc Id: 117650)
- June OCM Item 9.3.4 (Doc Id: 114837)

(Marked 9.3.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr McGlew, seconded Cr Shanhun
That Council:**

Modify resolution made to item 9.3.4 (Doc Id: 114772) of the Ordinary Meeting of Council held on 28 June 2018 to reflect the revised provisions required by the Department of Planning, Lands and Heritage for Scheme Amendment 36 as listed below:

1. Deleting Clause 4.20.1 and renumber Clause '4.20 Protection of Water Sources' accordingly.
2. Rewording Clause 5.1.1 to the following:
 - 5.1.1. The following special control areas are shown on the Scheme Maps:
 - i. Special Control Area No. 1 – Bassendean Precinct
 - ii. Special Control Area No. 2 – Wastewater Infrastructure
 - iii. Special Control Area No. 3 – Coastal Hazard Risk Area
 - iv. Special Control Area No. 4 – Public Drinking Water Source Areas
3. Delete the provisions in Clause 5.2 and replace with the following:
 - 5.2 Special Control Area No. 1 – Bassendean Precinct
 - 5.2.1 The Bassendean Precinct is a significant internal drainage area in the central coast region which comprises of deep porous sands hydrologically connected to a number of wetlands and is an area particularly vulnerable to pollution, eutrophication and salination.
 - 5.2.2 The purpose of the Special Control Area is:
 - a) to preserve the ecological values of the Bassendean Precinct and interrelated wetlands;
 - b) to avoid development and land uses which would negatively impact on the environmental values of the area;
 - c) to ensure that future land use in the area, including agriculture, mining and recreational activities does not degrade the area; and
 - d) to ensure that any development takes place in such a manner so as to safeguard the environmental values of the area.
 - 5.2.3 All development within Special Control Area No. 1 requires the approval of the local government.
 - 5.2.4 In considering any request for rezoning or application for subdivision and/or development the decision maker is to be satisfied that the proposal can occur and be managed, without affecting the quality of water and other environmental attributes of the area.
 - 5.2.5 Any request for rezoning or application for subdivision and/or development within Special Control Area No. 1 should be referred to the agency/s responsible for wetlands, groundwater and/or environmental impact.
 - 5.2.6 Notwithstanding Table 1: Zoning Table and Section 3.3 of the Scheme, where a development would affect water quality and environmental attributes, the development may not be permitted within the Special Control Area.
4. Retitling Clause 5.3 to the following:

- 5.3 Special Control Area 2 - Wastewater Infrastructure**
- 5. Inserting the following as Clause 5.5:**
- 5.5 Special Control Area 4 - Public Drinking Water Source Areas (PDWSAs)**
- 5.5.1 The purpose of Special Control Area 4 is to ensure land use and development within and in close proximity to the PDWSAs located within the Shire does not result in adverse impacts on public drinking water sources.**
- 5.5.2 The objectives of Special Control Area 4 are:**
- a) to prevent any adverse effects on public drinking water quality and quantity;**
 - b) to prevent increased nutrient loads into critical water resources; and**
 - c) to ensure that any development takes place in such a manner so as to safeguard the hydrological values of the PDWSAs.**
- 5.5.2 All development within Special Control Area No. 4 requires the approval of the local government.**
- 5.5.3 Any request for rezoning or application for subdivision and/or development within Special Control Area No. 4 should be referred to the agency responsible for PDWSAs.**
- 5.5.4 In determining any application for development approval within or in close proximity of Special Control Area 4, Council shall have regard to:**
- a. the potential increased nutrient loading, particularly having a point source for nutrients, such as a poultry farm or piggery;**
 - b. intensification of the application of fertilisers and pesticides;**
 - c. storage of chemicals, fuels and other potentially polluting substances;**
 - d. a substantial increase in runoff;**
 - e. any other impact which the local government considers to have an impact on the quality of public drinking water;**
 - f. any recommendations in the current Drinking Water Source Protection Plans;**
 - g. the Water Quality Protection Note on Land Use Compatibility in Public Drinking Water Source Areas and Guidelines;**
 - h. State Planning Policy No 2.7 (Public Drinking Water Source Policy);**
 - i. any advice from State agencies; and**
 - j. endeavour to ensure that the proposed use or development will not have a detrimental impact on water resources.**
- 5.5.5 Notwithstanding Table 1: Zoning Table and Section 3.3 of the Scheme, where a development would affect the quality of a PDWSA, the development may not be permitted within the Special Control Area.**
- 6. Amending the Scheme Maps accordingly.**

7. In 'Table 1: Zoning Table', delete the asterisks (*) against various land uses listed in the 'Rural' zone, and delete the explanatory text at the end of the Zoning Table.
8. Throughout the Scheme, remove reference to DEC or other agencies that no longer exist, and replace with "agency/s responsible for relevant environmental matters".

CARRIED BY ABSOLUTE MAJORITY 8 / 0

9.3.4 NAMING OF RESERVES 49921 & 51201 – BEACHRIDGE ESTATE, JURIEN BAY

Location:	Beachridge Estate, Jurien Bay
Applicant:	N/A
Folder Path:	Business Classification Scheme / Parks and Reserves / Naming / Sites
Disclosure of Interest:	Nil
Date:	18 September 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

For Council to endorse park names for Reserves No.49921 and No.51201 Beachridge Estate, Jurien Bay.



Location Map

BACKGROUND

The ability to name features, localities and roads is afforded by way of delegated authority from the Minister of Lands to the Geographic Names Committee (GNC) under sections 26 and 26A of the *Land Administration Act 1997*. The procedure for naming reserves and parks is outlined in the *Policies and Standards for Geographical Naming in Western Australia 2017* (PSGN).

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Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name by contacting the GNC within Landgate. However, consultation with the relevant local authority is required in each case, as the PSGN outlines local governments and State government departments/authorities are required to make submissions to the GNC for any naming proposals within their jurisdiction. To expedite the process, such requests should be put to the relevant local authority for their comment and/or endorsement prior to the submission being sent to the GNC for consideration.

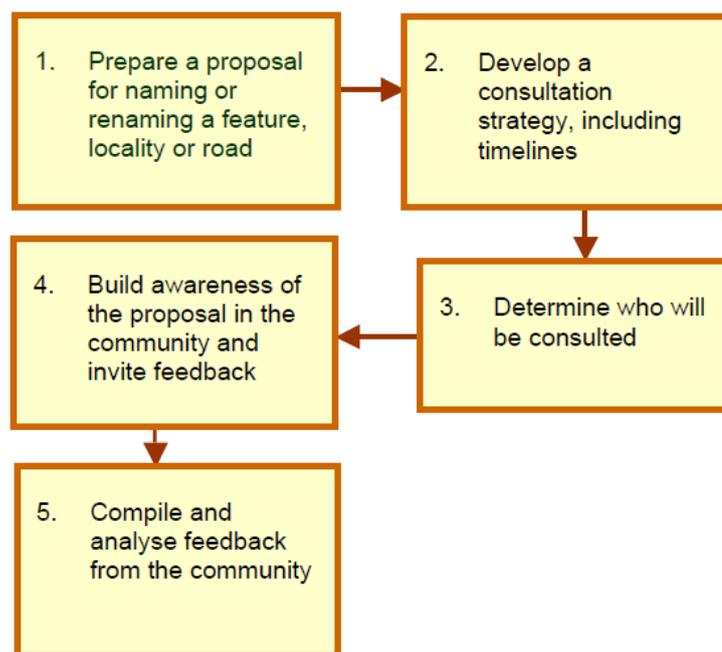
In this instance, the Shire of Dandaragan is the proponent. The naming process begun for the two reserves after the Shire's executive management team flagged that the two reserves were unnamed.

Local governments and other authorities are to ensure that all naming submissions conform to Section 1: General policy and standards as well as all the procedures outlined in Section 5: Local parks and recreational reserves of the PSGN. Notwithstanding these sections, selection of a local park or recreational reserve names must take into consideration the impact the name will have on the wider community.

There is no minimum or maximum size requirement for a proposed named local park or recreational reserve. However, all naming submissions must clearly define the area or extent to which the name shall apply. The same name shall only be applied to contiguous land parcels and shall not be applied to unconnected land parcels. The names shall not bisect a lot and shall only apply to whole cadastral land parcels. This proposal complies with these locational requirements as the submission seeks only the naming of Reserve 49921 – Lot 767 Middleton Boulevard, Jurien Bay and Reserve 51202 – Lot 782 Beachridge Drive, Jurien Bay (as shown in the location map above). These local parks are uniquely and clearly defined administrative geographical extents. Collectively the crown land parcels which have been reserved for public purpose include infrastructure such as shelters, barbecues, rubbish bins and walk paths as shown in the pictures below.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 SEPTEMBER 2018**COMMENT**

Any proposal requesting the renaming of an approved name or any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal. The PSGN outlines the following five consultation steps to be undertaken:

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To begin the naming process Shire Community Development staff engaged with Jurien Bay District High School year 8 and 9 students to undertake local history research and submit ideas for potential names. Advertisements were also posted on the Shire's website and Facebook, in addition to letters sent to immediate landowners adjacent the two reserves and the Jurien Bay Ratepayers and Progress Association, all inviting name submissions from the 12 June 2018 to 29 June 2018. All submissions received were then compiled and analysed as detailed in the attached Schedule of Submissions.

Name proposals were then added to online public survey created through SurveyMonkey. This online survey for both park names was available for the public to complete from the 2 August 2018 to 14 September 2018. In total 94 votes were received. Top voting names for each reserve are detailed in the table below.

Reserve No. 49921		Reserve No.51201	
Proposed Name	Votes	Proposed Name	Votes
Dibbler Park	20	Djidi Djerdalak Park	14
Nadia Gill Reserve	18	Nadia Gill Reserve	14

It is clear that "Dibbler Park" in recognition of the endangered species of marsupial known to inhabit the islands of Boullanger, Whitlock and Escape off Jurien Bay is the name winner for Reserve 49921. However a draw is apparent between the two top voting names for Reserve 51201. This requires a validation of the two names against the PSGN.

"Nadia Gill Reserve" in honour of the girl who drowned at the Jurien Bay jetty in 2007 does not meet the PSGN for the following reasons: commemorates a victim of a tragedy; uses the first and last name of a person, when the last name is preference; and does not use the acceptable feature class of 'Park'.

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“Djidi Djerdalak Park” uses the Aboriginal name for the fairy white-winged wren that is known to inhabit the subject reserves. This name meets the PSGN for the following reasons: uses the species name from Aboriginal languages formally known within the general area; the name has relationship to the reserve itself; uses the acceptable feature class of ‘Park’; and is supported by Aboriginal Traditional Owners.

In relation to the last point above, the Community Development Officer consulted both an elder of the Yued Noongar people, the Traditional Owners of the region, and the Kwelena Mambakort Aboriginal Corporation (KMAC) for correct language reference and approval of inclusion of the name amongst the public online survey. Both parties aided and agreed to this outcome via email.

Taking the above into account, the Officer’s recommendation is that “Dibbler Park” and “Djidi Djerdalak Park” be endorsed by Council for Reserves 49921 and 51201 respectively. Such endorsement, if forthcoming, will be forwarded onto the GNC for formal determination in check with the PSGN.

CONSULTATION

- 31 May - 14 June – JBDHS Years 8/9 student research project and submission of name ideas (30 name submissions received)
- 13 June – letter sent to surrounding residents & Jurien Progress Association requesting naming submissions
- 12 - 29 June - Public comment period for submission of names (9 name submissions received)
- 20 June – Shire Matters article
- 1 August – endorsement received by email from KMAC for Yued People Aboriginal language name submission
- 2 August - 14 September – Polling of submitted names via SurveyMonkey (94 votes in total)

STATUTORY ENVIRONMENT

- Land Administration Act 1997

POLICY IMPLICATIONS

- Policies and Standards for Geographical Naming in Western Australia 2017

FINANCIAL IMPLICATIONS

The Shire has borne the costs of advertising the name proposals and will also be required to pay for the installation of the park signage if the naming application is successful.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.3 Ensure the 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 decision that affect them.

ATTACHMENTS

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

- Schedule of Submissions (Doc Id: 118458)
- SurveyMonkey Survey (Doc Id: 118519)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Gibson

That Council:

1. endorse the “Dibbler Park” name proposal for Reserve Reserve 49921 – Lot 767 Middleton Boulevard, Jurien Bay;
2. endorse the “Djidi Djerdalak Park” name proposal for Reserve 51202 – Lot 782 Beachridge Drive, Jurien Bay; and
3. authorise Shire staff to forward the documentation to the Geographic Names Committee for final determination.

CARRIED 8 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – AUGUST 2018 COUNCIL STATUS REPORT

Document ID: 117908

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 23 August 2018. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – AUGUST 2018

Document ID: 118285

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

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – AUGUST 2018

Document ID: 118282

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

9.5.4 LOCAL GOVERNMENT ACT REVIEW | BUILDING UPGRADE FINANCE

Document ID: 118624

Attached to the agenda is correspondence from City of Perth seeking support from local governments in Western Australia to advocate for changes, through phase two of the Local Government Review Act review, that will enable Building Upgrade Finance (BUF) in Western Australian **(Marked 9.5.4)**

9.5.5 THE TRIP ADVISOR – SANDY CAPE RECREATION PARK – 2018 CERTIFICATE OF EXCELLENCE

Document ID: 117241

Attached to the agenda is copy of Sandy Cape Recreation Park – 2018 Certificate of Excellence **(Marked 9.5.5)**

9.5.6 LOCAL GOVERNMENT ACT REVIEW

Document ID: 118631

Policy position papers follow the link below

<https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/LG-Act-Review.aspx>

- CEO recruitment and performance policy position
- Gifts policy position
- Public notice policy position
- Standards of behaviour policy position
- Universal training policy position

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 SEPTEMBER 2018
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Local Government Act 1995

5.23. Meetings generally open to public

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

Local Government (Administration) Regulations 1996

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

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

11.1 GOVERNANCE & ADMINISTRATION

OFFICER RECOMMENDATION / COUNCIL DECISION
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Moved Cr Scharf, seconded Cr McGlew

That the meeting be closed to members of the public at 4:18pm in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 'Private &

Confidential' – Chief Executive Officer September 2018 Probationary Review.

CARRIED 8 / 0

The Executive Manager Infrastructure, Executive Manager Development Services, Community Development Officer and members of the public left the meeting at 4.18pm

11.1.1 PRIVATE & CONFIDENTIAL – CHIEF EXECUTIVE OFFICER SEPTEMBER 2018 PROBATIONARY REVIEW

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / Brent Bailey
Disclosure of Interest:	Chief Executive Officer – Brent Bailey
Date:	17 September 2018
Author:	Cr. Leslee Holmes, President

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

COUNCIL DECISION

Moved Cr Gibson, seconded Cr Clarke

That;

- 1. Council endorses the finding that the Chief Executive Officer's performance during the 6 month probation period met and / or exceeded the expected requirements;**
- 2. the President, on behalf of Council, write to the CEO, Mr Brent Bailey, acknowledging the successful completion of his probation period with the Shire of Dandaragan;**
- 3. Council note the agreed KPI's for the remaining 6 months of the first annual review period identified in the confidential attachment "CEO Review – Key Performance Indicators and Ongoing Annual Review Process"; and**
- 4. Council authorise the Shire President to select a consultant to assist Council undertake future annual reviews of the CEO's performance.**

CARRIED 8 / 0

Reason for Variation from Officer's Recommendation: Two additional items were added to the Councillor Recommendation to endorse the revised KPI's and authorise the Shire President to select a consultant for future review processes.

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre that the Meeting be reopened to the public at 4.20pm.

CARRIED 8 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 SEPTEMBER 2018

Staff and members of the public re-entered the meeting and the Chief Executive Officer read the motions aloud.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.22pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date