



**SHIRE**  
*of*  
**DANDARAGAN**

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS JURIEBAY**

**on**

**THURSDAY 20 DECEMBER 2012**

**COMMENCING AT 5.14 PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.14pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was not read aloud as there were no 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

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

<b>Staff</b>	Mr T Nottle	(Chief Executive Officer)
	Mr I Rennie	(Deputy Chief Executive Officer)
	Mr D Chidlow	(Manager Planning)
	Mr R Pepper	(Manager Technical Services and Works)
	Mr S Clayton	(Manager Corporate Services)
	Mr T Brokenshire	(Manager Environmental Health)
	Miss D Jose	(Community Economic Project Officer)
	Mr R Casella	(Planning Officer)
	Miss D Kerr	(Secretary)

### Apologies

### Approved Leave of Absence

### Observers

## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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Tony Tayler asked the following questions at the Council Meeting held 22 November 2012:

Question 1: Is the proposed car park intended to provide parking exclusively for visitors to the Indian Ocean Rock Lobster facilities or will it be available for public use generally?

Response: The application was for parking exclusively for visitors to the Indian Ocean Rock Lobster facilities. The land is privately owned and Council cannot force the owner to provide general public parking.

Question 2: How is a car park aimed at servicing an industrial zoned site consistent and compatible with the objectives of a 'Residential Zone'?

Response: The application was refused because it was not considered compatible with the objectives of the "Residential Zone"

Question 3: What steps have been taken to evaluate the extent of and the impact which the proposed car park will have upon the amenity of the residential locality?

Response: The application was refused because of detrimental impact on the amenity of the residential locality.

Question 4: How will the impact of the proposed car park on the amenity of the neighbouring residential lots be mitigated, if the car park is approved?

Response: The application was refused, therefore this question is redundant.

Question 5: The car park is currently being used for that purpose. What action has Council taken in this regard?

Response: The Shire has sought the cooperation of the landowner not to use the car park whilst the matter is subject to any appeal. The Shire will seek legal advice once the appeal period has expired or if an appeal is lodged, then after determination of the appeal.

#### **4 PUBLIC QUESTION TIME**

Nil

#### **5 APPLICATIONS FOR LEAVE OF ABSENCE**

#### **COUNCIL DECISION**



MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012
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**Moved Cr Russell, seconded Cr Short**

**That the following leave of absence be approved:**

- Cr Holmes – 29 January 2013 through to 12 February 2013 (inclusive)
- Cr Bailey – 21 March 2013
- Cr Sheppard – 9 January 2013 through to 25 January 2013 (inclusive)
- Cr Gibson – 25 February 2013 through to 10 March 2013 (inclusive)

**CARRIED 9 / 0**

## **6 CONFIRMATION OF MINUTES**

### **6.1 MINUTES OF ORDINARY MEETING HELD 22 NOVEMBER 2012**

#### **COUNCIL DECISION**

**Moved Cr Short, seconded Cr Russell**

**That the Minutes of the Ordinary Meeting of Council held 22 November 2012 be confirmed.**

**CARRIED 9 / 0**

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

### Cr Short

- 23 November 2012 Avon Midland Zone Meeting
- 26 November 2012 Public Health Awards at Curtin Health Campus Floreat
- 27 November 2012 Wolba Wolba Executive Meeting
- 30 November 2012 Moore Catchment Council Ordinary General Meeting
- 4 December 2012 Water Corporation Engineers
- 5 December 2012 WALGA Planning Reform Forum
- 5 December 2012 WALGA Strategic Forum
- 5 December 2012 WALGA State Council Meeting
- 11 December 2012 Wheatbelt Health MOU
- 17 December 2012 Moore Catchment Executive Lunch
- 19 December 2012 Road Safety Local Government and Community Grants Committee
- 19 December 2012 Water Corporation Customer Advisory Council

### Cr McGlew

- 25 October 2012 Retired Councillors Dinner, Jurien Bay
- 26 October 2012 Cervantes Festival of Arts
- 31 October 2012 SuperTowns Project Reference Group
- 1 November 2012 Library Board of WA
- 7 November 2012 Lancelin Defence Training Area Management Advisory Committee
- 10 November 2012 Shire SuperTown Stall
- 14 November 2012 Local Emergency Management Committee
- 20 – 22 November Sustainable Economic Growth for Regional Australia

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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- |                    |  |
|--------------------|--|
| 2012               | Conference   |
| - 30 November 2012 | SuperTowns Project Reference Group                         |
| - 4 December 2012  | Small Business, SuperTowns Information Evening             |
| - 6 December 2012  | Jurien Bay District High School Presentation Night         |
| - 7 December 2012  | SuperTowns Project Reference Group Phone Meeting           |
| - 13 December 2012 | Crime and Safety Committee Inaugural Meeting               |
| - 14 December 2012 | Shire of Dandaragan Christmas Event                        |
| - 17 December 2012 | Central Midlands Senior High School Presentation Night     |
| - 19 December 2012 | SuperTowns Project Reference Group                         |
| - 19 December 2012 | Jurien Bay Chamber of Commerce, Service Award Presentation |

Cr Holmes

- |                     |  |
|---------------------|--|
| - 26 October 2012   | Cervantes Art Festival Opening                             |
| - 24 October 2012   | Coral Coast Annual General Meeting                         |
| - 1 November 2012   | Department of Environment and Conservation Reference Group |
| - 19 November 2012  | SEGRA Conference – Sydney                                  |
| - 27 November 2012  | Chamber of Commerce – Cervantes                            |
| - 29 November 2012  | Western Rovers Motorhome Club – 2014 Rally                 |
| - November/December | Interviews WA Tourism – Free Camping                       |
| - 10 December 2012  | Ratepayers Volunteer Breakfast                             |

Cr Love

- |                    |  |
|--------------------|--|
| - 23 November 2012 | Avon Midland Zone Meeting Gingin                         |
| - 6 December 2012  | SuperTown Launch – Perth                                 |
| - 11 December 2012 | Dandaragan Primary School Presentations                  |
| - 14 December 2012 | Badgingarra Primary School Presentations                 |
| - 17 December 2012 | Jurien Bay District High School Presentations            |
| - 19 December 2012 | Customer Service Awards – Jurien Bay Chamber of Commerce |

Cr Russell

- |                    |  |
|--------------------|--|
| - 5 December 2012  | Volunteer Breakfast at Cervantes   |
| - 5 December 2012  | Cervantes Ratepayers and Progress Association Meeting                                |
| - 10 December 2012 | Cervantes Community Recreation Centre Intern Artist Meeting with Cervantes Art Group |
| - 19 December 2012 | Customer Service Awards – Jurien Bay Chamber of Commerce                             |

Cr Bailey

- |                    |  |
|--------------------|--|
| - 12 December 2012 | Jurien Bay Community Recreation Centre |
| - 19 December 2012 | Turquoise Coast Tourism – Cervantes    |
| - 19 December 2012 | Jurien Bay Community Recreation Centre |

**COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Bailey**

**That the delegates' reports to 20 December 2012 as presented be accepted.**

**CARRIED 9 / 0**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012
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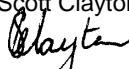

## 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 FINANCE

#### 9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 OCTOBER 2012

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	December 2012
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Wottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 October 2012.

#### 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 October 2012.

#### 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 October 2012 was \$6,859,825. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

the budget vs actual rates raised.

2. Material Variances

The Statement of Financial Activity provides variances to budget by way of percentages. Council's adopted policy states a 10 percent threshold for these variances to be reported. An explanation of these variances is as follows:

*General Purpose Funding*

Income is at 145.7% of Y-T-D budget and is due to interest earned on SuperTowns funds. The SuperTowns funds are held in a separate reserve and were excluded from the budget as at the time of adoption there was insufficient information available on how the funds would be expended and over what time frame. This has now been rectified as a result of a budget amendment made by Council at the Special Meeting of Council held 8 August. This item recognised additional interest income of \$330,000. This variance will continue to appear until the budget review is adopted.

It is important to note that as part of the SuperTowns funding agreement any interest earned must be retained for the purpose of SuperTown and therefore, the interest does not represent additional untied cash.

*Recreation and Culture*

Expenditure is at 80.4% of Y-T-D budget. This is due to salaries and materials and contracts being less than budgeted. In the July monthly statements, advice from the Manager of Technical Services and Works was that this variance is as a result of parks and gardens staff being redirected to road works including patching, verge maintenance, carpark construction and footpath maintenance. This redirection is expected and is being monitored by the Manager of Technical Services and Works.

While the variance still exists, it has remained at the level it was at 31 July 2012.

The following commentary has been provided by the Manager of Technical Services and Works;

*"At present the Parks & Gardens is running one staff member down but will be rectified in the near future to give a full complement to the Parks and Gardens team. There has been some redirection with staff carrying out road verge maintenance as well as foot path construction"*

*Economic Services*

Income is at 124.1% of Y-T-D and is due to two large building licence fees collected. One for a temporary camp and the other for a fifteen unit group dwelling development.

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Expenditure is at 83.7% of Y-T-D budget. This is primarily due to employee costs being less than budgeted as a result of a vacancy for the Special Projects Officer.

*Other Property and Services*

Expenditure is at 209.7% and is partially due to higher than budgeted overheads being recognised within Plant Repairs. Investigations identify that an overhead allocation was not included in the budget for plant repairs. Therefore, this variance will continue until budget review where the correction can be made.

The remaining variance is due to on-cost allocations of plant operations. The Y-T-D budget attempts to allocate the plant operation costs to individual jobs through timesheets. However, the Y-T-D budget evenly distributes these on-costs and does not give consideration of the timing of the actual expenses. When the budget is set each year a certain level of machinery hours is estimated so that an hourly cost can be calculated. If actual machinery use varies from these estimates allocations can vary while true costs are still incurred.

Please note that while this does present a true variance within the accounts it is a non cash item and does not affect the bottom line of the financials.

Should Councillors wish to raise any issues relating to the 31 October 2012 financial statements, please do not hesitate to contact the Manager Corporate Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

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 October 2012

(Doc Id: 10276)  
**(Marked 9.1.1)**

VOTING REQUIREMENT


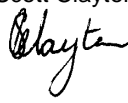
Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Holmes, seconded Cr McGlew  
 That the monthly financial statements for the period ending  
 31 October 2012 be adopted.**

**CARRIED 9 / 0**

**9.1.2 ANNUAL REPORT AND AUDITORS REPORT**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	6 December 2012
Author:	Zoe Clayton, Senior Finance Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Manager Corporate Services
Signature of Senior Officer:	

PROPOSAL

To accept the Annual Report for 2011 / 2012 including the Auditors Report for the Shire of Dandaragan and to receive the Auditors Management Letter.

BACKGROUND

The Local Government Act (1995) requires a Local Government to prepare an annual report for each financial year.

COMMENT

The Shire of Dandaragan finished 2011 / 2012 with a surplus of \$3,217,624. However, the majority of this surplus is as a result of large unspent grants and incomplete capital works project. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus, rather reflects outstanding commitments that were reprogrammed into the 2012 / 2013 budget.

Details of the major financial outcomes for 2011 / 2012 include:

- A total of \$4,778,432 in rate income was raised. By 30 June 2012, 96% of rates had been collected.
- A total of \$14,200,858 in grants was secured. Including contributions from the Royalties for Regions program for the commencement of the Jurien Bay SuperTowns project.
- \$95,334 was received in Development Application Fees and \$38,702 in building licences fees, this decrease was due to the world market decline.

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### *Capital Expenditure*

- The Multi-purpose courts in Jurien Bay were near completion.
- The Jurien Bowling Club had a new toilet block constructed and synthetic greens installed.
- The Cervantes Community Centre had a storage shed extension constructed.
- The Shire completed upgrade work on Hasting Street, Dalton Street, Grigson Street, Weston Street, Lang Street and North West Road.
- The Shire contributed to the continued upgrade of the Dandaragan CRC.

### *Audit Report*

There were no adverse findings in the audit report and the financial position as at 30 June 2012 is represented fairly.

There are no instances where the Council did not comply with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

The Management Report states that no significant matters need to be brought to the attention of Council.

The auditor has requested that the Management Letter be considered by all Council members and signed by the President and Chief Executive Officer.

### CONSULTATION

- None

### STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the Local Government Act 1995 requires preparation and acceptance of the annual report.

### 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:

- Annual Report 2011 / 2012 (Doc Id: 10305)
- Auditors Report 2011 / 2012 (Doc Id: 9708)
- Management Report 2011 / 2012 (Doc Id: 9708)

**(Marked 9.1.2)**

### VOTING REQUIREMENT

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012
--

Simple majority

*Notation: The Audit Committee met on this day prior to the Council meeting and considered the Annual Financial Statements for the year ending 30 June 2012 with the following Committee decision:*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

*Moved Cr McGlew, seconded Cr Gibson*

*That it be recommended to Council that the Independent Audit Report and Annual Financial Statements for the year ended 30 June 2012 be received.*

CARRIED 5 / 0

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr Holmes, seconded Cr Russell**

**That the Shire of Dandaragan's Annual Report 2011 / 2012, inclusive of the Auditors Report 2011 / 2012 be accepted.**

CARRIED 9 / 0

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Gibson**

**That the Management Letter be received.**

CARRIED 9 / 0

**OFFICER RECOMMENDATION 3 / COUNCIL DECISION**

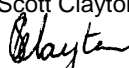

**Moved Cr Russell, seconded Cr Short**

**That;**

- 1. the Annual General Electors Meeting for the 2011/2012 financial year to be held in Cervantes on Thursday 24 January 2012 is to commence at 6.00 pm; and**
- 2. that the appropriate advertising takes place.**

CARRIED 9 / 0

**9.1.3 ACCOUNTS FOR PAYMENT – OCTOBER 2012**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	12 November 2012
Author:	Scott Clayton, Manager Corporate 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 October 2012**



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
---

BACKGROUND

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

COMMENT

The cheque and electronic funds transfer (EFT) listing for October 2012 totalled \$833,038.80 for the Municipal Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- cheque and direct debit listings for October 2012 (Doc Id:10308)

**(Marked 9.1.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Sheppard**

**That the Municipal Fund cheque and EFT listing for the period ending 31 October 2012 totalling \$833,038.80 be accepted.**

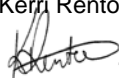
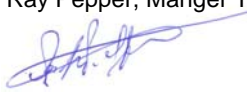
**CARRIED 9 / 0**

## 9.2 WORKS AND PLANT

### 9.2.1 BADGINGARRA BORE REPLACEMENT

Location:	Lot 180 Badgingarra
Applicant:	NA
Folder Path:	Business Classification Scheme / Water Supply / Design and Construction / Bores
Disclosure of Interest:	NA
Date:	4 December 2012

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b></p>
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Author: Kerri Renton, Works Support Office  
 Signature of Author:   
 Senior Officer: Ray Pepper, Manger Technical Services and Works  
 Signature of Senior Officer: 

**PROPOSAL**

Authorise a budget amendment to account for emergency expenditure approved by the President, Cr Shane Love in accordance with Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995.

**BACKGROUND**

On or around 17 October 2012 the Badgingarra bore and pump that supplies water to the oval plus automatic reticulation to gardens around the site ceased to operate. This bore was drilled by Great Southern Drilling Company in June 1970 (42 years ago) and records show to a depth of 704ft (214m).

Thorough investigation has been undertaken and it is the opinion of staff a new bore will be drilled and pump purchased for the continuing supply of the Badgingarra Oval and surrounds watering program.

On 5 November the Department of Water approved the application for a licence to construct or alter well. Staff acquired the services of consultant Mr. Ryan Moore from Water Direct Pty Ltd to act on behalf of the Shire of Dandaragan ensuring conditions on the license have been included in the requirements outlined in the proposal to quote. After the selection process was completed one offer of \$105,843 Excl GST was submitted and has been accepted.

Shire of Dandaragan has a responsibility to their community for the prudent management of community assets and finances and from time to time, Councils may be required to undertake emergency work to replace assets due to premature failure, fire, flood or accidental damage.

The urgency in this matter that led to the authorization of emergency funding has become evident due to the potential and significant loss of a Council asset.

Factors that have been considered include:

1. Whether there is an immediate and serious health or safety risk.
2. Whether the failure to act immediately may result in the Shire of Dandaragan incurring significant additional costs.
3. Whether there is an urgent need to act to protect the Shires rights or interests.

Normally, expenditure of an amount greater than \$100,000 requires the provision of a good or service to be by tender. However, Division 2, Section 11 (2) of the Local Government (Functions and General) Regulations 1996 states;

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---

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*

(a) *the supply of the goods or services is to be obtained from expenditure authorized in an emergency under section 6.8(1)(c) of the Act*

This provision will allow the Shire to expedite the replacement of the bore as soon as possible.

Upon submission from the CEO Mr Tony Nottle and with the approval and signature of the President Cr Shane Love, authorization of the expenditure of the funds for an emergency has been obtained whereby the process can be very quickly resolved.

#### COMMENT

To fund the emergency expenditure modifications to the budget will be required in the following areas;

#### **New Bore at Badgingarra**

Funds for the works have been approved through emergency expenditure.

#### **Verge Re-establishment Project**

This project has been assessed and the recommendation from staff is that the verge re-establishment project works has the capacity to be delayed without causing any further safety implications or damage to Council assets. It is recommended that this project be deleted from the budget making \$97,000.00 available.

#### **Ride on Mower for Dandaragan**

The 2012 / 2013 Budget reflects the purchase of a ride on mower for the mowing of the Dandaragan oval. Informal discussion between staff and Council suggests that further investigation needs to be undertaken as to whether in-house or contract is the best outcome for mowing of the public open space at Dandaragan.

Should the contract alternative be chosen the need to changeover this mower is negated. It is the opinions of staff that the current mower could continue to be used for the remainder of the financial year, allowing a decision on mowing in Dandaragan to be made in time for the 2013 / 2014 financial year.

#### **Beachridge Tree Box Stage 2 Project**

This program has been an ongoing works project. Unfortunately, stage 2 was inadvertently omitted from the budget. The deletion of the verge re-establishment and the mower frees a total of \$149,180 from the budget. It is estimated that the bore will cost \$105,843 leaving a balance of \$43,337 in unallocated funds. Therefore, it is the recommendation of staff that stage 2 of this project be reinstated into the 2012 / 2013 budget.

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--

Schedule of Rates and Estimated Quantities to “Construct One 6” Irrigation Water Supply Bore” for the Shire of Dandaragan, received from Water Direct has been examined and an offer to execute, complete and maintain the whole of the works described as:

- The drilling, construction and testing of one 6” irrigation water supply bore for the Shire of Dandaragan at Badgingarra.
- In accordance with the documents at the rates entered in the Schedule of Rates and to complete and hand over the works within 60 days from the 15<sup>th</sup> November 2012.
- Tim Westcott – General Manager of Water Well has been duly authorised to sign the proposal on behalf of JSW Australia to undertake the project upon approval from Shire of Dandaragan.

### CONSULTATION

Manager Technical Services and Works

### STATUTORY ENVIRONMENT

LOCAL GOVERNMENT ACT 1995 - 6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

- (1a) in subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government

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---

enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

#### **Budget**

The following budget amendment will need to be undertaken;

<b>New Bore</b>	
Infrastructure Asset - Parks & Reserves	\$ 105,843.00
<b>Reverse Mower Changeover</b>	
Plant & Equipment	-\$ 55,680.00
Plant & Equipment (reverse purchase cost)	\$ 24,727.26
Accumulated Depreciation (reverse accumulated depreciation)	-\$ 16,485.20
Loss on Disposal of Ride On Mower	-\$ 4,742.06
<b>Delete Verge Re-establishment Project</b>	
Infrastructure Asset - Parks & Reserves	-\$ 97,000.00
<b>Add Beachridge Tree Box Stage 2 Project</b>	
Infrastructure Asset - Parks & Reserves	\$ 43,337.00

### STRATEGIC IMPLICATIONS

The Shire of Dandaragan's Strategic Community Plan identifies that the work is an integral part of the Core Business Goal Number One: Strong Economic Base and Enabling Infrastructure; Objective 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised. Part of G1-O2-A7: states: Strategic bore supply for Shire water for parks and gardens.

### ATTACHMENTS

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

- Correspondence from Cr Shane Love – Authorisation of expenditure for an emergency (Doc Id: 10044)
- Tender documents from Tim Westcott, General Manager Water Well (Doc Id: 10306)

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**(Marked 9.2.1)**VOTING REQUIREMENT

Absolute majority

## OFFICER RECOMMENDATION

Moved Cr Bailey, seconded Cr Gibson

That Council authorise;

1. a budget amendment of \$105,843.00 for the provision of a new bore and associated infrastructure at Badgingarra Recreation Reserve;
2. a budget amendment to delete the changeover of Ride on Mower from the 2012/2013 budget with the following implications;

Reverse Mower Changeover	
Plant & Equipment	-\$ 55,680.00
Plant & Equipment (reverse purchase cost)	\$ 24,727.26
Accumulated Depreciation (reverse accumulated depreciation)	-\$ 16,485.20
Loss on Disposal of Ride On Mower	-\$ 4,742.06

3. a budget amendment to delete the verge reinstatement program from the 2012/2013 budget for an amount of \$97,000.00; and
4. a budget amendment to add Beachridge Tree Box Stage 2 program to the 2012/2013 budget for the amount of \$43,337.00.

## AMENDMENT

Moved Cr Love, seconded Cr Holmes

That Council authorise;

1. a budget amendment of \$105,843.00 for the provision of a new bore and associated infrastructure at Badgingarra Recreation Reserve;
2. a budget amendment to delete the changeover of Ride on Mower from the 2012/2013 budget with the following implications;

Reverse Mower Changeover	
Plant & Equipment	-\$ 55,680.00
Plant & Equipment (reverse purchase cost)	\$ 24,727.26
Accumulated Depreciation (reverse accumulated depreciation)	-\$ 16,485.20
Loss on Disposal of Ride On Mower	-\$ 4,742.06

3. a budget amendment to reduce the verge reinstatement program by \$53,663.00 from the 2012/2013 budget to a new amount of \$43,337.00.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

**COUNCIL DECISION****The President put the amended motion.****That Council authorise;**

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--

1. a budget amendment of \$105,843.00 for the provision of a new bore and associated infrastructure at Badgingarra Recreation Reserve;
2. a budget amendment to delete the changeover of Ride on Mower from the 2012/2013 budget with the following implications;

<b>Reverse Mower Changeover</b>	
<b>Plant &amp; Equipment</b>	<b>-\$ 55,680.00</b>
<b>Plant &amp; Equipment (reverse purchase cost)</b>	<b>\$ 24,727.26</b>
<b>Accumulated Depreciation (reverse accumulated depreciation)</b>	<b>-\$ 16,485.20</b>
<b>Loss on Disposal of Ride On Mower</b>	<b>-\$ 4,742.06</b>

3. a budget amendment to reduce the verge reinstatement program by \$53,663.00 from the 2012/2013 budget to a new amount of \$43,337.00.

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**COUNCIL DECISION**

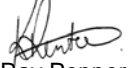

**Moved Cr Love, seconded Cr Gibson**

**That a report on the issue of the Beachridge Tree Box Stage 2 program be brought back to Council.**

**CARRIED 9 / 0**

*Notation: Council agreed that a separate report regarding the Beachridge Tree Box Stage 2 program was required.*

**9.2.2 UPDATE ON WORKS PROGRAM NOVEMBER 2012**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Roads / Reporting / Summaries
Disclosure of Interest:	None
Date:	07 December 2021
Author:	Kerri Renton, Works Support Office
Signature of Author:	
Senior Officer:	Ray Pepper, Manager Technical Services and Works
Signature of Senior Officer:	

**PROPOSAL**

To notify Council on the progress of the Technical Services and Works Department of the Shire of Dandaragan.

**BACKGROUND**

The Works Report is presented as an attachment.

**COMMENT**

This report provides Council with a summary of the construction and maintenance works that were undertaken by the technical services and works teams of the Jurien Bay and Dandaragan Depots in the month of November 2012.

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CONSULTATION

- Works Supervisor Jurien Bay
- Works Supervisor Dandaragan
- Manager Technical Services Works

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:

- November Supervisors Report (Doc Id: 10368)  
**(Marked 9.2.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Gibson**

**That the progress report of the Technical Services and Works department of the Shire of Dandaragan be received and noted.**

**CARRIED 9 / 0**

**9.2.3 SUPPLY AND DELIVERY OF ONE NEW MOTOR GRADER WITH OFFER TO TRADE EXISTING MACHINE**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Plant Equipment and Stores / Acquisition / Purchasing
Disclosure of Interest:	None
Date:	12 December 2012
Author:	Kerri Renton, Works Support Office
Signature of Author:	
Senior Officer:	Ray Pepper, Manager Technical Services and Works
Signature of Senior Officer:	


*Notation: The required information was not received prior to the Council meeting therefore this item was not considered.*

**9.3 ADMINISTRATION**



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### 9.3.1 AGREEMENT RENEWAL FOR COASTAL KIDS CARE INCORPORATED

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Community Centres
Disclosure of Interest:	None
Date:	27 November 2012
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To seek Council's endorsement for the renewal of Agreement between Shire of Dandaragan and Coastal Kids Care Incorporated.

#### BACKGROUND

The Family Resource Centre was constructed in 2002 by the Shire of Dandaragan and Department for Communities (formerly known as Department for Community Development) to advance the well being of families, individuals and groups within the community; provide and promote preventative community support and assistance to people; and to incorporate a child care centre. The Minister agreed that Coastal Kids Care Incorporated has licence to occupy the Centre for the purposes of a child care centre and an Agreement was drawn up between the Shire of Dandaragan and Coastal Kids Care which expired in January 2008. It was then renewed for a further five years with an expiry date of December 2012.

#### COMMENT

It is proposed that a renewal of this Agreement would be for a term of five years and may be renewed for a further term or terms by agreement between the parties.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The Agreement provides for Coastal Kids Care Incorporated to occupy the property free of charge. The Commonwealth Department for Communities provides an annual maintenance contribution towards the facility as part of the original construction Agreement.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

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ATTACHMENTS

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

- Copy of Agreement and renewal option (Doc Id:9832)
- Copy of correspondence received from Coastal Kids Care Management Committee requesting renewal of Agreement (Doc Id: 9707)

**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Sheppard**

**That Council endorse the renewal of the Agreement between Shire of Dandaragan and Coastal Kids Care Incorporated for a five year term and may be renewed for a further term or terms by agreement between the parties and that the Common Seal be affixed to the document.**

**CARRIED 8 / 1**

**9.3.2 NORTH ROAD STOCK ROUTE DRIVE TRAIL**

Location:	Various
Applicant:	City of Greater Geraldton and Neergabby Community Association
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Programs / Heritage Protection
Disclosure of Interest:	None
Date:	5 December 2012
Author:	Dionne Jose, Community Economic Project Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

City of Greater Geraldton is requesting the Shire of Dandaragan participate in the North Road Stock Route Drive Trail Project. The City is requesting in-kind contribution and a project steering leader.

BACKGROUND

Meeting recently scheduled and attended by representatives to discuss resuming the North Road Stock Route Drive Trail Project.

Meeting was facilitated by the City of Greater Geraldton and attended by representatives from Shire of Dandaragan, Shire of Irwin, City of Stirling, Department of Environment and Conservation, Shire of Gingin, Wheatbelt Development Commission, Transplan Pty Ltd and Neergabby Community Association.

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North Road Stock Route stretches 430km, commencing from North Beach, travelling through several bordering Shires and finishing within the City of Greater Geraldton.

North Road Stock Route was gazetted as "The Road between Perth and Champion Bay" (Geraldton) in May 1862, but drovers, travellers, police and mail carriers had been using it prior to that time, during the 1850s. The Route was the major thoroughfare for travellers, mail carrying contractors and travelling livestock, often in mobs of thousands, until the Midland Railway was built in the 1890s.

Much of the reserve still remains however the Department of Regional Development and Lands has transferred some parts into privately owned.

The history and folklore of the Route is recorded in WJ de Burgh's book *The Old North Road*.

The Stock Route is registered on the Shire of Gingin's Municipal Inventory of Heritage Places, Category 1, and also with the Heritage Council of Western Australia.

#### COMMENT

Transplan Pty Ltd conducted and released the North Road Stock Route Trail Feasibility Study in 2006 and the North Road Stock Route Drive Trail Development Plan 2008. The Feasibility Study and Development Plan will need re-tweaking to accommodate changes as a result of the opening of Indian Ocean Drive.

The Development Plan recommends six sites in the Shire of Dandaragan to place interpretive signage. This includes the clearing of land. Two of these sites are located on Shire land. The remaining four are located on Department of Environment and Conservation land.

The Summary of Major Development Costs, within the attachments, was calculated incorrectly, therefore there are inconsistencies in the cost of this project, which was estimated at \$580,910 in 2008, not \$680,920.

The City of Greater Geraldton suggests each Shire representative apply for funding from Trails West, as smaller grants will be more manageable. The Trails West grant was recently approved and used for the Underwater Interpretive Trail.

Since the opening of Indian Ocean Drive in 2010 the need for a north south tourist / drive route is no longer a priority as it has been in the past.

The North Road Stock Route Trail is not a focus in the Shire's Community Strategic Plan however is used as an example only.

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---

The Shire of Irwin recently advised the City of Greater Geraldton that it no longer wished to take part in the North Road Stock Route Drive Trail project.

#### CONSULTATION

- City of Greater Geraldton
- City of Stirling
- Shire of Dandaragan
- Shire of Gingin
- Shire of Coorow
- Shire of Carnamah
- Shire of Irwin
- Department of Environment and Conservation
- Wheatbelt Development Commission
- Neergabby Community Association.

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

Requesting in-kind contribution. The Shire representative will be required to apply for external funding from Trails West to contribute to this project. There would be no other financial implications to the Shire. There are currently no indicative costs for this project as the Development Plan was developed in 2008 and the costs were calculated incorrectly.

#### STRATEGIC IMPLICATIONS

Goal Number One: Strong Economic Base and Enabling Infrastructure.

OBJECTIVE 4: Facilitate Industry attraction, expansion and growth to generate diversified regional economy that attracts investment, wealth and income from outside the region and retains it for the benefit of the communities.

- G1-O6-A6 Support information and interpretive signage development within Shire eg. Stock route trail.

#### ATTACHMENTS

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

- North Road Stock Route Drive Trail Meeting Minutes (Doc Id: 10250)
- The Old North Track Yanchep (Doc Id: 10251)
- The Old North Track Background (Doc Id: 10252)
- North Road Stock Route Development Plan Summary (Doc Id: 10322)

**(Marked 9.3.2)**

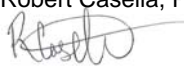

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr McGlew, seconded Cr Russell**

**That Council advise the City of Greater Geraldton and Neergabby Community Association that this project is deemed a low priority until the total indicative costs are determined and the Department of Environment and Conservation is prepared to partner and fund this project.**

**CARRIED 9 / 0****9.4 TOWN PLANNING****9.4.1 APPLICATION FOR PLANNING APPROVAL – OUTBUILDING / LEAN-TO – LOT 1025 SEAWARD DRIVE, JURIEN BAY**

Location:	Lot 1025 Seaward Drive, Jurien Bay
Applicant:	Michael Ariti on behalf of The Ariti Superannuation Fund
File Ref:	Development Apps / Development Application / 2012 / 62
Disclosure of Interest:	None
Date:	27 November 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	William George, Manager Building Services
Signature of Senior Officer:	

PROPOSAL

The applicant proposes to build a Colorbond Outbuilding (Shed) / Lean-to. The proposed outbuilding is 17.4m x 7m (121.8m<sup>2</sup>) with a wall height of 3.6m on Lot 1025 Seaward Drive, Jurien Bay.

BACKGROUND

The subject lot is zoned Residential and located within Jurien Bay town site. The proponent intends to build a storage shed towards the north eastern boundary of the lot with a driveway / crossover leading up to the shed.

The proposed shed under the Local Planning Policy – Outbuildings – ‘Residential Areas’ is in excess of the allowable outbuilding area of 80m<sup>2</sup> by 41.8m<sup>2</sup>, requiring public advertising and Council approval.

The proposed shed is to be 3.6m high to the eave, having a peak height of 4.28m. The north-south orientation is 17.4m in length, with a length of 7m for the east – west orientation.

Attached is a copy of the proposed landuse plan of the site, illustrating the location and layout of the proposed outbuilding.

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A proposed dwelling on the site is subject to a current building permit application that is being assessed by the Manager of Building Services.

**COMMENT**

The subject lot is located on the corner of the Seaward Drive cul-de-sac having an area of 800m<sup>2</sup>. The property has two (2) access points allowing for the shed to be accessed from the secondary street.

Under the Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ (LPP8.6) if a proposed shed exceeds the size limitations of the LPP8.6, Council has the power to approve if they feel the outbuilding does not detract from the streetscape or the amenity of residents or neighbouring properties.

Due to the orientation of the land and proposed buildings, the proposed shed will have minimal impact on the amenity of the area.

Table 2a of the Residential Design Codes (R-Codes) specifies that a wall length of 7m, and a wall height up to 4m with no major openings requires a boundary setback of 1m.

The wall along the eastern boundary proposes a length of 17.4m and a wall height of 3.6m requiring a setback of 1.6m. The property has adequate space available around the shed to ensure the setbacks are achieved.

The R-Codes policy relating to boundary setback requirements are aimed at achieving light and ventilation for adjoining properties.

It is important that a shed this size be constructed of a material that is non-reflective, sequential colours with adjoining dwelling and complies with the required setbacks.

**CONSULTATION**

Adjoining land owners have been notified by mail with submission being invited for 14 days from the 13 November 2012, closing 27 November 2012. There have been no submissions made.

**STATUTORY ENVIRONMENT**

- Shire of Dandaragan Local Planning Scheme No7;
- Residential Design Codes; and
- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The applicant has paid a planning application fee to the value of \$139.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Land Use Plan (Doc Id: 9918)
- Elevation Plan (Doc Id: 9919)

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Kent, seconded Cr Short**

**That Council grant planning approval for the development of an Outbuilding (shed) on Lot 1025 Seaward Drive, Jurien Bay in accordance with Plan RHAM15081 on the following conditions:**

- 1. all development shall be in accordance with the attached approved plans submitted with the application and subject to any modifications required as a consequence of any conditions of this approval;**
- 2. the materials and colours for the proposed shed are to match the materials and colours of the corresponding components of the proposed residence;**
- 3. a minimum rear setback of 1m;**
- 4. a minimum side setback of 1.6m;**
- 5. the endorsed approved plans shall not be altered without the prior written approval of the local government.**

**Advice**

- This is planning approval only and not a building permit. A building permit must be obtained for this development.**
- The applicant is advised that should he be aggrieved by this decision of the Council 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 2005 within 28 days of this decision to:**

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

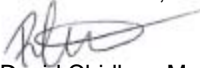

**CARRIED 9 / 0**

**9.4.2 LOCAL PLANNING POLICY – ADVERTISING DEVICES (SIGNAGE)**

Location:  
Applicant:

Whole Shire  
N/A

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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File Ref:	Business Classification Scheme / Land Use and Planning / Planning / Planning Policies
Disclosure of Interest:	None
Date:	10 October 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

**PROPOSAL**

For Council to re advertise a revised local planning policy – Advertising Devices (Signage).

**BACKGROUND**

At its meeting on the 24 May 2012 Council resolved to adopt the draft Local Planning Policy: Advertising Devices (Signage) (LPP) for advertising purposes to be advertised for 21 days. During this period members of the public were invited to the Council Forum held on the 12 July 2012. At this forum, guests were given the opportunity to discuss the issues surrounding the LPP to create a document that is easily understood and design requirements that are effective in achieving the objectives of the LPP.

Subsequent to the Forum, various groups within the Shire of Dandaragan (the Shire) having strong views on the LPP requested the advertising period be extended to the 30 September 2012. A Total of four (4) submissions were received from the following community and business groups as well as Main Roads WA (MRWA); Cervantes Chamber of Commerce, Jurien Bay Chamber of Commerce and Jurien Bay Progress Association Incorporated, these can all be viewed in the Attachments.

On the 6 December 2012, a follow up Council Forum was held for the review of the amended signage policy, at this meeting, David Lantzke, a member of the Jurien Bay Chamber of Commerce (JBCC), provided a presentation on the need for a more appropriate signage scheme to service the growing tourism population, created through the establishment of Indian Ocean Drive and the fact Jurien Bay is a drive-thru town, making it important for signage to be of a service nature rather than advertisement.

**COMMENT**

The revised draft LPP addresses the community's needs for a relevant and current signage policy that reflects the needs of local businesses. The Policy framework endeavours to protect the overall aesthetics and amenity of neighbouring properties in the locality.

In response to submissions, comments were considered with modifications made to the Policy to reflect major concerns of the Policy. In addition to modifications, minor typographical and formatting modifications were made to ensure consistency and



avoid confusion.

The LPP addresses the needs of a growing and developing business community. The policy allows flexibility with advertising devices, assessing them against the clear policy objectives, with the Shire set for exponential growth and varying needs from the coastal settlements to the inland town sites.

In their submission, the JBCC have suggested a joint collaboration between the State Government, the Shire and the JBCC should be initiated to fund a project to replace the existing Bashford Street figure board signs with generic standardised international symbols/signs. This will be part of a separate proposal at a later date.

### CONSULTATION

The policy was advertised for public comment in accordance with the provisions of the Shire's Local Planning Scheme No.7 closing on the 30 September 2012.

The Shire hosted a forum for the public to provide comment on the Policy held on the 12 July 2012, allowing members of the public to voice their concern towards the policy on ways to improve the Policy, clear up any confusion and encourage the use of signage for promoting the area and contributing to its character.

The matters raised in the Forum were reiterated in the submissions, composed as a collaborative effort from local businesses associated with the three groups. A copy of the submissions can be found in the attachments.

The significantly revised policy will be advertised for 21 days.

### STATUTORY ENVIRONMENT

The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class of matter and throughout the Scheme relate to one or more parts of the Scheme are. The Scheme allows Council to amend or rescind its planning policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2 of the Scheme.

The amended policy does not exempt compliance with all other requirements of the Shire of Dandaragan Local Planning Scheme and any other policy of Council.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012
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POLICY IMPLICATIONS

After considering submissions, if Council decides to adopt the amended policy it will be included in the Shire's Policy Manual.

FINANCIAL IMPLICATIONS

There will be a cost involved in publishing a notice of advertising which is covered in the adopted budget.

STRATEGIC IMPLICATIONS

The amended policy will assist in the procedural and governance aspects of the Shire's development control responsibilities. This includes providing direction and guidance on the appropriate provision of advertising devices in the public realm.

The amended policy stipulates the Shire requirements which will be applied so that the amenity of an area is not significantly impacted by advertising devices.

ATTACHMENTS

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

- Revised Local Planning Policy: Advertising Devices (Doc Id: 10075)
- Jurien Bay Chamber of Commerce submission (Doc Id: 8954)
- Cervantes Chamber of Commerce submission (Doc Id: 7336)
- Jurien Bay Progress Association submission (Doc Id: 8795)
- Submission by Main Roads WA (Doc Id: 7493)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Short**

**That Council:**

- 1. note the submissions received during the advertising of the Advertising Devices (Signage) Local Planning Policy (the Policy) as outlined in the Attachments;**
- 2. re advertise the significantly amended policy in accordance with Clause 2.4.1 of Local Planning Scheme No.7; and**
- 3. initiate discussions with the Department of Regional Development and Lands and Jurien Bay Chamber of Commerce to rectify the issue of precinct signs and directional signage along Bashford Street.**

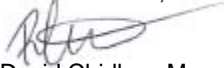

**CARRIED 9 / 0**

**9.4.3 REVISED PLANNING APPROVAL – THE WAVES AT JURIEN TOURIST DEVELOPMENT – LOT 450 HILL STREET AND LOT 671 DALTON STREET, JURIEN BAY**

Location:

Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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Applicant:	DesignInc Perth Pty Ltd on behalf of Lineview Investments Pty Ltd
Folder Path:	Business Classification Scheme / Land Use and Planning / Subdivision / Requests
Disclosure of Interest:	None
Date:	4 December 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks planning approval for a revised project plan for The Waves Jurien Tourist Development at Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay to allow for 45% of the development to be of a Permanent Residential land use and to allow the subdivision of Lot 21 from Lot 1 of the development project.

**BACKGROUND**

At its meeting on 18 January 2007, Council granted approval for the construction of 20 units for the purpose of tourist accommodation.

*That Planning Approval be granted to the application received from DesignInc on behalf of Lineview Investments Pty Ltd, dated 18 September 2006 subject to the following conditions;*

- *Approval is valid for a period of 24 months.*
- *Approval is for a maximum of 20 units to be constructed with five units on one lot and 15 on the second lot.*
- *No building licence will be issued until such time as the re-subdivision of the lots has been completed.*
- *Development of each of the twenty (20) Strata Grouped Dwellings is subject to a separate application for planning approval if it is intended that individual lots will be developed separately.*
- *If it is intended for development to proceed not in accordance with the approved plans, then alternate design guidelines will need to be approved by Council.*
- *Preparation of a Foreshore Management Plan, inclusive of cost sharing arrangements, in accordance with State Planning Policy 2.6 being prepared to the satisfaction of Council and the Western Australian Planning Commission and prior to the issue of a building licence.*
- *Agreement being reached between Council and the Developer with regard to the upgrading of sections of Dalton Street and Hill Street and appropriate cost sharing arrangements.*
- *The Developer is required to enter into a Deed of Agreement in order to maintain the landscaping on the verges in Dalton Street and Hill Street to the satisfaction of Council.*
- *A Dust / Site Management Plan is to be prepared and approved by Council prior to the commencement of any works on site, inclusive of earthworks. Clearing of the site and any earthworks are not permitted to occur prior to 1 April in any year and the site must be fully stabilized prior to 31 October in*

*any year.*

This was followed by a second planning application requesting the approval from Council to allow 25% of the development to be sold as permanent residences.

*That approval be granted to Lineview Holdings Pty Ltd in regard to the request to allocate units nine to 13 to be available for dual use (permanent and holiday accommodation) the original application being 100% tourism (holiday accommodation) and the possible planning precedent that could be set by approving such a request, retrospectively.*

To date, all concrete ground slabs, in-ground drainage work and internal roads have been completed, as well as the development of nine (9) units being successfully built and sold apart from unit 21. As part of the strata titling requirements, requires unit 21 being made as part of Lot 1 as part of the strata subdivision, hindering the sale of this unit to date.

#### COMMENT

As a result of the current economic situation, project financing has been restructured resulting in the construction work being reduced to allow the completion of only nine (9) out of 20 units as stage 1.

The proponent requires approval to sell unit 21 to reduce the current debt level and allow for refinancing of the project for the development to proceed to the next stage. The proponent intends to sub-divided lot 21 from lot 1 by making an application to the Western Australian Planning Commission.

In addition to the sale of lot 21, the proponent requests permission to be able to sell up to 45% of the development project to be sold off as permanent residential units.

Council officers have been advised by the proponent that this project is unlikely to proceed unless Council agrees to the request in order to allow Lot 21 to be subdivided from Lot 1 and allowing nine (9) of the 20 units (45%) be sold as permanent residential units.

The request is in accordance with the draft Local Tourism Planning Strategy for development in tourist zones, which states as follows:

*The maximum proportion of permanent residential units shall be such that the site retains a dominant tourism function and character, and shall be determined by the Council between zero and 45 per cent inclusive. In determining the percentage of permanent residential use on a site, the Council will take into consideration such matters as the size of the site, the viability of the resultant tourism product and the standard of tourism facilities and amenities.*

As stated under section 7 of Planning Bulletin 83 / 2011 – Planning for Tourism, for the provision of residential development within tourism sites, a number of relevant matters are to be considered.

- Whether the site has the capacity to be developed for a mix of uses and can also deliver a sustainable tourism outcome that will result in the size, type and quality of tourist accommodation appropriate to the site and location.
- The suitability and sustainability of residential development within the broader planning and settlement context of the site.
- Assessment of the existing tourist accommodation facilities in the area which takes into consideration the capacity for new tourism development and the projected demand/range of tourist accommodation in a precinct, locality or region
- In all cases, the scale of residential development should complement the tourism component and priority given to locating the tourism components on those areas of the site providing the highest tourism amenity, (eg. The beachfront).
- Residential units are designed to encourage integration into the management/letting pool for the tourism facility.
- Innovative master planning of the site to integrate residential and tourism components of the site to both enhance the tourism component of the site and to ameliorate potential conflicts that may arise; such as noise, between tourist accommodation and permanent residents.
- Provision of appropriate lot sizes that will attract the desired tourism operator and type of tourism accommodation required.
- The intensity and compatibility of land use and development including consideration of lot sizes, building heights, scale and character of development and the potential impacts on the surrounding area.
- Compliance with the relevant State and local government policies and guidelines.
- The location of all units on the site shall provide for ease of tourism access through the site.
- The tourism component of a mixed use development shall incorporate those facilities normally associated with tourist accommodation developments such as recreation, entertainment facilities and integrated management facilities.
- Appropriate staging so that the tourism development and provision of facilities occurs concurrently to the residential component of a mixed use development.
- Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism purposes, preferably by an on-site letting agent (manager).
- Conversion of an existing tourism development to facilitate a residential component should not be supported without a resultant tourism benefit; such as an increase in the number, or significant upgrade of, tourism units and facilities.

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It is understood that the proponent also intends to develop two units to be fitted out for people with disabilities, but this is not a planning issue and will be dealt with during the building assessment stage.

#### CONSULTATION

- DesignInc on behalf of Lineview Holdings Pty Ltd

#### STATUTORY ENVIRONMENT

Local Planning Scheme No.7 Section 8.3 – Amending of Revoking a Planning Approval;

*The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.*

#### POLICY IMPLICATIONS

- Planning Bulletin 83/2011 – Planning for Tourism

#### 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:

- Correspondence from Design Inc (Doc Id: 10249)  
**(Marked 9.4.3)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Bailey**

**That Council grant approval to Lineview Holdings Pty Ltd for request to allocate units four to six and fifteen to twenty to be available for permanent residential.**



**CARRIED 9 / 0**

#### **9.4.4 PROPOSED SCHEME AMENDMENT NO 22 (REZONING) – RURAL RESIDENTIAL – LOT 501 JURIE EAST ROAD, JURIE BAY**

Location:  
Applicant:

Lot 501, Jurie East Road, Jurie Bay  
Land Insights

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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File Ref:	Business Classification Scheme / Land Use and Planning / Planning / Planning Scheme / Amendment 7.22
Disclosure of Interest:	None
Date:	7 December 2012
Author:	Robert Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

*Cr Kent disclosed a proximity interest due to being the owner of the neighbouring property and left the Council Chambers at 5.54pm.*

### PROPOSAL

The Council is in receipt of a request to rezone Lot 501 Jurien East Road, Jurien Bay from Rural to Rural Residential and Parks and Recreation.

### BACKGROUND

During the advertising period of the LPS, in mid-2011, Land Insights had made a submission on behalf of the owner of the subject lot, stating:

*“Site should be included in Cockleshell Rural Living Precinct because no longer within P1 groundwater source protection area, physical and environmental characteristics are suitable, and has good access and is close to Jurien Bay.”*

With the Shires Response as follows:

*“Uphold: Lot 501 was not identified for rural living in the advertised LPS due to its proposed inclusion in a P1 priority Drinking Water Source Area and an understanding that the landowner therefore only had intentions to continue to operate quarrying activities. These circumstances have now changed or are in the process of being changed. The property is considered ideally located and suitable for future rural living and should therefore be included in the Cockleshell Precinct.”*

A development approval and extractive industry licence had been issued on the 29<sup>th</sup> March 2012 for sand and limestone extraction on the site and it is expected to continue until such time as the site is developed for Rural Residential purposes. The license is valid until the 30 June 2022.

On the 26 July 2012 an item was presented to Council regarding the rezoning of Lot 501 Jurien East Road, Jurien Bay (the subject lot). The application requested Council to initiate an amendment subject to the Subdivision Guide Plan being prepared to the satisfaction of the Council before being formally initiated. The Subdivision Guide Plan was to be supported by relevant technical appendices including environmental assessment, servicing and infrastructure report, fire management plan and local water management strategy.

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Council resolved to advise the owner that:

- *It notes the proposal to rezone Lot 501 Jurien Road from Rural to Rural Residential and Parks and Recreation. Prior to further consideration of the proposal Council requires the applicant to provide the amendment documents which comply with the requirements of the draft Local Planning Strategy, in particular Section 8.6; and*
- *It is the applicant's responsibility to note and satisfy the following extract from the draft Local Planning Strategy which was specifically included at the request of the Western Australian Planning Commission:*

*Rural Living may only occur where the applicant can satisfy the decision making authorities that the land use can occur and my managed to protect the quality of water and other environmental attributes of the area. The applicant will also have to provide evidence to the satisfaction of the Western Australian Planning Commission to justify the timing of the rezoning, subdivision and land release.*

Council's instructions were to finalise the strategy as a matter of priority. Five additional rural-residential sites (proposed during the advertising period) were removed from the strategy to be considered as part of the Coastal Local Planning Strategy (the Coastal Strategy). The five additional lots include:

1. Lot 501 Jurien East Road, Jurien Bay;
2. Western portion of Lot 10601;
3. Springhill Air Park;
4. 613 Hill River Road (Ardross Site); and
5. Lot 290 [south east of Jurien Bay] (Ardross Site).

In September 2012, Land Insights submitted the requested information in accordance with Section 8.6 of the Local Planning Strategy (the Strategy) to the Shire. This is located within the attachments. This was later re-iterated at the Council Forum held on 6 December 2012, where the consultant Michael Taylforth presented the proposal.

Council, acting on the recommendation from the Western Australian Planning Commission (WAPC) to make final modifications before endorsing the LPS, further resolved at its meeting on 22 November 2012 to:

1. *Adopt the recommendations provided by the Western Australian Planning Commission; and*
2. *Authorise the Chief Executive Officer to make suggested changes and seek final endorsement by the Minister of Planning for the Shire of Dandaragan's Local Planning Strategy.*

#### COMMENT

The proponent requests the Council to initiate a Scheme



Amendment to provide confidence to the land owner to continue with investigations into environmental and planning conditions of the lot.

Although Council has the right to initiate the amendment if it supports the proposal and the amendment is consistent with the directions set out in the LPS, it is not recommended to initiate the amendment prior to information being submitted at a later date and the property being recognised in an approved Local Planning Strategy. The requirements of the Strategy the proponent needs to address are as follows:

#### *8.6.1 Zoning Requirements for Rural-Residential*

*Should an owner of land within the District or a proponent request the rezoning of a site to Rural-Residential zone, the Council shall require that owner or proponent to provide to the Council a submission supporting the rezoning, and such submission shall include the following:*

- 1. A clear statement of the objectives of the proposal;*
- 2. A statement indicating the relationship of the proposal to the Council's adopted LPS, and any other approval planning study adopted by the Council and specific to the area in which the subject land is located;*
- 3. A full description of the site characteristics of the subject land including an analysis of the geology and soil types of the area, existing land forms and land uses;*
- 4. A landscape assessment including an analysis of slopes, vegetation cover, skylines, vistas, stream environs and identifiable natural features;*
- 5. Information regarding the availability of potable/non-potable/secondary water, and the methods whereby it is proposed to supply potable water to service each proposed lot;*
- 6. A brief outline of the planning structure, including the proposed areas to be subdivided, areas to be set aside for public open space, pedestrian accessways, trails, community facilities, those physical features including places, things, buildings and structures intended to be conserved or preserved;*
- 7. Identification of any special development controls considered necessary or desirable; and*
- 8. Such other particular information details or documents as the Council reasonably requires to decide upon the merits of the rezoning.*

#### *8.6.2 Requirement for a Scheme Amendment for Rural-Residential Zone*

*Where the Council supports a rezoning the Scheme Amendment documents should include a Subdivision Guide Plan indicating:*

- 1. The proposed ultimate subdivision including approximate lot sizes and dimensions;*

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2. *Areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities and such other matters relevant to the amenity and orderly and proper planning of the area as the Council considers appropriate*
3. *Those physical features including places, things, buildings and structures which it is intended to conserve or preserve;*
4. *The proposed staging of the subdivision where relevant;*
5. *Strategic firebreaks, where required; and*
6. *Other matters deemed appropriate by the Council.*

*Scheme Amendment documents are to include a Fire Management Plan. These requirements for water and access to groundwater are addressed elsewhere in the Strategy.*

With the documentation, dated 19 September 2012 (refer to attachments), the proponent aims to address the requirements of 8.6.1 as requested by Shire staff, but currently needs updating, for instance, the site no longer forms part of the Cockleshell Rural-Residential Precinct under the LPS as it states under point 2.

Currently it is too early to comment on the suitability of the proposed rezoning as to whether it is consistent with *State Planning Policy 2.5 – Agricultural and Rural Land Use Planning* and *Development Control Policy 3.4 – Subdivision of Rural Land*, as the information submitted is only a preliminary study and has not undergone any technical assessments. It is the proponent's responsibility to provide this information to the satisfaction of Council.

As a result, it is recommended that Council defer the initiation of the proposed rezoning until such time the Coastal Strategy's advertising period is completed, and subject to Lot 501 being identified for inclusion of the Cockleshell Rural-Residential Precinct.

#### CONSULTATION

- Michael Taylforth (LandInsights: Consultant)
- Department of Planning

#### STATUTORY ENVIRONMENT

- Planning and Development Act 2005;
- Local Planning Strategy; and
- Local Planning Scheme.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The fee to the amount of \$1000 will be invoiced to the applicant.

#### STRATEGIC IMPLICATIONS

The Shire is currently in the preliminary stages of the Coastal Local Planning Strategy which encompasses the subject lot and is a key document in determining the suitability of the proposed land

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use. The Coastal Strategy is aimed at identifying key locations ideal and suitable for development, as well as sites to be retained as productive agricultural land.

#### ATTACHMENTS

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

- Scheme Amendment Document (Doc Id: 8796)
  - Shire Correspondence to LandInsights (Doc Id: 7385)
  - LandInsights Correspondence to the Shire (Doc Id: 7406)
- (Marked 9.4.4)**

#### VOTING REQUIREMENT

Simple majority

*Mr David Chidlow left the Council Chambers at 5.57pm.*

*Mr Tony Nottle left the Council Chambers at 6.00pm.*

*Mr Tony Nottle and Mr David Chidlow returned to the Council Chambers at 6.01pm.*

*Mr Ian Rennie and Cr Shane Love left the Council Chambers at 6.02pm.*

*Mr Ian Rennie returned to the Council Chambers at 6.02pm.*

*Cr Shane Love returned to the Council Chambers at 6.04pm.*

*Notation: A copy of correspondence from solicitors acting on behalf of the owner was distributed to Council.*

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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**Moved Cr Bailey, seconded Cr Gibson**

**That Council defer consideration of the Scheme Amendment to rezone Lot 501 Jurien East Road, Jurien Bay until such time as the Draft Coastal Local Planning Strategy has been advertised and supports the rezoning of the lot to Rural-Residential and Parks and Recreation.**

**CARRIED 6 / 2**

*Cr Kent returned to the Council Chambers at 6.28pm and the President read aloud the decision.*


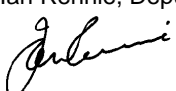
## **9.5 HEALTH**

### **9.5.1 FOOD ACT 2008 – APPOINTMENT OF AUTHORISED OFFICERS, DESIGNATED OFFICERS AND INSTRUMENT OF DELEGATION**

Location:  
Applicant:

Jurien Bay  
Shire of Dandaragan

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Folder Path:	Business Classification Scheme / Public Health / Legislation / Acts – Locality of Jurien Bay
Disclosure of Interest:	Nil
Date:	7 December 2012
Author:	Tim Brokenshire, Manager Environmental Health
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The purpose of this report is to consider the appointment of Councils Manager Environmental Health (MEH) as an authorised officer, the appointment of the Chief Executive Officer (CEO) as Designated Officer and to provide for the delegation of certain powers to the CEO pursuant to the provisions of the Food Act 2008.

**BACKGROUND**

Local Government has an important role in ensuring the health, safety and wellbeing of the community. This is done through education monitoring and the enforcement of legislation.

Food Safety remains a key program area that contributes to the health and wellbeing of our communities and a large part of the work conducted by the MEH (EHO). Food safety outcomes are achieved through:

- Monitoring food premises to ensure appropriate levels of hygiene are maintained;
- Educating people who handle food through the provision of advice and educational materials;
- Responding to complaints about food businesses;
- Investigating food poisoning outbreaks independently or collaboratively with the Department of Health;
- Taking samples of food to ensure that food is safe for consumption and meets standards.

The introduction of the Food Act 2008 (the Act) and Food regulation 2009 (the regulations) requires Local Government appointment of certain 'Authorised Officers' and 'Designated' Officers to enable routine enforcement of the statutory functions and obligations of the legislation.

The Act and Regulation are now the principle legislation regulating the safe and suitable production of food in Western Australia, replacing the food provisions within the Health Act 1911 and Health (Food Hygiene) Regulations 1993. The Act is based on Model Food Provisions agreed to by all States and Territories of Australia and New Zealand and includes reference to the FOOD Standards Australia and New Zealand – Food Standards Code.

Previous food related statutory functions were made as part of an officers appointment under the Health Act 1911. The Food Act 2008 refers to EHO's as Authorised Officers acting on behalf of an enforcement agency (such as Local Government). The resulting

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change of classification requires additional appointment of that Officer by the Local Government to enable the statutory functions obligations and provision of the Act and Regulations.

Administration of the Act is conferred upon enforcement agencies (Local Government) under section 118 of the Act and such performances and functions may be further delegated by the Local Government to its CEO to enable the timely and effective administration of the provisions of the Act. Those administrative functions include the power to appoint Authorised Officers (section 122) and Designated Officers (section 126 (13)).

Designated Officers are required to be appointed and may have limited authority to issue, extend or withdraw infringement notices or receive money for the payment of an infringement notice pursuant to the Act.

The Act places greater responsibility upon food businesses to ensure that food is both safe and suitable for human consumption. Penalty provisions have been substantially increased to reflect the serious nature of food safety and penalties for breaches of the Act range from \$10,000 to \$100,000 and imprisonment for up to two years for individuals and \$50,000 to \$500,000 for a body corporate. Infringement notice and modified penalty provisions range from \$150 to \$500 for individuals and \$1000 for a body corporate.

#### COMMENT

The Councils appointment of Authorised Officers, Designated Officers and delegation to the CEO is a necessary statutory and administrative procedure to enable the Council's Officers to perform statutory and regulatory functions within the provisions of the Act and Regulations within the Shire of Dandaragan.

Provisions of the Act enable the issues, extension and clearance of prohibition orders and improvement and infringement notices. These powers are operational and are appropriate to be delegated to Authorised Officers (MEH)

Matters relating to the issuing of infringement notices(section 129) for breaches of the Act are considered to be potentially contentious, however are still operational and often need to be dealt with expediently, rather than awaiting the outcome of a Council meeting. It is therefore recommended that a delegation to the CEO be granted for administrative matters relating to infringement notices.

It is also considered prudent to delegate to the CEO the ability to appoint Authorised Officers (section 122) and Designated Officers (section 126 (13)).

Because of the legislative complexities associated with the appointment and administration of Designated Officers issuing,

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extending withdrawing or receipting payments for infringement notice modified penalties, it is considered appropriate that administrative function is also delegated to the CEO.

#### CONSULTATION

There was no consultation for this report.

#### STATUTORY ENVIRONMENT

Health Act 1911

Food Act 2008

Food Regulation 2009

#### POLICY IMPLICATIONS

There are no policy implications for this report

#### FINANCIAL IMPLICATIONS

There are no financial implications for this report

#### STRATEGIC IMPLICATIONS

There are no strategic implications for this report

#### ATTACHMENTS

Nil

#### VOTING REQUIREMENT

Absolute majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Short**

**That:**

- 1. the Manager Environmental Health be appointed as an Authorised Officer in accordance with the provisions of section 122(1)(b) of the Food Act 2008;**
- 2. the Authorised Officer (Manager Environmental Health) is appointed as a Designated Officer for the purposes of issuing infringement notices under the provisions of Section 126(2) of the Food Act 2008;**
- 3. the Chief Executive Officer is appointed as Designated Officer to receive payments, extend or revoke infringement notices in accordance with Sections 126(3), 126(6) and 126(7) of the Food Act:**
  - a) Section 126(3)(c) – Appoint Designated Officers to receive payment from Infringement notices; and**
  - b) Sections 126(6) and 126(7) – Appoint Designated Officers to extend the payment period for infringement notices or revoke infringement notices; and**
- 4. Delegation 203 (Food Act 2008) as follows:**
  - 1. That pursuant to the following Sections of the Food Act 2008, the Chief Executive Officer is delegated authority to perform the functions listed:**
    - a) Section 122(1) – Appoint Authorised Officers;**

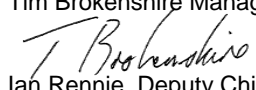
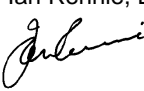
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- b) Sections 123(1) and 123(2) – Issue certificates of Authority to Authorised Officers;
  - c) Section 126(2) – Appoint Designated Officers to issue infringement notices;
  - d) Section 126(3) – Appoint Designated Officers to receive payment from Infringement notices; and
  - e) Sections 126(6) and 126(7) – Appoint Designated Officers to extend the payment period for infringement notices or revoke infringement notices.
2. That pursuant to the Food Act 2008 the Authorised Officer is delegated authority to perform the functions listed:
- a) Issue prohibition notices in accordance with section 65 of the Food Act 2008;
  - b) Clear and remove prohibition notices in accordance with the Section 66 of the Food Act 2008;
  - c) Provide written notification not to issue a certificate of clearance in accordance with section 67 of the Food Act 2008; and
  - d) Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with Section 110 and 112 of the Food Act 2008.

**Be granted**

**CARRIED 9 / 0**

## **9.5.2 FOOD ACT 2008 – DEPARTMENT OF HEALTH COMPLIANCE AND ENFORCEMENT POLICY ADOPTION BY THE SHIRE OF DANDARAGAN**

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Public Health / Legislation / Acts – Locality of Jurien Bay
Disclosure of Interest:	Nil
Date:	7 December 2012
Author:	Tim Brokenshire Manager Environmental Health
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

### **PROPOSAL**

The purpose of this report is to consider the adoption of the WA Food Regulation Compliance and Enforcement Policy produced by the Department of Health (DOH) in relation to Council's role as an Enforcement Agency for the Food Act 2008.

### **BACKGROUND**

The DOH Compliance and Enforcement Policy is based on the national compliance and enforcement guideline. The national guideline provides the framework for the DOH policy. It sets out the DOH's approach to food regulatory enforcement activity for the

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food businesses which it is responsible for enforcing. The policy provides a range of compliance and enforcement options in response to compliance failures by food businesses.

The objectives of this policy are:

- to provide for consistency in approach to the enforcement activity;
- to be efficient in enforcement approach;
- to provide transparency to consumers and the food industry on how Enforcement Agencies make decisions on enforcement action;
- to guide decision making and action that is a consistent use of enforcement options commensurate with risk; and
- to use compliance and enforcement strategies in such a way as to best achieve legislated objectives and encourage compliance with legislated provisions.

Food legislation provides a range of enforcement options that vary significantly in severity. A key aspect of the new approach to food regulation is that decision making by an Enforcement Agency is to be made on the basis of risk. These decisions include the food safety surveillance activity levels, food sampling frequency, compliance and enforcement action and promotional activities undertaken by an Enforcement Agency. Selecting which option applies in any particular case requires the application of a principal that the response is commensurate with the severity of non-compliance.

#### COMMENT

The Council's appointment of Authorised Officers, Designated Officers and delegation to the CEO is a necessary statutory and administrative procedure to enable the Council's Officers to perform statutory and regulatory functions within the provisions of the Act and Regulations within the Shire of Dandaragan. However matters relating to the issuing of infringement notices for breaches of the Act are considered to be potentially contentious.

By adopting the Department of Health Policy as a policy of Council the objectives of this policy automatically become the objectives of Council and would allow a consistent and clear method of management of any contentious issue that may arise with enforcement activity associated with the Food Act 2008 and Food Regulation 2009. Consistency is also achieved with the States application of the same.

#### CONSULTATION

There was no consultation for this report.

#### STATUTORY ENVIRONMENT

- Food Act 2008
- Food Regulation 2009

#### POLICY IMPLICATIONS



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There are no policy implications relevant to this report.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report.

ATTACHMENTS

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

- WA Food Regulation Compliance and Enforcement Policy (Doc Id: 10344)

**(Marked 9.5.2)**

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Russell, seconded Cr Short**

**That Council adopt the WA Food Regulation Compliance and Enforcement Policy produced by the Department of Health (DOH) as the Shire of Dandaragan's Food Regulation Compliance and Enforcement Policy.**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**9.6 BUILDING**

**9.7 COUNCILLOR INFORMATION BULLETIN**

**9.7.1 RECONCILIATION AUSTRALIA – BUILDING SUPPORT FOR CONSTITUTIONAL CHANGE**

Document ID: 9801

Reconciliation Australia welcomed the Australian Government's commitment to an 'Act of Recognition' towards Constitutional Recognition of Australia's First Peoples.

As an interim step, it moves Reconciliation Australia closer towards recognising Aboriginal and Torres Strait Islander people in our nation's founding document.

More information is on hand.

**9.7.2 DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY – IMPORTANT INFORMATION ABOUT THE DIGITAL TV SWITCHOVER**

Document ID: 9800

Australia is well on the way to switching to digital-only free-to-air TV with analog TV signals throughout Australia being progressively switched off.

To date, more than 1.6 million households have made the switch to digital-only TV. The analog TV signal has now been successfully switched off in areas of regional Victoria, South Australia, Queensland, Southern NSW, the Australian Capital Territory, the Murrumbidgee Irrigation Area and Northern NSW.

With switchover due to occur in Regional and Remote Western Australia (RRWA) on 25 June 2013, this correspondence is intended to assist you in answering any questions that you may have.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.2)**

### **9.7.3 DEPARTMENT OF WATER – COMMUNITY WATER SUPPLY PROGRAM**

Document ID: 9829

There is currently an opportunity for the Shire of Dandaragan to apply for funding under the Community Water Supply Program (CWSP).

The objective of the Community Water Supply Program is to assist farming communities in the dryland agricultural zone to establish or improve community water supplies that assist in meeting water needs during dry seasons. While the focus of the program is to provide sources of emergency farmland water, projects that reduce scheme water consumption on activities such as townscape improvements and road works are also eligible.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.3)**

### **9.7.4 DEPARTMENT OF LOCAL GOVERNMENT – TRAFFIC COUNTS – ALLOWANCE FOR HEAVY TRAFFIC ON GRAVEL ROADS**

Document ID: 9867

The impact of heavy vehicle traffic on roads is taken into account in the allocation of Financial Assistance Grants by the WA Local Government Grants Commission.

Local governments are urged to consider a traffic counting program to identify gravel roads that meet the Commission's criteria for increased maintenance allowances. Traffic counts submitted by 25 February 2013 will be taken into consideration in allocating the 2013/14 road grants.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.4)**

**9.7.5 JURIEB BAY CHAMBER OF COMMERCE – HOLIDAY CAMPING**

Document ID: 9869

The Jurien Bay Chamber of Commerce would like to congratulate the Shire on their initiative to open the town oval for camping overflow over the school holidays. This created valuable business for the town of Jurien Bay.

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

**9.7.6 JURIEB BAY CHAMBER OF COMMERCE – 2012 / 2013 ANNUAL BUDGET**

Document ID: 9870

The Jurien Bay Chamber of Commerce refer to correspondence received from the Shire advising the amount of \$56,345.00 being allocated towards entry statements in Jurien Bay.

As some time has passed since the correspondence was received the Chamber would like an update on how the initiative is progressing.

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.7.6)*

**9.7.7 MINISTER FOR FINANCE; COMMERCE; SMALL BUSINESS – AMENDMENTS TO BUILDING ACT IN EFFECT**

Document ID: 9873

The Minister has written to thank all Chief Executive Officers in local government for the role they have played in helping the Building Commission quickly address the implementation issues experienced during the changeover to more modern building laws. Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.7.7)*

**9.7.8 THE ROYAL AUTOMOBILE CLUB OF WA INC – PUBLIC POLICY DEBATES**

Document ID: 9882

The RAC has led public policy debates on issues affecting the mobility of Western Australians for more than 100 years.

The RAC has now published a strategic directions document simply titled "Go".

Go sets out the RAC's agenda around the three key themes of safe, accessible and sustainable mobility which they will pursue on behalf of their 750,000 members over the next decade.

A copy of "Go" is on hand.

**9.7.9 WALGA INFOPAGE – STATE EMERGENCY MANAGEMENT PLAN FOR SEVERE STORM (WEST PLAN STORM)**

Document ID: 9890

Key Issues:

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- Department of Fire and Emergency Services (DFES) is leading the review of the STATE Emergency management plan For Severe Storm (West Plan Storm).
- DFES is seeking Local Government Comment.
- Please provide comment on West Plan Storm by Monday 14 January 2013.

**9.7.10 WALGA INFOPAGE – REVIEW OF THE WESTERN AUSTRALIAN COMMUNITY RESOURCE NETWORK**

Document ID: 9891

Key Issues:

- The Minister for Regional Development and Lands is conducting a review of the Western Australian Community Resource Network.
- WALGA is seeking feedback on the attached Terms and Reference.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.10)**

**9.7.11 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 46.12 – 19 NOVEMBER 2012**

Document ID: 9893

Inside this issue:

- State Gravel Supply Strategy
- Public Forum On Wetland Systems
- Where Will You Display Your White Ribbons
- Officer Training
- Elected Member Training
- Environment Matters Seminar Series – Cash for Containers
- Applications Open for Community Energy Efficiency Program – Round Two
- Recreational Boating Facilities Scheme – Round 18 Now Open
- Aware 2012 Awareness Package – Working Near Underground Pipes and Cables
- Final Chance – IPWEA Lecture & Gold Medal Award Dinner, Friday 23 November

**9.7.12 MAIN ROADS WESTERN AUSTRALIA – SERVICES TO THE COMMUNITY OF WESTERN AUSTRALIA**

Document ID: 9914

Last year Main Roads Western Australia delivered almost \$1.5 billion of services to the Community of Western Australia with the largest portion of funds going towards their maintenance activities. Over that period their assets increased in about \$400 million in value and continue to represent almost 30% of the State's total asset base which is a significant community asset.

A copy of Main Roads 2012 Annual Report is on hand.

**9.7.13 WA POLICE – TOUGH ON GRAFFITI STRATEGY 2011-2015**

Document ID: 9915

On hand is a copy of the *Tough on Graffiti Strategy 2011-2015* (the *Strategy*) and the *Tough on Graffiti Implementation Plan* (the *Implementation Plan*).

These documents symbolise a whole-of-government approach for managing graffiti vandalism. The *Strategy* outlines the guiding principles for the delivery of all graffiti prevention initiatives in Western Australia and supersedes any other strategies developed and implemented by previous State Governments. The *Implementation Plan* clearly articulates agency roles and responsibilities in the delivery of the *Strategy*.

#### **9.7.14 MOORE CATCHMENT COUNCIL – ANNUAL REPORT**

Document ID: 9949

Moore Catchment Council would like to wish everyone a Merry Christmas and a prosperous New Year and they look forward to the Shire's continues support in 2013.

A copy of the Moore Catchment Council's 2011 / 2012 Annual Report is on hand.

#### **9.7.15 AUSTRALIAN GOVERNMENT – SATELLITE SUBSIDY SCHEME – WESTERN AUSTRALIA**

Document ID: 9910

Australia is well on the way to switching to digital-only TV. By the end of 2013 analog free-to-air TV signals will be switching off and replaced with digital-only signals. Perth will switch to digital-only TV on 16 April 2013 with the remainder of Western Australia to switch on 25 June 2013.

The Western Australian VAST service offers the full suite of 17 digital channels compared to the 4 to 5 analog channels received to date. Digital channels available on VAST are:

- WIN
- SBS ONE
- ABC 2
- ELEVEN
- NITV
- Prime (GWN)
- GO!
- SBS TWO
- ABC 3
- West Digital (Ten)
- 7TWO
- GEM
- SBS HD
- ABC 1
- ONE
- 7mate
- ABC NEWS 24

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.15)**

**9.7.16 DEPARTMENT OF DEFENCE – DRAFT LANCELIN DEFENCE TRAINING AREA BUSHFIRE MANAGEMENT PLAN: RESPONSE TO SHIRE COMMENTS**

Document ID: 9917

The Department of Defence would like to thank the Shire of Dandaragan Council and Community Emergency Services Coordinator (CESC) for the comments provided on the 1<sup>st</sup> and 2<sup>nd</sup> draft versions of the *Lancelin Defence Training Area Bushfire Management Plan 2012 – 2017* (LDTA BFMP). As a key external stakeholder, Defence values the Shire of Dandaragan's participation in the development of management plans for the Defence Training Area.

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

**9.7.17 MRS MARIA SILVESTER – LETTER ON THE JURIE BAY TOWNSHIP**

Document ID: 9946

*"I have made several trips to Jurie Bay town site over the past 12 months and I must congratulate the Council on the townscape improvements during that time. The Dobbyn Park precinct is a most pleasant area to sit and relax and watch children using the playground equipment, however I am surprised at the complete lack of shade / shelter over the playground. I wonder if Council has plans to provide shade and if so will it be erected prior to the hot summer season.*

*Australia has the highest incidence of melanoma in the world and I feel Council has to address this issue as a number 1 priority."*

**9.7.18 ADVANCE DANDARAGAN COMMITTEE – NATURE WALK CANCELLED**

Document ID: 9987

Advance Dandaragan wish to advise that the planned Nature Walk in the town site of Dandaragan has been cancelled. Advance Dandaragan met and discussed the project and by consensus it was decided not to proceed with the project at this time. Thank you to the Shire for the assistance you have given to the project.

**9.7.19 DEPARTMENT OF ENVIRONMENT AND CONSERVATION – SANDY CAPE RECREATION RESERVE: SANDY CAPE ASBESTOS MANAGEMENT PLAN (2012)**

Document ID: 9991

The site was classified as *possibly contaminated – investigation required* in May 2012. The Shire is required to undertake two actions as specified in the associated 'Reasons for Classification'.

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

**9.7.20 JURIE BAY POLICE STATION NEWSLETTER, NOVEMBER 2012 – DARREN SLYNS, SERGEANT**

Document ID: 10045

Inside this issue:

- From the Officer-in-Charge
- Myths about the Police Station Gates
- How to Contact Us
- Zero Tolerance on Street Drinking
- School Project at the Police Station
- Message from the Troops

**9.7.21 MEDIA RELEASE – MID-WEST ESTUARIES IN THE SPOTLIGHT**

Document ID: 10054

More than 80 per cent of West Australians live right next to an estuary, but how well do they really know them?

The Northern Agricultural Catchments Council is organising a series of workshops that put our local estuaries under the spotlight.

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

**9.7.22 WESTERN AUSTRALIAN PLANNING COMMISSION – LOCAL PLANNING SCHEME NO.7 AMENDMENT NO.19 – LOT 594 WESTON STREET CERVANTES – POLICE STATION SITE**

Document ID: 10101

The Minister for Planning determined the submissions in accordance with the schedule of submissions and granted final approval to the above mentioned amendment on 30 October 2012. In accordance with section 87(3) of the *Planning and Development Act 2005* (the PD Act), the Western Australian Planning Commission (Commission) will cause the amendment to be published in the *Government Gazette*.

More information is on hand.

**9.7.23 JURIE BAY DISTRICT HIGH SCHOOL – IMPORTANCE OF LOCAL COMMUNITY**

Document ID: 10107

Jurie Bay District High School is working toward building strong relationships between students and the wider community in the belief that by developing community values it will encourage civic responsibility, respect for others and an understanding of the concept of community.

The Shire's support for the Jurie Bay DHS Buddy Class program during their *Community Walk* involved considerable time, organisation and understanding and for this Jurie Bay DHS is very appreciative. The two *Community Walks* were a wonderful success and resulted in informed discussions, numeracy and literacy lessons, society and environment aspects and above all

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highlighted to the students the importance and relevance of the local community of Jurien Bay and all those who are a part of it.

**9.7.24 GOVERNANCE BULLETIN – ISSUE NO.2 – NOVEMBER 2012**

Document ID: 10110

Inside this issue:

- Clarity in Council Motions
- Welcome
- Legislation Update
- Local Government Standards Panel Case Study
- Hot Topic – Impartiality Interests
- Key Compliance Dates

**9.7.25 DEPARTMENT OF LOCAL GOVERNMENT – DIRECTOR GENERAL’S REPORT – OCTOBER 2012 – EDITION 2**

Document ID: 10111

Inside this issue:

- Minister Launches Framework for Local Government ICT Planning
- Stage 3 of WA Accounting Manual Now Available
- Perth Metro Review Report Released for Public Comment
- Structural Reform Update
- DLG Named Best Public Sector Organisation – Oceania at 2012 FutureGov Awards
- Update of Waste Local Laws
- Delegates Attend Grants Commission Conference in Geraldton.

**9.7.26 WALGA INFOPAGE – LOCAL GOVERNMENT ENERGY EFFICIENCY PROGRAM – FUNDING NOW AVAILABLE**

Document ID: 10143

Key Issues:

- The Local Government Energy Efficiency Program is now open.
- \$24 million is now available
- Local Governments can use WALGA’s e-quotes system to simplify the application process

**9.7.27 LOCAL GOVERNMENT NEWS – ISSUE NO 47.12 – 26 NOVEMBER 2012**

Document ID: 10144

Inside this issue:

- Heavy Vehicle Route Assessment Tool
- Seeking Caltrop Information from Local Governments
- Officer Training
- Elected Member Training
- Local Government Energy Efficiency Program Funding Now Available
- Experiences of Participatory Budgeting Seminar
- Regional Development Australia Fund – Rounds Three and Four Now Open

**9.7.28 THE UNIVERSITY OF WESTERN AUSTRALIA – “THE WHEATBELT: DESIRABLE HOMETOWNS FOR FIFO WORKERS?”**

Document ID: 10147



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On hand is a copy of Phoebe Huigen's research thesis, undertaken as part of the requirements for a Bachelor of Science in Urban and Regional Planning.

*A copy of this thesis was distributed to Council via email on 4 December 2012.*

**9.7.29 PUBLIC SECTOR COMMISSION – 2012 PREMIER'S AWARDS FOR EXCELLENCE IN PUBLIC SECTOR MANAGEMENT**

Document ID: 10150

The Deputy Commissioner is proud to announce the winners and finalists of the 2012 Premier's Awards for Excellence in Public Sector Management. The high calibre of entries received this year is a credit to the entire Western Australian public sector.

The Awards are an opportunity to recognise the wealth of innovative and creative projects being undertaken by the public sector in the delivery of better services to the Western Australian community.

More information is on hand including the profile of winners and finalists.

**9.7.30 HON MAX TRENORDEN MLC – LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL 2010**

Document ID: 10186

The 2010 Bill passed the Legislative Council in November 2011 but has languished in the Legislative Assembly for the past 12 months.

*"Sadly I have to now report that despite the State Government having introduced the Local Government Amendment Bill (No.2) 2012 in August 2012, which mirrors the intent (and in many sections the same wording) as the 2010 Bill, the Government chose, in the Legislative Assembly rejected a motion for the 2010 Bill to be debated. Unfortunately the National Party voted with the Government to oppose this move."*

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

**9.7.31 PUBLIC HEALTH ADVOCACY INSTITUTE OF WESTERN AUSTRALIA – SHIRE OF DANDARAGAN CERTIFICATE OF RECOGNITION – 2012 LOCAL GOVERNMENT CHILDREN'S ENVIRONMENT AND HEALTH REPORT CARD PROJECT**

Document ID: 10188

Highlights

- Housing density / affordability.
- Community consultation.
- Nature discovery.
- Playground amenities.

Areas for Improvement

- No documented strategies in healthy eating, smoke free environments for children and prevention of disease for children.
- Lack of strategies targeting children.
- Absence of consultation with children.

#### Recommendations

- Healthy eating.
- Smoke free environments for children.
- Prevention of diseases for children.
- Children specific strategies.
- Children's consultation.

More information is on hand.

#### **9.7.32 MAIN ROADS WESTERN AUSTRALIA – SHIRE OF DANDARAGAN – AGLIME SUBMISSION 2012-13 NORTH WEST ROAD 45.55 – 47.19 SLK, TOTAL ESTIMATED COST \$81,852**

Document ID:

Main Roads are pleased to advise that Council's submission for the above project requesting 2/3 state agricultural lime route funding of \$54,501 was successful.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.32)**

#### **9.7.33 FIRE & EMERGENCY SERVICES AUTHORITY – HIGH SEASON LIGHT TANKER APPLIANCE**

Document ID: 10199

FESA would like to advise that the Dandaragan Shire has been successful in their application for a High Season Light Tanker appliance for the 2012 / 2013 bushfire season.

The High Season Light Tanker appliance comes fully serviced and equipped and is to be placed in Badgingarra as per the application for use by the Volunteer Bushfire Brigade in the high risk area of the region.

#### **9.7.34 STATE HERITAGE OFFICE – HERITAGE NOMINATION – WEDGE AND GREY SHACK SETTLEMENTS**

Document ID: 10214

The Heritage Council has recently received a nomination, pursuant to the *Heritage of Western Australia Act 1990*, in respect to the above property from the National Trust (WA Branch).

It was determined that the place is likely to have cultural heritage value at the State level and, as such, it has been added to the Council's assessment program.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.34)**

**9.7.35 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NATIONAL STATE OF THE ASSETS REPORT**

Document ID: 10201

The Australian Local Government Association (ALGA) launched the first stage of its *National State of the Assets Report*, commissioned Jeff Roorda and Associates, at the National Local Roads and Transport Congress in Hobart on Friday 16 November 2012.

The report builds on *The Local Roads Funding Gap Report* launched at the 2010 Congress, which raised the need for a 'national state of the asset' reporting process to monitor progress on Council asset management systems, and to support further advocacy for Commonwealth funding support for local government roads and transport.

A copy of this correspondence including the report is on hand.

**9.7.36 DEPARTMENT OF LOCAL GOVERNMENT – QUEENS BIRTHDAY HOLIDAY ARRANGEMENTS FOR 2013 – REQUESTS FOR ALTERNATIVE DATES**

Document ID: 10212

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday public holiday) will be observed in 2013 on Monday 30 September 2012.

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2013 should provide a written request which:

- a. outlines the reason for the alternative date;
- b. identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c. includes advice on community consultation undertaken and the extent of agreement reached on the proposed alternative date.

The written requests should be submitted no later than 17 December 2012.

**9.7.37 REDGUM REPORTS – VOLUME 26 NO.22 – 30 NOVEMBER 2012 – LETTER TO THE EDITOR FROM KAY GLENNON**

Document ID: 10216

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.7.37)*

**9.7.38 WALGA – ECONOMIC BRIEFING – DECEMBER 2012**

Document ID: 10289

Inside this issue:

- House Prices
- Housing Affordability Across WA
- Working Population
- WA: The Well-Connected State

**9.7.39 MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 167 – NOVEMBER 2012**

Document ID: 10290

Inside this issue:

- Officers Advisory Group – Thanks to Mr Calneggia
- Another Globetrotter – Say Goodbye to Mr Latham
- Regional Resource Recovery Centre Officially Open for Waste – New Southern Metropolitan Regional Council Opening
- What's New at the Waste Authority – Annual Report 2011 / 2012 Now Available
- Review of Waste to Energy – Invite to the EPA and Waste Authority Review
- C & D Waste in Green Star – Green Building Council Discussion Paper
- Bush in Waste – HHW Dumping
- Vic Splashes Cash – Funding Available
- Big Brother for Charities – Salvos Looking at Beefing Security
- Island Hazards – Budget Busted for Proposed Hazardous Waste Site
- Release of Waste & Recycling in Australia 2011 – Report Available
- Superstorm Waste – Waste After Sandy
- Food for Containers – Mexico City Gets Fresh
- Out of the Frying Pan – Oil Recycling Yard in Flames

**9.7.40 WALGA INFOPAGE – CONSULTATION DRAFT – CODE OF PRACTICE FOR ONSITE SEWERAGE MANAGEMENT**

Document ID: 10291

Key Issues:

- The new Code of Practice for Onsite Sewerage Management has been released for comment
- The Code will reduce risks of failure and miss-management of onsite systems & ultimately the risk to public and environmental health.

**9.7.41 LOCAL GOVERNMENT NEWS – ISSUE NO 48.12 – 3 DECEMBER 2012**

Document ID: 10292

Inside this issue:

- Get Snap Happy: White Ribbons for Road Safety
- MWAC Information Bulletin
- Heavy Vehicle Route Assessment Tool
- Reminder: 2013 Local Government Directory Order Form
- Officer Training
- Elected Member Training
- Biodiversity Fund Opened for Land Managers in Northern Australia
- Regional Socio-Economic Data Now Available

**9.7.42 WA POLICE – NEIGHBOURHOOD WATCH MINISTER COMMISSIONER LETTER**

Document ID: 10314

Neighbourhood Watch will introduce an additional new approach

in 2013 to seek to encourage a wider group of people to become involved in the program.

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.7.42)*

**9.7.43 MAIN ROADS WESTERN AUSTRALIA – PROCLAMATION OF INDIAN OCEAN DRIVE AS A MAIN ROAD**

Document ID: 10338

The proclamation of Indian Ocean Drive (including the section of Jurien Road which has been renumbered as Indian Ocean Drive) was published in the Government Gazette of 23 November 2012.

Attached to the agenda is a copy of the above mentioned correspondence. *(Marked 9.7.43)*

**9.7.44 DEPARTMENT OF COMMUNITIES DISCUSSION PAPER – ‘WOMEN AND THE MEDIA: WHO DO THEY THINK YOU ARE?’**

Document ID: 10330

The world of mass media and its role and influence in our lives is increasing at a rapid pace. The portrayal of women in the media is an issue of growing concern.

Mass media has the ability to inform, educate and excite – yet the evidence points to the media as a major and continuing site of inequality for women. This inequality has real-life consequences for women’s health and well being.

This discussion paper has been designed to promote debate about the way media portrays women, and how these portrayals then affect both women and men.

A copy of the discussion paper is on hand.

**9.7.45 NATIONAL AUSTRALIA DAY COUNCIL – JOIN IN THE AUSTRALIAN CITIZENSHIP AFFIRMATION ON AUSTRALIA DAY 2013**

Document ID: 10317

An Australian Citizenship Affirmation ceremony is a wonderful way for the community to celebrate together, the values that we share as Australians.

An Affirmation ceremony is a short ceremony at which all present can publically affirm their loyalty and commitment to Australia and its people by reciting the Affirmation.

More information is on hand.

**9.7.46 MARINE PARKS AND RESERVES AUTHORITY – 2011 / 2012 ANNUAL REPORT**

Document ID: 10298

On hand is a copy of the Annual Report of the Marine Parks and Reserves Authority for the period ending 30 June 2012. The

Annual Report summarises the activities of the Authority during the 2011 / 2012 year and also contains a summary of the Authority's membership, role and functions.

The MPRA has responsibility for existing and future marine parks and reserves in Western Australia and welcomes input from the wider community on the marine reserves program.

**9.7.47 WESTERN AUSTRALIAN COUNTRY HARNESS RACING ASSOCIATION – THE IMPORTANCE OF RACING IN THE WHEATBELT**

Document ID: 10297

On hand is a copy of a state wide report that was recently published, highlighting the significant economic and social impact that racing has on the WA economy. Also on hand is a regional Wheatbelt snapshot report highlighting how important racing is across the region in terms of enhancing both individual and community wellbeing.

**9.7.48 AUSTRALIA LOCAL GOVERNMENT ASSOCIATION – UPDATE ON CONSTITUTIONAL RECOGNITION**

Document ID: 10100

The President of ALGA has written to the Shire of Dandaragan with additional details on the parliamentary committee and to urge all Councils to make a submission to the inquiry, as submissions are critically important in convincing the committee of the level of support within local government and to counter submissions lodged which might oppose constitutional recognition.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.48)**

**9.7.49 WESTERN AUSTRALIAN COMMUNITY RESOURCE NETWORK – CRC NETWORK NEWS – ISSUE NO.5 – NOVEMBER 2012**

Document ID:

Inside this issue:

- Marble Bar To The Rescue
- Outstanding Achievements Celebrated at Conference
- Follow The Rainbow
- Wildfire News For Nannup
- Beyond Gardens Simulcast
- Mowanjum Health Gardens
- RRR Makes A Switch
- Six Mid West CRCS Make a Marquee
- Forum Fun At Boyup Brook
- Westlink A Winner For Training
- Corrigin And Kondinin Cook Up A Storm
- Inspiring And Aspiring Bidyadanga
- Upcoming Westlink Broadcasts
- Posh In Boots
- Gascoyne Junction CRC Opens
- Waroona Youth Centre Attracts Teams Of Teens

- Ravensthorpe Swoops On Literacy
- Online Shopping The Walpole Way
- Dynamic Trio At Brunswick Junction
- Dreamy Denmark
- Money-Go-Round At Wellstead Harvest Carnival

**9.7.50 SUPERTOWNS: UPDATE FOR PROJECT REFERENCE GROUP 26 NOVEMBER 2012**

Document ID: 10080

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.50)**

**9.7.51 WALGA INFOPAGE – CONSULTATION DRAFT – CODE OF PRACTICE FOR ONSITE SEWERAGE MANAGEMENT**

Document ID: 10291

Key Issues:

- The new Code of Practice for Onsite Sewerage Management has been released for comment.
- The Code will reduce risks of failure and miss-management of onsite systems & ultimately the risk to public and environmental health.

**9.7.52 WALGA INFOPAGE – FEEDBACK SOUGHT – METROPOLITAN LOCAL GOVERNMENT REVIEW**

Document ID: 10325

Key Issues:

- WALGA will be preparing a submission in response to the Metropolitan Local Government Review Panel's Final Report.
- To facilitate feedback a *Submission Structure and Indicative Response for Consultation* has been prepared and is attached.
- Feedback from Local Governments is sought by 23 January 2013.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.52)**

**9.7.53 THE ROYAL AUTOMOBILE CLUB OF WA – WHEELS TO GO MEMBERSHIP**

Document ID: 10386

The RAC has launched a new membership, Wheels2go.

RAC are committed to safe, accessible and sustainable transport for all Western Australians. This inclusive strategy spreads from the car to public transport, pedestrians, cyclists and mobility devices such as manual and electric wheelchairs.

Wheels2go membership offers peace of mind to members with a mobility device, such as a manual or electric wheelchair, by providing access to roadside assistance twenty-four hours a day, seven days a week.

**9.7.54 STABLE FLY ACTION GROUP NEWSLETTER – ISSUE 17 – NOVEMBER 2012**

Document ID: 10387

Inside this issue:

- No Flies On Terry
- New Research Project
- Merry Christmas
- Final
- Local Council Contact Details
- The SFAG Committee

#### **9.7.55 DEPARTMENT OF PLANNING – 2013 WA STATE COASTAL CONFERENCE**

Document ID:

The 2013 WA State Coastal Conference will be held in Esperance, one of Western Australia's most beautiful coastal locations.

The conference is planned to take place 31 July – 2 August 2013 and is titled 'Balancing Communities and Coast'.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.55)**

#### **9.7.56 LANCELIN MANAGEMENT ADVISORY COMMITTEE – FINAL MINUTES – 7 NOVEMBER 2012**

Document ID:

Attached to the agenda is a copy of the above mentioned Minutes. **(Marked 9.7.56)**

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

#### **10.1 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:

For Council to endorse the Draft Project Design Brief for the Jurien Bay Visitor & Civic Centre as recommended by the SuperTowns Project Reference Group.

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Short, seconded Cr Russell**


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

**For Council to endorse the Draft Project Design Brief for the Jurien Bay Visitor & Civic Centre as recommended by the SuperTowns Project Reference Group.**

**CARRIED 9 / 0**



### 10.1.1 ENDORSEMENT OF DRAFT PROJECT DESIGN BRIEF – JURIE BAY VISITOR AND CIVIC CENTRE

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme/Council Properties/Urban Design/Civic Precinct
Disclosure of Interest:	Nil
Date:	19 December 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

For Council to endorse the Draft Project Design Brief for the Jurie Bay Visitor & Civic Centre as recommended by the SuperTowns Project Reference Group.

#### BACKGROUND

Since the announcement of the funding for SuperTowns in May 2012 considerable work has been undertaken by Council staff, appointed consultants, project managers and the Project Reference Group (PRG).

Council established the PRG in August 2012 for the purposes of assisting with the design and planning for the Jurie Bay Visitor & Civic Centre (JBVCC).

As a result, the PRG has prepared a Draft Project Design Brief (the Brief) and considered this at its meeting held 19 December 2012.

As a result, the PRG resolved to recommend to Council that the document be endorsed at its next available meeting to enable the PRG to submit the Brief to the architect.

#### COMMENT

The Brief provides the detail to the specific requirements that the PRG have determined that the JBVCC needs.

Individual organisations who have committed to relocating into the JBVCC have provided the necessary information in order to plan for space, equipment and provide a flexible building for the future.

Key elements include:

- Visitors Information / Tourist Centre;
- Community Resource Centre;
- Public Library;
- Information Technology and Communications Centre;
- classrooms associated with the ITCC above;
- government office accommodation;
- amphitheatre and performing arts area incorporated into public open space;
- internet and connectivity for users; and
- connection to the Jurie Bay District High School

The Project is described as:

*“The Jurien Bay Visitor and Civic Centre Project involves the design of a building that will provide an integration of visitor servicing / tourist information, education and community resources, office, art and culture, and technology spaces in a central location. These resources will effectively service a population of up to 5,000 with the capacity to adapt and expand, to continue to serve as the tourist, civic and learning hub of Jurien Bay.*

*In addition, government office space will be provided for both the Department of Environment and Conservation and Department of Fisheries.*

*The building will provide a clear connection and integration with the Jurien Bay District High School incorporating public space utilised to encourage visual and performing arts.”*

The Brief also highlights how the JBVCC will look, feel and blend into the existing built form in the vicinity of the project site:

*The building is to be designed to be environmentally friendly, with a view of reducing running costs of the building where possible. Utilisation of natural lighting, building position, photovoltaic cells, and reverse cycle air conditioning is preferred depending on a cost versus benefit analysis.*

*Where possible toilets, kitchens and courtyards are to be positioned where multiple users / organisations can access them, reducing the need for duplication.*

*The building is to be designed to blend in to the existing built forms in the vicinity, however it will have the ability to attract visitors and customers in its own right. The design will reflect the relaxed coastal ambience as a visitation statement.*

*Building to be designed for ease of staff movement from work area to public areas. Clear unobstructed access from foyer area to kitchen and store areas.”*

For Councillors information a tabled budget information sheet has also been provided to outline the costs associated with preparation of the Brief and timeframes.

Council is requested by the PRG to endorse the Brief as attached prior to submitting to the architect for further design work.

#### CONSULTATION

- SuperTowns Project Reference Group
- Norman Disney & Young
- Saleeba Adams Architects

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012</b>
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STATUTORY ENVIRONMENT

There are no statutory implications to this item.

POLICY IMPLICATIONS

There is no current policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The attached Timeframe and Budget for the JBVCC outlines the cost implications of any re-design and / or delay in construction time. These will need to be taken into consideration when the tender process commences.

STRATEGIC IMPLICATIONS

Shire Strategic Community Plan (July 2012)

**OBJECTIVE 2:** Ensure timely provision of essential and strategic Infrastructure to ensure investment and growth for the Shire is maximised.

CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G1-02-A1	Develop Civic Precinct concept in Jurien Bay	Town Centre Strategy Plan  SuperTowns Growth Plan	Short - medium	Jurien Bay	CRC  DEC  Other agencies

ATTACHMENTS

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

- Draft Project Design Brief – Jurien Bay Visitor & Civic Centre (Doc Id: 10395)
- Timeframe & Budget for the Jurien Bay Visitor & Civic Centre (Doc Id: 10610)

**(Marked 10.1.1)**

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr McGlew**

**That Council:**

1. **endorse the Draft Project Design Brief – Jurien Bay Visitor & Civic Centre with the following amendments:**
  - **remove the words “reception foyer incorporating” from dot point 1 on page 9; and**
  - **remove dot point 7 from page 9; and**
2. **acknowledge the Timeframe and Budget for the Jurien Bay Visitor & Civic Centre.**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 20 DECEMBER 2012**

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 6.52pm.

These minutes were confirmed at a meeting on .....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....