



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 26 July 2012** at the **Council Chambers Jurien Bay** commencing at **5.00pm**.

Attached is your copy of the agenda and business papers for the meeting.

The format for the day is as follows:

- | | |
|----------------|--|
| 12.00pm | Citizenship Ceremonies – Mrs Pamela Bennett and Ms Jane Mulcahy |
| 12.30pm | LUNCH with Latent Petroleum, Mr & Mrs Bennett and Ms Mulcahy |
| 1.00pm | Steve Keenihan and Monty House from Latent Petroleum presenting Council with an update on the latest from the Warro Joint Venture |
| 2.00pm | Pierre Brockman – Waddi Wind Farm – Discussion on Proposed Development Adjacent to his Property |
| 3.30pm | Councillor Discussion Session |
| 4.00pm | Corporate Discussion Session |
| 5.00pm | Ordinary Meeting of Council |
| 6.00pm | Public Forum |

.....
Tony Nottle
CHIEF EXECUTIVE OFFICER

17 July 2012



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING

to be held

AT THE COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY 26 JULY 2012

COMMENCING AT 5.00PM

(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

1.2 DISCLAIMER READING

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

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

Staff	Mr T Nottle	(Chief Executive Officer)
	Mr I Rennie	(Deputy Chief Executive Officer)
	Mr R Pepper	(Manager Technical Services and Works)
	Mr W George	(Manager Building Services)
	Mr S Clayton	(Manager Corporate Services)
	Mrs M Rourke	(Manager Environmental Health)
	Mr B Bower	(Coordinator Integrated Planning)
	Mr R Casella	(Planning Officer)
	Miss D Kerr	(Secretary)

Apologies

Approved Leave of Absence

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**

- 6 CONFIRMATION OF MINUTES**
 - 6.1 MINUTES OF THE ORDINARY MEETING HELD 28 JUNE 2012**



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

- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

- 9 REPORTS OF COMMITTEES AND OFFICERS**

9.1 FINANCE

9.1.1 ADOPTION OF THE 2012 / 2013 ANNUAL BUDGET

Location:	N/A
Applicant:	None
Folder Path:	BCS/Financial Management/Budgeting/Allocations
Disclosure of Interest:	None
Date:	16 July 2012
Author:	Scott Clayton, Manager Corporates Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider and adopt the Shire of Dandaragan's Budget for the 2012 / 2013 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, establishment of new reserve funds, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2012 / 2013 draft budget has been prepared in accordance with the presentations made to Councillors at the budget workshops held between May and July 2012.

The proposed differential rates were approved by the council on 24 May 2012 and advertised for public comment. No submissions were received by 10 July 2012 when the public comment period closed.

COMMENT

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 4.0% rate increase. This increase applies to all differential rate categories.
- Fees and charges have remained relatively unchanged with the exception of waste charges which have increased in line with Council's commitment to reach cost recovery by 2023 / 2024 and any other fees as prescribed or suggested by other relevant acts and departments. These fees are itemised in the draft budget.
- A capital works programme totalling \$6.29m for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned.
- A new Reserve Account - Staff Attraction and Incentive Reserve is included with the purpose being, to be used to fund staff attraction and incentive programs and processes, such as, but not limited to additional superannuation contributions, bonuses, rental subsidies and utility subsidies.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 26 JULY 2012

- An estimated surplus of \$3.2m is anticipated to be brought forward from 30 June 2012. However this is unaudited and may change. Any change will be addressed as part of a future budget review. This surplus can primarily be attributed to three key areas. Firstly, numerous capital works projects were not completed and have been carried over into the draft budget. Projects include the two parking areas, Cervantes CBD toilet, Cervantes Foreshore Enhancement, Jurien Bay jetty and its tie in to Dobbyn Park and multi-purpose courts. Secondly, additional grant funding including an advance grants commission payment were received in late June 2012. Finally, due to a staff shortage in 2011 / 2012 there has been a significant under spend for wages and contracts and materials within the road works and parks and gardens maintenance.
- Principal additional grant funding for the year is estimated from:
 - Royalties for Regions - \$1,009,678.
 - Regional Road Group Funding - \$320,347.
 - Roads to Recovery - \$469,003.
 - Local Roads State Initiative - \$500,000.

CONSULTATION

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Technical Services and Works
- Engineering Technical Officer
- Manager Environmental Health

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2012 / 2013 budget as presented is considered to meet statutory requirements.

POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Plan.

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the Detail section of this report and as itemised in the draft 2012 / 2013 budget attached for adoption.

STRATEGIC IMPLICATIONS

The draft 2012 / 2013 budget has been developed based on

existing strategic planning documents adopted by council.

ATTACHMENTS

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

- Draft Annual Budget 2012 / 2013 (6866)
(Marked 9.1.1)

VOTING REQUIREMENTS

Officer Recommendation 1 – Absolute Majority
 Officer Recommendation 2 – Absolute Majority
 Officer Recommendation 3 – Absolute Majority
 Officer Recommendation 4 – Absolute Majority
 Officer Recommendation 5 – Absolute Majority
 Officer Recommendation 6 – Simple Majority
 Officer Recommendation 7 – Simple Majority

OFFICER RECOMMENDATION 1

PART A – MUNICIPAL FUND BUDGET FOR 2012/2013

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopts the Budget as contained in Attachment 9.1.1 of this agenda and the minutes, for the Shire of Dandaragan for the 2012/2013 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$584,198.
- Statement of Comprehensive Income by Department showing a net result for that year of \$584,198.
- Statement of Cash Flows.
- Rate Setting Statement showing an amount required to be raised from rates of \$4,864,539.
- Notes to and Forming Part of the Budget.
- Budget Program Schedules.
- Transfers to / from Reserve Accounts.

OFFICER RECOMMENDATION 2

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 imposes the following differential general and minimum rates on Gross Rental Values and general and minimum rates on Unimproved Values.

1.1 General Rates

- General (GRV) 7.8319 cents in the dollar.
- Vacant Residential – Jurien Bay & Cervantes (GRV) 13.0494 cents in the dollar.
- Vacant Rural Residential (GRV) 13.0494 cents in the dollar.
- General (UV) 0.5875 cents in the dollar.

- Mining (UV) 0.5875 cents in the dollar.
- 1.2 Minimum Rates
- General (GRV) \$567.
 - Vacant Residential – Jurien Bay & Cervantes (GRV) \$567.
 - Vacant Rural Residential (GRV) \$567.
 - General (UV) \$567.
 - Mining (UV) \$705.
2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full or by instalments:
- Full payment and 1st instalment due date 6 September 2012
 - 2nd instalment due date 6 November 2012
 - 3rd instalment due date 7 January 2013
 - 4th and final instalment due date 6 March 2013
3. Pursuant to Section 6.46 of the Local Government Act 1995, Council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears and service charges, on or before 6 September 2012 or 35 days after the date of service appearing on the rate notice, whichever is the later.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$6.67 (\$20 total) for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 10% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

OFFICER RECOMMENDATION 3

PART C – RESERVE FUNDS – NEW RESERVE ESTABLISHED

Pursuant to section 6.11 of the Local Government Act 1995 a Staff Attraction and Incentive Reserve Fund be established.

The purpose of this Reserve is to be used to fund staff attraction and incentive programs and processes, such as, but not limited to additional superannuation contributions, bonuses, rental subsidies and utility subsidies.

OFFICER RECOMMENDATION 4***PART D – FEES AND CHARGES FOR 2012/2013***

1. Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included in the draft 2012 / 2013 budget included as Attachment 9.1.1 of this agenda and minutes.
2. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Name	Description of Service	Rubbish Rate	Pensioner Rubbish Rate
Rubbish Service Level 1	Collection of one rubbish bin weekly and one recycling bin fortnightly	\$305	\$265
Rubbish Service Level 2	Collection of one rubbish bin weekly and two recycling bin fortnightly	\$370	\$330
Rubbish Service Level 3	Collection of one rubbish bin weekly and three recycling bin fortnightly	\$440	\$400
Rubbish Service Level 4	Collection of one rubbish bin weekly and four recycling bin fortnightly	\$505	\$465
Rubbish Service Level 5	Collection of one rubbish bin weekly and five recycling bin fortnightly	\$570	\$530
Rural Facility Pass	Rural 240l Disposal Charge	\$125	N/A

3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 Council adopts the following charges for the deposit of domestic and commercial waste:

General refuse (per cubic meter)	\$26.00
Separated recyclables	Free
Clean fill	Free
Scrap metal	Free
Car Tyres without rims (each)	\$3.60
4x4 Tyres without rims (each)	\$4.80
Truck Tyres without rims (each)	\$12.00
4x4 & Car tyres with rims (each)	\$12.00

Truck Tyres with rims (each)	\$33.00
Asbestos (per cubic meter)	\$72.00
Asbestos – Minimum Charge	\$72.00
Freezers, Fridges, Air conditioners (each)	\$15.00
Used Oil (per litre)	\$0.30
Oil Filters (each)	\$1.00
Uncontaminated green waste i.e. No weeds	Free
Uncontaminated concrete/ bricks	Free
Problematic wastes (per cubic meter)#	\$72.00
Emergency opening fee (per hour)	\$72.00
Disposal of sewage waste – Cervantes only (up to 12litres)	3.00

OFFICER RECOMMENDATION 5***PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2012/2013***

1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - President \$7,000
 - Councillors \$7,000
2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, Council adopts the following annual allowances for elected members:
 - Telecommunications Allowance \$500
 - Information Technology Allowance \$1,000
3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition to the annual meeting fee:
 - President \$8,000
4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:
 - Deputy President \$2,000

OFFICER RECOMMENDATION 6***PART F – MATERIAL VARIANCE REPORTING FOR 2012/2013***

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2012/2013 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

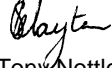

OFFICER RECOMMENDATION 7***PART G – AMENDMENT TO FORWARD CAPITAL WORKS PLAN***

Authorise changes to the Shire of Dandaragan's Forward Capital Works Plan to reflect changes to projects that draw funding for the Royalties for Regions Program in accordance with those allocations made in the 2012/2013 budget;

1. Delete "Waste Facilities – Fencing Replacement and Building Relocation", and;
2. Delete from "Cervantes Community Centre" renovation program partial extension and renovation of the existing building, and;
3. Addition of Snorkel Trail at Dobbyn Park, and;
4. Addition of Renovation and Renewal works at Badgingarra Community Centre, and;
5. Addition of Renovation and Renewal works at Dandaragan Community Centre, and;
6. Addition of Renovation and Renewal works at Jurien Bay Community Centre, and;
7. Addition of Digital Television Retransmission, and;
8. Variation to "Medical Centre" to recognise funding now from Royalties for Regions.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 26 JULY 2012

9.1.2 ACCOUNTS FOR PAYMENT – JUNE 2012

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Fin8
Disclosure of Interest:	None
Date:	17 July 2012
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque and direct debit listing for the month of June 2012

BACKGROUND

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

COMMENT

The cheque and electronic funds transfer (EFT) listing for June 2012 totalled \$12,448,858.48 for the Municipal Fund and \$11,992.00 for the Trust Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque and direct debit listings for June 2012
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the municipal fund cheque and EFT listing for the period

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 26 JULY 2012

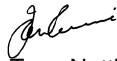

ending 30 June 2012 totalling \$12,448,858.48 for municipal fund and \$11,992.00 for the trust fund be accepted.

9.2 WORKS AND PLANT

9.3 ADMINISTRATION

9.4 TOWN PLANNING

9.4.1 DEPARTMENT OF ENVIRONMENT AND CONSERVATION – PROPOSED SUBDIVISION – K & B FOWLER – LOCATION 3578 GILLINGARRA ROAD

Location:	Location 3578 Gillingarra Road
Applicant:	Department of Environment and Conservation
Doc ID:	
Disclosure of Interest:	None
Date:	10 July 2012
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider an application for the subdivision of Location 3578 Gillingarra Road, in order to create one freehold title and one reserve.

BACKGROUND

Location 3578 Gillingarra Road is owned by K & B Fowler. The location is zoned 'Rural' under Local Planning Scheme No 7.

The Department of Environment and Conservation have reached agreement with the owners of the location to acquire the uncleared portion of the location for addition to the adjoining nature reserve (Reserve 23934).

COMMENT

Prior to the finalisation of the transaction, the Department of Environment and Conservation are seeking Council's comment in regard to the excision of land from Location 3578 and prior to the submission of a formal application for subdivision in order to finalise the transaction. The area of land to be acquired by the Department of Environment and Conservation is immediately adjacent to the Bundarra Nature Reserve and the proposal is to amalgamate the subdivided area with this nature reserve.

CONSULTATION

- Department of Environment and Conservation

STATUTORY ENVIRONMENT

- Planning and Development Act 2005

- Conservation and Land Management Act 1987

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as the valuation for the property had been previously reduced in view of the area of land uncleared.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- correspondence from the Department of Environment and Conservation dated 29 June 2012
- copy of aerial photograph showing the location of the area the subject of the application
- copy of locality plan

(Marked 9.4.1)

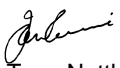

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Department of Environment and Conservation be advised that Council has no objection to a proposal to subdivide Location 3578 in order to create a new lot and for the balance to be amalgamated with the adjoining Bundarra Nature Reserve.

9.4.2 DEPARTMENT OF ENVIRONMENT AND CONSERVATION – PROPOSED SUBDIVISION – R & M BIRKLE – LOTS 702 AND 3570 GILLINGARRA ROAD

Location:	Location 3570 and Lot 702 Gillingarra Road
Applicant:	Department of Environment and Conservation
Doc ID:	
Disclosure of Interest:	None
Date:	10 July 2012
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider an application for the subdivision of Lots 702 and 3570 Gillingarra Road, in order to create one freehold title and one reserve.

BACKGROUND

Lots 702 and 3570 Gillingarra Road is owned by R & M Birkle. The location is zoned 'Rural' under Local Planning Scheme No 7.

The Department of Environment and Conservation have reached agreement with the owners of the location to acquire the uncleared portion of the location for addition to the adjoining nature reserve (Reserve 23934).

COMMENT

Prior to the finalisation of the transaction, the Department of Environment and Conservation are seeking Council's comment in regard to the excision of land from Lots 702 and 3570 and prior to the submission of a formal application for subdivision in order to finalise the transaction. The area of land to be acquired by the Department of Environment and Conservation is immediately adjacent to the Bundarra Nature Reserve and the proposal is to amalgamate the subdivided area with this nature reserve.

CONSULTATION

- Department of Environment and Conservation

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Conservation and Land Management Act 1987

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as the valuation for the property had been previously reduced in view of the area of land uncleared.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- correspondence from the Department of Environment and Conservation dated 29 June 2012
- copy of aerial photograph showing the location of the area the subject of the application
- copy of locality plan

(Marked 9.4.2)



VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Department of Environment and Conservation be advised that Council has no objection to a proposal to subdivide Lots 702 and 3570 in order to create a new lot and for the balance to be amalgamated with the adjoining Bundarra Nature Reserve.

9.4.3 RECONSIDERATION OF SUBDIVISION REFUSAL FOR LOT 184 (12) CAMERON STREET, JURIE BAY

Location:	Lot 184 Cameron Street, Jurie Bay
Applicant:	Total Survey Solutions Pty Ltd
Doc ID:	6344
Disclosure of Interest:	None
Date:	3 July 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To reconsider an application for subdivision that Council Staff had refused under delegated authority.

BACKGROUND

In March 2012, Council received an application for subdivision of Lot 184 (12) Cameron Street, Jurie Bay. Staff considered the application and advised the Western Australian Planning Commission that the application should be refused for the following reasons:

1. The proposal does not demonstrate conformity with the densities stipulated by the Shire's Local Planning Scheme No.7 or State Planning Policy 3.1 – Residential Design Codes.
2. There is a general presumption against subdivision in Cameron Street until such time as the implementation framework for the Jurie Bay Town Centre Strategy and more detailed planning has been progressed.

The current density of Lots in the general vicinity of Lot 184 is Residential R12.5. Under that current density, a single house or grouped dwelling requires a minimum lot area of 700m² with an average of 800m² and in a battleaxe lot situation a minimum lot area of 762.5m².

The existing lot has a total area of 926m². The applicant wishes to subdivide the lot into a battleaxe arrangement with the proposed lots covering an area of Lot 1, 340m² (front lot) and lot 2, 586m² (rear lot).

COMMENT

The subject site, with an area of 926m² does not conform with the minimum requirements of the current Residential Design Code for R17.5 of 1142m². The minimum lot area required is 500m² and in a normal subdivision an average of 571m² and in a battleaxe situation the rear lot requires a minimum area of 587.5m². Council had only supported strata subdivisions in accordance with the density of R17.5.

The applicant has submitted the application in accordance with the density of R25 which is proposed when the Jurie Bay Town Centre Strategy is endorsed and following a rezoning process.

This is not a position that is currently guaranteed for approval.

The application for subdivision is proposing lot sizes of 340m² and 586m² which does not comply with existing densities.

The proposed Jurien Bay Town Centre Strategy is a guide for future development in a coordinated manner to provide for expected growth. This is not a statutory document. Development must conform with the statutory legislation held within Local Planning Scheme No.7.

Attached to the agenda is a copy of the original application for subdivision forwarded to Council by the Western Australian Planning Commission. This information encloses a copy of the proposed lot layout. Also attached to the agenda is the advice from the Western Australian Planning Commission requesting Council to reconsider the application and the correspondence from Total Survey Solutions Pty Ltd outlining the reasons for the reconsideration.

In the letter from Total Survey Solutions, they cite two examples of strata subdivisions that have previously been approved. Approval for these two subdivisions occurred in the late 1990's or early 2000's.

In regard to the strata subdivision of Lot 212, corner of Hamersley Street and Cameron Street, the Lot has an area of 986m². Under the legislation in force at that time, there was an allowance for the area of the truncation on the corner which brought the area of the lot to in excess of 1000m². Under the Residential Design Codes of that day, at a density of R17.5, it was possible to have lots of 500m².

In regard to the other example of Lot 143, corner of Bashford Street and Whitfield Road, the Lot has an area of 1206m² excluding any allowance for the truncation.

Clearly, these two lots have different circumstances to the current application before Council on Lot 184. Lot 184 is not a corner lot.

CONSULTATION

The application was recommended for refusal on the 18th April 2012, where the applicant has consequently applied for a review of the application directing the review to take into consideration the Jurien Bay Town Centre Strategy (the Strategy) objectives of a desired R25 zoning for the subject location.

In response, the Strategy is not a statutory document and only acts as a guiding framework for future development.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7 Scheme Amendment No.6

Scheme Amendment No.6 has been approved by Council and is

currently awaiting endorsement by the Minister, stating:

Introduce the opportunity in Residential R12.5 Zone for grouped and multiple dwellings to be developed in accordance with R17.5 standards when Council grants planning approval.

POLICY IMPLICATIONS

State Planning Policy 3.1 – Residential Design Codes

The Residential Design Codes for R17.5 standards requires a minimum lot area of 500m² and an average of 571m² for each lot.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

In preparing the Jurien Bay Town Centre Strategy, it was identified that a further rezoning will be pursued to suit the objectives and direction the Shire aims to achieve.

As previously stated, the Jurien Bay Town Centre Report is a “strategy” to provide a guided framework and objective for future development and has no statutory merits in assessing a planning application.

At present, Staff are not supportive of the proposed subdivision until such time that sewerage infrastructure and further facilities are implemented to withstand the pressures of increased densities.

ATTACHMENTS

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

- Original Application for Subdivision
- Request for reconsideration of the item

(Marked 9.4.3)

VOTING REQUIREMENT

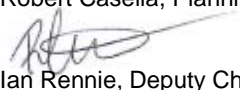
Simple majority


OFFICER RECOMMENDATION

That Council refuse the application for the following reasons:

- 1. the proposal does not demonstrate conformity with the densities stipulated by the Shire’s Local Planning Scheme No.7 or State Planning Policy 3.1 – Residential Design Codes;**
- 2. there is a general presumption against subdivision in Cameron Street until such time as the implementation framework for the Jurien Bay Town Centre Strategy and more detailed planning has been progressed; and**
- 3. due to the lack of a reticulated sewer system in the vicinity.**

9.4.4 BED AND BREAKFAST SHORT STAY ACCOMMODATION – LOT 120 CANOVER ROAD, JURIE BAY HEIGHTS

Location:	Lot 120 Canover Road, Jurien Bay Heights
Applicant:	W & M Highlands
Doc ID:	6214
Disclosure of Interest:	None
Date:	28 June 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	

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

PROPOSAL

The applicant is seeking planning approval for a bed and breakfast accommodation facility utilising the existing dwelling on Lot 120 Canover Road, Jurien Bay Heights.

BACKGROUND

The site is zoned 'Special Use – Rural Development' and has a shire approved dwelling and shed currently onsite. The lot has sole frontage to Canover Road and is 4ha in area.

No additional buildings are required nor any alterations to the current dwelling. The dwelling will consist of accommodation area and private residences, separated by the design of the dwelling, making it suitable for this style of accommodation.

COMMENT

The subject lot is located within the 'Special Use' zone in Victoria Location 10751, where council has the discretion to approve uses not otherwise listed in Schedule 13 for Jurien Bay Heights. Development of the site abides by the development conditions set out in Schedule 13 of the Scheme, with building approval for a two storey addition to their existing dwelling in 2008. Full site plan is attached and designation of private and guest areas (Attachment 1).

In the Local Planning Scheme No.7 (the Scheme) the objective of the Development Guide Plan No.1A "is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential opportunities and other tourist and recreational uses but at all times have due regards for the relative capabilities of the land.

Under the Local Planning Policy 8.11 – Bed and Breakfast Establishment (LPP 8.11) 2.1 of the policy states the Bed and Breakfast is to be limited to a maximum of three (3) guest bedrooms capable of accommodating no more than six (6) guests.

The information submitted in the application generally conforms with the requirements set out in LPP 8.11 and are finalised in the conditions of this report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No.7

Schedule 13 – Specific Conditions for Rural Development on Victoria Location 10751

Statement of Intent:

The objective of Development Guide Plan No.1A is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential opportunities and other tourist and recreational uses but at all times having due regard for the relative capabilities of the land.

POLICY IMPLICATIONS

Local Planning Policy 8.11 – Bed and Breakfast Establishments

Matters to consider:

- 3.2 Where a Bed and Breakfast establishment is to be served by a gravel road the applicant shall provide written confirmation that no demand will be placed on the local government for the upgrade or improvement of the road unless:
1. a financial contribution for such works has been agreed to and received from the respective business owner/proprietor; or
 2. the road (or proportion of the road) is deemed to be unsafe as assessed by the local government.
- 3.4 For Bed and Breakfast Establishments the following works will need to be completed to the dwelling:
- a) Smoke detectors and evacuation lighting will need to be installed and configured in the dwelling to achieve compliance with part 3.7.2.5 of the Building Code of Australia for a change of building classification from a Class 1a 'single dwelling' to a class 1b 'boarding house, guest house or hostel use' residence.
 - b) A minimum of two RCD's will need to be fitted to protect all power point and lighting circuits as prescribed under regulation 12 of the Electricity Regulations, 1947.
- 4.1 A Bed and Breakfast Establishment shall have provisions of onsite parking based on one bay per guest bedroom constructed to the following standards:
- Rural – all weather surface (ie concrete, bitumen, brick paving, compacted gravel or limestone)
- 5.1 As a minimum a Bed and Breakfast establishment shall consist of:
- A dedicated bedroom and bathroom/toilet facility for

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- exclusive use of the operator/s;
 - Separate guest bedrooms and at least bathroom and toilet facility for guest use;
 - Communal sitting and dining room areas.

- 5.3 Kitchen facilities used for the preparation of breakfasts will need to be registered with the Shires Environmental Health Department and comply with the Food Act 2008, and Australian New Zealand Food Standard Code (Australian Only)

- 5.4 Where two or three guest rooms are provided an additional rubbish service may apply at the operator's expense. This may be by way of an additional collection service (wheeled bin) or an alternative arrangement as approved by the local government.

- 7.1 Signage for Bed and Breakfast establishments shall conform to limit of two business directional signs and one business sign to be erected at the front of the property. For residential properties the business sign shall not exceed 0.2m² in area (ie 1.0 metre in length and 0.2 metre in height), while for rural residential and rural areas the onsite business sign shall accord with the Shire's LPP 8.7 – Signage.

FINANCIAL IMPLICATIONS

A planning fee of \$139 has been received by Council.

STRATEGIC IMPLICATIONS

There are no Strategic Implications relevant to this item.

ATTACHMENTS

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

- Attachment 1 – Dwelling Floor Plan
(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for a bed and breakfast accommodation facility utilising the existing dwelling on Lot 120 Canover Road, Jurien Bay Heights based on the following conditions:

- 1. The maximum accommodation period for guests being 3 months in any 12 month period.**
- 2. No more than 6 guests being accommodated.**
- 3. Smoke detectors and evacuation lighting be installed in the dwelling in accordance with Building Code of Australia 3.7.2.5.**
- 4. One car parking bay per guest bedroom being constructed**



of concrete, bitumen or brick paving, compacted gravel or limestone.

5. An additional rubbish service being provided.

Advice:

- Signage for bed and breakfast establishments in special development areas is limited to two business directional signs and one business sign erected at the front of the property. Application needs to be made with the Shire for business directional signs. The business sign shall not exceed 0.2m² in area.
- As meals will be served to customers as part of the approved use, the applicant is required to apply to the Shire's Manager Environmental Health to be registered as a food premises. The kitchen will need to comply with the *Food Act 2008*, the *Food Regulations 2009* and the Food Safety Standards.
- The applicant is to provide written confirmation that no demand will be placed on the local government for the upgrade or improvement of the road, unless a financial contribution has been agreed to and received or the road is deemed unsafe by the local government.
- The applicant be advised that this is planning approval only and not a building license.

9.4.5 INSTALLATION OF FIVE ADDITIONAL WIND TURBINES AT WEST HILLS FARM

Location:	Lot 3909 Nilgen Road, Lancelin
Applicant:	Lisa Tana
Doc ID:	6290
Disclosure of Interest:	None
Date:	10 July 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant wishes to extend their recently installed wind farm by doubling the number of wind turbines to 10. It requires five (5) additional 500kW Enercon E40 turbines of a height of 42m with a 40m rotor diameter. The total height will be no higher than 65m. Figure 1 of the Development Application shows turbine dimensions (Attachment 1).

BACKGROUND

West Hills Farm, Lot 3909 Nilgen Road, Lancelin, comprising an area of 1715ha, is zoned 'Rural' under the Shire of Dandaragan (the Shire) Local Planning Scheme No. 7 (LPS7). The property's major use is agriculture in the production of carrots. Currently there are five (5) turbines established in the northern-west end of the farmed area. They are consistent with the same specifications in the Development Application.

The turbines have been successful in offsetting on-site energy use through the production of renewable energy, which has proved to be, an environmental and commercial success, according to the applicant. The need for additional turbines is a result of growing electrical load at the site and external pressures i.e. the carbon tax.

The proposed turbines are to be installed in proximity to the existing turbines, having a reduced impact on the land by making use of existing infrastructure used for already developed turbines (roads, power lines, communication equipment etc.). The impact of the proposed development is minor in comparison to other existing and proposed wind farms within the Shire.

A few points to note:

- 5 wind turbines already installed on the site;
- Indicative turbine locations are shown in Figure 4 – this is our current best estimate however the final turbine layout may change;
- No clearing will be required as the turbines will be located on cleared farm land;
- The site is suitable for development due to its isolated terrain (over 5km to nearest neighbour) and elevated and gently rolling

nature; and

- The total area of the new development is around 0.8ha and uses a small part of the land area, around 0.02%.

For development to take place, internal tracks will need to have minor upgrades to allow access for construction vehicles to the determined locations. Tracks will need to be in the order of 3.5 to 5m wide and have approximately 100mm of limestone base.

The sites isolation provides a desirable attribute for the wind turbines in regards to noise issues and visibility. The nearest neighbour is over five (5) kilometres away. The applicant has provided a noise modelling diagram, under Figure 7 of Attachment 1, that shows under the worst-case conditions with expectations of 35dB(A) at approximately 450m into the Department of Defence's Training Area is estimated.

Based on the recent findings of the neighbouring Nilgen wind farm in a report titled "Nilgen Wind Farm – Fauna Assessment, Report RP001, December 2008", concluding the impact the wind turbines would have on the Carnaby's Cockatoos would be absolutely minimal. Nilgen wind farm comprises 53 turbines at 80 metres high with 45 metre blades. The following points were summarised from the report:

- Few Carnaby's Cockatoos flew across the part of the site where the wind turbine footprint is proposed to be located;
- Flocks moving through open habitat such as that in the proposed wind turbine footprint were relatively small;
- No major flight paths for Carnaby's Cockatoos will be dissected by the wind farm;
- Very few Carnaby's Cockatoos were observed flying at Rotor Sweep Area height;
- Other studies indicate that Carnaby's Cockatoos and other Black Cockatoos avoid wind farms altogether;
- Carnaby's Cockatoos are known to be competent flyers and are likely to be good at detecting and avoiding wind turbines;
- They are unlikely to fly near the wind turbine footprint in poor light conditions;
- They are unlikely to be displaced from a significant area of foraging habitat;
- Carnaby's Cockatoos are not breeding in the area; and
- No turbines will be placed closer than 1.5km to a roost site or any other place where Carnaby's Cockatoo regularly occur.

COMMENT

There are environmental and social benefits of wind farms due to their ability to increase the sustainability of energy supply and contribution towards addressing global climate change. This was reflected and expressed by the applicant as being a great success in offsetting on-site energy use as a result of their recently established wind turbines.

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In considering the proposal of the additional wind turbines it should be taken into account site aspects, being distant from any residential development, which means it is highly unlikely to generate any significant social impacts by way of noise, electrical interference, shadowing, reflecting, flickering or interruption of any views from the public. Visual amenity from passing traffic is unlikely to be an issue as it does not cause interference or any visual obstruction to the road or landscape.

The majority of the land is used for agricultural purposes, with a portion utilising established wind turbines and infrastructure with sufficient reservation for the proposed additional turbines.

The project and final outcome, being quite small scale, with a total of 10 turbines and a maximum height of 65m, clustering isn't an issue as it provides support from existing infrastructure and is situated on already cleared farmland, which minimises the ecological footprint the proposal will have on the environment.

The construction and operation of the West Hills Farm's recently installed wind turbines has not raised any concerns or issues of a serious or contentious nature, nor has any issue been raised regarding the impact of the wind turbines on the Carnaby's Cockatoo or any other Black Cockatoo in the region. As a result Staff raise no objection to the proposal, subject to conditions.

CONSULTATION

The proposal for five (5) additional Enercon E40 wind turbines was advertised pursuant to Clause 9.4.3 of the LPS7 on the 18 May 2012 with the submission period ending 29 June 2012. A summary of responses can be found in the Schedule of submissions, Attachment 2, summarised to have no objections although considerations are proposed.

Department of Mines and Petroleum requires the land owner to provide reasonable access for exploration adjacent to the land, requesting that minimal interference occurs through location of infrastructure and underground cabling.

STATUTORY ENVIRONMENT

As wind turbines are a use that is not listed in the zoning table of the Shires LPS7 therefor Clause 4.4.2 is to be considered in the decision making process, as it states:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

(a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a fee for planning approval to the value of \$5,969.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Attachment 1 – Development Application
- Attachment 2 – Schedule of Submissions

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for the extension of the Wind Farm (5 Wind Turbines) on lot 3909 Nilgen Road, Lancelin, subject to the following:

Conditions;

- 1. All development shall be in accordance with the attached approved plan(s) dated 15 May 2012 and subject to any modifications required as a consequence of any conditions (s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. Prior to the issue of a building licence, the proponent shall lodge with the Shire, the Royal Australian Air Force (RAAF) Base Pearce, RAAF Aeronautical Information Services in Melbourne, and Air Services Australia specifications of the wind monitoring mast and turbines, and a detailed site plan of the wind farm development drawn to a scale of 1:500 showing:**
 - a. The location of all existing lot boundaries relevant to the whole of the wind farm.**
 - b. The setbacks required, as detailed in conditions 6 and 7 of this approval.**
 - c. The 5 metre contour lines across the site.**
 - d. The location of all buildings and infrastructure associated with the development including towers, fencing, internal access roads, power cables and transmission lines.**
- 3. The wind turbines shall be fitted with high visibility obstacle markings in accordance with Civil Aviation Safety Authority Part 139 Manual Standards (CASA Part 139 MOS).**

4. Prior to the issue of a building licence, the proponent shall undertake a geo-technical assessment for each wind turbine site and provide corresponding footing details endorsed by a certified structural engineer to the satisfaction of the local government.
5. The wind farm development shall comply with the assigned sound levels specified in the EPA Guidance Statement No.8 where by the noise shall not exceed 5dB(A) above the background sound level or 35dB(A) using a 10-minute LAeq, whichever is the greater at a noise sensitive premises (ie residence) either on or off farm.
6. The wind turbines shall not be sited within a 500-metre radius of an existing residence.
7. The wind turbines shall be setback a minimum of 75 metres from vegetated areas to the west and north of the wind farm site, unless otherwise determined by the local government
8. In determining the exact location of each wind turbine, the proponent shall avoid areas requiring considerable cut and fill to minimise drainage and erosion problems within the site.
9. All internal roads within the wind farm site shall use existing access tracks where possible, and be constructed to a compacted gravel or limestone standard to a minimum width of 3.5 metres to the satisfaction of the local government.
10. In the event of interference being caused to RAAF radio communications during or after construction of the wind turbines the operation of the wind farm activities shall cease at the written direction of the local government. Operations shall not recommence until the matter has been resolved through co-operation between the proponent and Department of Defence.

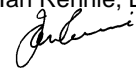

Advice;

- The applicant is advised that prior to the clearing of any remnant vegetation within the wind farm site and/or power line corridor/s a clearing permit must first be obtained from the Department of Environment and Conservation.
- The applicant is advised that during construction and maintenance of the wind turbines and associated infrastructure all work must accord with Worksafe Regulations 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines.
- A grant of planning approval is not a building licence. A building licence must be obtained for this development.
- Prior to lodging an application for building licence it is requested the applicant liaise with the Manager of Building in regard to a geotechnical assessment of site conditions and footing design standards in accordance

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- with the BCA.
- **The applicant should be aware that no further applications for wind turbines shall be considered unless evidence shows that clustering has not, and will not further impact on the visual amenity experienced when travelling along Indian Ocean Drive.**

9.4.6 PROPOSED SCHEME AMENDMENT NO.22 (REZONING) RURAL RESIDENTIAL – LOT 501 JURIEN ROAD, JURIEN BAY

Location:	Lot 501 Jurien Road, Jurien Bay
Applicant:	Land Insights
File Ref:	LPS 7.22
Disclosure of Interest:	None
Date:	16 July 2012
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of a request to rezone Lot 501 Jurien Road from Rural to Rural Residential. The amendment will facilitate the development of the Cockleshell Rural Residential Precinct.

The Amendment Site

The amendment site is located approximately 6km east of Jurien Bay along Jurien Road and is approximately 529ha in area. The site has constructed road access via Jurien Road.

The land is currently zoned Rural under Shire of Dandaragan Local Planning Scheme No.7.

The site is currently undeveloped, with a majority unused for agriculture and covered with native vegetation regrowth. Extractive industries are located at the eastern side of the property where the cadastre extends out to the east to surround the entire extent of the pits. Sand and limestone are extracted from two separate pits in this area. A number of vehicle tracks exist between the pits and towards the road.

The surrounding properties directly to the east, north and south are zoned *Rural* and used for agricultural activities and a majority of these lots are cleared of native vegetation to facilitate this use. The adjoining property to the west is the Drovers Cave National Park. Beekeepers Nature Reserve is located further to the west and the Lesueur National Park is a distance to the north. An existing rural residential development is located to the south-west on the other side of Jurien Road.

The geology of the area is described in the *Geological Survey of Western Australia* (Lowry, 1974). It indicates that the site is largely classified as 'coastal limestone – Aeolian limestone and kankar' and the western section is 'coastal limestone covered by residual quartz sand'. These coastal calcareous sand dunes are related to the Tamala dune system and have been piled on top of the older Mesozoic sediments which can be seen further to the east.

Tamala limestone is an aeolian calcarenite consisting of shell

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fragments and quartz sand which accumulated as coastal sand dunes from Exmouth to Albany during the middle and late Pleistocene and early Holocene eras (100 000 to 25 000 years ago). Sand derived from Tamala limestone can be distinguished from the sand derived from the erosion of Mesozoic sediments because of their rounded and finer texture.

The geological mapping on the Department of Water's online database describes the lithology as sand and sandstone and describes the aquifer as *sedimentary rocks – extensive and deep aquifers*.

The site is entirely located within the Spearwood Dunes system which are comprised of Tamala limestone and sands derived from Tamala limestone. The Spearwood Dune system is further divided into soil-landscape units. Four different units are identified across the property. These are described in more detail in the table below.

Name	Symbol	Description	Soil Types
Spearwood 1 subsystem	211Sp_1	Gently undulating to undulating rises with some limestone outcrop on Tamala limestone in the North Coastal Plain between Jurien and Lancelin. Yellow, brown and pale deep sands.	<ul style="list-style-type: none"> ▪ Yellow deep sand
Spearwood 2 subsystem	211 Sp_2	Gently undulating to undulating rises with some limestone outcrop on Tamala limestone in the North Coastal Plain between Jurien and Lancelin. A complex of deep yellow sands, shallow yellow/brown sands and rock outcrop.	<ul style="list-style-type: none"> ▪ Bare Rock ▪ Yellow/brown shallow sand ▪ Yellow deep sand
Spearwood 3 subsystem	211 Sp_3	Gently undulating to undulating rises on limestone with shallow soils but little or no rock outcrop on Tamala limestone in the North Coastal Plain between Jurien and Lancelin. Yellow/brown shallow sands dominate, with yellow deep sands and bare rock less common.	<ul style="list-style-type: none"> ▪ Yellow/brown shallow sand ▪ Yellow deep sand
Spearwood 1 Dune Phase	211Sp_1d	Undulating rises and low dunes on Tamala limestone in the North Coastal Plain between Jurien and Lancelin. Yellow, brown and pale deep sands. Minor yellow shallow sands and rare rock outcrop.	<ul style="list-style-type: none"> ▪ Yellow deep sand

Source: *NRM Info* website (Department of Agriculture and Food, 2011), <http://spatial.agric.wa.gov.au/slip/index.asp>

BACKGROUND

The published version of the Shire of Dandaragan Local Planning Strategy identifies the land as *Rural*. Following removal of the public drinking water source protection area over the site in mid-2011 the Shire, as part of its review of submissions on the document, resolved to include the site within the Cockleshell Rural Residential Precinct. This decision was re-affirmed at the Council meeting in May 2012.

Lot 501 now forms part of the Cockleshell Rural Residential Precinct as identified in the Shire's Local Planning Strategy. The broader Cockleshell Rural Residential Precinct covers a broader region encompassing Lot 1 Jurien Road, with future growth identified schematically in a north/south direction. An amendment for Rural Residential has already been initiated for Lot 1.

A development approval and extractive industry licence have recently been issued for sand and limestone extraction on the site. It is expected that these operations will continue until such time as the site is developed for Rural Residential purposes.

The applicant is requesting Council to initiate the amendment subject to the Subdivision Guide Plan being prepared to the satisfaction of the Council. This will assist the applicant to proceed with the proposal supported by Council and thus facilitate the more detailed planning of the site. As such, by initiating the amendment Council is proceeding to implement the broad suitability of the site for Rural Residential purposes in accordance with the endorsed Local Planning Strategy.

COMMENT

The site forms part of the Cockleshell Rural Residential Precinct. The site itself, as discussed and confirmed during the Council meeting in August 2011 is suited to this form of development.

Requests for initiating a scheme amendment for Rural Residential development are sometimes supported by a Subdivision Guide Plan and accompanying provisions that will form the basis for future subdivision and development. In this instance, however, the applicant has requested that the Council initiate the amendment subject to the preparation of a subsequent Subdivision Guide Plan and accompanying provisions. The approach has several merits:

- It will provide the landowner with ongoing certainty that the proposal will be initiated in accordance with previous resolutions confirmed by Council. This will enable the applicant to proceed with the detailed planning of the site in the next few months.
- It will allow Council Staff and the applicant to work together to determine an appropriate Rural Residential form for the site that meets the needs of both the applicant and the Council.
- It will allow for the possible integration of the site with Lot 1 to the east so that development across the identified Cockleshell Rural Residential Precinct can be planned in a holistic and coordinated manner.

This approach has been discussed with the applicants and is supported. A similar approach has been adopted by Council recently on other sites.

In this regard, a detailed Subdivision Guide Plan will need to be prepared to the satisfaction of the Council prior to the amendment

being formally initiated. The Subdivision Guide Plan will, in turn, need to be supported by relevant technical appendices including an environmental assessment, servicing and infrastructure report, fire management plan and local water management strategy.

CONSULTATION

There is no requirement to undertake consultation at this stage. The Applicant has been consulted regarding the recommendation below. A mandatory consultation process will apply should the Council initiate the amendment.

STATUTORY ENVIRONMENT

Rezoning of the land by way of a Local Planning Scheme Amendment is undertaken in accordance with the provisions of the *Planning and Development Act, 2005* and *Town Planning Regulations, 1967*. If the Council initiates the proposed amendment, it must refer the amendment to the Environmental Protection Authority to determine whether environmental assessment is required prior to public advertising in accordance with provisions of the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The proponent will be required to pay a fee for the amendment in accordance with Council's Schedule of Fees prior to the amendment being adopted by Council for final approval.

STRATEGIC IMPLICATIONS

The proposal reinforces the direction endorsed by Council in the recently-considered Local Planning Strategy and is consistent with previous Council resolutions specific to this site.

ATTACHMENTS

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

- Various Aerial Photographs / Plans
- Draft Scheme Amendment No.22

(Marked 9.4.6)

VOTING REQUIREMENT

Simple majority

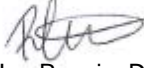

OFFICER RECOMMENDATION

That Council:

- 1. in pursuance of Section 75 of the *Planning and Development Act 2005 (as amended)*, amend Local Planning Scheme No.7 by rezoning Lot 501 Jurien Road from *Rural to Rural Residential & Parks and Recreation*;**
- 2. request the proponent to prepare a Subdivision Guide Plan (including any technical appendices) and accompanying**

- scheme provisions;
3. subject to the matters raised in Recommendation 2 above being addressed to the satisfaction of Council, including any modifications to the amendment documents in response:
 - a. authorize the Chief Executive Officer and President to sign the amendment documents;
 - b. in accordance with Schedule 11 of Shire of Dandaragan Local Planning Scheme No.7, adopt the proposed plan of subdivision included in the Scheme Amendment document for the purposes of publicly advertising the plan;
 - c. refer a copy of the amendment document to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*; and
 - d. subject to the Environmental Protection Authority deciding to not assess the amendment, refer a copy of the amendment document to the Western Australian Planning Commission and advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)*; and
 4. advise the applicant of its resolution.

9.4.7 TELSTRA CORPORATION – APPLICATION TO CONSTRUCT A MOBILE PHONE BASE STATION – LOT 501 CANOVER ROAD JURIE BAY

Location:	Lot 501 Canover Road, Jurien Bay
Applicant:	Aurecon
Doc ID:	6019
Disclosure of Interest:	None
Date:	21 June 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider an application to construct a forty (40) metre high telecommunications monopole containing six (6) panel antennas and two (2) transmission dishes including an equipment shelter at Lot 501 Canover Road, Jurien Bay.

BACKGROUND

Rural Residential lots at Alta Mare and Jurien Bay Heights are located too far from the existing Telstra base station on the corner of Indian Ocean Drive and Whitfield Road, Jurien Bay for adequate telecommunications services.

Telstra proposes to develop the Telecommunication Tower (Base Station) at the Jurien Bay Landfill Site & Recycling Centre (landfill site). The land is zoned for 'Public Purpose' under Local Planning Scheme No. 7 (LPS7). The Shire of Dandaragan (the Shire) has a Management Order over Lot 501 for the purpose of a Rubbish Disposal Site. The Department of Regional Development and Lands (DRDL) has agreed to the leasing of the subject land with the agreement being exemplified in the signing of the planning application, granting approval for the proposal to utilise the land for the use of telecommunications tower (Attachment 1).

Telstra and the National Broadband Network provider NBN Co. have entered into a co-location agreement to share this tower and avoid the need for additional towers. The proposed monopole has been designed to ensure both services are adequately reserved and delivered for quality assurance.

A letter in support of the colocation from NBN Co can be seen in Attachment 2 and a copy of the development application in Attachment 3.

COMMENT

From a telecommunications perspective, the proposed base station is ideally located for improving reception within Jurien Bay and Alta Mare and Jurien Bay Heights, as it allows coverage to be broadcast 360 degrees with the proposed site achieving 95% of the coverage objective and avoids the need for additional base

stations. The proposed base station can accommodate upgrades and other carriers, thereby reducing the need for other facilities. State Planning Policy No 5.2 Telecommunications Infrastructure states that effective and efficient roll-out of networks is desirable and seeks to avoid lengthy and litigious approval procedures to provide modern telecommunications systems that are essential for the State and National economy and beneficial for communities.

In considering the application, attention is to be brought to the LPS7, Clause 10.2 with the most relevant matters taken into consideration, in making the decision for this application, was any approved statement of planning policy of the Commission; State Planning Policy 5.2 – Telecommunications Infrastructure. In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve, which in this case can be amended if the site is considered suitable. The compatibility of the proposed use and development with its setting, taking into account the preservation of the amenity area, and the relationship of the proposed development on adjoining land and land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal whilst taking into account submissions made by the public.

Under section 5.2 of the State Planning Policy 5.2, before determining an application for telecommunications infrastructure the local government should consider and have regard to the:

- Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State;
- Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region;
- Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;
- Effect of the proposal on any place of cultural heritage significance on or near the land;
- Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts;
- Degree to which the proposal is co-ordinated with other services;
- Extent to which the proposal fulfills the requirements of Sections 5.3 of this policy (Information Required to be Submitted when Lodging a Planning Application); and
- Extent to which the proposal adheres to the Guiding Principles for the Location, siting and design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.

State Planning Policy No. 1 under part A: 2 – Infrastructure recommends that land be used and planned in a strategic manner to provide necessary infrastructure and services to residents whilst

preventing wasteful development. If the proposed single monopole on this site is not permitted, an alternative strategy may require multiple base stations to provide the same coverage. This could be considered inefficient.

LPS7 includes the subject land in a reserve for "Public Purpose – Rubbish Disposal". The applicant wishes to lease a 60m² parcel of land that has already been cleared to an extent, for the use of telecommunications. The designation of the land for 'public purpose', suggests it is to provide a service for the public. Although The Rubbish Disposal site is lying quite low and buffered by low to medium lying vegetation, a 40m high telecommunication monopole will inevitably pose a questionable impact on neighboring land owners visual amenity. This is at a cost during a time where telecommunication is becoming a more and more valued public service, as stated by the Wheatbelt Development Commission (WDC).

Results from a WDC investigation into infrastructure planning identify telecommunications as one of the key development issues in the Wheatbelt, with an overall focus on mobile phone coverage, upcoming impacts of the introduction of Digital TV, and access to ADSL+, especially those areas that could be waiting many years for potential National Broadband services. With Jurien Bay being selected as a SuperTown it is important for advanced services to be available, particularly in telecommunications.

The reserve, being 78.834 hectares, is located approximately 7km from the town centre, with the nearest residence approximately 600m south east from the proposed subject site and is unlikely dwellings will be constructed closer than 300m in the future. The landfill site is gently undulating and has been cleared of vegetation to enable land fill and the location of related infrastructure, by also locating prior to the entrance of the landfill site, it minimises the potentially detrimental environmental impact of the development and infrastructure and preventing any implications on the operation of the landfill site in the current and future use.

In determining the application, the local government is to ensure the development complies with the standards required for development to ensure a scale, nature, design and general appearance is compatible with the intentions for the development and the objectives of the scheme.

CONSULTATION

The Shire notified 96 landowners within a 1000m radius of the proposed monopole. A response rate of about 6% was achieved with five (5) submissions objecting to the proposal on grounds of visual amenity impact (Attachment 4).

In response to these concerns the applicant provided photomontages from the properties of landowners who had made

submissions, to give an example of the visual impact of the monopole from those properties (Attachment 3).

The Shire has been able to contact five (5) of the six (6) respondents regarding the photomontages. All have since advised that they stand by their objection and that the photomontages only further strengthen their views against the development of the monopole in the proposed location.

There are many landowners who were notified of the proposed monopole that chose not to make a submission

A representative for Telstra Corporation from Aurecon gave a presentation to Council at the Council Forum held 12 July 2012.

STATUTORY ENVIRONMENT

Matters to be considered

Clause 10.2 of LPS7 outlines various matters that are to be given due regard by the local government when considering an application for planning approval. These matters include:

- c) any approved statement of planning policy of the Commission.
- e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.
- i) the compatibility of a use or development with its setting.
- l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment.
- n) the preservation of the amenity of the locality
- o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
- y) any relevant submissions received on the application.

Local Planning Scheme No.7

Land Use Permissibility

Part 3 of the Shire's Local Planning Scheme No.7 deals with the use and development of local reserves, clause 3.4.3 states:

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

- A) The matters set out in clause 10.2; and
- B) The ultimate purpose intended for the Reserve.

In this instance the ultimate purpose of the reserve is for Rubbish Disposal. If the applicant is successful in their proposal the DRDL intends to create a separate Crown reserve, not in favour of Council, for the telecommunications tower and once created the Crown reserve will be reserved for Telecommunications Infrastructure under the Scheme.

POLICY IMPLICATIONS

State Planning Policy No. 5.2 – Telecommunications Infrastructure
Statement of Planning Policy No. 5.2 was developed by the WAPC to provide a guiding framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. The Objectives of the Policy are to:

- Facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs;
- Facilitate the development of an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Western Australia;
- Assist community understanding of the issues involved in the design and installation of telecommunications infrastructure and provide opportunities for community input to decision making;
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure;
- Minimize disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure; and
- Ensure compliance with all relevant health and safety standards in the provision of the telecommunications infrastructure.

A copy of State Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP5.2) is contained in Attachment 5.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

The proposed development is currently in a location reserved for a Rubbish Disposal Site, which is inconsistent with the proposed use. The proposed development will not impinge on future land fill expansion plans, as any proposals to expand should be in avoidance of the area.

The proposed infrastructure, and its ability to upgrade and expand on, will reduce the need for more telecommunication monopoles to be located in the vicinity of the landfill and/or the proposal.

ATTACHMENTS

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

- Attachment 1 – Signed Application for Planning Approval
- Attachment 2 – NBN Co letter of support
- Attachment 3 – Development Application
- Attachment 4 – Montages
- Attachment 5 – Schedule of Submissions
- Attachment 6 – Statement of Planning Policy No. 5.2

- Attachment 7 – Correspondence from Aurecon (2 July 12)
(Marked 9.4.7)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant conditional approval to commence development of 'Telecommunications Infrastructure' in accordance with drawings numbered W106930 dated 23 February 2012 on the following conditions.

Conditions:

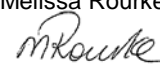
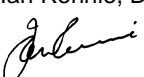
- 1. All development shall be in accordance with the attached approved plans dated 28 February 2012 and the plans shall not be modified or altered without the prior written approval of the Local Government; and**
- 2. Subject to satisfactory negotiations taking place between Telstra and Council to allow access to the proposed new Reserve through Council's existing reserve, to the satisfaction of the Chief Executive Officer.**

Advice:

- **Any expansion or upgrades are to have planning approval prior to any works.**
- **That the applicant be advised this is planning approval only and not a building license.**

9.5 HEALTH

9.5.1 TENDER 03 / 2012 – PROVISION OF WASTE COLLECTION SERVICE FROM VARIOUS LOCATIONS

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Tender 03/2012
Disclosure of Interest:	None
Date:	16 July 2012
Author:	Melissa Rourke, Manager Environmental Health
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider tenders received for the provision of waste collection service from various locations throughout the Shire of Dandaragan.

BACKGROUND

The Shire of Dandaragan's contract for the current collection of waste, which comprised of the collection of waste from the Badgingarra and Cervantes Transfer Stations and the emptying of public bins within the Jurien Bay townsite expired on 8 March 2012.

A tender was advertised seeking a contractor to provide regular, efficient waste collection service for the:

- Collection and transfer of waste from the Cervantes Waste Management Facility to the Jurien Bay Waste Management Facility;
- Collection and transfer of waste from the Badgingarra Waste Management Facility to the Jurien Bay Waste Management Facility;
- Emptying of public sulo and static bins from the Jurien Bay and Cervantes townsites during specified times of the year;
- Collection and transfer of waste from the Sandy Cape Recreational Camping Grounds;
- Removal of waste from the public fish cleaning facility located at the Jurien Bay Marina; and
- Emptying of bins at overflow camping area located at the Jurien Bay Community Centre during specified times of the year.

The tender specified that the contract would be for a 36 month period.

Tender 03 / 2012 was advertised in *The Weekend West* on 16-17 June 2012.

The tenders were to be assessed using an assessment matrix as shown below:

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Description of Qualitative Criteria	Weighting
Tenderers experience	20%
Tenderers resources and proved ability to provide the service	30%
Tendered price for entire service	50%

The assessment matrix allows the tenders to be evaluated in an unbiased manner where the tenderer with the highest overall points may be considered to be the most advantageous tender. This is to be used as a guide only during the assessment and is not necessarily binding.

COMMENT

When tenders closed on Thursday 5 July 2012 one compliant tender had been received from Trumara P/L Trading as Coastal Disposals.

The tender was assessed using the following qualitative criteria:

Description of Qualitative Criteria	Weighting	Trumara
Tenderers experience	20%	20%
Tenderers resources and proved ability to provide the service	30%	30%
Tendered price for entire service	50%	50%

The tenderer submitted an annual price of \$67854.52 (GST exclusive). A number of prices were requested within the tender for additional collections supplementary to the specified works ie additional bins required at Sandy Cape. These do not form part of the annual tendered price however it is not expected that they will be utilised often. Staff felt it was necessary to ensure a set price was agreed should these services be required.

The tenderer is the past contractor who has provided very efficient service in the past and the officer is recommending they be awarded the contract in this instance.

CONSULTATION

Tender 03 / 2012 was advertised in The Weekend West on 16-17 June 2012.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Shire of Dandaragan Policy 1.15 – Shire of Dandaragan Purchasing and Policy Tender Guide.

FINANCIAL IMPLICATIONS

The annual tendered price was \$67854.52 (GST exclusive) and the contract will be for 36 months.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

ATTACHMENTS

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

- Part 2 – Specifications of tender 03 / 2012

(Marked 9.5.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1

That Council award Tender 03 / 2012 for the provision waste collection service from various locations to Trumara Pty Ltd (Trading as Coastal Disposals) for the contract period of 1 September 2012 to 31 August 2015 for the following schedule of rates:

Standard Services

Item description	Price per annum (GST exclusive)
Transfer of Waste from Cervantes Waste Management Facility in accordance with collection thresholds as indicated in section 2.3.1 of the tender	\$19636.36
Transfer of Waste from Badgingarra Waste Management Facility in accordance with collection thresholds as indicated in section 2.3.1 of the tender	\$14527.27
Collections of public sulo bins or static bins between 1 September to 30 April as indicated in section 2.3.2 of the tender	\$10472.72
Collection of waste from Sandy Cape Recreational Camping Grounds as indicated in section 2.3.3 of the tender	\$14600.00
Collection of waste from the public fish cleaning facility at the Jurien Bay Marina as indicated in section 2.3.4 of the tender	\$6690.90

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Collection of waste from the overflow camping grounds Jurien Bay Community Centre as indicated in section 2.3.5 of the tender	\$1927.27
TOTAL	\$67854.52


Additional Services

Item Description	Size of receptacle	Price per service (GST exclusive)
Additional collections from Cervantes Waste Management Facility in addition to the collection thresholds	15m³	\$409.10
Additional collections from Badgingarra Waste Management Facility in addition to the collection thresholds	8m³	\$318.19
Collections of public sulo bins or static bins outside of the 1 September to 30 April timeframe	240L MGB	\$163.64
Additional collection of waste from Sandy Cape Recreational Camping Grounds	8m³	\$309.10

9.6 BUILDING

9.6.1 MR AND MRS P AND R WALLACE, LOT 32, 7A GRIGSON STREET, JURIEN BAY – PROPOSED R-CODE VARIATION FOR NIL BOUNDARY SETBACK TO SIDE BOUNDARY

Location:	Lot 32, 7A Grigson Street, Jurien Bay
Applicant:	Mr and Mrs P and R Wallace
File Ref:	BE 925
Disclosure of Interest:	Nil
Date	15 July 2012
Author:	Will George, Manager Building Services
Signature of Author:	

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

PROPOSAL

The applicants are seeking Council's approval to construct an open-sided carport of 26.75m² floor area with nil side boundary setback to the boundary, located between the existing two-storey dwelling on the subject lot 32, 7A Grigson Street, and the side boundary with the adjoining property Lot 33, 6 Grigson Street.

BACKGROUND

The original Lot on which the proponent's dwelling is situated was subdivided into two smaller lots in the past, and a second dwelling was constructed on the rear lot and operates as a holiday accommodation business. The remainder of the lot on which the proponents dwelling, 7A Grigson Street is located, measures 550.4m² and has direct access onto Grigson Street as the normal street frontage to the dwelling. The existing dwelling 7A currently has a side boundary setback of 2.975 metres between the dwelling and the side boundary with Lot 33, 6 Grigson Street and it is in this side boundary setback the proponent wishes to construct the open-sided carport. Due to the width of this existing side boundary setback, the proposed open-sided carport will be constructed with a nil boundary setback from the side boundary with Lot 33, 6 Grigson Street to achieve a building width adequate to suit vehicle parking. (See the site plan attached to this item)

COMMENT

The Zoning Density map 7 of 11 attached to the Shire of Dandaragan Town Planning Scheme No 7 shows the zoning for the subject lot as being R12.5, however, history shows that on the occasions of Council's previous approval to develop grouped dwellings on this lot the Zoning Density was adopted as R17.5. The Zoning Density maps have not been updated to reflect this zoning change at this point in time.

Table 1 (General site requirements) of the Residential Design Codes (R-Codes) provides comment for other and rear boundary setbacks to comply with Tables 2a and 2b and design element 6.3.

The proposed open-sided carport must be considered as a building **with major openings** and is therefore subject to Table 2b. Table 2b for a wall height of 3.5 metres or less, and a wall length of 9 metres or less specifies a boundary setback of 1.5 metres.

The proposed open-sided carport subject of this application has a wall height with major openings of 3.0 metres, and a wall length parallel to the side boundary of 9 metres which would normally require a boundary setback of 1.5 metres.

The performance criteria of Design Element 6.3 (Boundary setback requirements) require that buildings setback from boundaries other than street boundaries:

- Provide adequate direct sun and ventilation to the building;
- Ensure adequate direct sun and ventilation being available to adjoining properties;
- Provide adequate direct sun to the building and appurtenant open spaces;
- Assist with protection of access to direct sun for adjoining properties;
- Assist in ameliorating the impacts of building bulk on adjoining properties; and
- Assist in protecting privacy between adjoining properties.

The dwellings directly involved with the location of the proposed open-sided carport are both two-storey dwellings which do not impose of the relatives performance criteria listed above as they exist presently. Site consideration of the proposal suggests that the addition of a low level single storey structure between the dwellings will not have a detrimental influence on any of the values listed as part of the performance criteria. The proposed open-sided carport is 3 metres high to the eaves level, and the wall parallel to the common side boundary for each dwelling is an open wall (ie no wall cladding). A requirement of the Building Code 2012 will be that the wall parallel to the common side boundaries cannot be closed in, and the roof cladding will be required to stop 500mm away from the common side boundary to be compliant. This point is not raised as a justification of the planning decision but more to show that the open-sided nature of the proposed construction will be enhanced by having the roof cladding a further 500mm from the side boundary to increase the open-sided nature of the structure and further reduce the impact of the structure on the light and ventilation values specified by the performance criteria of Design Element 6.3 of the R-Codes.

The proposed open-sided carport will continue to remain inside the line of the existing colorbond side boundary fence dividing the two adjacent separate lots.

The Shire of Dandaragan's Policy Relating to Outbuildings is not outspoken against this proposal. The Policy defines a carport as a

roofed structure, open or semi-enclosed for the purpose of sheltering motor vehicles, and which is attached to or adjacent to a primary residence, and which does not exceed 40m² in area, a wall height of 3.0 metres, or a ridge height of 4.5 metres. The proposed open-sided carport will be steel framed construction clad with a colorbond roof material.

CONSULTATION

The neighbour consultation process was undertaken by Council staff but no responses were received.

STATUTORY ENVIRONMENT

- Shire of Dandaragan Local Planning Scheme No 7
- Residential Design Codes (R-Codes)
- Shire of Dandaragan's Policy Relating to Outbuildings

POLICY IMPLICATIONS

There are no policy implications applicable to this item.

FINANCIAL IMPLICATIONS

The proponents have paid a planning fee of \$139.00.

STRATEGIC IMPLICATIONS

There are no strategic implications applicable to this item.

ATTACHMENTS

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

- Site plan and structural section drawing number SA-PRW-SO2/A

(Marked 9.6.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for the construction of a steel framed colorbond steel roofed 2.975 metre wide x 9.0 metre long x 3.0 metre eaves wall height open-sided carport with a nil side boundary setback as described, on Lot 32, 7A Grigson Street, Jurien Bay subject to the following:

Conditions;

- 1. All development shall be in accordance with the attached approved plans submitted with the application and subject to any modifications required as a consequence of any conditions of this approval.**
- 2. The endorsed plans shall not be altered without the prior written approval of the local government.**



Advice

- The applicant is advised that this is a planning approval**

- and not a building permit.
- The applicant is advised should he be aggrieved by this decision there is a right of review under the Planning Development Act 2005. An application for review must be submitted in accordance with part XIV of the Planning Development Act 2005 within 28 days of this decision to:

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

9.6.2 MR W BATE, LOT 319, 3 SHEOAK GROVE, JURIEN BAY – PROPOSED R-CODE VARIATION FOR NIL SIDE AND REAR BOUNDARY SETBACKS – CONSIDERATION OF REVOCATION OF COUNCIL DECISION

Location:	Lot 319 Sheoak Grove, Jurien Bay.
Applicant:	Mr W Bate
File Ref:	BE 2615
Disclosure of Interest:	None
Date:	16 July 2012
Author:	Will George, Manager Building Services
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider the revocation of the decision made at the Council Meeting held 24 May 2012 and the adoption of a new Decision.

BACKGROUND

This matter was considered by Council at the Ordinary Meeting held 24 May 2012. The background information for that item was as follows:

A similar shed application from this applicant was presented to the Ordinary Council Meeting of 22 March 2012, at which Council's resolution was to approve the application in accordance with the officer's recommendations. The proposal of that meeting included a brick boundary wall for the side and rear boundaries for the nil setbacks. Due to the applicant's desire to reduce the cost of the building the same shed size is now proposed, but with colorbond walls located on the nil setback boundaries in lieu of the brick walls previously proposed.

Lot 319 Sheoak Grove is zoned Residential R12.5 development density and has recently been developed with the construction of a new dwelling on the lot. The applicant now wishes to have a shed constructed to the rear of the new dwelling, and located as shown in the attached site plan. To maximise the use of the available site space the applicant proposes to build the shed with nil boundary setbacks to the side and rear of the selected shed site. The proposed shed remains at the same 10m long x 5m wide x 3.6m high eaves line as the originally approved shed application described above.

COMMENT

Table 2b (Boundary setbacks for walls without major openings) of the Residential Design Codes (R-Codes) for a proposed wall of 10m long and 3.6m high would normally require a boundary setback of 2 metres for the side boundary setback, and 1.1 metres for the rear boundary setback. The applicant proposes nil boundaries setbacks for both side and rear boundaries. The only

difference between this application and the previously approved application is that the nil setback boundary walls are now steel framed colorbond clad walls in lieu of the previously approved masonry walls on to the side and rear boundaries at the shed site.

Council's policy relating to outbuildings provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria of the Residential design Codes.

The objectives of Council's Policy Relating to Outbuildings are threefold:

- To provide some flexibility in the requirements for outbuildings in residential areas.
- To ensure that the performance criteria of the Residential Design Codes (2002) are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

This Policy is made pursuant to Clause 2.6.2 of the Residential Design Codes (Clause 3.10.1 – Outbuildings), where an outbuilding exceeds an area of 60m² (or 10% of the site area, whichever is the lesser) or has a wall height greater than 2.4m or a ridge height greater than 4.2m, Council's approval should be sought under the Performance Criteria.

The performance criteria relative to outbuildings (Clause 3.10.1) states:

“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”

The Policy statement for Outbuildings in paragraph 5 provides that:

“An outbuilding within a residential area shall be deemed as meeting the Performance Criteria of Clause 3.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

For non-reflective cladding or masonry, the permitted area of outbuildings is 80m², or 10% of the site area, whichever is the lesser, a permitted wall height of 3.6m (measured from ground level at the closest common boundary) and a permitted ridge height of 4.5m or the highest point of the roof cladding to the residence, whichever is the lesser.”

The proposed shed subject of this application has a floor area of 50m², a wall height of 3.6m, and a ridge height of 3.9m placing it within the maximums of the requirements of the Policy listed above.

The proposed outbuilding (shed) subject of this application is

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located well behind the existing dwelling on the lot thereby achieving the performance criteria relative to outbuildings stated in Clause 3.10.1 of the Residential Design Codes. (Site Plan attached)

The roof is non-reflective colorbond as are the walls of the building.

The Performance Requirements of Clause 6.3.2 (Buildings on boundaries) states that:

“Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development;*
- *not have any significant adverse effect on the amenity of the adjoining property owner; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

The location of the proposed shed does not appear to create less than the prescribed Performance Requirements of Clause 6.3.2 of the Residential design Codes (R-Codes).

The objection from the adjoining property owner of Lot 123 Couborough Place has not specified the nature of the objection beyond a request for a brick wall facing her rear boundary.

The structural changes to a standard shed design increase the cost of the structure and reduce the ease of which weather-proofing can be achieved. It was originally a concern of the applicant to alter the previously approved application due to costs.

The objection raised from the adjoining property owner at Lot 123 Couborough Place would appear to be based only on a preference for a brick wall facing the boundary rather than some other technical reason for the specification. The applicant can construct a colorbond fence all the way along the rear boundary in question using a colorbond fence to a height of 1.8m without Council approvals, which is considered to be a more intrusive impact than a 5 metre long colorbond shed wall situated on the boundary.

The Chief Executive Officer has received advice signed by three Councillors that they wish Council to consider the revocation of the decision made at the Ordinary Council Meeting of 24 May 2012. The advice has been signed by Councillors Sheppard, Short and Kent.

CONSULTATION

The neighbour consultation process was repeated by Council staff as for the previously approved application and one (1) objection

has been received (see attachment). The objector requests that the boundary wall facing to her property (Lot 123 Couborough Place, Jurien Bay) be of brick construction.

STATUTORY ENVIRONMENT

- Shire of Dandaragan Local Planning Scheme No 7
- Residential Design Codes of Western Australia
- Shire of Dandaragan's Policy Relating to Outbuildings
- Local Government Act 1995

The process for revoking Council resolutions is allowed for in Local Government (Administration) Regulations 1996 Regulation 10.

10. REVOKING OR CHANGING DECISIONS MADE AT COUNCIL OR COMMITTEE MEETINGS — S. 5.25(1)(E)

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
- (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of \$139.00.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Site plan
- Elevations and shed details
- Letter of objection from Irene Delane (owner of adjoining property)
- Advice from Councillors Sheppard, Short and Kent of their support to revoke the Council Decision for Item 9.6.3 of the Ordinary Council Meeting 24 May 2012.

(Marked 9.6.2)

VOTING REQUIREMENT

Officer Recommendation 1 – Absolute majority

Officer Recommendation 2 – Simple majority

If Council wishes to revoke the decision of Council passed at the Ordinary Meeting held 24 May 2012, it will be necessary for at least one third of the offices (whether vacant or not) of members of the Council to support consideration of the matter before the motion can be moved (Administration Regulation 10, Local Government Act 1995).

This means the support of three elected members is necessary before the next stage of the process to consider the revocation of the Motion.

To be successful, the revoked motion must be carried by an absolute majority.

Councillors Sheppard, Kent and Short have all indicated in writing (attached) that they support the proposed revocation motion below in accordance with Local Government (Administration) Regulations 1996, 10 (1a)

OFFICER RECOMMENDATION 1

That the Council Decision for item 9.6.3 of the Council Meeting held 24 May 2012 being:

“That Council refuse the application to construct a shed of 50 square metres floor area with nil boundary setbacks to the side and rear lot boundaries of Lot 319 Sheoak Grove, Jurien Bay.”

Be revoked.

OFFICER RECOMMENDATION 2

That Council grant planning approval for the construction of the 10m long x 5m wide x 3.6m wall height colorbond clad shed located in the rear setback area of Lot 319 Sheoak

Grove, Jurien Bay with nil boundary setback to the side and rear boundaries of the lot, subject to the following:

Conditions:

- 1. all development shall be in accordance with the attached approved plans submitted with the application and subject to any modifications required as a consequence of any conditions of this approval; and**
- 2. the endorsed plans shall not be modified or altered without the prior written approval of the local government.**

Advice

- The applicant is advised this is planning approval and not a building permit.**
- The applicant be advised should they be aggrieved by this decision there is a right of review under the Planning Development Act 2005. An application for review must be submitted in accordance with part XIV of the Planning Development Act 2005 within 28 days of this decision to:**

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

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 HON BRENDON GRYLLS MLA, MINISTER FOR REGIONAL DEVELOPMENT – SUPERTOWNS DEVELOPMENT PROJECT FUND 2011-2012 – OUTCOME OF FUNDING SUBMISSIONS

Document ID: 5841

“Congratulations on the considerable work that you, your staff, local councillors and the general community have undertaken in developing your Growth Plan and identifying your priority projects for future investment.

I am very pleased to inform you that the State Government has approved funding for the City Centre Enhancement Project, subject to conditions. Funding of up to \$12,137,850 (plus GST) has been approved to assist with the development of the following components:

- i. Visitor and Civic Precinct – Stage 1 Development; and*
- ii. The City Centre Infrastructure Improvement Project (infill sewerage and city centre storm water management strategy).”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.1)**

9.7.2 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 24.12 – 18 JUNE 2012

Document ID: 5886

Inside this issue:

- Building Commission Regulations Changes
- Early Bird Registration Winner
- Practical Application of Carbon Price Legislation
- WALGA Breakfast Series: Local Government – Clear Thinking on Carbon
- Local Government Convention 2012
- Fleet Expo Registration
- Officer Training
- Elected Member Training
- Extension of Eligibility Criteria for the NBN Interim Satellite Solution
- WA Safety Conference Registrations Open

9.7.3 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 15 JUNE 2012 – EDITION 69

Document ID: 5888

Inside this issue:

- YACWA Fairground Youth Sector Conference
- Creative Networks Fund
- Criminal Property Confiscation Grants
- Extension of Eligibility Criteria NBN Interim Satellite Solution
- Condolences to Communities
- Child Health Services – 2012-2013
- Access Audit Certificate Course

- Volunteer Grants 2012
- Injury Prevention Stakeholder Workshops
- Homelessness Research Project
- LG Health Promotion Network
- Future of Public Open Space
- Rural General Practitioners
- Risk Based Land Use Planning Education Course
- Quick WALGA Snippets
- Grants
- Attachments

9.7.4 WALGA INFOPAGE – CHILD HEALTH SERVICES – 2012-2013 STATE BUDGET ANNOUNCEMENTS

Document ID: 5896

Key Issues:

- The recent State Budget 2012-13 announcements included a significant increase in funding allocations for Child Health Services, with funding across the Departments of Health, Education, Communities and the non for profit sector.
- The Association has been advocating for greater funding and strategic partnerships across Local Government owned Child Health facilities, which has not been reflected in the Budget announcements.
- The Association is seeing further information on the policies to inform our advocacy position.

9.7.5 MARK DREYFUS QC MP – AUSTRALIAN GOVERNMENT CLIMATE CHANGE POLICIES

Document ID: 5958

“It has been brought to my attention that a number of Council’s have been sent misleading information about the effect of the Australian Government’s climate change policies on their operations.

A letter sent to Council’s in the week of 21 May 2012 by the Leader of the Opposition claimed that the carbon price would make it more expensive to run Council trucks from 1 July 2011. This is not true. The Leader of the Opposition has also made misleading statements in the Parliament on this issue, aimed at spreading misinformation and fear.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.5)**

9.7.6 GOVERNMENT GAZETTE WA – 19 JUNE 2012 – CLOSED WATERS – MOTORISED VESSELS – JURIE BAY

Document ID: 6022

“Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, I hereby close the following area of water to motorised vessels until further notice –

All the waters of Jurien Bay Beach bounded by lines commencing at a point on the high water mark approximately

200 metres south of the Roberts Street Jetty at 30° 18.189'S, 115° 02.136'E point A; thence to seaward in a westerly direction to a point at 30° 18.113'S, 115° 02.043'E point B; thence in a north easterly direction parallel to the shoreline for approximately 400 metres to a point at 30° 17.944'S, 115° 02.193'E point C; thence in a south easterly direction back to the shore on the high water mark at 30°18.004'S, 115°02.298'E point D; thence along the high water mark back to the point of commencement. All coordinates based on GDA 94."

9.7.7 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 25.12 – 25 JUNE 2012

Document ID: 6112

Inside this issue:

- WALGA Breakfast Series: Local Government – Clear Thinking on Carbon - Final Change
- Local Government Safe System Project – Follow Up Safety Results Now Available
- Local Government Convention 2012
- Emergency Management Training Survey
- Officer Training
- Elected Member Training
- CCTV and Security Consultant Licencing Checks Available
- Local Government Research Showcase and Forum
- New Energy Service Strategy

9.7.8 MEDIA RELEASE – HON MIA DAVIES MLC – DAVIES WELCOMES NORTH MIDLANDS RENEWABLE ENERGY PROJECT FUNDING

Document ID: 6153

"Member for the Agricultural Region, Mia Davies MLC has welcomed funding for the North Midlands Solar Thermal Project.

The project will receive \$3.755 million from the Low Emission Energy Development (LEED) fund, a joint initiative between the Department of Environment and Water and the Department of Environment and Conservation."

Attached to the agenda is a copy of the above mentioned media release. **(Marked 9.7.8)**

9.7.9 MEDIA RELEASE – HON MIA DAVIES MLC – DAVIES WELCOMES LEGISLATIVE COUNCIL COMMITTEE REPORT ON TIER 3 RAIL

Document ID: 6093

"Member for the Agricultural Region, Hon Mia Davies, has welcomed a Parliamentary Committee's recommendation to keep tier 3 rail lines open until at least the end of 2014.

The Standing Committee on Environment and Public Affairs tabled a report in the Legislative Council today.

The Committee has recommended the government keep tier 3 rail lines open until the end of 2014 to enable the CBH Group to demonstrate the business case for the retention of these lines.”

Attached to the agenda is a copy of the above mentioned media release. **(Marked 9.7.9)**

9.7.10 WHEATBELT DEVELOPMENT COMMISSION – TOWARDS A WHEATBELT INFRASTRUCTURE PLAN – REPORT 2 – 2011/12

Document ID: 6292

“The Wheatbelt Development Commission would like to extend a belated thank you to Wheatbelt Local Government and stakeholders for their contribution to the report Towards a Wheatbelt Infrastructure Plan Report 2 – 2011-12.

The report provides a comprehensive summary of the Country Local Government Fund Group (CLGF Group) forums, the priority projects of Wheatbelt regional groups and key development issues for the Wheatbelt infrastructure and non-infrastructure solutions.

The key development themes across the Wheatbelt that emerged from the CLGF Group forums are:

- *Telecommunications*
- *Health Care*
- *Aged Care”*

More information is on hand if required.

9.7.11 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO. 26.12 – 2 JULY 2012

Document ID: 6386

Inside this issue:

- Metropolitan Local Government Review
- Local Government Convention 2012 – Last Chance to Register
- Breakfast with Mick Malthouse
- West Australian Liftout – Local Government Special Feature
- WALGA Road Building Preferred Supplier Contract
- MWAC Information Bulletin
- Officer Training
- WA State Aviation Strategy – Regional Local Government Workshops
- Fee Increase for Working With Children Check (WWC)
- Local Government Homelessness Focus Group

9.7.12 MWAC INFORMATION BULLETIN – ISSUE 162 – JUNE 2012

Document ID: 6364

Inside this issue:

- Sumo Sized Recycling – City of Swan Big Bins
- Will You Accept the Challenge? – Plastic Free July
- MWAC Policy Coordinator – Heather Squire
- Roc Crusher – RoeRoc Glass Crusher

- Are You An Earth Carer – EMRC Earth Carer Course
- Clean Energy Regulator – Workshop Held
- Jurien Clean Up – Clean Beach Award to Jurien Bay
- WA Enviro Awards – Nominations Now Open
- The Word From RIO – Quotes From RIO + 20
- Asbestos Management Explained – New Asbestos Guide
- Drum Dumpers – DEC Looking For Dumpers
- Alternative Funerals – Coffins Made From Wool
- Emergency Alert – Emergency Beacon In Landfill
- Gramacho Closes – Latin America’s Largest Landfill Closes
- Second Chance Batteries – Reuse Of Batteries In Afghanistan

9.7.13 WALGA INFOPAGE – UPDATE ON ACTIONS TO CLARIFY NEW BUILDING ACT

Document ID: 6363

Key Issue:

- The Association has had regular contact with the State Government regarding implementation of the Building Act
- The Minister has acknowledged the need to clarify or amend aspects of the legislation as a matter of urgency

Attached to the agenda is a copy of the above mentioned infopage. **(Marked 9.7.13)**

9.7.14 DISABILITY SERVICES COMMISSION – 2012 COUNT ME IN SCHOLARSHIP PROGRAM

Document ID: 6494

“It is with great pleasure that I write to advise you that the 2012 Count Me In Scholarship program is now open for nominations.”

The scholarships represent an exciting opportunity for up to three people to examine the best of disability services practices in a worldwide arena for application in Western Australia. The scholarships are open to people in Western Australia working in, or with an interest in, the disability sector.

The scholarships have been aligned with the Count Me In: Disability Future Directions. There are three scholarships worth up to \$15,000 each for research in areas consistent with one of the three key priority areas of the Disability Future Directions:

- personalised supports and services;
- participation and contribution; and
- economic and community foundations.

Applications close 5.00pm Monday 3 September 2012.

9.7.15 SYNERGY – 2012 / 2013 UPDATE

Document ID: 6469

“2012 will be an eventful year in energy. Along with the introduction of the Federal Government’s Clean Energy Future scheme, including the key element of a carbon price, statewide electricity price increases took effect from 1 July 2012.

Regarding the carbon price, Synergy's reasonable estimate of the carbon cost it is likely to incur for 2012/13 is approximately 2 cents per kWh (excluding GST). This cost will be passed on to Synergy customers."

More information is on hand.

9.7.16 WALGA – STATE COUNCIL SUMMARY MINUTES – JULY 2012

Document ID: 6483

A copy of the above mentioned minutes held on 4 July 2012 are on hand if required.

9.7.17 WALGA – COUNCILSONLINE IS LIVE!!

Document ID: 6535

After more than two years of development, WALGA has launched CouncilsOnline.

CouncilsOnline is a centralised and integrated online portal development to support and streamline Local Government business. It is owned by WALGA on behalf of its Members, with the CouncilsOnline portal hosted and developed in Western Australia and supported by a Helpdesk located at WALGA.

The CouncilsOnline portal has been configured to enable the online preparation, lodgement and pre-processing of Planning and Building Applications, delivering the following functionality to Local Governments: Online Building Applications; Online Development Applications; Online Payments; Tracking and Reporting of Applications; and Support and Maintenance Helpdesk.

You can see CouncilsOnline up and running by visiting the portal – <http://www.councilsonline.wa.gov.au>

9.7.18 WALGA INFOPAGE – WALGA EMERGENCY MANAGEMENT FORUM 1 JUNE 2012 REPORT

Document ID: 6536

Key Issues:

- WALGA hosted the first Emergency Management Forum on 1 July 2012 at Burswood Entertainment Complex.
- A forum report was developed and is available to download at www.walga.asn.au/MemberResources/PlanningCommunityDevelopment/CurrentEmergingIssues.aspx
- A Local Government and Emergency Management Discussion Paper will be released on 13 of July 2012.
- A series of regional workshops will be held across the State between August to September 2012 to discuss the paper and identify local issues.
- A second Emergency Management Forum will be held in November 2012.
- A draft Local Government sector policy position on Emergency Management will be tabled for WALGA State Council at their first meeting for 2013

9.7.19 WALGA INFOPAGE – LOCAL GOVERNMENT SERVICES IN ABORIGINAL COMMUNITIES – UPDATE

Document ID: 6537

Key Issues:

- The Department of Local Government has released an update on activities undertaken to address Local Government pre-requisites contained in the Communique.
- WALGA will sit on the State Advisory Group Supporting the National Working Group on Remote Indigenous Infrastructure, Municipal and Essential Services.
- The Northern Territory has commissioned a review into the financial sustainability of Local Governments post-amalgamation.

9.7.20 WALGA INFOPAGE – WESTERN AUSTRALIAN WATER IN MINING GUIDELINE

Document ID: 6538

Key Issue:

- Need to minimise adverse effects of water abstraction and release for mining on environmental, social and cultural values.
- Ensuring water abstracted for mining does not adversely affect other users.

9.7.21 WALGA INFOPAGE – IMPLEMENTATION OF REVISED RESIDENTIAL DESIGN CODES (R-CODES)

Document ID: 6539

Key Issues:

- WAPC endorsed a new Residential Design Codes (R-Codes) at its June 2012 meeting.
- A one month implementation period for local government to prepare for the new provisions was recommended and although the WAPC agreed that a longer implementation period is necessary, an extended time period was not endorsed.
- To ensure that an appropriate timeframe is set, WALGA is seeking advocacy assistance from the local government sector.

9.7.22 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO. 27.12 – 9 JULY 2012

Document ID: 6542

Inside this issue:

- Breakfast with Mick Malthouse
- Road Safety for Local Government at the 2012 Annual WA Local Government Convention
- WA Water In Mining Guideline
- GST Treatment of Australia Taxes, Fees and Charges
- Officer Training
- Elected Member Training
- Infrastructure Rating Scheme
- Act-Belong-Commit Awards 2012
- Regional Airports Development Scheme Successful 2012-13 Applications
- Code of Practice for Electrical Safety Personnel for Vegetation

- Control Work Near Live Power Lines
- Community Crime Prevention Fund Open

9.7.23 DEPARTMENT OF SPORT AND RECREATION – KIDSPORT PARTNERSHIP

Document ID: 6544

“Thank you to you and your Council for the support and involvement in the implementation of KidSport, the flagship project within the Sport for All Program.

Over 10,500 vouchers have been distributed in the first 12 months of KidSport – a fantastic effort exceeding all of our expectations. Sport for All is enabling young people in your community to experience the benefits of grassroots community sport and recreation whilst providing a substantial support boost to the clubs and organisations involved.”

9.7.24 SUMMARY OF PLANNING DECISIONS MADE DURING MARCH 2011

Document ID:

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

9.7.25 SUMMARY OF PLANNING DECISIONS MADE DURING APRIL 2011 – JUNE 2012

Document ID:

Attached to the agenda is a copy of the above mentioned summary. **(Marked 9.7.25)**

9.7.26 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER – 12 JULY 2012 – EDITION 71

Document ID:

Inside this issue:

- Building Approvals Hotline
- Emergency Management Training Survey
- Enquiring About Shared Library Management System
- Building Commission Regulations Changes
- Parking Tax for Activity Centres
- Titles Joint Practice: Verification of Identity
- CCTV & Security Consultant Licensing Checks
- NBN & Remote Schools, Health Clinics & LG Facilities via Satellite
- Fee Increase – WWC
- LG Health Promotion Network
- Arts and Mental Health Network Survey
- Grant Opportunities
- Upcoming Events and Conferences
- WALGA Training Courses
- Reminders

9.7.27 WALGA INFOPAGE – IMPLEMENTATION OF REVISED RESIDENTIAL DESIGN CODES

Document ID: 6539

Key Issues:

- WAPC endorsed a new Residential Design Codes (R-Codes) at its June 2012 meeting.
- A one month implementation period for local government to prepare for the new provisions was recommended and although the WAPC agreed that a longer implementation period is necessary, an extended time period was not endorsed.
- To ensure that an appropriate timeframe is set, WALGA is seeking advocacy assistance from the local government sector.

9.7.28 WALGA – CORRESPONDENCE FROM RICKY BURGESS, CHIEF EXECUTIVE OFFICER – BUILDING PERMIT APPLICATIONS

Document ID: 6785

“As you are no doubt aware, implementation of WA’s new system of building approvals under the Building Act 2011 has not gone smoothly due to a number of issues. The Minister for Commerce, Hon Simon O’Brien recently wrote to all CEO’s outlining a range of tools that have been developed by the State Government and a newly established Building Commission / Local Government / Industry Focus Group to assist all sectors understanding of the requirements of the new Building Act in the short term.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.28)**

9.7.29 MINISTER FOR FINANCE; COMMERCE; SMALL BUSINESS – DELAYS IN ISSUING OF BUILDING PERMITS

Document ID: 6782

“You may be aware that the implementation of the new Building Act on 2 April 2012 has caused some delays in the issuing of building permits, which has been of great concern to the building industry and local government authorities.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.29)**

9.7.30 COUNTRY ARTS WA - CHIEF EXECUTIVE OFFICER, JESSICA MACHIN – COUNTRY ARTS WA 2011 ANNUAL REPORT

Document ID: 6774

A copy of the Country Arts WA 2011 Annual Report is on hand if required.

The document shows a brief outline of Country Arts WA’s core funding, performing arts touring and regional arts development programs that have been running successfully now for many years.

9.7.31 MEDIA RELEASE – BARRY HAASE – FEDERAL MEMBER FOR DURACK – MARINE PARKS

Document ID: 6757

“It is not only the livelihood of professional fishers at stake, it is the

weekend lifestyle of many Australian families that will be affected if these ludicrous, Green appeasing, management plans succeed, said Mr Haase, Federal Member for Durack, following the Director of National Parks call for public comment on the proposed Proclamations of Commonwealth marine reserves.

Mr Haase is urging anyone associated with the fishing industry to provide comment on the proposed Commonwealth Marine Reserve Network.”

A copy of the above mentioned correspondence is on hand.

9.7.32 DISABILITY SERVICES COMMISSION – 2012 COUNT ME IN AWARDS

Document ID: 6646

Nominations are now open for the 2012 Count Me In Awards. The awards recognise the outstanding efforts of individuals, government, business, educational and training organisations, developers, planners and architects for people of all abilities.

Nominations close Friday 28 September 2012.

More information is available at www.count-me-in.com.au

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

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

Local Government Act 1995

5.23. *Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —**
 - (i) a trade secret;**
 - (ii) information that has a commercial value to a person; or**
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;**
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

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- (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.

11.1 FINANCE

OFFICER RECOMMENDATION

That the meeting be closed to members of the public at _____ in accordance with Section 5.23 (2) (e) (i), (ii) and (iii) of the Local Government Act 1995 to allow Council to discuss Item 11.1.1 'Dandaragan Housing Rationalisation'.

11.1.1 DANDARAGAN HOUSING RATIONALISATION

Location:	Shire of Dandaragan
Applicant:	
Folder Path:	BCS/Council Properties/Acquisition and Disposals/Disposals
Disclosure of Interest:	None
Date:	16 July 2012
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING