



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

BADGINGARRA COMMUNITY CENTRE

on

THURSDAY 25 JUNE 2015

COMMENCING AT 5.03PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.03pm 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 L Holmes	
Councillor D Slyns	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)

Apologies

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

Approved Leave of Absence

Nil

Observers

There were 3 members of the public present

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

Moved Cr Bailey, seconded Cr Kent

That leave of absence be approved as follows:

- Councillor L Short – Thursday 9 July 2015
- Councillor T Bailey – Friday 3 July 2015 through to Monday 20 July 2015
- Councillor D Kent – Thursday 6 August 2015 through to Sunday 6 September 2015

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF ORDINARY MEETING HELD 28 MAY 2015****COUNCIL DECISION**

Moved Cr Short, seconded Cr Slyns

That the minutes of the Ordinary Meeting of Council held 28 May 2015 be confirmed with the following change:

- Page 25, Item 9.3.5 – Reason for change: Council opted not to adopt the strategy as it would commit Council to the outcomes of the report.

CARRIED 9 / 0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil



8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – MAY 2015

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	08 June 2015
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque and direct debit listing for the month of May 2015.

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for May 2015 totalled \$3,112,114.29 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 are the following items relevant to this report:

- Cheque, EFT and direct debit listings for May 2015 (Doc Id: 52428)

(Marked 9.1.1)

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015</p>
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VOTING REQUIREMENT

Simple majority



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr Sheppard

That the Municipal Fund cheque and EFT listing for the period ending 31 May 2015 totalling \$3,112,114.29 for the Municipal Fund be accepted.

CARRIED 9 / 0

9.1.2 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2015

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	15 June 2015
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 ending 31 May 2015.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 May 2015.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 31 May 2015 was \$2,689,777. 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.

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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:

Community Amenities

Income is at 190% of Y-T-D budget and is due to the additional grant received for the sewer project.

Economic Services

Expenditure is at 81% of Y-T-D budget and is due to less than budgeted expenditure to tourism and promotions.

Other Economic Services

Income is at 144% of Y-T-D budget and is primarily due to a large number of private works jobs undertaken for firebreak compliance.

Expenditure is at 152% of Y-T-D budget and is due to two separate factors.

Firstly, an allocation of staff costs needs to be made to this schedule from recreation and culture. This will be corrected in the 2015/16 budget.

Secondly, costs associated with the private works income is also contributing to the variance.

Should Councillors wish to raise any issues relating to the 31 May 2015 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 May 2015 (Doc Id: 52458)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority


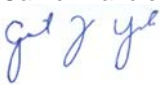
OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Holmes

That the monthly financial statements for the period ending 31 May 2015 be adopted.

CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES**9.2.1 ROADWISE COMMITTEE – 14 MAY 2015 MINUTES**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Community Relations / Meetings / RoadWise Committee
Disclosure of Interest:	Nil
Date:	9 June 2015
Author:	James Morrison, Engineering Technical Officer
Signature of Author:	
Senior Officer:	Garrick Yandle, Executive Manager Infrastructure
Signature of Senior Officer:	

PROPOSAL

To receive the minutes of the Shire of Dandaragan Roadwise Committee meeting held 14 May 2015.

BACKGROUND

Roadwise Committees are formed through partnerships to address road safety issues at a community level throughout the State. Committees provide a forum where local issues are discussed and the group can develop and deliver community based road safety campaigns. These committees enhance the local coordination of road safety activities. They encourage the idea of shared responsibility on roads and the intervention from all spheres within society including each and every individual.

The establishment of a Council endorsed Roadwise Committee was approved at the October 2014 Council Meeting, to support the implementation of Towards Zero Road Safety Strategy and to

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define the role of that Committee.

COMMENT

At the ordinary council meeting held Thursday 26 March 2015, Council endorsed the Shire of Dandaragan Roadwise Committee's February meeting's Minutes and its Terms of Reference (TOR).

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Shire of Dandaragan Roadwise Committee Meeting Minutes from 14 May 2015 (Doc Id: 51107)

(Marked 9.2.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr Slyns, seconded Cr McGlew

That Council receive the minutes of the Shire of Dandaragan Roadwise Committee from the meeting held 14 May 2015.

CARRIED 9 / 0

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 ENDORSEMENT OF COMMUNITY ENGAGEMENT PLAN

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Community Relations / Community Consultation
Disclosure of Interest:	Nil
Date:	15 June 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015**PROPOSAL**

For Council to consider the endorsement of the Community Engagement Plan as presented, and to incorporate the Plan into *Council Policy 1.1 – Community Communication*.

BACKGROUND

Council has previously discussed the merits of considering a Community Engagement Plan and recently outlined its desire to draft a Plan during the setting of the CEO's KPI's in August 2014.

A draft Community Engagement Plan has been prepared based on templates from similar local governments, and utilising the principles outlined by the Australian Centre for Excellence in Local Government. The Draft Plan also considers our specific local circumstances.

The Draft Plan was presented to Council for original consideration at its Council Forum held on the 11 June 2015. Council considered its content and agreed that the Draft Plan would also need to be referenced into *Council Policy 1.1 – Community Communication*.

COMMENT

Community engagement is a two-way communication process between the Shire of Dandaragan and the community. The process allows all relevant parties to develop strong relationships, communicate effectively and obtain the best possible results for the Shire and the community.

The purpose of the Draft Plan is to:

- Establish standard procedures for community engagement;
- Ensure that the procedures are implemented by Shire staff and external consultants or contractors employed by the Shire;
- Promote inclusive and efficient consultation being undertaken at all times;
- Ensure that community members are provided with opportunities to be involved in development processes;
- Ensure that the community is kept informed of decisions relevant to their involvement;
- Provide Council the opportunity to consider input from a broad spectrum of community members.

Following the principles of the International Association for Public Participation Australasia (IAP2) Public Participation Spectrum the Plan contains three key strategies:

1. Inform
2. Consult
3. Involve

This Plan will help guide both Council and staff in the way it carries out its community consultation processes.

CONSULTATION

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- Council via Council Forum
- Australian Centre for Excellence in Local Government

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

It is proposed that Council add to its existing *Policy 1.1 – Community Communication* to reference the Community Engagement Plan.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

5.15.3 GOAL NUMBER THREE: Focus on community					
OBJECTIVE 2: Develop civic leadership and build community engagement					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O2-A3	Put in place engagement ladder to guide engagement processes in each instance with communities.	Workshops	Ongoing	District	Communities

ATTACHMENTS

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

- Community Engagement Plan (Doc Id: 45542)
- Council Policy – 1.1 Community Communication (Doc Id: 9460)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Kulisa, seconded Cr Slyns

That Council adopt the Shire of Dandaragan Community Engagement Plan as attached (Doc Id: 45542).

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION


Moved Cr Slyns, seconded Cr Short

That Council adopt Council Policy – 1.1 Community Communication as presented in attachment 9.3.1 (Doc Id: 9460).

CARRIED 9 / 0

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9.3.2 REVIEW OF POLICY 3.1 BUSH FIRE ACT – ADMINISTRATIVE MATTERS

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	Nil
Date:	11 June 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider endorsing the draft amendments to Policy 3.1 Bush Fire Act – Administration Matters of Council's Policy Manual.

BACKGROUND

A complete review of sections 1 to 6 of the Policy Manual has recently been undertaken by Council.

The review of section 1 – Governance and Administration was carried out at a Council meeting held 26 March 2015 where all recommended changes were endorsed.

Subsequently, the review of sections 2 – Finance and Accounting, 3 - Law Order and Public Safety, 4 – Health, Education and Welfare, 5 – Housing, and 6 – Community were all carried out at a Council meeting held 28 May 2015 where the recommended changes were endorsed apart from Policy 3.1 Bush Fire Act – Administrative Matters in which Council requested that further changes been made and for the policy to be brought back to the June Council meeting for final endorsement. Council's decision from the May meeting is as follows:

COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That Council endorse the amended sections as follows of its Policy Manual as indicated in attachment 9.3.7:

- *Section 2 Finance and Accounting*
- *Section 3 Law Order and Public Safety with the exception of 3.1, to be brought back to Council at the following Council Meeting*
- *Section 4 Health, Education and Welfare*
- *Section 5 Housing*
- *Section 6 Community Amenities, Recreation and Culture*

CARRIED 9 / 0

Notation: The Officer Recommendation was not adopted due to Council wanting section 3.1 to be brought back to a future Council Meeting for endorsement.

COMMENT

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As a result of Council's decision from the May Council meeting, a further review of Policy 3.1 Bush Fire Act – Administrative Matters has since been carried out and now includes the correct wording under point "5 Burning on Sundays and public holidays" in that it now concurs with the 2014 / 2015 Firebreak Order.

CONSULTATION

- Executive Management Team
- Council meeting held 28 May 2015

STATUTORY ENVIRONMENT

The Council's Policy Manual is not binding on Council, but provides a guideline for elected members and staff in determining individual applications or requests.

POLICY IMPLICATIONS

Amendment to policy 3.1 Bush Fire Act – Administrative Matters under section 3 – Law Order and Public Safety.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

1.15.5	GOAL NUMBER FIVE: Build a proactive and leading local government
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OBJECTIVE 1: Build capacity of elected Councillors and staff to ensure Shire of Dandaragan is a highly performing local government which attracts high quality Councillors and staff
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ATTACHMENTS

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

- Amended Policy 3.1 Bush Fire Act – Administrative Matters under section 3 – Law Order and Public Safety (Doc Id: 9462)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr McGlew, seconded Cr Kent

That Council endorse the amended changes to Policy 3.1 Bush Fire Act – Administrative Matters under section 3 – Law Order and Public Safety of its Policy Manual as indicated in attachment 9.3.2.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015

9.3.3 REVIEW OF DELEGATIONS REGISTER

Location: Shire of Dandaragan
 Applicant: N/A
 Folder Path: Business Classification Scheme / Governance / Authorisations / Delegations Register
 Disclosure of Interest: None
 Date: 11 June 2015
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author: 

PROPOSAL

To review the Shire of Dandaragan's Delegations Register in accordance with the Local Government Act 1995.

BACKGROUND

The Local Government Act 1995 provides for a local government to delegate some of its powers and duties to the Chief Executive Officer and in some circumstances a committee. The Act also provides for the Chief Executive Officer to delegate any of his / her powers or functions to any employee of the local government. All of the abovementioned delegations are required to be recorded in a register of delegations and that register must be reviewed on an annual basis.

COMMENT

The review of the Delegations Register proposes only minor changes mostly name and position title changes. There are no changes to the content or intent of the Delegations as already written.

The Delegation Register is attached to the agenda with track changes which enables you to view what alterations are proposed.

Council did amend both *Delegation 103 - Purchase Order Authorisation for Payment* and *Council Policy 1.15 – Purchasing Policy and Tender Guide* at its Ordinary Meeting held on the 26th February 2015. This amendment made changes to clarify issues surrounding Common Use Agreements (CUA's) and Preferred Suppliers. These changes are already included in the attached Delegation Register.

As part of the Compliance Audit Return, delegations are to be reviewed within the relevant financial year, in this case 2014 / 2015. This review of the Delegations Register has fallen within this period meaning the Shire of Dandaragan will be compliant for this question for the 2015 Compliance Audit Return period which is carried out at the beginning of each year.

CONSULTATION

- Executive Management Team

STATUTORY ENVIRONMENT

The Local Government Act 1995 section 5.46 establishes the

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requirement to maintain a delegations register.

Other legislative requirements and references are incorporated within the Delegation Register itself.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Shire of Dandaragan Delegations Register (Doc Id: 20222)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION



Moved Cr Slyn, seconded Cr Kent

That Council amend its Delegations Register in accordance with the proposed changes shown in the attached version (Doc Id: 20222) of the Register.

CARRIED 9 / 0

9.4 DEVELOPMENT SERVICES

9.4.1 DEVELOPMENT ASSESSMENT PANEL – RENEWAL OF PLANNING APPROVAL – PROPOSED SOLAR PHOTO VOLTAIC POWER FACILITY – EMU DOWNS FARM, BIBBY ROAD BADGINGARRA

Location:	Emu Downs Farm, Bibby Road Badgingarra
Applicant:	Masterplan on behalf of APA Group
Folder Path:	Development Services Apps / Development Application / 2013 / 18
Disclosure of Interest:	None
Date:	12 June 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking renewal of planning approval for a 20 megawatt photovoltaic (PV) solar power generating facility within

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JUNE 2015

the Emu Downs property, located on Lot 3842 Bibby Road, Badgingarra. The renewal is required to be determined by the Regional Development Assessments Panel (Wheatbelt JDAP) with input from Council.

BACKGROUND

At the Ordinary Council Meeting of 27 June 2013 Council recommended to the JDAP that the proposed 20 megawatt photovoltaic (PV) solar power generating facility within the Emu Downs property be approved with conditions.

The JDAP at its meeting held on 4 July 2013 approved the proposal with the following conditions.

The Wheatbelt JDAP determines that the use "Solar Photovoltaic Facility" is consistent with the objectives of the "Rural" zone and is therefore permitted under section 4.4.2 of the Shire of Dandaragan Local Planning Scheme No.7.

The Wheatbelt JDAP approve DAP Application reference DP/13/00378 and accompanying plans prepared by Masterplan Consultants dated March 2013 (Version 4) and amended site plan 14 June 2013 in accordance with Clause 10.3 of the Shire of Dandaragan Local Planning Scheme No. 7, subject to the following conditions:

a) Conditions:

- 1. All development shall accord with the Development Application Report prepared by Masterplan Consultants dated March 2013 (Version 4) and subject to any modifications required as a consequence of any condition(s) of this approval;*
- 2. The development plans, as dated 14 June 2013 (amended plans) and accompanying report (as modified at Page 5, paragraph 2 to delete the first sentence), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the planning approval issued;*
- 3. The endorsed plans shall not be modified or altered without the prior approval of the Wheatbelt JDAP in accordance with Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;*
- 4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;*
- 5. The Proponent shall, at the Proponent's expense, construct and drain a sealed access driveway(s) from Bibby Road to the property boundary to the satisfaction of the Shire of Dandaragan;*
- 6. The Proponent shall prepare a Traffic Feasibility Study and*

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Delivery Method Statement identifying any roads under the care and control of the Shire of Dandaragan that may form part of the transport route for products from the relevant port and / or local manufacturers to the site during the construction period. Any damage caused to that road(s) by the Proponent or the Proponent's contractors shall be repaired at the Proponent's expense to the satisfaction of the Shire of Dandaragan;

7. *The Proponent shall prepare and implement a Management Plan, to the satisfaction of the Shire of Dandaragan, that;*
 - a. *minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;*
 - b. *details the temporary land uses, the built form of structures and the operation and management of those temporary uses;*
 - c. *addresses the Proponents response to fire and emergency incidents;*
 - d. *ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;*
 - e. *manages weed and pest nuisances on the site and in the locality; and*
 - f. *addresses the post construction operations of the site and the removal of temporary structures;*
8. *Shire of Dandaragan is to be advised of completion of the solar facility.*

b). Advice Notes:

1. *The Proponent is to liaise with the local school bus operator to ensure these runs are not disturbed due to increased volumes of traffic.*
2. *Storage tanks should be fitted with BFB coupling or a standpipe installed to allow for fast flow.*
3. *Bulk water supply for fire suppression be made available to all Emergency Services within the Shire. Building Protection zones and Firebreaks will have to be adhered to.*
4. *The proponent may wish to consider providing greater than minimum fire mitigation strategies to protect against bush fire events.*
5. *This is planning approval only and a building permit for temporary and permanent structures must be obtained for this development prior to construction commencing.*
6. *All designs associated with the proposal are to comply with the requirements of the Civil Aviation Safety Authority (CASA).*
7. *Should the applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of*

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the decision to the State Administrative Tribunal, GPO Box U1991, PERTH WA 6845.

8. *Bibby Road is a MRWA controlled road and the Proponent is required to submit an application for MRWA approval to provide new access(es) onto Bibby Road and is required to undertake any intersection upgrading and install any signage to the satisfaction of MRWA.*
9. *The Shire will not accept any responsibility for the failure of any pavement constructed by the Proponent within the site.*
10. *The Proponent is encouraged to provide an interpretive information panel at the existing Emu Downs Wind Farm tourist information bay.*
11. *The Proponent is reminded of their obligations under Section 136 of the Planning & Development Act.*
12. *The Proponent is advised that components of the project identified in this approval are located on an adjoining title and securing long term tenure of that infrastructure is the responsibility of the Proponent.*
13. *The Primary Motion (As Amended) was put and CARRIED UNANIMOUSLY.*

APA Group (APAG) is the current owner of the Emu Downs Wind Farm facility (EDWF) in the Shire of Dandaragan (the Shire) located on Bibby Road, Badgingarra. The Emu Downs entity is zoned 'Rural' under the Shires Local Planning Scheme No. 7 (LPS7) and comprises 3 farms, being Myara West, Myara East (either side of Yeeramullah Road south of the intersection with Bibby Road) and Emu Downs abutting Myara East to its East. The total area of the 3 lots is 5221.44 hectares.

Portions of the Emu Downs Holdings are currently leased for the Emu Downs Wind Farm facility comprising wind turbines which are distributed across the property.

Photovoltaic Array Component

The proponent wishes to develop a PV solar farm on a portion of the subject lot, to be located in the north east corner, having an approximate area of 50-60 hectares allocated to the solar PV facility. Plus an additional 10 hectares has been allocated for construction activity such as lay down areas and perimeter access roads.

The major component will be the installation of sufficient solar panels to generate approximately 20MW of power through the use of twin blocks of solar panels, each equivalent to around 10MW.

The only change to the approved development is that the applicant proposes to install a single axis tracking design, although a fixed tilt or dual access tracking type could still be contemplated. There is no significant difference between the two options.

A service access road will be constructed and the whole facility

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enclosed in a perimeter fence which will be setback a minimum of 20m from the nearest property boundary with the actual PV facility setback a further 5m.

Transportable buildings and storage containers for construction purposes will be delivered prior to construction and removed upon completion.

A Traffic Feasibility Study and Delivery Method Statement will be completed by the proponent to confirm proposed transport routes along which the majority of traffic from Fremantle port will travel.

COMMENT

Consultation (Initial Application)

- APA Group (Adam Pegg, Shane Cremin);
- Department of Planning;
- Environmental Protection Authority;
- Air Services Australia;
- Civil Aviation Safety Authority;
- Department of Agriculture and Food;
- Department of Defence;
- Department of Environment and Conservation;
- Department of Regional Development and Lands;
- Department of Fire and Emergency Services;
- Main Roads Western Australia;
- Royal Australian Air Force Combat Support Unit;
- Western Power;
- Wheatbelt Development Commission;
- Department of Mines and Petroleum;
- Landgate;
- Community Consultation; and
- Shire Officers.

Readvertising was not considered to be required given the short time period of approval (2 years) and that there have been no changes of land ownership from the previous approval.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- SPP 2.5 Land Use Planning in Rural Areas.
- Western Australian Planning Commission's (WAPC) Planning Bulletin No 67- Guidelines for Wind Farm Development.
- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a renewal fee of \$8,549 to the Shire plus a fee of \$6,320 to the Development Assessment Panel.

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STRATEGIC IMPLICATIONS

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

ATTACHMENTS.

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

- Masterplan report and plans (Doc Id: 52304)
- Previous Schedule of Submissions (Doc Id: 14521)
- Minutes of the Wheatbelt JDAP 4 July 2013 (Doc Id: 52360)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Short

That Council advise the Wheatbelt JDAP that it supports the renewal of planning application for a proposed 20MW Solar Photovoltaic Facility at Emu Downs Wind farm on Lot 3842 Bibby Road, Badgingarra for a period of 3 years and recommends that the conditions of approval issued by the Wheatbelt JDAP be maintained.

CARRIED 9 / 0

9.4.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PROPOSED SUBDIVISION OF LOT 9501 VALENCIA ROAD, CERVANTES

Location:	Lot 9501 Valencia Road, Cervantes
Applicant:	Landvision Pty Ltd on behalf of Department of Lands (LandCorp)
Folder Path:	Business Classification Scheme / Land Use and Planning / Subdivision / Requests / WAPC151901
Disclosure of Interest:	None
Date:	12 June 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider an application for the (renewal) subdivision of Lot 9501 Valencia Road, Cervantes to complete the final stage (3) of the Landcorp Cervantes Residential subdivision and make recommendations to the Western Australian Planning Commission (WAPC).

BACKGROUND

This application is for subdivision of Lot 42 residential Lots which were previously approved as part of a larger subdivision for which the approval expired on 2 December 2014.

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The application forms the final stage of a 3 stage subdivision undertaken by LandCorp as a result of rezoning the land in 2008. Stage 1 comprised 19 single residential lots and 1 grouped dwelling lot and was completed and released in 2010.

Stage 2 was approved in November 2010 (WAPC Reference 142828) and it comprised 30 lots, however the subdivision approval also included the balance of the subdivision being Stage 3.

Stage 3 has not yet been commenced although the land has been cleared and initial earthworks carried out. The approval for Stage 3, which has 41 single residential lots and 1 lot for grouped dwellings, expired on the 2 December, 2014.

LandCorp proposes to have the balance of the original land parcel re-approved for subdivision and to then develop and release the balance of the housing lots in response to increasing need and demand.

COMMENT

As part of this project LandCorp sought and received approval to develop the site from the representatives of the Traditional Owners in 2005. The land was then subject to physical and environmental assessment and the land was rezoned 'Residential R15' through LPS No. 6, Amendment No.27 and approved in late 2005 with the exception of three grouped housing sites rezoned 'Residential R50' under Amendment 15 to the Shire Local Planning Scheme No.7 in 2009.

Prior to advertising of the Scheme Amendment it was referred to the Environmental Protection Authority (EPA) together with flora and vegetation surveys and a fauna survey. On 11 July 2005, the proponent was advised that the Amendment did not require assessment under Part IV of the EP Act 1986.

The Amendment included a Subdivision Guide Plan and a subdivision consistent with this was approved on 19 May 2006 (WAPC Ref. No. 131361).

Following a sales downturn resulting from the Global Financial Crisis, the demand for lots has returned and is forecast to increase. The balance of the subdivision, like Stages 1 and 2, will provide fully serviced home sites with power, water and sewerage and be developed consistent with Development Design Guidelines adopted by the Shire which will apply to ensure a high standard of development continues.

The site is well located within the township providing a high level of amenity due to proximity of complementary facilities, the coast and national parks. When the whole of this location was rezoned to Residential R15 it satisfied all relevant planning requirements

including:

- Heritage – both European and Aboriginal;
- Environmental — Flora and fauna assessment;
- Acid sulphate soils;
- Contaminated soils;
- Sustainability — in terms of social, environmental and economic considerations;
- Design and layout;
- Provisions of public open space;
- Services and infrastructure and drainage; and
- Road, cycle and pedestrian links and network.

The proponents believe that the proposed Stage 3 of the Valencia Road subdivision will complete the Estate providing Cervantes with a much-needed high quality residential estate that will provide both significant contributions to the town sites existing services and infrastructure and to the town sites overall future economic and community growth.

CONSULTATION

Department of Planning

STATUTORY ENVIRONMENT

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

The Council is a referral agency for subdivision proposals pursuant to the *Town Planning Regulations, 1997*, with the responsibility for determining applications for subdivision resting with the Western Australian Planning Commission under the guidance of the Department of Planning.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Application for subdivision (Doc Id:51086)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Kulisa

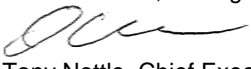

That Council informs the Western Australian Planning

Commission in relation to the proposed subdivision (Stage 3) of Lot 9501 Valencia Road Cervantes (WAPC Ref 151901) that it:

1. Supports the proposal as:
 - a. the current application is consistent with the Subdivision Guide Plan under Amendment 15 to the Shire of Dandaragan Local Planning Scheme No.7 and the previous Subdivision Approval;
 - b. the site characteristics and services has remained relatively unchanged since the previous subdivision approval lapsed;
 - c. it will ensure a constant supply of affordable land in Cervantes that could otherwise result in a surge in unaffordable real estate prices due to an imbalance in land supply weighted against projected demand.
2. Requests the respective conditions of Subdivision Approval 142828 and associated Advice notes be applied.

CARRIED 9 / 0

9.4.3 PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE) – LOT 543 ADRIANA PARADE, JURIEN BAY

Location:	Lot 543 Adriana Parade, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of B&M Ward
Folder Path:	Development Services App / Development Application / 2015 / 20
Disclosure of Interest:	None
Date:	15 June 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval for an outbuilding with wall height of 3.6m and proposed nil setback on side boundaries.

BACKGROUND

The proponent is seeking approval for an outbuilding measuring 7.7m x 7.5m (58m²) with a wall height of 3.6m and proposed nil setback along the side boundary.

The Lot size is 702m².

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy), the applicant is seeking the following variations:

1. the permitted wall length within 750mm of a boundary; and
2. the permitted wall height within 750mm of a boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall

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height of 3m and length of 9m will apply. Both walls are less than 9m in length, however wall height is proposed at 3.6m exceeding the permitted height of 3m.

The applicant has submitted the following justification for the reduced setbacks:

We are requesting this as we want the shed at the rear of the property to allow for parking of boats or caravans. We have only minimal space for the driveway along the side of the house therefore by having the shed against the fence this will allow for easier access when reversing vehicles into the shed.

Council has previously approved reduced side setbacks for outbuildings that are of this size. Given that the floor area is significantly less than the maximum size permitted in the residential area and that there were no objections from neighbours, this application is supported.

The proposed extension complies with all other aspects of the outbuilding policy including height requirements.

COMMENT

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. Clause 5.4.3 P3 of the R-Codes state:

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

The floor area of the structure is similar to others that have been approved by Council and does not negatively impact on the residential amenity of the area sufficiently to warrant a refusal.

The proposal is recommended for approval.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 25 November and closed on the 12 December 2014.

No objections have been received. One verbal submission of support was received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

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- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas

Outbuildings

1. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *

* Note that total wall / ridge heights are measured from the ground level at the closest common boundary

2. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
3. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.
4. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

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:

- Location plan (Doc Id: 52664)
- Development Application (Doc Id: 52618)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Short

That Council grant planning approval for the Outbuilding (Garage) in accordance with the attached approved plans date stamped 13 March 2015 on Lot 543 Adriana Parade, Jurien Bay subject to:

- 1. All development shall be in accordance with the attached plans date stamped 13 March 2015 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; and**
- 3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**

ADVICE NOTES:

Note 1: The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.

Note 2: 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 3: 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 4: The applicant be advised that this approval has been granted special dispensation by Council for a reduced side boundary setback due to the lesser size of the floor area and narrow access.



Note 5: 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 9 / 0

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9.4.4 REQUEST TO NAME LOT 650 ON RESERVE 31303 KNOWN AS "CATALONIA PARK" TO "ALCALA DE HENARES PARK" – SCHEDULE OF SUBMISSION AND ENDORSEMENT OF THE NAMING PROPOSAL

Location:	Lot 650 Reserve 31303 Cervantes
Applicant:	Marilyn Gazeley on behalf of the Cervantes Historical Society
Folder Path:	Business Classification Scheme/Customer Service/Community Reactions/Requests
Disclosure of Interest:	None
Date:	15 June 2015
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

PROPOSAL

The purpose of this report is for Council to consider the schedule of submissions to the renaming of "Catalonia Park" to "Alcala de Henares Park" in Cervantes. Should the Council support the proposal staff are to be instructed to make an application to the Geographical Names Committee.

BACKGROUND

At its ordinary meeting 23 April 2015 Council considered an application by the Cervantes Historical Society to rename Catalonia Park to Alcala de Henares. At its meeting Council resolved to:

That Council receive the request by Cervantes Historical Society to name Lot 650 on Reserve 31303 Cervantes to "Alcala de Henares" and instruct staff to commence the public consultation process.

The Cervantes Historical Society has requested the change of name based on a visit by the Spanish Consul in 2002 in which he requested a street or park be named in honour of the birthplace of Miguel Cervantes, the city of Alcala de Henares. The proposal includes erecting new signage and placing a plaque outlining the significance of the name and the area. A copy of the request is provided in the attachments.

COMMENT

Although Lot 650 on Reserve 31303 is known as "Catalonia Park" the name is not registered on the nomenclature database and therefore the proposal is to be considered as a naming of the park rather than a change of name.

To name a park or reserve the local government must seek approval from the Geographical Names Committee (GNC), Landgate. The committee after careful consideration of the merits of the proposal will provide advice to the Minister of Lands. Application to name the park should include strong community

support for the proposal.

During the public consultation period the Shire received 40 submissions. There were 25 people in support of the proposal and 12 objections. 3 community groups showed support for the proposal. A schedule of submissions is provided in the attachments.

The Officer recommends support for the proposal with the final decision maker being the Minister of Lands. However there is merit in the objections. The main objection to the proposal is that the proposed name is not historically significant to the area. The name Alcalá de Henares is the birthplace of Miguel Cervantes and Cervantes is the name of American whaler ship that grounded on the coast. In regards to the history of Cervantes, the name Alcalá de Henares is three degrees of separation. Other reasons noted for objection to the proposal include the name is too long and difficult to pronounce and that the park should be named in honour of a person.

In accordance with Landgates *The Geographical Names Committee Policies and Standards for Geographical Naming in Western Australia*, priority shall be given to the naming of parks after an adjacent street or feature to maximise the identification of that park. The park is currently named after adjoining Catalonia Street. Parks may be named in honour of a person if they have had a long-term association with the area or made a significant contribution to the area.

In order for an application to the Geographical Names Committee to be successful, the application needs to show strong community support. At the time of writing this report, staff had not received comment from the Geographical Names Committee if the application was considered as showing strong community support.

It is the Officer recommendation an application is made to the Geographic Names Committee to name Lot 650 on Reserve 31303 "Alcalá de Henares Park".

CONSULTATION

- Geographical Names Committee
- Landowners on Catalonia Street

Notice of the proposed naming of the park was advertised in the Pinnacles Express, Cervantes Library, Cervantes Community Notice board and on site. The advertising period was from 30th April and closed on the 22nd May 2015.

At the time of writing this report no response had been received from the Geographical Names Committee.

STATUTORY ENVIRONMENT

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- *Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia, Landgate*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Should Council agree to make an application to the Geographical Names Committee and it is successful, the Shire may be required to purchase and install new signage at the park.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Request from the Cervantes Historical Society (Doc Id: 49092)
- Location of Lot 650 on Reserve 31303, Cervantes (Doc Id: 49095)
- Schedule of Submissions (Doc Id: 52457)

(Marked 9.4.4)

VOTING REQUIREMENT

Simply majority

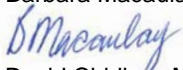
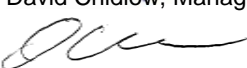
OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Holmes

That Council endorse the naming proposal by Cervantes Historical Society and instruct staff to make an application to the Geographical Names Committee to name Lot 650 on Reserve 31303 Cervantes "Alcala de Henares Park".

CARRIED 6 / 3

9.4.5 REVOKE OF ORDER TO TEMPORARY CLOSE A PORTION OF CARO ROAD FOR MINING PURPOSES FROM APRIL 2015

Location:	Caro Road, Cataby
Applicant:	Iluka Resources
Folder Path:	Business Classification Scheme / Roads / Road Closures / Temporary
Disclosure of Interest:	None
Date:	9 June 2015
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

PROPOSAL

It has come to the attention of staff the closure of a portion of Caro road is not ready to be completed due to Tronox mining camp still requiring access to the road. Council is asked to revoke its

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decision of 26 March 2015 to close the road from April 2015 and resolve to repeat the public notice period on notification from Iluka Resources once the Tronox camp has commenced relocation.

BACKGROUND

At its ordinary meeting 28 August 2014 Council considered an application by Iluka Resources to mine through a portion of Caro Road, Cataby. At its meeting Council resolved to:

That Council commence public notice in accordance with the Local government Act 1995 to close portion of Caro Road, Cataby for the purposes of mining commencing from April 2015 for a period of 10 years.

Following the above process, the proposal was taken back to Council and at its meeting 26 March 2015 Council resolved to:

That Council order the temporary closure of portion of Caro Road, Cataby for the purposes of mining commencing from April 2015 for a period of 10 years or the cessation of mining activities whichever occurs sooner subject to:

- 1. in pursuance of Section 3.50 of the Local Government Act 1995 the CEO forward a copy of the local public notice to the Commissioner of Main Roads;*
- 2. the applicant arrange alternative access with Fire and Emergency Services;*
- 3. the applicant complies with the requirements of Telstra;*
- 4. the applicant complies with the requirements of Western Power;*
- 5. the applicant liaises with APA group in regards to working in the vicinity of an underground gas pipeline and access arrangements; and*
- 6. on cessation of mining activity within the road reserve, the road is to be restored to the satisfaction of the CEO and at the cost of the applicant.*

It has since been discovered the road cannot be closed due to Tronox mining camp still requiring access to Caro Road and the road cannot be closed until the camp is relocated.

COMMENT

To rectify this issue and to re-open the road, Council is requested to revoke its order to close the road. Under the Local Government Act 1995 section 3.50:

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

Once the order is revoked, all parties contacted during the consultation period will be notified the order has been revoked and the road is not closed. All parties will be informed they will be

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contacted again as part of the normal consultation process when the applicant recommences the proposed road closure on confirmation the Tronox mining camp is in the process of relocating.

When a decision is revoked, the application reverts to any previous planning decision. In this case, the decision of Council at its 28 August 2014 remains:

That Council commence public notice in accordance with the Local government Act 1995 to close portion of Caro Road, Cataby for the purposes of mining commencing from April 2015 for a period of 10 years.

At this stage, the date in which the road is to be closed is unknown. It is recommended that Council resolve to repeat the public notice period to close the road on receipt from the applicant the Tronox camp is to be relocated and the road is now ready to be closed.

CONSULTATION

Nil at this stage.

If Council agrees to revoke the order and resolve to repeat the public notice period on receipt from the applicant the Tronox camp is relocated and the road is ready to be closed, the public notice period will recommence in accordance with the Local Government Act 1995 section 3.50.

STATUTORY ENVIRONMENT

Local Government Act 1995

Subdivision 5 — Certain provisions about thoroughfares

3.50. Closing certain thoroughfares to vehicles

- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (3) deleted
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
 - (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section; or

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- (ii) owns land that is prescribed for the purposes of this section;
 - and
 - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

The Department of Mines and Petroleum has identified this area as a 'strategic mineral resource protection area' for titanium-zircon mineralization.

ATTACHMENTS

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

- Correspondence from Iluka Resources (Doc Id: 52217)
(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority – Officer Recommendations 1 & 3

Absolute majority – Officer Recommendation 2

If Council wishes to revoke the decision of Council passed at the ordinary meeting held 26 March 2015, it is necessary for at least one third of the members (whether vacant or not) of the Council to support consideration of the matter before the motion can be moved (Administration Regulation 10, Local Government Act 1995).

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

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Short, seconded Cr Sheppard

That Council agree to consider revoking the resolution for item 9.4.2 from the Council meeting of the 26 March 2015.

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew

That Council's decision for item 9.4.2 from the Council meeting held 26 March 2015 being:

"That Council order the temporary closure of portion of Caro Road, Cataby for the purposes of mining commencing from April 2015 for a period of 10 years or the cessation of mining activities whichever occurs sooner subject to:

1. in pursuance of Section 3.50 of the Local Government Act 1995 the CEO forward a copy of the local public notice to the Commissioner of Main Roads;
2. the applicant arrange alternative access with Fire and Emergency Services;
3. the applicant complies with the requirements of Telstra;
4. the applicant complies with the requirements of Western Power;
5. the applicant liaises with APA group in regards to working in the vicinity of an underground gas pipeline and access arrangements; and
6. on cessation of mining activity within the road reserve, the road is to be restored to the satisfaction of the CEO and at the cost of the applicant".

be revoked.

CARRIED BY ABSOLUTE MAJORITY 9 / 0



OFFICER RECOMMENDATION 3 / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Short

That Council re-initiate the public notice in accordance with the Local Government Act 1995 to close portion of Caro Road, Cataby for the purposes of mining for a period of up to 10 years on commencement of the relocation of the Tronox mining camp.

CARRIED 9 / 0

9.4.6 LIONS MARKETS RENEWAL OF STALL HOLDERS PERMIT – AMENDED CONDITIONS

Location:	Bashford Street Road Reserve (Pioneer Park) Jurien Bay
Applicant:	Lions Club Jurien Bay
File Ref:	Business Classification Scheme / Public Health / Permits / Public Stands
Disclosure of Interest:	None
Date:	11 June 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Request to renew Stall Holders Permit for the Jurien Bay Lions Club Markets with amended conditions of approval.

BACKGROUND

Jurien Bay Lions Club hold a monthly market in Pioneer Park to raise funds for community purposes. Under the Shires Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws a stall holders licence is issued with conditions for each 12 month period.

Blueprint Jurien Bay and Lions have verbally requested that Council consider removing the condition on the licence that relates to restricting Lions from having stalls that are in direct competition with nearby businesses such as cafes.

The current condition states:

The licensee must not attempt to conduct a business within 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.

The purpose of removing this restriction is to encourage food vans and the like at the Lions markets to attract more people to the town/events and generate activity that supports other businesses in the locality.

COMMENT

The restriction prohibiting selling of products at the markets that are in competition to nearby local businesses has been a condition of approval for a number of years. There is no Shire local law or policy that supports this condition, rather it has been imposed to support local businesses in a small community.

However, there reaches a point where local population and tourism grows such that the economic survival of a business is not dependent on competition. Rather, competition brings more people into town and is good for both business and community markets.

With Jurien Bay being promoted as a "Super Town", steady growth in population and residential development in the town as well as several new tourism operators recently being granted approval. There is good argument that Jurien Bay is at that turning point where competition is invited.

CONSULTATION

- Blueprint Jurien Bay/Jurien Chamber of Commerce/Ardross
- Jurien Bay Lions Club
- Lesueur Café
- Beach Bistro

Planning staff spoke with two food premises that are impacted by the proposal. Both objected to the Lions markets being able to sell drinks and food in competition. Both businesses stated that they

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rely on trade from the markets for their economic survival. The southern most business requested that the stalls opposite the café orientate their stalls towards the café instead of the back of stalls to encourage people mingling amongst the stalls to see and utilise their business. It was also commented that stallholders were parking personal vehicles in parking bays outside surrounding businesses and blocking regular customers attending.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item

ATTACHMENTS.

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

- Location Plan (Doc Id: 52666)
(Marked 9.4.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Holmes, seconded Cr Bailey
That Council**

- 1. remove the condition on the Stall holders permit applicable to Jurien Bay Lions monthly markets held in Pioneer park requiring the licensee not attempt to conduct a business within 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader.**
- 2. Encourage the Jurien Bay Lions Club to work with and include surrounding businesses impacted by the markets to ensure that there is no detrimental impact on local businesses.**



CARRIED 9 / 0

9.4.7 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 16 WREN WAY, JURIEN BAY HEIGHTS

Location:
Applicant:

Lot 16 Wren Way, Jurien Bay Heights
Des Stephens

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Folder Path:	Development Services App / Development Application / 2015 / 38
Disclosure of Interest:	None
Date:	15 June 2015
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval for a 288m² outbuilding exceeding the permitted area of outbuilding without Council approval.

BACKGROUND

The subject lot is zoned Special Use. Under the Shire of Dandaragan's Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy (the Policy), an outbuilding is permitted to a maximum floor area of 162m² (if objections received) or 216m² (if no neighbour objections are received). Under the Policy Council may approve outbuildings with a floor area up to 300 m² in aggregate if justified.

The applicant has provided the following justification:

It is my intention to build a small 2 bedroom / 1 bathroom house and workshop / storage shed on the lot. The shed is for the storage of my vintage cars, storage of my truck and loader and a workshop for tools etc. I am 65 years of age, single and this will be my residence and retirement place. Hoping you will favour my approval.

The proposed wall height of 4m complies with the Policy and the proposed ridge height of 5.608 slightly exceeds the permitted height of 5.5m.

The proposed outbuilding complies with the setback provisions of the Jurien Bay Design Guidelines and is setback 56m from the front boundary, 91m from the rear boundary and 33.9m and 31.15m from the north and south boundary respectively.

An application for a dwelling on the subject lot has been submitted but is not subject to Council approval. The proposed dwelling has a total floor area 137.5m², a wall height of 2.5m and 3.7m ridge height. The proposed dwelling is smaller in scale than the outbuilding and will be located in front of the outbuilding.

COMMENT

A site visit revealed the proposed outbuilding will be located in a hollow section of the block behind the proposed dwelling. The proposed wall colour is pale eucalyptus and the roof colour is surf mist. The proposed roof colour is not considered to blend with the surrounding environment and it is the Officer recommendation approval is subject to the buildings being constructed of a colour

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which blends with the landscape.

There has been one objection to the proposed development and is included in the attachments. The objection includes the following:

- The size of the building exceeds the allowable outbuilding area with neighbour consultation by 126m².
- The proposed development will affect the amenity and possible resale of the property.
- The impact of the shed would entail the loss of a large amount of natural vegetation affecting our privacy.
- We are already impacted from the temporary buildings on site (caravans, boats, shipping container and loader)
- Do the neighbours intend to run a business?

The proposal is consistent with previous approvals granted by Council up to 300m² and the applicant has given sufficient justification for the proposal. The outbuilding will be used to store vehicles and will not be used for commercial purposes.

It is recommended the proposal be approved subject to the colours of the proposed outbuilding and dwelling blending with the surrounding landscape.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 27 May 2015 and closed on the 12 June 2015.

One objection has been received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy:

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

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External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
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.

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:

- Site, Elevation and Floor Plans (Doc Id:52245)
- Aerial Photo (Doc Id: 52237)
- Objection from Neighbour (Doc Id: 52352)

(Marked 9.4.7)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That Council grant approval to Des Stephens for a proposed outbuilding in accordance with the attached approved plans date stamped 14 May 2015 on Lot 16 Wren Way subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 14 May 2015 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. Final roof colour to be approved by the Manager of Planning and the roof and wall material being of non**

- reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
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;
 4. Any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.

ADVICE NOTES:

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2:** The Council encourage any future residence on this property to be located a minimum of 1.8m forward of the proposed shed;
- 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 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 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – MAY 2015 COUNCIL STATUS REPORT

Document ID: 51060

Attached to the agenda is a copy of the Shire’s status report from

the Council Meeting held 28 May 2015. *(Marked 9.5.1)*

9.5.2 SHIRE OF DANDARAGAN – INFRASTRUCTURE REPORT – JUNE 2015

Document ID: 51079

Attached to the agenda is a copy of the Shire of Dandaragan's Infrastructure Report for June 2015. *(Marked 9.5.2)*

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MAY 2015

Document ID: 51804

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for May 2015. *(Marked 9.5.3)*

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MAY 2015

Document ID: 51803

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for May 2015. *(Marked 9.5.4)*

9.5.5 SHIRE OF DANDARAGAN – MINUTES – ANNUAL GENERAL MEETING OF FIRE CONTROL OFFICERS

Document ID: 51191

Attached to the agenda is a copy of the Shire of Dandaragan Minutes for the Annual General Meeting of Fire Control Officers held Wednesday 18 February 2015. *(Marked 9.5.5)*

9.5.6 COMMONWEALTH MARINE RESERVES REVIEW UPDATE – CO-CHAIRS UPDATE 19 MAY 2015

Document ID:

Inside this issue:

- Regional Meetings
- Next Steps
- Further Information

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.5.6)*

9.5.7 FISHERS AND DISABILITIES ASSOCIATION INCORPORATED – FISHABILITY MAP

Document ID:

“The objective of the project was to create an online portal which identified recreational fishing locations in Western Australia with varying levels of accessibility.”

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.5.7)*

9.5.8 REGIONAL DEVELOPMENT AUSTRALIA WHEATBELT WA – BRIEFING PAPER – 2015 FEDERAL BUDGET UPDATES

Document ID:

Inside this Briefing Paper:

- Assistance to Drought-Affected Communities for Infrastructure and Employment Related Projects

- Stronger Communities Programme
- Community Development Grants Fund
- National Stronger Regions Fund
- Black Spot Funding – Roads
- Roads to Recovery
- Better Targeted Rural Financial Incentives for Doctors
- Agricultural Competiveness White Paper
- Families Package
- Establishment of Primary Health Networks
- National Partnership Agreement on Homelessness – Extension
- National Highway Upgrade Programme
- Great Northern Highway (Western Australia)
- Jobs & Small Business
- Older Workers
- NBN
- Mobile Black Spots Program
- The New Youth Employment Strategy: Youth Transitions
- Aged Care

Attached to the agenda is a copy of the above mentioned Briefing Paper. **(Marked 9.5.8)**

9.5.9 MINISTER FOR WATER; SPORT AND RECREATION; FORESTRY – THE WATER FOR FOOD PROGRAM

Document ID: 52361

“Thank you for your letter dated 15 April 2015 regarding the Shire of Dandaragan’s support for the state’s Water for Food program.

I am pleased at your enthusiasm and commitment to the aims and objectives of the newly launched Midlands Water for Food project.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.9)**

9.5.10 WALGA MEDIA RELEASE – COUNCIL CALLS HEEDED IN STATE BUDGET

Document ID: 51052

“Against the backdrop of severe cost cutting measures by the State Government, the relatively sedate impact of the State Budget on Local Governments validates the sector’s ongoing advocacy for a fairer deal.”

Attached to the agenda is a copy of the above mentioned Media Release. **(Marked 9.5.10)**

9.5.11 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 18

Document ID: 51051

Inside this issue:

- 2015-16 State Budget Outcomes
- Association Honours 2015 – Last Chance to Nominate
- Final Call: Environmental Planning Tool Launch
- Seeking Interest in Emission Reduction Projects
- Inclusion and Infrastructure Grants Information Sessions

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- Alcohol Management and Local Government Planning Session
- Cycling on Footpaths – Discussion Paper
- Input into the Perth and Peel Mountain Bike Master Plan
- Procurement Best Practice on Show
- Rates Training in Local Government

9.5.12 WALGA – SUMMARY MINUTES – STATE COUNCIL MEETING – MAY 2015

Document ID: 51000

Attached to the agenda is a copy of the above mentioned Minutes.
(Marked 9.5.12)

9.5.13 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – ISSUE 5

Document ID: 51116

Inside this issue:

- Welcome Greg Hayes
- Generating conversation and safe roads and roadsides in the community
- Stirling and Swan join forces with the RAC to host a free child car restraint and vehicle checking station
- Shire of Serpentine Jarrahdale displays dangers of driver distraction
- Drivers take a break at Wanneroo Driver Reviver
- 2014 preliminary road statistics now available
- Road safety audits can save lives
- Do you know of an innovative road safety initiative in your community
- The impact of airbags and electronic stability control on Australian light vehicle fatalities
- Safe vehicles update: New ANCAP safety ratings

9.5.14 WALGA – DEFENCE RESERVES – SUPPORTIVE EMPLOYER PROGRAM

Document ID: 51017

“Defence Reservists are everyday Australians, ready to step up to any challenge if and when required. They help local communities across Australia and abroad, and play an important part in providing additional support to the Australian Defence Force.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.14)**

9.5.15 MELISSA PRICE MP – FEDERAL MEMBER FOR DURACK – MOBILE TELEPHONE COVERAGE

Document ID: 51179

“You may be aware of the Federal Government’s \$100m Mobile Black Spot Programme which is currently in place. The Mobile Black Spot Programme is an Australian Government initiative to extend mobile phone coverage and competition in regional Australia.”

Attached to the agenda is a copy of the above mentioned

correspondence. **(Marked 9.5.15)**

9.5.16 TJ HUGHAN – THOUGHTS ON ANZAC DAY

Document ID: 51297

“On Friday 24th April, my wife Leonie attended a fifty year celebration for the Badgingarra CWA. The next day, ANZAC Day, I thought of being able to attend the Jurien parade. I thought this should have been a big day celebrating the year of the troop convoy leaving Albany.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.16)**

**9.5.17 CONSUL GENERAL SOCIALIST REPUBLIC OF VIETNAM
PERTH – AUSTRALIA**

Document ID: 51390

“On the occasion of the celebration of the Western Australia Day, 1st June 2015, on behalf of the Consulate General of the Socialist Republic of Viet Nam in Perth and in my own name, I would like to send to You and through You, to your colleagues, our warmest congratulations!”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.17)**

**9.5.18 DEPARTMENT OF MINES AND PETROLEUM – SURVEY –
COMMUNITY ATTITUDES TOWARDS SHALE AND TIGHT GAS
– REGIONAL COMMUNITIES**

Document ID:

Attached to the agenda is a copy of the above mentioned survey. **(Marked 9.5.18)**

**9.5.19 MEDIA STATEMENT – HON KEN BASTON MLC – NEW APP
SHINES LIGHT ON CURRENT WEATHER**

Document ID:

“West Australian’s can now access current weather information with a new app that will be useful for everyone from city commuters to farmers and emergency services.”

Attached to the agenda is a copy of the above mentioned Media Statement. **(Marked 9.5.19)**

**9.5.20 WALGA – MUNICIPAL WASTE ADVISORY COMMITTEE
INFORMATION BULLETIN – ISSUE 213**

Document ID:

Inside this issue:

- Interested in Emissions?
- Comment on Asbestos Submission
- So Long Susan
- You know the three R’s, do you know the three E’s?
- Good News from Queensland

9.5.21 MEDIA RELEASE – HON HELEN MORTON MLC & HON TERRY REDMAN MLA – VISITOR CENTRE FUNDING TO DRIVE REGIONAL TOURISM

Document ID:

“Regional visitor centres will share in \$4.2 million in State Government funding to help them adapt their business to the changing tourism landscape.”

Attached to the agenda is a copy of the above mentioned Media Statement. **(Marked 9.5.21)**

9.5.22 SHIRE OF DANDARAGAN – LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES – WEDNESDAY 6 MAY 2015

Document ID: 51502

Attached to the agenda is a copy of the above mentioned Minutes. **(Marked 9.5.22)**

9.5.23 ABC NEWS – SIGNIFICANT NUMBER OF WEDGE ISLAND BEACH SHACKS ALLOWED TO REMAIN, WA ENVIRONMENT MINISTER SAYS

Document ID:

“One of Australia’s largest beach shack communities has won a partial reprieve from demolition, with the Western Australian Environment Minister saying “a significant number” but not all of the dwellings will be allowed to remain.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.23)**

9.5.24 DEPARTMENT OF MINES AND PETROLEUM – GRANT OF PETROLEUM EXPLORATION PERMIT NO. EP 494

Document ID: 51609

“I advise that Petroleum Exploration Permit No. EP 494 was granted to Southern Sky Energy Pty Ltd on 8 May 2015 for a term of six (6) years.”

9.5.25 WALGA – MEDIA RELEASE – \$4 MILLION STATE INTEREST RATE STING

Document ID: 51607

“An increased fee on borrowing charges to Local Governments will result in a \$4 million shortfall in Council budgets across the State.”

Attached to the agenda is a copy of the above mentioned Media Release. **(Marked 9.5.25)**

9.5.26 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

Document ID: 51606

“The President of the local government association in your state, together with the President of the Australian Local Government Association, recently wrote to your Council seeking support for the associations’ advocacy aimed at the immediate restoration of

indexation for Financial Assistance Grants which Councils receive from the Australian Government. We are writing to you to enlist your support in encouraging your Council to play its part in that advocacy campaign.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.26)**

9.5.27 DEPARTMENT OF WATER – MIDLANDS WATER COMMUNITY REFERENCE GROUP

Document ID: 51533

“On 9 April 2015, the Hon Mia Davies MLA, Minister for Water, announced the Water for Food program’s \$4.7 million Midlands groundwater and land assessment project. The project will undertake detailed groundwater investigation to determine the quantity and quality of water available, as well as identify suitable land to support growth in the region.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.27)**

9.5.28 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2015 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

Document ID: 51471

“In just under a month, local government representatives from across the country will be gathering in Canberra for the 2015 National General Assembly of Local Government. Each year, the NGA focuses on a theme of key national importance and in 2015 the theme is Closest to the Community: Local Government in the Federation. This will focus on how we fit in the Federation and how we best guide and influence the current Federal Government White Paper processes on Federation and taxation.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.28)**

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

10.1 GOVERNANCE & ADMINISTRATION

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:

The Department of Defence seeks Council’s comment on the reassignment of the Vesting and Management Order to the Lancelin Defence Buffer Strip that abuts Indian Ocean Drive.

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Bailey, seconded Cr Kent****That the following new business of an urgent nature be considered by Council:**

The Department of Defence seeks Council's comment on the reassignment of the Vesting and Management Order to the Lancelin Defence Buffer Strip that abuts Indian Ocean Drive.

CARRIED 9 / 0**10.1.1 LANCELIN DEFENCE TRAINING AREA BUFFER STRIP – TRANSFER OF VESTING AND MANAGEMENT ORDER.**

Location:	Lancelin Defence Training Area, Indian Ocean Drive
Applicant:	Department of Defence
File Ref:	Business Classification Scheme / Emergency Services / Planning / Fire management Plans
Disclosure of Interest:	None
Date:	25 June 2015
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The Department of Defence seeks Council's comment on the reassignment of the Vesting and Management Order to the Lancelin Defence Buffer Strip that abuts Indian Ocean Drive.

BACKGROUND

Since the opening of the Indian Ocean Drive 2010, installation of a firebreak along the Indian Ocean Drive, has been of concern to many local residents and government agencies within the Shire of Dandaragan. This has been heavily discussed at a quarterly Lancelin Management Advisory Committee Meeting held in Lancelin as well as discussions with the Department of Defence.

The LDTA Fire Management Plan which has not been endorsed by Council has been a bone of contention for a number of years. In August 2014 Council did not agree to the installation of the alternative firebreak as requested by the Department of Defence and the Department of Defence was requested to carry out prescribed burning of the buffer area between the leased area and the Indian Ocean Drive road reserve.

The following email has been received from the Department of Defence;

At the last LMAC meeting, Members of the committee were asked to indicate their support to the handing back of the buffer strip to the State Government, Department of Lands. It was acknowledged during the meeting that you were not able to provide a response on behalf of the council until such time as the

council had met and discussed the issue.

Defence is currently reviewing its commitment to ongoing management of the buffer strip under the DoL Management Order as it provides no strategic value to Defence. Our higher echelons within Defence are questioning the requirement for Defence to have management over the strip if it provides no value.

Options being considered are:

- *Return management of the buffer strip to the State Government*
- *Transfer management of the buffer strip to the Local Government with the concurrence of the Shire of Dandaragan Council and DoL*
- *Extend the LDTA boundary to include the buffer strip within the Defence Lease. The current arrangements of the Management Order would remain extant, remove any ambiguity of responsibility and alleviate management issues.*

I am happy to discuss these options further once Dandaragan Shire has clarified their position.

COMMENT

The issue of contention in this matter is the maintenance of sufficient firebreaks to protect farmland and nature reserves in the area.

The Department of Defence have previously asserted that the buffer strip is a separate portion of land that under the current Management Order does not specify the requirement to provide firebreaks. This conflicts with the requirements of the Bushfires Act 1954.

The return of the buffer strip to the State Government is unlikely to result in any changes unless the State is prepared to commit and set aside funds to undertake bushfire management of this area as part of the returning of this land. It is unlikely that the State will agree to this proposal as there is a current move to selling land rather than acquiring it, and there is no economic benefit to acquiring the land.

The second option of transferring the management to the Shire would also be at cost to ratepayers. Given that the land abuts a State road and Federally controlled land. There is no strategic benefit to the Council in acquiring control of this land.

The option of the buffer land being incorporated into the Defence Lease is the most practicable option. This will remove the current ambiguity over management of the buffer strip and place the responsibility directly with the Department of Defence to provide fire management responsibility to the entire area.

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The Shire President and Council staff have been advised by the Department of Defence that they are seeking a budget allocation from the Federal Government in order to provide fire mitigation measures on the buffer in question.

CONSULTATION

- Shire President
- Peter Law, Base Support Manager – Department of Defence

STATUTORY ENVIRONMENT

- Land Administration Act 1997
- Section 33 of the WA Bushfire Act

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There will be significant cost implication if the Council accepts the Management Order over this land to construct and maintain firebreaks.

The issue of the costs of ensuring there are no unexploded ordinances in this area should be negotiated if Council accepts responsibility for this area.

STRATEGIC IMPLICATIONS

There are no Strategic implications relevant to this item.

ATTACHMENTS

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

- A copy of the February 2014 Council Forum item on LDТА Alternative Fire Breaks with a Map of the buffer area. (Doc Id: 30124)

(Marked 10.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Moved Cr Short, seconded Cr Bailey

That Council advise the Department of Defence that it only supports extending the Lancelin Defence Training Area boundary to include the buffer strip within the existing Department of Defence Lease.

AMENDMENT

Moved Cr McGlew, seconded Cr Short

That Council advise the Department of Defence that it only supports extending the Lancelin Defence Training Area boundary to include the buffer strip within the existing Department of Defence Lease, provided that this buffer strip

must include fire breaks as an essential requirement of the lease.

CARRIED 9 / 0

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED 9 / 0

The Officer Recommendation was not adopted as Council felt the importance of maintaining adequate firebreaks were required and needed to be communicated to the Department of Defence.

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

Local Government Act 1995

5.23. Meetings generally open to public

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

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- is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

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

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

11.1 CORPORATE & COMMUNITY SERVICES


OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kent

That the meeting be closed to members of the public at 5:52pm in accordance with Section 5.23 (2) (e) (ii) & (iii) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 'Private & Confidential – Future of Lot 96 Bashford Street, Jurien Bay'.

CARRIED 9 / 0

11.1.1 PRIVATE & CONFIDENTIAL – FUTURE OF LOT 96 BASHFORD STREET, JURIEN BAY

Location:	Lot 96 Bashford Street, Jurien Bay
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Land Developments
Disclosure of Interest:	Nil
Date:	16 March 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

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

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Short, seconded Cr Holmes

That Council:

- 1. Acknowledge the submissions received from the proponents registering their interest in relation to the re-development of Lot 96 Bashford Street, Jurien Bay; and**

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2. Agrees that it does not progress the sale of Lot 96 Bashford Street, Jurien Bay in the short term.

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kent

That Council request the CEO to commence an omnibus amendment process to enact the key findings and recommendations of the Jurien Bay City Centre Strategy.

CARRIED 9 / 0

Mr T Nottle left the room at 5.56pm.

COUNCIL DECISION

Moved Cr Holmes, seconded Cr Kulisa

That the meeting be reopened to the public.

CARRIED 9 / 0

Mr T Nottle and the members of the public returned to the room at 5.57pm and the President read aloud the resolution of Council.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 5.58pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date