



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
COUNCIL CHAMBERS JURIEBAY
on
THURSDAY 23 OCTOBER 2014
COMMENCING AT 5.06 PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 OCTOBER 2014
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.06pm and welcomed those present.

1.2 DISCLAIMER READING

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

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor W Gibson	(President)
Councillor K McGlew	(Deputy President)
Councillor L Short	
Councillor J Kulisa	
Councillor D Kent	
Councillor T Bailey	
Councillor M Sheppard	
Councillor D Slys	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mrs B Macaulay	(Planning Officer)
Miss D Kerr	(Council Secretary & PA)

Apologies

Councillor L Holmes	
Mr D Chidlow	(Manager Planning)

Approved Leave of Absence

Nil

Observers nine members of the public present

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3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mike Kenny talked about the ward review that was being put before Council in this agenda and asked if in future the Shire could publish in local papers what was coming up at Council and also what decisions have been made by Council.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF ORDINARY MEETING HELD 25 SEPTEMBER 2014

COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That the minutes of the Ordinary Meeting of Council held 25 September 2014 be confirmed.

CARRIED 8 / 0

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

Cr Sheppard

- 15 October 2014 Jurien Bay Progress Association
- 21 October 2014 Jurien Bay Chamber of Commerce

Cr Slyn

- 15 October 2014 Jurien Bay Chamber of Commerce

Cr Short

- 6 October 2014 Moore Catchment Council
- 7 October 2014 Wheatbelt Health MOU
- 7 October 2014 West Koojan Gillingarra Land Conservation District Committee
- 10 October 2014 Rural Water Council
- 13 October 2014 Roadwise Launch Child Care Restraints WALGA

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Cr McGlew

- 30 September 2014 Education Working Party
- 6 October 2014 SLWA Board Meeting
- 8 October 2014 Jurien Bay Community Resource Centre Annual General Meeting
- 10 October 2014 Open Western Rovers Chapter of the CMCA WA Rally, Cervantes
- 14 October 2014 Northam WRAHPF Aboriginal Health Planning Meeting, Northam (through LHAG)
- 15 October 2014 Cervantes Community Centre Working Party Meeting, Jurien Bay

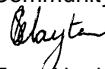

Cr Kulisa

- 1 September 2014 Education Working Party
- 9 September 2014 Central Coast Health Advisory Group
- 16 September 2014 Jurien Bay Visitor Information Centre Committee
- 8 October 2014 Jurien Bay Community Resource Centre Annual General Meeting

COUNCIL DECISION**Moved Cr Bailey, seconded Cr Sheppard****That the delegates' reports to 23 October 2014 as presented be accepted.****CARRIED 8 / 0****8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

9 REPORTS OF COMMITTEES AND OFFICERS**9.1 FINANCE****9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2014**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 October 2014
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL**To table and adopt the monthly financial statements for the period**

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ending 30 September 2014.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 September 2014.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 30 September 2014 was \$7,014,673. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

The Statement of Financial Activity provides variances to budget by way of percentages. During budget adoption a 10 percent or \$10,000 threshold for these variances to be reported was set. An explanation of these variances is as follows:

Other Economic Services

Expenditure is at 127% of Y-T-D budget and is due on cost allocations for overheads, plant operation costs and plant depreciation costs.

Should Councillors wish to raise any issues relating to the 30 September 2014 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management

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Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 30 September 2014 (40879)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

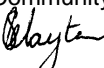

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Short

That the monthly financial statements for the period ending 30 September 2014 be adopted.

CARRIED 8 / 0

9.1.2 ACCOUNTS FOR PAYMENT – SEPTEMBER 2014

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	09 September 2014
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque and direct debit listing for the month of September 2014

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

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September 2014 totalled \$ 3,053,020.37 for the Municipal Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- cheque and direct debit listings for September 2014 (Doc Id: 40780)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Sheppard

That the municipal fund cheque and EFT listing for the period ending 30 September 2014 totalling \$3,053,020.37 for the Municipal Fund be accepted.

CARRIED 8 / 0

9.2 INFRASTRUCTURE

9.2.1 BADGINGARRA COMMUNITY ASSOCIATION – REVIEWED CONTRACT FOR PARTIAL TOWN MAINTENANCE SERVICES

Location:	Badgingarra Community Centre
Applicant:	Badgingarra Community Association
Folder Path:	Business Classification Scheme / Parks and Reserves / Maintenance / Facilities
Disclosure of Interest:	None
Date:	13 October 2014
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The Badgingarra Community Association wishes to renew their Contract for Partial Town Maintenance Services for 2014/15 Financial Year. Executive Manager Infrastructure endorses the renewal of this contract to be for another one year period with the performance to be assessed following this extension period in relation to its success both financially and practically.

BACKGROUND

In the 2013/14 Financial Year the Shire of Dandaragan developed an agreement with Badgingarra Community Association to undertake Partial Town Maintenance Services on behalf of the Shire. This involved undertaking various maintenance activities on key Shire infrastructure within the community of Badgingarra. These activities included:

- Lawn, gardening and maintenance of the Badgingarra Community Centre area.
- Maintenance of the Badgingarra outdoor BBQ area.
- Maintenance of the Badgingarra Information Bay area.
- Maintenance of the Badgingarra Cemetery.
- Cleaning of the Badgingarra Community Centre Outdoor Toilets.

The Contract was for an initial 12 month period with the performance to be assessed following the initial period in relation to its success both financially and practically.

COMMENT

Following the initial 12 month period the Executive Manager Infrastructure reviewed the Contract including scope and budget. Discussions were held with Badgingarra CA and minor issues regarding the clarification scope were resolved. The EMI initially recommended a renewal of the Contract for a 3 year period based upon the original Contract figure of \$30,000 per annum exclusive of GST with an annual CPI increase. However further discussions with BCA indicated that this figure was insufficient to cover their costs to undertake the Contract. BCA indicated \$35,000 exclusive of GST was a more acceptable cost to undertake the works.

Details regarding the proposed costs were discussed at Council Forum on 9 October 2014. Council acknowledged that additional funds were required in order for BCA to adequately undertake their works. Following the Forum, the Executive Manager Infrastructure emailed the BCA President, Jonathan Nelson, advising him of the proposed revised Contract figure of \$35,000 exclusive of GST. On 15 October 2014 the Shire received a response from Jonathan on behalf of the BCA agreeing to the revised figure.

Following up from these discussions and direction from Council, the Executive Manager Infrastructure recommends that the Contract be renewed for another period of 1 year with the performance to be assessed following this extension period in

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relation to its success both financially and practically.

The scope of the Contract will remain as per the initial Contract. Specific queries regarding the scope will be clarified by EMI with representatives from the BCA.

CONSULTATION

- Chief Executive Officer
- Jurien Bay Operations Supervisor
- Badgingarra Community Association

STATUTORY ENVIRONMENT

- Section 3.57 of the Local Government Act 1995
- Part 4 of the Local Government (Functions and General) Regulations 1996
- Local Government (Functions and General) Amendment Regulations 2007
- The Trade Practices Act (Cth) 1974

POLICY IMPLICATIONS

- Shire of Dandaragan Policy Number 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide

FINANCIAL IMPLICATIONS

The revised Contract proposal is to increase the annual payment from \$30,000 to \$35,000 exclusive of GST. Of the costs associated with this Contract, there are sufficient funds allocated in the "Parks and Gardens" and "Toilet Cleaning" budgets to cover the total of the revised Contract.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan.

GOAL NUMBER THREE: Focus on community					
OBJECTIVE 1: Develop strong and supportive community social services					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O1-A5	Investigate self-management of community resources in each location.	Community workshops	Short	District	Community groups
OBJECTIVE 2: Develop civic leadership and build community engagement					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O2-A2	Partner with local community groups to hold events that celebrate community volunteerism.		Ongoing	District	Community groups

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew


That Council authorise the Chief Executive Officer to negotiate with the Badgingarra Community Association the renewal of the *Contract for Partial Town Maintenance Services* with conditions as follows:

- 1. Annual Contract Fee of \$35,000 ex GST.**
- 2. Contract term to be for the remainder of the 2014/15 Financial Year and reviewed prior to 2015/16 Financial Year.**

CARRIED BY ABSOLUTE MAJORITY 8 / 0

9.3 ADMINISTRATION

9.3.1 REVIEW OF COUNCIL WARD SYSTEM

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Boundaries / Electoral
Disclosure of Interest:	None
Date:	10 October 2014
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider whether or not to undertake a review of the Council ward system to be implemented for the 2015 Council election.

BACKGROUND

At the Council Forum held 13 February 2014, the issue of Council wards was briefly discussed and a request was made for a preliminary report to be prepared for Council's information. The issue has been listed and / or discussed at four subsequent Council Forums and at the Forum of 9 October 2014 it was requested that staff prepare a report for the Council meeting of 23 October 2014.

In 2009, Council resolved to discontinue the use of the ward system and this has been utilised at the 2009, 2011 and 2013 elections.

The following outlines the review process if Council wish to undertake a review of wards:

1. the council resolves to undertake the review;
2. public submission period opens;
3. information provided to the community for discussion;
4. public submission period closes;

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5. the Council considers all submissions and relevant factors and makes a decision;
6. the Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
7. (if a change is proposed) the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister where possible will be in place for the next ordinary election.

COMMENT

A local government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the Local Government Act. However, a local government without wards can undertake an assessment of the number of elected members and the no Wards System to explore whether change is desirable. The Shire of Dandaragan last reviewed wards in 2009 when it was resolved that all wards be abolished. This was subsequently approved by the Local Government Advisory Board and then by the Minister for Local Government.

When considering changes to wards, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. community of interest;
2. physical and topographic features;
3. demographic trends;
4. economic factors; and
5. ratio of Councillors to electors in the various wards.

The Board offers the following interpretation of these factors.

1. COMMUNITY OF INTEREST

The term 'community of interest' has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. PHYSICAL AND TOPOGRAPHIC FEATURES

These may be natural or man made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations.

Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

3. DEMOGRAPHIC TRENDS

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

4. ECONOMIC FACTORS

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

5. RATIO OF COUNCILLORS TO ELECTORS IN THE VARIOUS WARDS

It is expected that each local government will have similar ratios of electors to Councillors across the wards of its district.

Staff understand that the main issues that the Council wishes to reconsider with wards is because of the lack of representation for the Badgingarra area and the reduction in the number of Councillors in the Cervantes area from two Councillors to one Councillor.

The current situation with Councillors living in the vicinity of each of the four towns is that six Councillors live nearby to Jurien Bay, one in Cervantes, two near Dandaragan and none near Badgingarra.

If Council was to consider the reintroduction of wards, a few options would be available. Firstly Council could consider the reintroduction of a north ward and a south ward.

The two ward option doesn't guarantee representation in Badgingarra nor that representation in Cervantes would increase to two Councillors.

In the situation if the two ward option was to be considered, staff have estimated the number of electors in the north ward has been 1476 and currently there would be six Councillors in that Ward with the ratio of electors to Councillors as 1:246. Staff have estimated the number of electors in the south ward as being 1015, currently represented by three Councillors with a ratio of 1:338.

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WARD	NUMBER OF ELECTORS	NUMBER OF COUNCILLORS	COUNCILLOR ELECTOR RATIO	% RATIO DEVIATION
North	1476	6	1:246	- 11.19 %
South	1015	3	1:338	+ 22.02 %

If Council was to consider the reintroduction of four wards based around the four towns, the estimated number of electors in the Jurien Bay ward is 1203 with six Councillors giving a Councillor to elector ratio of 1:200. It is estimated that the Badgingarra ward has 273 electors and currently has no Councillors. The Cervantes ward has 450 electors represented by one Councillor giving a ratio of 1:450. The Dandaragan ward is 565 electors including 148 electors from Wedge and Grey who are currently represented by two Councillors with a ratio of 1:282.

WARD	NUMBER OF ELECTORS	NUMBER OF COUNCILLORS	COUNCILLOR ELECTOR RATIO	% RATIO DEVIATION
Jurien Bay	1203	6	1:200	- 27.79 %
Cervantes	450	1	1:450	+ 62.45 %
Dandaragan	565	2	1:282	+ 1.80 %
Badgingarra	273	Nil	-	-

The ratio of electors to Councillors overall for the Shire is 2491 electors to nine Councillors which is 1:277. Generally a + or - variation of 10% is acceptable.

Based on the ratio of 277 electors to one Councillor the following would apply with four wards.

WARD	No. OF ELECTORS	No. OF COUNCILLORS
Jurien Bay	1203	4.35
Cervantes	450	1.62
Dandaragan	565	2.03
Badgingarra	273	0.98

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If Council was to proceed with a review of wards then an advertising campaign would be required calling for submissions in relation to the review. Advertisements should be placed in the West Australian, Central Midlands Coastal Advocate and the four local newsletters that circulate within the Shire. Additionally, letters should be sent direct to the following organisations inviting submissions to the ward review:

- Advance Dandaragan
- Badgingarra Community Association
- Cervantes Ratepayers and Progress Association
- Jurien Bay Progress Association

It will also be necessary for a discussion paper to be prepared and circulated to these organisations as well as being available on Council's website, on facebook and in Council libraries. The advertising period for this process is 42 days. Council may also consider writing to all electors.

Once Council has completed the consultation process, then it will be necessary for Council to assess the submissions received and resolve as to whether to proceed with any changes or not.

If Council resolved not to proceed with the review of wards then no further action will be required.

CONSULTATION

- Council
- Senior staff
- Department of Local Government

STATUTORY ENVIRONMENT

Schedule 2.2 of the Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There will be financial implications through the advertising process and staff 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:

- Council Forum report relating to the review of Council wards (Doc Id: 40568)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

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OFFICER RECOMMENDATION

Moved Cr McGlew, seconded Cr Short

That pursuant to Schedule 2.2 Section 5 (a) of the Local Government Act 1995 Council resolve to initiate a review of wards, based on implementing the previous four ward system.

AMENDMENT

Moved Cr Kent, seconded Cr Bailey


That pursuant to Schedule 2.2 Section 5 (a) of the Local Government Act 1995 Council resolve to initiate a review of wards, based on implementing a four ward system.

CARRIED 5 / 3

AMENDMENT BECAME THE MOTION AND WAS CARRIED 8 / 0

The officer recommendation was not adopted due to the word 'previous' being replaced with 'a'.

9.3.2 JURIEB BAY MEN'S SHED – PROPOSED FORESHORE CHANGE ROOM HUTS

Location:	Reserve 28541 – Jurieb Bay Foreshore
Applicant:	Jurieb Bay Men's Shed
File Ref:	Business Classification Scheme / Parks and Reserves / Design and Construction / Jurieb Bay Foreshore - Recreation
Disclosure of Interest:	None
Date:	10 October 2014
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	

PROPOSAL

To consider a request from the Jurieb Bay Men's Shed in order to locate two change room huts on Reserve 28541.

BACKGROUND

Council was advised in 2013 that the Jurieb Bay Men's Shed proposed to construct a number of change room huts that they wish to have located on the Jurieb Bay foreshore. No plans or location of the huts were submitted at that time. The Men's Shed proposed to construct one hut to show Council what was being proposed so that further consideration could be given.

Subsequently the matter was discussed at a number of Council Forums however, no firm details were submitted in regard to the structure themselves nor the proposed location. The organisation had also been requested to submit details in respect of maintenance and cleaning.

A number of Councillors and staff inspected one of the constructed huts on 7 April 2014. The matter was again considered informally by Council at the Councillor Discussion Session of 28 August 2014

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and also the Council Forum of 25 September 2014.

COMMENT

A site plan has been received indicating that the proposed location of the huts is immediately adjacent to the central beach access near the public toilet facility at Dobbyn Park. Councillors and staff inspected the area as part of the overall inspection of the Jurien Bay Foreshore on 9 October 2014. It has been verbally indicated by members of the Jurien Bay Men's Shed that once the huts have been installed, that Council would be responsible for the maintenance, repair and cleaning of the huts. Council would also be responsible for moving the huts into storage during the winter months.

It is difficult for staff to estimate the costs associated with the maintenance of the huts however, staff feel that approximately \$50 per week would cover the cleaning costs alone.

The purpose of the huts are to provide change rooms that are currently not provided in the nearby public toilet facility of Dobbyn Park. The Men's Shed also indicate that they would serve as an iconic tourist feature.

Staff have discussed the issues involved with the location and maintenance items relating to the huts and are of the opinion that if Council was to approve of the huts being located on the foreshore reserve that they should be for a trial period during the summer of 2014 / 2015 in order to access the implications of having the huts located on the foreshore.

CONSULTATION

- Jurien Bay Men's Shed

STATUTORY ENVIRONMENT

In view of the size and dimension of the huts, no building approval is required to be granted by Council.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The financial implications of locating the huts on the foreshore and maintenance, repairs and removal of the huts is unknown at this stage. Council has not budgeted any funds for these works to be undertaken.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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- Plan indicating the proposed location of the huts (Doc Id: 39580)
- Photograph of hut (Doc Id: 39581)
(Marked 9.3.2)

VOTING REQUIREMENT


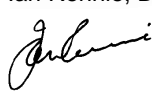
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Sheppard, seconded Cr Kent**

That Council agree to the request by the Jurien Bay Men's Shed in order to locate the change room huts at the location indicated on the plan attached to the agenda for a trial period until 31 March 2015. At the completion of the trial Council will reassess costs and implications of providing these huts on the foreshore reserve.

CARRIED 7 / 1

9.4 TOWN PLANNING**9.4.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PROPOSED SUBDIVISION / AMALGAMATION OF LOT 9 AND OTHER LOTS, DANDARAGAN RD, DANDARAGAN**

Location:	Lot 9 Dandaragan Road, Dandaragan
Applicant:	LINKS on behalf of Messrs Cockburn, Warren Poplewell, Fowler
Folder Path:	Development Services Apps / Subdivision Applications / WAPC 150693 - Lot 9 Dandaragan Road
Disclosure of Interest:	None
Date:	8 October 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider an application for the partial subdivision and amalgamation of various lots associated with the Rose Valley subdivision and to make recommendations to the Western Australian Planning Commission (WAPC).

BACKGROUND

Between 1999 and 2004, applications for subdivision were received from the then owner of Rose Valley for the amalgamation and re-subdivision of various locations. The proposed amalgamations and re-subdivisions were to rationalise boundaries within the area of the applications.

Council was of the opinion that the access to several rear lots

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should have been by the creation of a road reserve with the developer constructing the road to the specification and satisfaction of Council.

In February 2004, the WAPC refused an application for the re-subdivision because approval to the subdivision would have resulted in the creation of lots not having frontage to a constructed and gazetted road. Following a request for reconsideration of the application by the then land owner, the WAPC agreed to approve of the proposed subdivision subject to the following two conditions:

1. The battle-axe legs being constructed and drained at the subdividers cost to the satisfaction of the WAPC.
2. The applicant entering into an agreement with the Local Government to ensure reciprocal rights of access over adjoining battle-axe access legs.

Unfortunately, the WAPC did not agree with this position of Council and three lots without correct frontage onto Dandaragan Road were created by the provision of three 6.67m wide battle-axe legs of a length in excess of 500m.

Ever since the creation of these battle-axe legs, the landowners have had issues relating to the poor standard of construction of the access tracks to the lots. Because the battle-axe legs are in fact freehold, Council is not in a position to assist with upgrading of the access.

Subsequently, the applicant was requested by Council to undertake to have a condition applied to the Certificate of Title to clearly indemnify Council from any responsibility regarding the maintenance of the access track and pointing out that this clearly remains in the hands of the various land owners and subsequent owners. An endorsement was to be placed on the individual Certificates of Title that clearly indicated to all owners, now and in the future, that the rights of carriageway remain the sole responsibility of the owner of the lots as described and endorsed on Deposited Plan 42512.

This endorsement on the Certificates of Title occurred and the land owners have since that date had issues with the condition of the access track however this is clearly not the responsibility of Council.

On several occasions that land owners have approached staff in regard to the standard that would be required in order to upgrade the access track over the battle-axe legs to a road standard. A contracting company on behalf of the land owners prepared a specification for this to occur and this was to comply with Council's *Guidelines for Roadworks, Drainage and Subdivision Development*. Attached to the agenda is a copy of the contractor's specification.

COMMENT

The current application before Council for consideration is to convert the three battle-axe legs, each being 6.67m wide and over 500m in length to become a gazetted road which would then become the responsibility of Council for maintenance. It would also create a cul-de-sac head at the end of the section of the proposed road. Also a further battle-axe leg would be created from that point in a northerly direction in order to allow the re-subdivision of Lot 8 to create two new lots being Lot 801 and 800. Attached to the agenda is a copy of the plans associated with this application.

The question before Council is whether Council is willing to accept responsibility for the construction of the road and the long term maintenance of this road when complete. In all previous applications for subdivision, Council has requested that the applicant be responsible for the construction of such a road and then Council would assume responsibility for the long term maintenance of this road. Staff see no other reason why this position should be altered.

CONSULTATION

Nil in regard to the current application however, there have been numerous discussions with the land owners over a number of years.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No.7
- Statement of Planning Policy 2.5 – Agricultural and Rural Land Use Planning
- Development Control Policy 3.4 Subdivision of Rural Land
- Shire of Dandaragan Rural Strategy

POLICY IMPLICATIONS

If Council agrees that the three battle-axe legs should be converted into a road reserve and that Council would be responsible for the construction of the road then this would be contrary to previous policy and precedents.

FINANCIAL IMPLICATIONS

If the applicant is to be responsible for the costs associated with the construction of the road then the only financial implications would be the long term maintenance of the road by Council. If Council was to consider the construction of the road then this would be a direct cost to Council and would require Council to consider on a future Works Program.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Plans associated with the application (Doc Id: 40329)
 - Contractors Specification (Doc Id: 40881)
- (Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr McGlew

That the Western Australian Planning Commission be advised that Council supports the proposed application for subdivision of Lot 8 Dandaragan Road, Dandaragan subject to the following conditions:

- 1. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.**
- 2. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

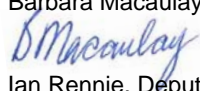

 - a. Roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and**
 - b. Temporary turning areas are provided to those subdivisional roads that are subject to future extension.****
- 3. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy / DC 2.6 Residential Road Planning.**
- 4. The proposed access way(s) being constructed and drained at the landowner/applicants cost to the specifications of the local government.**
- 5. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways.**
- 6. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of proposed lot 801. The notification is to state, "maintenance of the battle-axe leg providing access to the lot is the responsibility of the landowner".**

ADVICE NOTES

- Note 1:** The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
- Note 2:** In regard to condition 1 and 2, the landowner/applicant is advised that the road reserves, including the constructed carriageway, truncations are to be generally consistent with the approved plan of subdivision.
- Note 3:** That the Shire advises the Western Australian Planning Commission the Council has never supported the construction of the battle-axe legs on Deposited Plan 42512 and its position remains the same that the road is constructed and drained at the applicants cost.

CARRIED 8 / 0

9.4.2 PLANNING APPROVAL – PROPOSED OUTBUILDING (SHED WITH ATTACHED LEAN-TO) – LOT 11 WREN WAY, JURIE BAY HEIGHTS

Location:	Lot 11 Wren Way, Jurie Bay Heights
Applicant:	Mark Jamieson
Folder Path:	Development Services App / Development Applications / 2014 / 57
Disclosure of Interest:	None
Date:	10 October, 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval for a shed with attached lean-to in Jurie Bay Heights. In accordance with the Council's 'Outbuilding and Temporary Accommodation in Rural Residential and Special Use – Rural Development Zones' Policy (the Policy), outbuildings exceeding 216m² require Council approval.

BACKGROUND

The subject lot is zoned Rural Residential. The proposed shed measures 8m x 21m (168m²) and the attached lean-to measures 4m x 21m (84m²) with a total area of 252m².

The proposed shed has a wall height of 4m and ridge height of 4.705m, the lean-to has a height of 3.65m and complies with the Policy. The outbuilding is setback 110 metres from the front

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boundary, 90 metres from the south side boundary, 110 metres from the rear boundary and 65 metres from the north side boundary and complies with the setback requirements of the Jurien Bay Heights Development Guidelines.

Under clause 13 and 14 of the Policy as set out below, the Council can approve outbuildings up to 300m² if it is satisfied with the applicant's justification for a larger outbuilding.

Outbuildings

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m ²	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 162m ²	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m ² – 216m ²	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m ²	Up to 3.6m	Up to 4.5m	Not required	Not required

13. The Council shall not approve outbuildings with a floor area greater than 300 m² in aggregate.

14. Any application for an outbuilding proposing to exceed 216m² in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding and evidence demonstrating to Council's satisfaction that:

- the outbuilding will be compatible with the setting;
- the amenity of the locality will not be adversely affected; and
- the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.

The applicant has provided justification for a larger outbuilding and this is provided below:

The plan is to develop the block over a period of time and to have a holiday home on the property. So I will have earthmoving equipment plus attachments stored on the block to carry out that work also building materials, fencing materials, tooling and a large boat will be stored in the shed also. The

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equipment will consist of a tractor, Backhoe, large boat, tractor attachments, dinghy, building materials, tooling I would like to have all this stored under lock and key hence the size of the shed that has been designed to fit it all in.

COMMENT

Given the proposal is setback 110 metres from the front boundary, 90 metres from the south side boundary, 110m from the rear boundary and 65 metres from the north side boundary it is not considered to impact negatively on the amenity of the locality nor the streetscape. It is also noted the nature of the proposal being a shed with attached lean-to lessens its bulk and scale. There have been no objections from neighbouring landowners.

It is the officer recommendation the proposal is supported.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy
- 'Jurien Bay Heights Development Guidelines'

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Plans (Doc Id: 40865)
- Location Plan (Doc Id: 40864)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kent

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 10 September 2014 on Lot 11 Wren Way, Jurien Bay Heights subject to:

- 1. all development shall be in accordance with the attached**

- plans date stamped 10 September 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. the roof and wall material being of non reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site; and
 3. the outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy.

ADVICE NOTES:

- Note 1:** Any fill or retaining in excess of 500mm above natural ground level as part of any outbuilding development plans will require planning approval.
- Note 2:** The applicant be advised this is planning approval only and not a building permit.
- Note 3:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 4:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 5:** The Shire encourages the location of any future dwelling on this property to be located 1.8 metres in front of the outbuilding to preserve the rural-residential amenity of the locality.
- Note 6:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 8 / 0

9.4.3 PROPOSED LAND BASED ADVENTURE TOURS – TURQUOISE SAFARIS – RESERVE 28541 AND 19206

Location:	Reserve 28541 and 19206
Applicant:	Kane Krollig
File Ref:	Development Services Apps / Development Application / 2014 / Turquoise Safaris

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Disclosure of Interest:	Nil
Date:	8 October 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of an application for planning approval seeking consent to conduct land based adventure tours (fishing and sightseeing) on Reserves 28541 and 19206.

BACKGROUND

Kane Krollig, trading as Turquoise Safaris is a locally based small business proposing a number of tours within the Shire of Dandaragan and the Shire of Coorow. The planning application and the proposed route of the tours are provided in the attachments.

The website is <http://turquoisesafaris.com.au/contactus.html>.

The applicant proposes a number of tours which cross local government boundaries and traverse land under various ownership. This planning approval is limited to tours conducted on land under the care, control and management of the Shire. The applicant has simultaneously applied for the necessary approvals with the Shire of Coorow for a sandboarding tour and Department of Parks and Wildlife for tours to Stockyards Gully Caves, Mount Lesueur and the Pinnacles. The proposed tours on the Shire's Reserves include:

1. Land based fishing charters within the Jurien Bay Marine Park north of Sandy Cape down to north of Cervantes Reserve 19206 and 28541 (maps 4,5,6,7,8,9,10).
2. Four wheel drive expedition up and around Sandy Cape / North Head Reserve 19206 (map 5).
3. Tours to the Bunkers and Pumpkin Hollow Reserve 19206 (Map 5).

In summary the application states:

- Patrons will be picked up from their accommodation or the Sea Sport and Tackle shop in Jurien Bay.
- Tours will be conducted in a 2008 Landcruiser Troop Carrier with tour coach plates (an omnibus licence recently received). To fulfil the requirements of an omnibus licence the vehicle must have on board at all times spare tyres, puncture kits, spare fan belt, jack, snatch strap, "D" shackles, shovel and satellite phone. A custom built trailer contains a slide out BBQ, a 60L Engel refrigerator, bins, water and tubs to house equipment.
- The applicant holds an F class extension on current Drivers Licence, a Senior First Aid certificate, a Commercial Operator Training Licence from the Department of Parks and Wildlife and an Introduction to Food Handling certificate.

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- Proposed operation times are from sunrise to 9pm, seven days a week.
- Tours range in time from 2 hours to 8 hours.
- All participants on the tour will need to sign a Turquoise Safaris Waiver.
- A Public Liability insurance of \$20 million will be obtained once planning approval is received.

The tours aim to showcase the natural assets of the area, provide visitors with an adventure experience and provide various land based fishing charters to suit various levels of ability. The tours are planned to be fun, educational, low-impact and environmentally sensitive with safety a priority at all times.

Zoning

Reserve 28541 has a designated purpose of 'Foreshore Management and Recreation' under a Management Order vested with the Shire, and a zoning of 'Parks and Recreation' under the Shire of Dandaragan Local Planning Scheme No.7 (the Scheme). Reserve 19206 is vested to the Shire for the purpose of 'Parklands, Recreation and the Letting of Cottages' and a zoning of 'Parks and Recreation' under the Scheme. It is considered the proposal for 4wd drive experiences and land based fishing charters are a form of recreation consistent with the vested purpose and zoning of Reserve 28541 and 19206.

Being a 'Use Not Listed' in the Scheme there are no specific development criteria set out in the Scheme for the assessment of the current proposal. However, clause 10.2 lists the matters to be considered by Council in making a determination of any planning proposal. The relevant clauses include:

- (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 to mitigate impacts on the natural environment.
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality; and
- (w) whether the proposal is likely to cause soil erosion or land degradation.

Clause 10.2 (f) of the Scheme includes due regard to any relevant Local Planning Policy adopted by the local government. The Shire's draft Local Planning Policy Mobile and Itinerant Vendors and Commercial Activities on Reserves (including Foreshore) is currently out for advertising and due to close on the 29th of October. It is recommended the agreement be for a period of one

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year to allow time for the Policy to be amended and adopted and allow the Council the opportunity to change the conditional approval after one year if this is deemed necessary. The adoption of such a policy will assist in the assessment and management of commercial activities on the Shires Reserves in the future. Of relevance to this application and to assist Council in its determination, Clause 9.4 of the draft Policy states:

Council will be guided by the following criteria in the assessment and determination of applications:

- a. Demonstrated successful experience in the activity to a high professional standard;*
- b. Demonstrated history and experience or environmentally acceptable operations;*
- c. Demonstrated appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological process and possible constraints;*
- d. Demonstrated experience in meeting Agreement conditions, including the prompt payment of fees;*
- e. Demonstrated ability to provide appropriate safety requirements and duty of care responsibilities;*
- f. Demonstrated capability to promote interpretive and educational information that ensures clients are receiving instructions in minimal impact techniques, environmental protection and ethics of appropriate behaviour;*
- g. Demonstrated \$20 million public liability insurance cover; and*
- h. Public liability insurance cover must be held in Australia.*

COMMENT

There are a number of matters that need to be considered in determining this proposal. The applicant is required to obtain an approval to use or occupy local government property in accordance with the Shire of Dandaragan Local Government Property Local law which states:

Local government property means anything except a thoroughfare:

- (a) which belongs to the local government;*
- (b) of which the local government is the management body under the Land Administration Act 1997; or*
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.*

Clause 1.4 of the Shire of Dandaragan Local Government Property Local Law outlines that local government property applies throughout the district for a distance 200m seaward from the watermark at ordinary spring tides. The local law provides for either a permit or written agreement to use local government property.

The Council has previously determined similar applications for commercial activities on the Shire's Reserves. At its ordinary Council of Meeting March 2010 for JB Kayak Hire the Council resolution was the Shire enter a three year agreement with the

applicants for the utilisation of Reserve 28541.

It is recommended that an agreement is prepared which permits the applicant to use Reserve 28541 and 19206 subject to a number of conditions.

Other Approvals

In accordance with clause 9.4.3 of the Scheme the proposal has been advertised to relevant agencies and landholders. On behalf of the applicant the proposal has been advertised to the following landholders seeking permission to use the tracks within their land to either access the foreshore or access Indian Ocean Drive as part of an emergency exit. Landholders include:

- Ardross and Marthof Pty Ltd. Permission has been sought to use the following tracks within:
 - Lot 9014 to access Reserve 19206 and 28541 to conduct land based fishing tours (Map 7)
 - Lot 9005 to access Reserve 19206 (Map 9, 10)
 - Lot 9005 to access the track to be used as an emergency exit to Indian Ocean Drive (map 11)
- Roberts Day acting on behalf of Silverdeck Pty Ltd and V.Cavallari of Lot 8836 (North Head property) seeking permission to use the tracks within Lot 8836 to access Reserve 19206.

At the time of writing this report no response had been received from the landholders. It is recommended as a condition of approval the applicant receives permission to access privately held property and if the land ownership changes the applicant will have to renegotiate access.

The Department of Parks and Wildlife (DPAW) have provided the following comments:

“When undertaking land based fishing charters in the Jurien Bay Marine Park, the applicant must adhere to all rules and regulations under the Conservation and Land Management Act 1984 and the Fish Resource Management Act 1994.”

“Particular matters the Shire of Dandaragan may like to consider in their assessment may include:

- *The effect of vehicle access and sandboarding on sensitive land types and landforms and;*
- *Tenure being accessed including the mining tenements and ownership of associated access roads.*

The above mentioned Acts will form part of the conditional approval and it is recommend the former Department of Environment and Conservation and the Department of Fisheries Zoning Scheme of the Jurien Bay Marine Park is included.

The applicant does not propose to use any sensitive landforms however with any proposal to use the Shire's Reserve if the process is not managed well this can be of detriment to the environment and the amenity of other uses of the Reserves. The applicant proposes to use existing tracks to access the reserves and will not be creating any new tracks. The Reserves are already used by many off road vehicles in an uncontrolled manner, and the proposed operation is a controlled tour in which the tracks to a certain extent can be monitored. However, there is also justification in not limiting the fishing charters to a particular site on the Reserve so as not to concentrate use and consequently wear and tear on the environment to a single area. It is assumed the applicant will conduct the tours in a responsible and safe manner in accordance with his Public Liability Insurance.

CONSULTATION

- Executive Manager Infrastructure
- Engineering Technical Officer
- Rangers

This application was advertised in the Central Midlands and Coastal Advocate Newspaper, relevant agencies and landholders for a period of 14 days pursuant to Clause 9.4.3(b) of the Shire Local Planning Scheme No.7.

At the time of writing this report one submission had been received from the Department of Parks and Wildlife. Any further submissions will be forwarded to Council.

STATUTORY ENVIRONMENT

Local Planning Scheme

With the Jurien Bay foreshore designated a 'Local Reserve' under the Shire of Dandaragan Local Planning Scheme No.7, any activity of a commercial nature is subject to planning approval being issued by the Council. Specifically, Part 3, Clauses 3.4.1 and 3.4.2 of the Scheme state:

3.4.1. A person must not –
(a) use a Local Reserve; or
(b) commence or carry out development on a Local Reserve,
without first having obtained planning approval under Part 9 of the Scheme.

3.4.2. In determining an application for planning approval the local government is to have due regard to —
(a) the matters set out in clause 10.2; and
(b) the ultimate purpose intended for the Reserve.

Clause 10.2 principally relates to matters that in the opinion of the local government are relevant to the use or development including

impact on the amenity of the local area.

It is accepted that the proposed tour operations are a form of recreation and therefore is consistent with the designated purpose and zoning for the reserve.

Reserve Management Order

The Shire has a management order for Reserve 19206 and 2854. Should the Shire enter into an Agreement with the applicant, a copy of the Agreement will need to be signed by the applicant, one to be signed by the Shire and forwarded to the Minister of Lands to be endorsed.

Local Law - Local Government Property

Similarly, Part 3 of the Shire of Dandaragan Local Law – Local Government Property relates to the need for a permit to conduct an activity of Shire property, although Clause 3.1 states:

3.1 This part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

POLICY IMPLICATIONS

The Shire has a draft Mobile and Itinerant Traders and Commercial Activities on Reserves (including Foreshore) Policy currently being advertised in accordance with clause 2.4.1 of the Shire of Dandaragan Local Planning Scheme No7.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147. However, should the Council adopt the Draft Mobile and Itinerant Traders and Commercial Activities on Reserves (including Foreshore) Policy the applicant may be charged a Reserve User Fee of \$500 and Agreement Preparation Fee of \$150.

STRATEGIC IMPLICATIONS

The Shire of Dandaragan draft Local Tourism Planning Strategy vision is:

“The Shire of Dandaragan develops a sustainable tourism industry that celebrates its natural assets, supports the local community and meets the needs of the visitors”

It is considered guided tours such as this one will prove beneficial to the promotion of tourism and attraction for people to visit and stay in the area for longer periods. If managed correctly, and the environmental impact monitored it provides an opportunity for the Shire to grow its sustainable tourism industry.

ATTACHMENTS

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

- Copy of the planning application (Doc Id: 40868)
- Copy of the proposed tour routes (Doc Id: 40869)
- Submission from Department of Parks and Wildlife (Doc Id: 38947)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Bailey

That the Shire of Dandaragan enter into a licence agreement with Kane Krollig trading as Turquoise Safaris for the utilisation of Reserve 28541 and 19206, subject to the following conditions:

1. **This approval, granted for a period of 1 year from the Council decision date, is non-exclusive and allows for equal access and right of use of Reserve 28541 and 19206 and associated infrastructure by the general public and others.**
2. **That the agreement is with the individual parties not the business or company.**
3. **That the agreement is non transferable.**
4. **That other users of the beach are not requested or encouraged to move once they have established themselves.**
5. **That the operational hours are between sunrise and 9pm.**
6. **That the proponent be in possession of an Australian approved public liability insurance policy to a minimum value of \$20 million for the period of the approval.**
7. **That written approval is obtained from landowners to access private property and access is renegotiated should land ownership change.**
8. **That the proponent does not depart from the approved pathway or route without amendment or deviation other than for reasons of safety unless otherwise approved by the local government.**
9. **In consideration of conservation of sensitive coastal dune formations no sand dunes or natural vegetation is to be traversed.**
10. **In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.**
11. **The vehicle has attached at all times a warning flag and lights on while using the tracks within the Shire.**
12. **All activities are to comply with the Department of Fisheries and Department of Parks and Wildlife Commercial Operator Licencing requirements, the Jurien Bay Marine Park Management Plan, the Zoning Scheme**

- and relevant legislation.
13. **Separate approval of Department of Lands is required for access through Reserve 18865 to be used as an emergency exit.**
 14. **Prior to the commencement of the tour operations the applicant shall:**
 - (a) **Submit a copy of a current public liability insurance policy held in Australia to a minimum value of \$20 million for the period of this approval.**
 - (b) **Submit a copy of an Omnibus Licence for the Vehicle.**
 - (c) **Submit a letter from land owners providing approval to use tracks within private land.**
 15. **In response to an issue of public safety (as determined by the Chief Executive Officer) all tours operations shall cease until the matter has been resolved to the satisfaction of the local government.**
 16. **That additional conditions may be included in the agreement at the discretion of the Chief Executive Officer.**

ADVICE NOTES


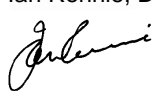
Note 1: In regard to condition 1, the applicant may be required to pay a reserve user fee and agreement preparation fee in accordance with proposed Council Policy for Mobile and Itinerant Traders and Commercial Activities on Reserves (including foreshore).

Note 2: The applicant is advised that a right of appeal against Council's decision exists in accordance with the provisions of the *Planning and Development Act, 2005*. In this regard contact should be made with the State Administrative Tribunal on 9219 3111 or via website www.sat.justice.wa.gov.au

CARRIED 8 / 0

1 member of the public entered the Chambers at 5.41pm.

9.4.4 REQUEST FOR EXTENSION TO PLANNING APPROVAL – BADGINGARRA WIND FARM

Location:	Lot 3850, 3755, 51, 3745, 3704, 50, 3747, 3754, 3753, 3748, 1651, 3774, 3742, 3743, 3744, 3738, 3739 in Badgingarra Locality
Applicant:	APA Group
File Ref:	Development Services App / Development Application / 2012 / 60
Disclosure of Interest:	None
Date:	11 October 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant is seeking a further extension of 2 or 3 years to the period of planning approval for the Badgingarra Wind Farm (scheduled to lapse on the 19 December 2014) to the 19 December 2016 or 2017.

The reason for the delay in carrying out the approved proposal is provided below:

“As with our previous extension, the project has continued to experience a major delay to its critical development path mainly due to the delays experienced by Western Power to obtain the relevant approvals for the construction of its 330 kV Midwest Transmission Line project. Western Power has commenced construction of the Mid West Energy Project - Stage 1 (Southern Section) and is expecting to complete this stage by the end of 2014. This will enable the connection of the Badgingarra Wind Farm”.

A copy of the 2012 planning approval and 2013 amended planning approval is provided in the Attachments along with the formal letter requesting an extension of planning approval.

BACKGROUND

At its meeting on the 12 December 2008, Council granted conditional planning approval for the Badgingarra Wind Farm for a period of two (2) years. In 2010 an extension to planning approval was granted on 11 November for a further two (2) years with an additional 6 conditions added to the 2008 planning approval. At its meeting on the 18 April 2013 Council considered amendments to the proposed development due to improvements in wind turbine technologies. The variation resulted in a new design and more efficient turbine but an increase height to the tip of the turbine to 140 metres. The Council resolved at this meeting to approve the proposal subject to the conditions imposed in 2008 and 2012 as stated:

- 1. The proponents shall (prior to the erection of wind turbine generators) provide notification to the RAAF Aeronautical Service of the location and height details of the wind turbine generators;*
- 2. The proponents shall (prior to the erection of the wind turbine generators) provide notification to Air Services Australia of the location and height details of the wind turbine generators;*
- 3. The proponents shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators;*
- 4. The access points onto the subject land and any road works shall be located and constructed to the satisfaction of the Manager of Technical Services and Works and include all necessary drainage and signage. Costs applicable to the construction of the access points onto the site and any related issues shall be borne by the proponents;*

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5. *Access to the proposed development will only be allowed along Cadda Road and Yerramullah Road. The proponents will be required to undertake routine maintenance works on Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road (from Cantabilling Road to the intersection with Bibby Road) for the duration of the construction phase. The cost of the routine maintenance will be determined on a shared basis with the Shire (to be agreed prior to the commencement of the project based upon forecast traffic volumes). Any costs associated with required upgrades needed before development of the Wind Farm occurs shall be to the satisfaction of the Manager Technical Services and Works and be at the cost of the proponents;*
6. *The proponents in conjunction with the Shire of Dandaragan shall commission a Road Condition Report prepared by a recognised engineer (agreed to by both parties) prior to the commencement of the project. The Road Condition Report shall, at least but not be limited to, identifying the following issues;*
 - a) *suitability of the existing pavement strength (in wet and dry conditions) to cater for the proposed haulage loads and traffic volumes;*
 - b) *suitability of the existing horizontal and vertical alignments to cater for the proposed haulage loads and traffic volumes; and*
 - c) *identify and provide plans and costings for any required upgrade works to the existing road network to make it suitable for the proposed haulage loads and traffic volumes. The costs associated with the preparation of the Road Condition Report and any road works identified in the Road Condition Report shall be undertaken at the cost of the proponents prior to any works commencing onsite;*
7. *The Shire of Dandaragan requires Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road (from Cantabilling Road to the intersection with Bibby Road) to be in no lesser standard at the end of the construction phase as they were prior to the development commencing. A photographic record of the condition of the subject roads shall be prepared prior to commencement of the project;*
8. *The proponents shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;*
 - *transportation of materials to the project site;*
 - *obtaining the necessary written approvals / permits from Main Roads WA Heavy Vehicle Operations Branch; and*
 - *the transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.*
9. *Following the submission of the development application, if the proponents propose changes resulting in significant additional environmental impact in the opinion of the Shire of*

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Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;

- 10. The proponents are required to obtain a Clearing Permit in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 in the case of any proposal to clear existing remnant native vegetation on the site to the satisfaction of the Department of Environment and Conservation;*
- 11. The Wind Farm shall comply with the South Australian Environmental Protection Authority "Wind farms environmental noise guidelines (interim)" dated December 2007 and relevant sections of the Western Australian Environmental Protection Authority "Guidance of the Assessment of Environmental Factors Environmental Noise Draft No 8" dated May 2007;*
- 12. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 40dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences inside the development envelope;*
- 13. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 35dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences outside the development envelope;*
- 14. The background noise limits for the proposed development are to be based on the pre-recorded background noise measurements. (Refer to Table 5 of the development application.);*
- 15. The proponents shall develop and implement a postconstruction noise monitoring program at the noise sensitive receptors listed in Table 5 of the development application to assess compliance of the operational Wind Farm with the noise limits. The post-construction noise monitoring program shall be conducted at the same time of year as when the background noise measurements were recorded. Results of the program shall be forwarded to the relevant authority;*
- 16. Prior to the commencement of construction, the proponents shall commission third party noise modelling studies (in accordance with planning consent condition number 11) to demonstrate the final Wind Farm design complies with the noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment and Conservation Noise Branch, at the appropriate time;*
- 17. The proponents shall develop and implement a bird mortality monitoring program within 12 months of commencement of Wind Farm operations. The program shall be developed in consultation with the Department of Environment and Conservation (DEC) and / or the WA Museum. Results of the program shall be forwarded to the Shire of Dandaragan;*
- 18. The proponents shall develop and implement an annual monitoring program for Carnaby's Black Cockatoo*

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- (Calyptohynchus latirostris) bird strike, foraging and roosting (including any avoidance) behaviour, with reporting to the Commonwealth Department of the Environment, Water, Heritage and the Arts. The WA Museum (Mr Ron Johnstone or his nominated appointment) is to be consulted in developing appropriate surveying methodologies for Carnaby's Black Cockatoo. The duration of this monitoring will be defined during the development of the program and subject to review, based on findings during the first two years' monitoring;*
19. *The proponents shall provide road signage to the specification and satisfaction of Main Roads WA and the Shire of Dandaragan;*
 20. *The proponents shall submit a Drainage Management Plan for internal access roads for the endorsement of the Manager Technical Services and Works and a Drainage Management Plan where any impacts occur externally to the properties contained within the application;*
 21. *A display panel designated to the Badgingarra Wind Farm shall be included in the existing Viewing Area Information Stand at the Emu Downs Wind Farm;*
 22. *The proponents shall ensure sufficient clearance is maintained from Western Powers' existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power;*
 23. *The proponents shall provide landscaping to screen buildings to a similar standard as was planted at the Emu Downs Wind Farm;*
 24. *Any leasehold arrangements exceeding 20 years for part lots are to be referred to the Western Australian Planning Commission for approval;*
 25. *The submissions / objections lodged by the Department of Industry and Resources, Image Resources NL and Jurien Industrial Minerals Ltd being withdrawn and that Council be indemnified against any possible action from these organisations with regard to granting of planning approval, prior to the commencement of any on site works;*
 26. *Decommissioning of the above ground plant and equipment (excluding concrete pads; footings; and inground cables) on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period of the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponents of a plan outlining the process of decommissioning;*
 27. *Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;*
 28. *The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works;*
 29. *prior to the commencement of construction, the proponent shall commission detailed archaeological and ethnographic*

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- surveys, compliant with Aboriginal Heritage Act (1972) dated September 2011, over areas of proposed infrastructure;*
30. *prior to the commencement of construction, the proponent shall make arrangements in consultation with the South West Aboriginal Land and Sea Council for any required Aboriginal heritage monitoring;*
 31. *prior to the commencement of construction, the proponent shall provide and implement a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and Department of Fire and Emergency Services of Western Australia;*
 32. *all fencing shall be of rural construction such as open post and rail or post and wire, to the satisfaction of the Shire;*
 33. *prior to the commencement of construction, the proponent will consult with landowners on the location of known weed infestations and will implement measures, as agreed with landowners, and in accordance with any relevant regulation under the Bio-security and Agriculture Management Act 2007 and measures recommended by the Western Australian Department of Food and Agriculture; and*
 34. *the proponent shall prior to commencement of construction, implement necessary strategies to mitigate an future noise non-compliance that may arise from the construction or operation of the Wind Farm.*

COMMENT

The request for a 2 or 3 year extension to the current Badgingarra Windfarm planning approval is considered legitimate based on the statement of justification provided in the letter. The delays are mainly due to the delays experienced by Western Power to obtain the relevant approvals for the construction of its 330kV Midwest Transmission Line Project. Construction has now commenced on the project with stage 1 expected to be completed by the end of 2014.

Western Power has indicated it will offer Badgingarra Wind Farm a preliminary Access Offer in February 2015 and a final Access Offer in January 2016. The proponent is reasonably confident the project will commence construction within two years however, the preference is for a three year extension.

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

Since the original approval was given 6 years ago, there have

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been some agency name changes and in February 2014 the Environmental Protection Authority release Bulletin No.21 'Guidance for wind farm developments'. It is recommended the conditional planning approval is updated to reflect these minor changes. It is recommended that Council grant only a two year extension in case changes occur during this time period.

APA Group held a Badgingarra Wind Farm landowners meeting on Tuesday 30th September and support for the project remains strong amongst landowners. Given there are no changes to landowners nor the proposed development it would be reasonable to approve the proposal subject to the conditions imposed in 2008 and 2012 with the slight modifications mentioned previously.

CONSULTATION

The proponent has provided with its written request for extension continuing support by landowners. Therefore, it is not considered necessary for further public consultation be undertaken at this time.

STATUTORY ENVIRONMENT

- Clause 10.5.2 of the Local Planning Scheme No. 7 states:

10.5.2 "a written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in Clause 10.5.1"

- Planning Bulletin 67 – Guidelines to Wind Farm Development

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

A planning application fee to the value of \$15,750 shall be paid by the applicant, being 50% of the planning application fee to validate the extension of the planning approval.

STRATEGIC IMPLICATIONS

Renewable energy projects deemed compatible with surrounding land uses should be encouraged through identification in future strategic planning instruments for the Shire, including any new municipal strategic plan, the Local Planning Strategy and new Local Planning Schemes.

ATTACHMENTS

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

- A copy of the 2012 Planning Approval (Doc Id: 9524)
- A copy of the 2013 amended Planning Approval (Doc Id: 13264)
- Request for Extension / Transfer of Planning Approval –

Badgingarra Wind Farm Project (Doc Id: 40878)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That Council pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No.7 grant a two year extension to the planning approval granted 12 December 2008 for the Badgingarra Windfarm resulting in the revised expiry date of 19 December 2016 subject to the following conditions:

1. The proponents shall (prior to the erection of wind turbine generators) provide notification to the RAAF Aeronautical Service of the location and height details of the wind turbine generators;
2. The proponents shall (prior to the erection of the wind turbine generators) provide notification to Air Services Australia of the location and height details of the wind turbine generators;
3. The proponents shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators;
4. The access points onto the subject land and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access points onto the site and any related issues shall be borne by the proponents;
5. Access to the proposed development will only be allowed along Cadda Road and Yerramullah Road. The proponents will be required to undertake routine maintenance works on Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road (from Cantabilling Road to the intersection with Bibby Road) for the duration of the construction phase. The cost of the routine maintenance will be determined on a shared basis with the Shire (to be agreed prior to the commencement of the project based upon forecast traffic volumes). Any costs associated with required upgrades needed before development of the Wind Farm occurs shall be to the satisfaction of the Executive Manager Infrastructure and be at the cost of the proponents;
6. The proponents in conjunction with the Shire of Dandaragan shall commission a Road Condition Report prepared by a recognised engineer (agreed to by both parties) prior to the commencement of the project. The Road Condition Report shall, at least but not be limited to, identifying the following issues;
 - a) suitability of the existing pavement strength (in wet and dry conditions) to cater for the proposed haulage loads

- and traffic volumes;
- b) suitability of the existing horizontal and vertical alignments to cater for the proposed haulage loads and traffic volumes; and
 - c) identify and provide plans and costings for any required upgrade works to the existing road network to make it suitable for the proposed haulage loads and traffic volumes.

The costs associated with the preparation of the Road Condition Report and any road works identified in the Road Condition Report shall be undertaken at the cost of the proponents prior to any works commencing onsite;

7. The Shire of Dandaragan requires Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road (from Cantabilling Road to the intersection with Bibby Road) to be in no lesser standard at the end of the construction phase as they were prior to the development commencing. A photographic record of the condition of the subject roads shall be prepared prior to commencement of the project;
8. The proponents shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;
 - transportation of materials to the project site;
 - obtaining the necessary written approvals / permits from Main Roads WA Heavy Vehicle Operations Branch; and
 - the transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.
9. Following the submission of the development application, if the proponents propose changes resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;
10. The proponents are required to obtain a Clearing Permit in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 in the case of any proposal to clear existing remnant native vegetation on the site to the satisfaction of the Department of Parks and Wildlife;
11. The Wind Farm shall comply with the South Australian Environmental Protection Authority "Wind farms environmental noise guidelines (interim)" dated December 2007 and the Western Australian Environmental Protection Authority 'Environmental Protection Bulletin No. 21 Guidance for wind farm developments' dated February 2014;
12. Noise from the operational Wind Farm shall not exceed

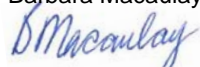

- 5dB(A) above the background noise level or 40dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences inside the development envelope;
13. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 35dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences outside the development envelope;
 14. The background noise limits for the proposed development are to be based on the pre-recorded background noise measurements. (Refer to Table 5 of the development application.);
 15. The proponents shall develop and implement a postconstruction noise monitoring program at the noise sensitive receptors listed in Table 5 of the development application to assess compliance of the operational Wind Farm with the noise limits. The post-construction noise monitoring program shall be conducted at the same time of year as when the background noise measurements were recorded. Results of the program shall be forwarded to the relevant authority;
 16. Prior to the commencement of construction, the proponents shall commission third party noise modelling studies (in accordance with planning consent condition number 11) to demonstrate the final Wind Farm design complies with the noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment Regulation Noise Branch, at the appropriate time;
 17. The proponents shall develop and implement a bird mortality monitoring program within 12 months of commencement of Wind Farm operations. The program shall be developed in consultation with the Department of Parks and Wildlife and / or the WA Museum. Results of the program shall be forwarded to the Shire of Dandaragan;
 18. The proponents shall develop and implement an annual monitoring program for Carnaby's Black Cockatoo (*Calyptohynchus latirostris*) bird strike, foraging and roosting (including any avoidance) behaviour, with reporting to the Commonwealth Department of the Environment, Water, Heritage and the Arts. The WA Museum (Mr Ron Johnstone or his nominated appointment) is to be consulted in developing appropriate surveying methodologies for Carnaby's Black Cockatoo. The duration of this monitoring will be defined during the development of the program and subject to review, based on findings during the first two years' monitoring;
 19. The proponents shall provide road signage to the specification and satisfaction of Main Roads WA and the Shire of Dandaragan;
 20. The proponents shall submit a Drainage Management Plan for internal access roads for the endorsement of the Executive Manager Infrastructure and a Drainage

- Management Plan where any impacts occur externally to the properties contained within the application;
21. A display panel designated to the Badgingarra Wind Farm shall be included in the existing Viewing Area Information Stand at the Emu Downs Wind Farm;
 22. The proponents shall ensure sufficient clearance is maintained from Western Powers' existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power;
 23. The proponents shall provide landscaping to screen buildings to a similar standard as was planted at the Emu Downs Wind Farm;
 24. Any leasehold arrangements exceeding 20 years for part lots are to be referred to the Western Australian Planning Commission for approval;
 25. The submissions / objections lodged by the Department of Industry and Resources, Image Resources NL and Jurien Industrial Minerals Ltd being withdrawn and that Council be indemnified against any possible action from these organisations with regard to granting of planning approval, prior to the commencement of any on site works;
 26. Decommissioning of the above ground plant and equipment (excluding concrete pads; footings; and inground cables) on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period of the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponents of a plan outlining the process of decommissioning;
 27. Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;
 28. The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works;
 29. prior to the commencement of construction, the proponent shall commission detailed archaeological and ethnographic surveys, compliant with Aboriginal Heritage Act (1972) dated September 2011, over areas of proposed infrastructure;
 30. prior to the commencement of construction, the proponent shall make arrangements in consultation with the South West Aboriginal Land and Sea Council for any required Aboriginal heritage monitoring;
 31. prior to the commencement of construction, the proponent shall provide and implement a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and Department of Fire and Emergency Services of Western Australia;

32. all fencing shall be of rural construction such as open post and rail or post and wire, to the satisfaction of the Shire;
33. prior to the commencement of construction, the proponent will consult with landowners on the location of known weed infestations and will implement measures, as agreed with landowners, and in accordance with any relevant regulation under the Bio-security and Agriculture Management Act 2007 and measures recommended by the Western Australian Department of Food and Agriculture;
34. the proponent shall prior to commencement of construction, implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm; and
35. planning approval for the extension of planning approval will commence from the date of receipt of the planning application fee to the value of \$15,750.

CARRIED 8 / 0

9.4.5 PROPOSED PERSONAL TRANSPORTER (ESCOOTER) GUIDED TOURS – BULLFROG ADVENTURES – RESERVE 39419, 28541 & 51200 – JURIE BAY FORESHORE RESERVE

Location:	Reserve 28541 Heaton Street
Applicant:	Geoff and Monique Urbas
File Ref:	Development Services Apps / Development Application / 2014 / 60
Disclosure of Interest:	Nil
Date:	13 October 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of an application for planning approval seeking consent to operate guided tours on personal motorised transporter known as a 'Escooter' along the foreshore dual use path on Reserve 39419, 28541 & 51200 (Attachment 1)

In summary the application states:

- The proposed guided tours involve a maximum of 12 Escooters, with two being used by the tour guides. The two tour guides will have a Senior First Aid certificate. The guides will communicate by two ways and mobile phones in case of emergencies or unforeseen circumstances.
- A training area of 470m² is required on the foreshore reserve adjacent to the intersection of Heaton Street and Doust Street and an area of 36m² is required on Heaton Street for car and trailer parking (Attachment 2).
- The length of tours will vary from 1/2 hr to 1 hr.

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- The minimum age of participants is 12 years old and a maximum weight of 120kg. All riders are required to wear enclosed flat shoes and helmets while knee and elbow pads will be optional.
- The proposed route:
 - On the dual-use foreshore path commencing at Dobbyn Park heading northward to the harbour and then doubling back to follow the coastline to Beachridge Estate.
 - Seven days a week from sunrise to sunset.
- A safety tutorial will be conducted at the commencement of each trip to ensure riders know how to balance, manoeuvre, stop and start the Escooter.
- Insurance cover (Public Liability) will be provided to a maximum of \$20 million.

BACKGROUND

Council at its meeting 25 September 2014 endorsed part of the Jurien Bay Foreshore area as suitable for use by Electronic Personal Transporter. Approval has now been sought from the Minister of Transport for the gazettal of this area as an Electronic Personal Transporter Use Area (EPT Use Area) and approval of the proposed Electronic Personal Transporter (EPT) model (Escooter) which will take approximately 6 weeks.

Included in the attachments is the proposed make and model of the Escooter which is not a Segway. Segway and the Segway logo are registered trademarks of Segway Inc. The Escooter has the following specifications:

- All terrain model
- Dimension – 43cm x 43cm x 68cm
- Adjustable height of handle
- Weight – 48kg
- Maximum mileage – 30-35km
- Electric powered with a charging time of 8-10 hours
- Tyre – 17 inches
- Maximum height above ground – 13cm

The proponent now seeks Council approval for the proposed route within the EPT Use Area and the operational details of the tours.

Foreshore Reserve – Proposed Route

Prominent within the reserve and central to the Jurien Bay Town Centre is Dobbyn Park. The area of the park bounded by the amenity block and the jetty is well utilised with activity increasing over school holidays and special events. To avoid conflict with the users of this area the proponent has requested to set-up at the northern area of the park adjacent to the intersection of Heaton Street and Doust Street.

The tours propose to travel north and south of the trading area along a 2 metre wide dual use path known as the Turquoise Way

Walk Trail. The Escooter is an all-terrain model and the proponent has requested permission to take the Escooter along sections of beach if the environmental conditions are favourable. A map of the Turquoise Way Walk Trail and the proposed route along the beach is provided in the attachments.

Part 15 Division 2 Road Traffic Code 2000

An EPT is not deemed a motor vehicle but more a mode of pedestrian transport. EPT's are governed by recent changes to road and traffic legislation. In 2013 rules governing EPTs were introduced into the traffic code 2000 as summarised below:

- EPTs and EPT use area to be approved by the Minister of Transport
- EPTs to be ridden in EPT use areas only
- Riders to be at least 12 years old
- EPT to be supplied and supervised by commercial operator
- Riders to wear protective helmets
- Towing of EPTs prohibited
- EPTs are not to be ridden on a dividing strip or medium strip
- A person riding an EPT shall keep to the left and give way to all pedestrians
- A person riding an EPT shall not carry a passenger or animals
- EPT rider not to cause obstruction nor leave an EPT in or upon a road
- EPT not to be able to exceed 10km/hr and to be fitted with warning devices in working order
- EPT only to be for supervised tours or during training for supervised tours
- A commercial operator shall not supply an EPT to a person to ride in a supervised tour unless the operator has trained the person in getting on and off the EPT, stopping and starting the EPT, riding on slopes, managing intersections and various driving conditions
- A commercial operator must assess the driver as competent to ride the EPT
- Supervised tours are to be conducted only in daylight hours
- A minimum of one staff to 10 EPT riders
- A commercial operator shall ensure each EPT rider on each supervised tour is aware of the provisions of subdivision 2 and that failure to comply may expose the rider to a penalty under this code
- The commercial operator shall ensure that each rider is monitored as complying with subdivision 2
- A commercial operator shall keep records about the following –
 - Any loss, damage, injury or death to people or property
 - Failure by operator or riders to comply with subdivision 2

Other Commercial Activities

The beach adjacent to Federation Memorial Park and south of the northern groyne is used as a landing zone for Skydive Jurien Bay.

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Additionally, the Shire is in receipt for a canoe, paddleboard and glass bottom boat business to operate on the beach (Reserve 28541).

COMMENT

There are a number of matters that need to be considered in determining this proposal:

Safety

EPT tours are currently operating on the Perth foreshore, Rottneest Island and Whiteman Park. The introduction of recent legislation covers most of the operational and safety issues concerned with its use however in addition it is recommended participants wear high visibility vests to distinguish their presence from other users.

The proponent has expressed interest in providing line marking at nominated distances along the dual-use pathway to assist in the event of an emergency so location can be easily established. This work is also a part of proposed infrastructure works and it is suggested by the Executive Manager of Infrastructure the proponent coordinates with the Shire with the rolling out of the works.

The dual-use path along the foreshore is not considered to carry a high level of congestion and is of an adequate width of 2 metres to accommodate the Escooter at 84cm wide. However it can become congested at times especially during school holidays occupying various modes of transport (bicycles and scooters) and users (pedestrians, joggers and skydivers crossing the path in quick return to their vehicle). At 10km/hr the Escooter travels at the same speed as the average jogger. Based on this understanding the EPTs are not considered to pose any significant safety problems but it is suggested as a condition of approval the Chief Executive Officer is permitted to cease operation to investigate any breach of existing legislation. Of a matter of concern is the potential issue of the Escooters interacting with the activities of the skydivers and therefore it is suggested the proponent liaise with Skydive Jurien Bay to ensure the Escooter tours do not interfere in its operations.

Designated Operational Area

The proponent has requested to set-up a training area on the northern part of Dobbyn Park adjacent to the intersection of Heaton street and Doust street. The operation of Escooter tours offers another tourism product to help grow the Shires tourism industry and provides an opportunity to activate a part of the foreshore that is underutilised.

CONSULTATION

- Executive Manager of Infrastructure

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 OCTOBER 2014
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- Technical Officer
- This application was advertised in the Central Midlands and Coastal Advocate Newspaper for a period of 14 days pursuant to Clause 9.4.3(b) of the Shire Local Planning Scheme No.7. The application has also been advertised in the Craytales newsletter.

At the time of writing this report no submissions had been received. Any submissions will be forwarded to Council.

STATUTORY ENVIRONMENT

- Road Traffic (Licencing) Regulations 2008
- Road Traffic (Authorisation to Drive) Regulations 2008
- Road Traffic Code 2000
- Local Planning Scheme

With the Jurien Bay foreshore designated a 'Local Reserve' under the Shire of Dandaragan Local Planning Scheme No.7, any activity of a commercial nature is subject to planning approval being issued by the Council. Specifically, Part 3, Clauses 3.4.1 of the Scheme state:

- 3.4.2. A person must not –*
- (a) use a Local Reserve; or*
 - (b) commence or carry out development on a Local Reserve*
- without first having obtained planning approval under Part 9 of the Scheme.*

Reserve Management Order

The Management Order for Reserve 28541 requires the Shire to issue a licence for commercial activities or events conducted on the Reserve.

Local Law - Activities on Thoroughfares and Trading in Thoroughfares and Public Places

The Shire's local law relating to trading in a public place additionally requires approval through the application and issue of a permit pursuant to Part 6 of the local law.

POLICY IMPLICATIONS

The Shire has a draft Mobile and Itinerant Traders and Commercial Activities on Reserves (including Foreshore) Policy currently being advertised in accordance with clause 2.4.1 of the Shire of Dandaragan Local Planning Scheme No7.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147. However, should the Council adopt the Draft Mobile and Itinerant Traders and Commercial Activities on Reserves

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(including Foreshore) Policy the applicant may be charged a Reserve User Fee of \$500 and Agreement Preparation Fee of \$150.

STRATEGIC IMPLICATIONS

The Shire of Dandaragan draft Local Tourism Planning Strategy vision is:

“The Shire of Dandaragan develops a sustainable tourism industry that celebrates its natural assets, supports the local community and meets the needs of the visitors”

It is considered the Escooter tours will prove beneficial to the promotion of tourism and attraction for people to visit and stay in the area for longer periods. If managed correctly, and the environmental impact monitored it provides an opportunity for the Shire to grow its sustainable tourism industry.

ATTACHMENTS

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

- Planning Application for Escooter Guided Tours (Doc Id: 40873)
- Set-Up and Training Area (Doc Id: 40872)
- Escooter specifications (Doc Id: 40871)
- Proposed route of Escooter tours (Doc Id: 40870)
- Road Traffic Code 2000 (Doc Id: 39391)

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
--

Moved Cr Slyns, seconded Cr McGlew

That the Shire of Dandaragan enter into a licence agreement with Monique and Geoff Urbas trading as Bull Frog Adventures for the utilisation of Reserve 39419, 28541 & 51200 subject to the following conditions:

- 1. This approval, granted for a period of 1 year from the Council decision date, is non-exclusive and allows for equal access and right of use of Reserves 39419, 28541 & 51200 and associated infrastructure by the general public and others.**
- 2. That the agreement is with the individual parties not the business or company.**
- 3. That the agreement is non transferable.**
- 4. That the operational hours are between sunrise and sunset.**
- 5. That the proponent be in possession of an Australian approved public liability insurance policy to a minimum value of \$20 million for the period of the approval.**
- 6. That the tour operations shall be in accordance with the planning application.**

7. All riders are to wear a high visibility vest.
8. That the proponent does not depart from the approved pathway or route without amendment or deviation other than for reasons of safety unless otherwise approved by the local government.
9. In consideration of conservation of sensitive coastal dune formations no sand dunes or natural vegetation is to be traversed.
10. In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.
11. All activities are to comply with the relevant road traffic legislations and codes.
12. Prior to the commencement of the tour operations the applicant shall:
 - (a) Submit a copy of a current public liability insurance policy held in Australia to a minimum value of \$20 million for the period of this approval.
 - (b) submit an application for an annual permit to trade in a public place pursuant to Part 6 of the Shire of Dandaragan Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places.
13. The applicant shall liaise with Skydive Jurien Bay to ensure the operation of Escooter tours do not interfere with the operation of Skydive Jurien Bay.
14. The applicant contacts the Infrastructure Department at the Shire to discuss line marking provisions along the dual-use pathway.
15. In response to an issue of public safety (as determined by the Chief Executive Officer) all tours operations shall cease until the matter has been resolved to the satisfaction of the local government.
16. That additional conditions may be included in the agreement at the discretion of the Chief Executive Officer.

ADVICE NOTES

- Note 1:** In regard to condition 1, the applicant may be required to pay a reserve user fee and agreement preparation fee in accordance with proposed Council Policy for Mobile and Itinerant Traders and Commercial Activities on Reserves (including foreshore).
- Note 2:** The erection of signage promoting the Escooter tour operations is subject to a separate application for planning approval. Further information on signage can be obtained by contacting the Shire's Planning Department on 9652 0800.
- Note 3:** The applicant is advised that a right of appeal against Council's decision exists in accordance with the provisions of the *Planning and Development Act, 2005*. In this regard contact should be made with the State Administrative

Tribunal on 9219 3111 or via website
www.sat.justice.wa.gov.au.

CARRIED 8 / 0

9.5 HEALTH

9.6 BUILDING

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 SHIRE OF DANDARAGAN – SEPTEMBER COUNCIL STATUS REPORT

Document ID: 40900

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 25 September 2014. **(Marked 9.7.1)**

9.7.2 SHIRE OF DANDARAGAN – INFRASTRUCTURE REPORT – OCTOBER 2014

Document ID: 40858

Attached to the agenda is a copy of the Shire of Dandaragan's Infrastructure Report for October 2014. **(Marked 9.7.2)**

9.7.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2014

Document ID: 40333

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for September 2014. **(Marked 9.7.3)**

9.7.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – AUGUST & SEPTEMBER 2014

Document ID: 40882 & 40883

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for August & September 2014. **(Marked 9.7.4)**

9.7.5 SHIRE OF DANDARAGAN – RANGERS SERVICES REPORT – JUNE / JULY / AUGUST 2014

Document ID:

Attached to the agenda is a copy of the Shire of Dandaragan Ranger Services Report for June, July & August 2014. **(Marked 9.7.5)**

9.7.6 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 39

Document ID:

Inside this issue:

- Productivity Commission Disaster Funding Arrangements – Draft Submission

- Competition Policy Review Releases Draft Report
- 2014 Resilient Australia Award Winners – WA
- Traffic Management for Works on Roads Code of Practice
- Like us on Facebook
- Children and Young People Forum
- Women in Local Government – Leadership Summit
- WALGA Pursues Policing Issues
- Coast to Coast Conference
- Western Power Survey

9.7.7 WEST AUSTRALIAN MUSIC – SOUNDS OF THE WHEATBELT

Document ID: 40829

A copy of WAM's 'Sounds of the Wheatbelt' CD is on hand.

WAM's 'Sounds of' projects are designed to highlight and capture the music talent in different regions or towns of WA. One of the aims of these projects is to provide the artists with greater opportunities as an incentive to pursue music in their lives.

9.7.8 WEST KOOJAN GILLINGARRA LAND CONSERVATION DISTRICT – 12 AUGUST 2014 MINUTES

Document ID: 40658

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

9.7.9 THE HON WARREN TRUSS MP – AUSTRALIAN GOVERNMENT'S NEW NATIONAL STRONGER REGIONS FUND

Document ID: 40397

"We are writing to advise you of the release of the guidelines and initial application process for the Australian Government's new National Stronger Regions Fund (NSRF).

The NSRF will invest \$1 billion over five years in community infrastructure projects to promote economic development and address disadvantage in Australia's regions and local communities."

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

9.7.10 THE HON WARREN TRUSS MP – ROADS TO RECOVERY PROGRAMME

Document ID: 40396

"In addition to our commitment to maintain Roads to Recovery funding at the current level of \$350 million per annum, the 2014 Budget announced that a further \$350 million will be provided in 2015-16. This brings total funding for the programme to \$2.1 billion over the five years to 2018-19 and the additional funding in 2015-16 means that each council will receive the equivalent of one extra year's Roads to Recovery funding."

Attached to the agenda is a copy of the above mentioned

correspondence. **(Marked 9.7.10)**

9.7.11 ROADWISE – ROAD RIBBON FOR ROAD SAFETY 2014 CAMPAIGN

Document ID: 40394

“The WALGA RoadWise Program would like to invite Shire of Dandaragan to join us in promoting the new Road Ribbon for Road Safety campaign through your networks and continue to contribute towards raising awareness of the importance of road safety over the festive season.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.11)**

9.7.12 HON JIM CHOWN MLC – MEMBER FOR AGRICULTURE REGION – JURIE BAY INFILL SEWERAGE PROJECT

Document ID: 40353

“I have been corresponding with the Minister for Water, the Hon Mia Davies MLA, and the Minister for Regional Development, the Hon Terry Redman MLA, making entreaties upon the Shire of Dandaragan’s behalf for inclusion of Jurie Bay in the State’s Infill Sewerage Program. Failing that, I sought the Minister for Regional Development’s support to meet the shortfall in funding via Royalties for Regions.”

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

9.7.13 ADVANCE DANDARAGAN COMMITTEE – THANK YOU

Document ID: 40349

“On behalf of Advance Dandaragan I would like to thank you all for providing the opportunity to present requests, for consideration by Council, for the benefit of the community of Dandaragan. The beautiful meal presented by Mrs Jane Roberts enhanced further the opportunity to discuss issues that concern our town. This pleasant social interaction was very much appreciated.”

9.7.14 WALGA PREFERRED SUPPLY EXPENDITURE AND SAVINGS REPORT 2013 / 2014

Document ID: 40203

Attached to the agenda is a copy of the above mentioned. **(Marked 9.7.14)**

9.7.15 BEN SGHERZA – INDEPENDANT DISABILITY CONSULTANT – PROFESIONAL DEVELOPMENT FOR LOCAL GOVERNMENT EMPLOYEES

Document ID: 40241

The unique and exciting learning experience focuses on the concept of equitable Access and Inclusion for people with disabilities. It provides relevant information, knowledge and skills development to increase understanding, confidence and ability within participants.

Workshops are facilitated by highly experienced professional presenters who have developed and delivered hundreds of presentations over the past 15 years.

For bookings please visit www.disabilityconsulting.com.au or contact Ben on 0407 813 909 or via email bens@iinet.net.au.

9.7.16 THE HON WARREN TRUSS MP – FINANCIAL ASSISTANCE GRANT

Document ID: 40239

“Thank you for your letter dated 18 August 2014 regarding the Coalition Government’s decision to pause the indexation applied to the Financial Assistance Grant programme for local government.”

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

9.7.17 CENTRAL MIDLANDS SENIOR HIGH SCHOOL NEWSLETTER NO.5 – 25 SEPTEMBER 2014

Document ID: 40238

Inside this issue:

- From the Principal
- NAPLAN
- ERG
- Interschool sports carnival
- NAIDOC Day
- P&C fundraising
- Year 12 mock and WACE exams
- Year 12 Graduation
- Completion of the academic year for senior school students
- Farewell
- Results of Interhouse Athletics Carnival
- Dates to remember
- Student Council news
- Year 9 Dowerin Field Day excursion
- Alternate Life Skills Program update
- New long jump pit
- First Aid in the classroom

9.7.18 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – 2013 / 14 INTEGRATED PLANNING AND REPORTING (IPR) ASSESSMENT

Document ID: 40111

“I would like to take opportunity to commend your Council and administration on its progress in adopting and implementing the Integrated Planning and Reporting (IPR) Framework.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.18)**

9.7.19 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – CAMPING GROUND OR CARAVAN PARK

ON PRIVATE PROPERTY

Document ID: 40514

“Recently some local governments have received advertising material to encourage private property owners to allow travellers to camp on their property. I am also aware that some private property owners have been allowing this without appropriate approvals. While it may be a good tourism initiative for owners of large properties to host campers and caravanners, it is also important that there is compliance with the Caravan Parks and Camping Grounds Act 1995 (the Act) and Regulations 1997 (the Regulations).”

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

9.7.20 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

Document ID: 40199

This year’s National Local Roads and Transport Congress is being held in Tamworth, NSW from 12 – 14 November. Deputy Prime Minister, the Hon Warren Truss MP has accepted an invitation to speak. Shadow Minister for Infrastructure and Transport, the Hon Anthony Albanese MP has also been invited.

“The theme for this year’s Congress is ‘Collaboration and Corridors’. There will be a strong focus on how we best manage our transport infrastructure and systems and how they contribute to Australia’s continued economic growth.”

9.7.21 DISABILITY SERVICES COMMISSION – DISABILITY AWARENESS WEEK 2014

Document ID: 40120

Disability Awareness Week is run in Western Australia each year to coincide with the International Day of People with Disability on 3 December. This year the week runs from Monday 1 to Sunday 7 December.

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

9.7.22 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 38

Document ID: 40414

Inside this issue:

- WALGA Member’s survey
- Children and young people forum
- Energy savings
- 2014 State Trails and Outdoors Conference
- Doctor’s Service Awards 2015
- Beyond Gambling Grants Program
- Engaging with youth

9.7.23 HON TERRY REDMAN MLA – LOCAL GOVERNMENT REFORM

Document ID: 40264

“As you are aware the State Government has been pursuing a course of local government reform in the metropolitan region, involving boundary changes and abolition of Councils.”

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

9.7.24 ANGEL FLIGHT UNDER THREAT – BUT FIGHTING ON

Document ID: 39821

“Our charity organisation, Angel Flight, has been operating for over ten years and has carries out more than fifty million dollars’ worth of missions in isolated and remote areas of Australia. The beneficiaries of these flights are the many needy rural families who require medical treatment at a city hospital.”

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

9.7.25 WHEATBELT DEVELOPMENT COMMISSION – WHEATBELT BLUEPRINT – PUBLIC COMMENT

Document ID: 39818

“Thank you for taking the time to make a submission on the draft Wheatbelt Blueprint during the public comment period. The public comment period closed on 18 July 2014 and a variety of submissions were received.”

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

9.7.26 JURIE BAY LIONS CLUB – LIONS CONVENTION COMMUNITY GRANT – THANK YOU

Document ID: 39655

“On behalf of Chairman Noel and all the Committee Members, we would like to express our deepest gratitude for the grant of \$1500 towards the running of the Lions District Convention this October. Your support will enable us to provide to all attending Lions, partners and distinguished guests a notable Convention that will not only showcase Lions in our district but will support the town of Jurien Bay and the wider Shire of Dandaragan with approximately 150 visitors attending.

We would also like to confirm that the Shire President, Wayne Gibson will be able to officially open the event on Friday evening, 24th and that as many Shire Councillors and Executive, plus partners, will be attending the Official Opening.”

9.7.27 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 37

Document ID: 40160

Inside this issue:

- Input requested – WALGA’s poll provision advocacy position
- MUNS agreement between State and Commonwealth Government announced
- Review of traffic management for events – code of practice

- Children and Young People Forum – save the date
- Graffiti Management Workshop
- Funding available for community crime prevention projects
- Walk over October healthier workplaces
- Training

9.7.28 WALGA – ECO NEWS – ISSUE 8

Document ID: 40138

Inside this issue:

- Balingup Brook Benefits from War on Watsonia
- EMRC supports green army to deliver youth environment projects
- City switch / Curtin collaboration
- New app launched by the Department of Agriculture and Food
- Bait early and bait often for fruit fly
- Urban forest of Perth and Peel
- Update on Western Power's LED street lighting business case
- Shire of Northampton improves beach access at Horrocks Beach
- City of Albany's arterial drainage planning in Yakamia Creek
- City of Joondalup monitoring diseases in urban parks and natural areas
- Local government climate change declaration

9.7.29 DAVID TEMPLEMAN MLA – MATTER OF PUBLIC INTEREST – LOCAL GOVERNMENT AMALGAMATIONS

Document ID: 39641

On Wednesday 10 September David Templeman MLA put forward the following motion to be debated in Parliament as a matter of public interest:

That this house advises the Government that it does not support its forced amalgamations process in the metropolitan area.

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

9.7.30 SHANE LOVE MLA – TERRY REDMAN AND FIONA NASH VISITS TO JURIE BAY

Document ID: 39477

"I write to you to formally express my sincere thanks for taking time out of your schedule to meet with the Minister for Regional Development, the Hon Terry Redman MLA and I during our recent visit to Jurie Bay on Wednesday 3 September."

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

9.7.31 WALGA – INVITATION TO PUBLIC LIBRARIES VISIONING WORKSHOP – 5 NOVEMBER 2014

Document ID: 39474

"Local Government has supported and invested in public library services since the 1950's. Currently there are 232 public libraries

throughout Western Australia with a central pool of library materials consisting of nearly 3 million items. Since 2004, Local and State Government have formalised this arrangement through partnership agreements which outline a shared vision, and the roles and responsibilities at a strategic level. The current agreement expires in 2015.

A strategic planning meeting will be held on Wednesday 5 November 2014 from 2.00pm to 4.30pm in the WALGA Boardroom. RSVP by 31 October 2014.

9.7.32 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 36

Document ID: 39822

Inside this issue:

- National remote and regional transport strategy
- Local Government Consultation Workshop
- Children and young people forum – save the date
- New cost recovery arrangements under EPBC Act
- Regional bicycle network grants open
- PLA WA parks benchmarking seminar
- Free disaster resilience scorecard available to local governments
- Healthy workers alcohol program resources now available
- Professional development opportunities

9.7.33 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – NEW DISABILITY PARKING REGULATIONS – LOCAL GOVERNMENT (PARKING FOR PEOPLE WITH DISABILITIES) REGULATIONS 2014

Document ID: 39834

The Department of Local Government and Communities has finalised the *Local Government (Parking for People with Disabilities) Regulations 2014* (the Regulations). The Regulations will replace the *Local Government (Parking for Disabled Persons) Regulations 1988*. This follows a national initiative to standardise parking provisions for people with disabilities.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.33)**

9.7.34 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – METRIC COMMUNIQUE – AUGUST 2014

Document ID: 39237

Inside this issue:

- Update on LGAB Process
- Report from LICs
- Report from MetRIC subcommittees
- What is MetRIC

9.7.35 MEDIA STATEMENT – HON TONY SIMPSON MLA – SUPER SENIORS NAMES AS AWARD FINALISTS

Document ID:

A grandcarer of five, an inspirational octogenarian rower and an

advocate for seniors in a remote Aboriginal community are among the finalist in the 2014 WA Seniors Awards.

Finalists for the Bendigo Bank Community Senior Award are:

- Val Firmin (71) from Jurien Bay
- Marie Kormendy (78) from North Perth
- Irene Thomas (80) from Kalgoorlie

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.35)**

9.7.36 WALGA – MUNICIPAL WASTE ADVISORY COMMITTEE INFORMATION BULLETIN – ISSUE 197

Document ID:

Inside this issue:

- Over the Finish Line
- Compost Preferred Supplier Tender
- The Long Arm of the Law
- Improved Waste Management at Events
- Reduce Food Waste Forum
- Buy Nothing New

9.7.37 WALGA – AIIMS AWARENESS – NOW AVAILABLE ONLINE

Document ID:

The *AIIMS Awareness* program provides participants with an overview of the principles and processes underpinning the Australasian Inter-Service Incident Management System (AIIMS).

This program is endorsed by the Department of Fire and Emergency Services (DFES) and the Department of Parks and Wildlife (DPaW).

A flyer and registration are on hand for general information.

9.7.38 WESTERN AUSTRALIAN PLANNING COMMISSION – PROPOSED AMENDMENT TO STATE PLANNING POLICY 3.1 – RESIDENTIAL DESIGN CODES

Document ID: 39789

“A number of local governments have raised concerns with the Western Australian Planning Commission about unintended and undesirable consequences arising from the 2010 changes to the Residential Design Codes (R-Codes) relating to multiple dwelling requirements.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.38)**

To be further considered at a Council Forum.

9.7.39 WALGA – BENEFITS FROM PREFERRED SUPPLY CONTRACTS AND BUSINESS SERVICES

Document ID: 40875

WALGA delivers a wide range of value adding products and

services to Members which provide significant benefits.

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

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

10.1 INFRASTRUCTURE

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

Federal Government funding for Roads to Recovery projects for the Shire of Dandaragan in 2013/14 was \$469,000, however in October 2014 the Shire was notified that this was reduced to \$402,122 for 2014/15. The Executive Manager Infrastructure seeks approval from Council for a budget amendment for RTR projects due to these changes in RTR funding.

The Executive Manager Infrastructure would also like Council to consider a budget amendment to the 2014/15 gravel resheet program.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Kent

That the following new business of an urgent nature be considered by Council:

Federal Government funding for Roads to Recovery projects for the Shire of Dandaragan in 2013/14 was \$469,000, however in October 2014 the Shire was notified that this was reduced to \$402,122 for 2014/15. The Executive Manager Infrastructure seeks approval from Council for a budget amendment for RTR projects due to these changes in RTR funding.

The Executive Manager Infrastructure would also like Council to consider a budget amendment to the 2014/15 gravel resheet program.

CARRIED 8 / 0

10.1.1 CAPITAL WORKS BUDGET AMENDMENT – ROAD PROJECTS

Location:	Shire of Dandaragan
Applicant:	Garrick Yandle, Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Capital Works
Disclosure of Interest:	Nil
Date:	20 October 2014
Author:	Garrick Yandle, Executive Manager Infrastructure

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 OCTOBER 2014

Signature of Author:



Senior Officer:

Tony Nottle, Chief Executive Officer

Signature of Senior Officer:



PROPOSAL

Federal Government funding for Roads to Recovery projects for the Shire of Dandaragan in 2013/14 was \$469,000, however in October 2014 the Shire was notified that this was reduced to \$402,122 for 2014/15. The Executive Manager Infrastructure seeks approval from Council for a budget amendment for RTR projects due to these changes in RTR funding.

The Executive Manager Infrastructure would also like Council to consider a budget amendment to the 2014/15 gravel resheet program.

BACKGROUND

Roads to Recovery Projects

In the 2013/14 Financial Year the Federal Government's Roads to Recovery (RTR) allocation to the Shire of Dandaragan was \$469,000. The Shire's Capital Works Budget and project allocation for RTR jobs for 2014/15 was developed based upon receiving this amount of funding again this year. However correspondence received 3 October 2014 indicated that the Shire's allocation for the 2014/15 Financial Year would only be \$402,122.

As a result of this funding differential, the Shire has had to review the proposed RTR projects and budget costs for 2014/15. The original projects proposed were as outlined in the table below:

Proposed Road	Budget Amount
Casuarina Dr	\$ 214,700
Hamersley St	\$ 150,628
Lesueur Dr (Osprey to Heitman)	\$ 98,588
	\$ 463,916

Since the 2014/15 budget was developed in June 2014 it has further come to light that construction works for the new Jurien Bay Sewerage Stage 1 will be occurring during early 2015 along Hamersley Street. This is likely to hinder the proposed road works along Hamersley Street. Consequently it is recommended that the Hamersley Street upgrade is deferred until 2015/16.

Based upon the revised funding allocation and sewerage scheduling the following are the proposed updated RTR projects for 2014/15. It is envisaged that these works will be advertised for Tender in November 2014 with construction taking place from February to June 2015.

Proposed Road	Budget Amount
Casuarina Dr	\$ 214,700

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Lesueur Dr (Osprey to Ward)	\$ 187,422
	\$ 402,122

The Executive Manager Infrastructure seeks endorsement from Council for the proposed changes to the RTR projects for 2014/15. This will require a budget amendment to the 2014/15 budget based upon the information listed above.

The EMI has developed a rolling budget for RTR projects that outlines proposed urban streets to be upgraded through RTR over the coming 2 – 3 years. These are included in the above projects. A summary of the current listed projects and budget estimates is included in the table below.

Proposed Road	Budget Amount
Casuarina Dr	\$ 214,700
Hamersley	\$ 150,628
Lesueur - Bashford to Elizabeth	\$ 394,350
Lesueur - Elizabeth to Shearwater	\$ 256,800
	\$ 1,016,478

These projects and cost estimates can be revised as additional roads that require upgrading become identified. All cost estimates have been scoped and developed by experienced local Contractors.

The Federal Government has also outlined their proposed RTR funding allocation for the Shire of Dandaragan over the next 5 Financial Years. This will enable the Shire's Infrastructure Team to accurately plan and budget future RTR projects over this period. This proposed funding allocation is as follows:

Financial Year	Allocation
2014/15	\$ 402,122
2015/16	\$ 804,244
2016/17	\$ 402,122
2017/18	\$ 402,122
2018/19	\$ 402,122
	\$ 2,412,610

Gravel Resheet Projects

In the 2014/15 Capital Works Budget it was proposed to "Gravel Resheet" Woodbine Road from SLK 5.4 to 9.40 for \$118,327.70. A review of traffic and climate conditions since the budget was developed has indicated that it would be more appropriate to "Gravel Resheet" Agaton Road from SLK 0 to 4.0 for the same cost.

The Operations Supervisor Dandaragan had already developed a cost estimate for Agaton Road as part of the 2014/15 budget

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process; however it was deemed there were insufficient hours in the Financial Year to do both roads. Agaton Road was subsequently removed from the budget. Agaton Road has now become a greater priority than Woodbine Road.

COMMENT

Council is requested to consider altering the 2014/15 Budget to accommodate the above.

CONSULTATION

- Executive Manager Corporate and Community Services
- Operations Supervisor Dandaragan

STATUTORY ENVIRONMENT

Section 6.8 LGA – 1995.

POLICY IMPLICATIONS

7.4 Streetscapes – Townsites

Shire of Dandaragan - *Guidelines for Road Works, Drainage and Subdivision Development.*

FINANCIAL IMPLICATIONS

Budget amendment showing reduction in RTR funding from \$469,000 to \$402,122.

Revise RTR project listing to be:

Proposed Road	Budget Amount
Casuarina Dr	\$ 214,700
Lesueur Dr (Osprey to Ward)	\$ 187,422
	\$ 402,122

Revised Gravel Resheet listing to be:

Proposed Road	Budget Amount
Agaton Road added to program	\$ 118,327.70
Woodbine Road removed from program	- \$ 118,327.70

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
OBJECTIVE 1: Develop strong and supportive community social services					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G1-02-A3	Ongoing priority investment in roads program: - Implement road reconstruction programme; - Implement road resealing programme.	Corporate Business Plan AMP	Ongoing	Shire wide	DoT

ATTACHMENTS

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

- The Hon Warren Truss MP – Roads to Recovery Programme (Doc Id: 40396)

(Marked 10.1.1)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Short

That Council approves:

1. **Budget amendment for the 2014/15 Financial for a reduction of Roads to Recovery funding from \$469,000 to \$402,122**
2. **Proposed RTR project listing for 2014/15 to be:**
 - **Casuarina Drive (\$214,700)**
 - **Lesueur Drive from Osprey Close to Ward Street (\$187,422)**

CARRIED BY ABSOLUTE MAJORITY 8 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kulisa

That Council approves budget amendment for the 2014/15 Financial to change “Gravel Resheet” projects as follows:

- **Agaton Road (SLK 0 – 4.0) to be included.**
- **Woodbine Road SLK (5.4 – 9.4) to be removed.**

CARRIED BY ABSOLUTE MAJORITY 8 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 5.55pm.

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These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date