



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 25 August 2016** at the **Council Chambers Jurien Bay** commencing at **11.00am**.

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

The format for the day is as follows:

- | | |
|-------------------|--|
| 8.30 am | Agenda Briefing Session |
| 9.30 am | Official Opening Jurien Bay Old Jetty Heritage Memorial |
| 11.00 am | Ordinary Meeting of Council (School Visit – students from Jurien Bay) |
| 12.00 noon | LUNCH |
| 2.00 pm | CEO Annual Review – Anne Lake |
| | Councillor Discussion Session following Annual Review |

A handwritten signature in blue ink, appearing to read "Tony Nottle".

Tony Nottle
CHIEF EXECUTIVE OFFICER

18 August 2016



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING

to be held

AT THE COUNCIL CHAMBERS, JURIEN BAY

on

25 AUGUST 2016

COMMENCING AT 11.00AM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)



ORDINARY COUNCIL MEETING

25 AUGUST 2016

Welcome to the Ordinary Council Meeting of the Shire of Dandaragan.

Please be advised that the Ordinary Meeting of Council will be held on the following dates, times and venues:

DAY	DATE	TIME	MEETING VENUE
Thurs	25 August 2016	11.00am	Jurien Bay – School Visit
Thurs	22 September 2016	4.00pm	Badgingarra
Thurs	27 October 2016	4.00pm	Jurien Bay
Thurs	24 November 2016	4.00pm	Cervantes
Thurs	15 December 2016	4.00pm	Jurien Bay
Wed	25 January 2017	4.00pm	Cervantes (AGM of Electors - 6.00pm)
Thurs	23 February 2017	4.00pm	Jurien Bay
Thurs	23 March 2017	4.00pm	Jurien Bay
Thurs	27 April 2017	4.00pm	Dandaragan
Thurs	25 May 2017	4.00pm	Jurien Bay
Thurs	22 June 2017	4.00pm	Jurien Bay

Public Forums commence immediately following the closure of the Council Meeting which is generally about 5.00pm.

Members of the public are most welcome to attend both the Council Meetings and the Public Forums.

BY ORDER OF THE COUNCIL

Tony Nottle
CHIEF EXECUTIVE OFFICER



DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

Please note:

The recommendations contained in this agenda are Officers Recommendations only and should not be acted upon until Council has considered the recommendations and resolved accordingly.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils Decision.

Tony Nottle
CHIEF EXECUTIVE OFFICER



COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Council has prepared an appropriate form and Public Question Time Guideline to assist.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration should it be determined appropriate by the Chief Executive Officer.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Shire of Dandaragan Administration Centre and all four libraries as well as on the website www.dandaragan.wa.gov.au seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Shire of Dandaragan Libraries and on the website www.dandaragan.wa.gov.au within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

The Shire of Dandaragan welcomes community participation during public question time as per the Shire of Dandaragan Standing Orders Local Law.

A member of the public who raises a question during question time is requested to:

- (a) provide a copy of his or her questions at least 15 minutes prior to the commencement of the meeting;
- (b) first state his or her name and address;
- (c) direct the question to the President or the Presiding Member;
- (d) ask the question briefly and concisely;
- (e) limit any preamble to matters directly relevant to the question;
- (f) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
- (g) each **member of the public** with a question is **entitled to ask up to 3 questions** before other members of the public will be invited to ask their questions;
- (h) when a member of the public gives written notice of a question, the President or Presiding Member may determine that the question is to be responded to as normal business correspondence.

The following is a summary of procedure and a guide to completion of the required form.

1. This is a “question” time only. Orations, explanations or statements of belief will not be accepted or allowed.
2. Questions must relate to a matter affecting the Shire of Dandaragan.
3. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Mayor or Presiding Member and therefore not considered.
4. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
5. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
6. When the President or presiding member calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, then ask the question.
7. Questions to be put to the President or presiding member and answered by the Council. No questions can be put to individual Councillors.
8. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** Questions not asked may still be submitted to the meeting and will be responded to by mail.
9. When you have put your question, resume your seat and await the reply. If possible, the President or presiding member will answer directly or invite a staff member with special knowledge to answer in his place. However, it is more likely that the question will have to be researched, in which case the President or presiding member will advise that the question will be received and that an answer will be forwarded in writing. Please note under NO circumstances, will the question be debated or discussed by Council at that meeting.
10. To maximise public participation only three questions per person will initially be considered with a time limit of 2 minutes per person. If there is time after all interested persons have put their questions the President or presiding member will allow further questions, again in limits of two per person.
11. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
12. Please ensure your form is submitted to the minutes secretary.

If you have difficulty in or are incapable of writing the question, Shire staff are available on request to assist in this task.

We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

SHIRE OF DANDARAGAN

QUESTIONS FROM THE PUBLIC

Any member of the public wishing to participate in Public Question Time during Council or Committee meetings is welcome to do so, however, Council requires your name, address and written questions to be provided to the meeting secretary.

Name: _____ Signature: _____

Address: _____

Contact No: _____ Meeting Date: _____

Council Agenda Item No: _____
(if applicable, see below*)

Name of Organisation Representing: _____
(if applicable)

QUESTION:

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings.

Please see notes on Public Question Time overleaf...

- * **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.
- * **Council Meetings:** Questions are to relate to a matter affecting the Shire of Dandaragan.



**REGISTER OF FINANCIAL / IMPARTIALITY / PROXIMITY INTEREST
RECORD OF DISCLOSURES MADE**

NAME OF PERSON MAKING DISCLOSURE

Surname: _____

Christian Names: _____

Date of Disclosure: _____

Date of Meeting: _____

Council Meeting: Yes No (Please
Circle)

or

Committee Meeting: Yes No (Please
Circle)

Name of Committee: _____

Agenda Book Page No: _____ Item No: _____

Nature and Extent of Financial Interest:

Signature of Person Making Disclosure:

Signature of Staff Recording Financial Interest:

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

1.2 DISCLAIMER READING

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor D Slyns	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Ms R Headland	(Council Secretary & PA)

Apologies

Mr D Chidlow	(Manager Planning)
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Approved Leave of Absence

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME



5 APPLICATIONS FOR LEAVE OF ABSENCE**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD 28 JULY 2016.****7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The President has received two declarations from the Cervantes Action Group and the Jurien Bay Water Catchment and Gas Field Free Group.

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**9 REPORTS OF COMMITTEES AND OFFICERS**

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 CERVANTES SAILING FIN FISHERS CLUB INC

Location:	Cervantes
Applicant:	Cervantes Sailing Fin Fishers Club Inc.
Folder Path:	Business Classification Scheme / Parks and Reserves / Usage / Leasing
Disclosure of Interest:	Nil
Date:	9 August 2016
Author:	Tony O'Gorman Club Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton Executive Manager Corporate and Community Services
Signature of Senior Officer:	

PROPOSAL

To provide a lease over Reserves 47597 and 47598 Cervantes to the Cervantes Sailing Fin Fishers Club Inc.

BACKGROUND

Reserves 47597 and 47598 are Crown lots created as reserve for the purpose of Recreation/ Sailing Club. The Shire of Dandaragan has a Management order in its favour. The Reserves have previously been leased to the Cervantes Sailing Club. The sailing club have erected a clubhouse and ablution facilities on the reserve. This building has been vacant for a number of years and has fallen into disrepair. The Council had previously been requested by the Cervantes Ratepayers Association to have the building demolished, a demolition order had been granted. An accumulated debt for water usage has been incurred with the Water Corporation; this is a matter between the Water Corporation and the lessee.

COMMENT

The Cervantes Sailing Fin Fishers Club is a new organisation incorporated in May 2016. The group has come together to promote proper methods for fin fishing in the waters off Cervantes. They have an educative focus providing information to fin fishers as to the best methods for conserving fish stocks and disposing of carcasses in the most appropriate manner. The club will also provide boating safety education and instruction on fishing knots rods and reels. Reconstructing the current derelict building on the reserve as their base to deliver education and social programmes is a priority for the club

A demolition order had been issued for the building but is currently on hold pending the outcome of the Cervantes Sailing Fin Fishers Club application to take a lease on the reserves and reconstruct the building as a club room for their organisation's use.

The Club has undertaken advertising of their intent to set up and operate the club across the Cervantes Community and have also circulated a petition to solicit support for their proposal. The petition contains one hundred signatures from the Cervantes town site and includes signatures from visitors to the town.

CONSULTATION

- Cervantes Community
- Former Office Bearers of the Cervantes Sailing Club
- Department of Lands

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

Policy 6.5 Reserves

OBJECTIVE

To provide guidance regarding the usage and leasing arrangement of Shire Reserves.

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire of Dandaragan as all remediation work will be undertaken at the Club's expense.

STRATEGIC IMPLICATIONS

Strategic Community Plan Goal 2 Healthy Safe and Active Community.

ATTACHMENTS

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

- Letter to the CEO announcing the formation of the Cervantes Sailing Fin Fishers Club Inc. and requesting use of the building on reserves 47597 and 47598, Notice of intention to Incorporate the Cervantes Fin Fishers Club, Petition with one hundred signatures, Certificate of Incorporation. (Doc ID 69730)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. **agree in Principle to leasing reserves 47597 and 47958 to the Cervantes Sailing Fin Fishers Club for \$1.00 per annum.**
2. **advertise the proposed lease of Reserve to be entered into with the Cervantes Sailing Fin Fishers Club for**

comment from the public in accordance with Section 3.58 of the Local Government Act;


3. all costs associated with providing the Cervantes Sailing Fin Fishers Club is borne by the Club, including advertising, lease drafting any costs associated with surveying etc. Any costs associated with reconstruction of the facility.


Advice Note:

1. all appropriate building and planning approvals are sought through the Shire approvals process, prior to any construction / remediation works taking place.

9.1.2 REVIEW OF COMMUNITY GRANT APPLICATIONS 2016 / 2017

Location: N/A
 Applicant: N/A
 Folder Path: Business Classification Scheme / Grants and Subsidies / Applications / Shire Community Grants
 Disclosure of Interest: Nil
 Date: 12 August 2016
 Author: Michelle Perkins, Community Development Officer

Signature of Author: 
 Senior Officer: Scott Clayton, Executive Manager Corporate & Community Services

Signature of Senior Officer: 

PROPOSAL

The purpose of this report is to:

1. Authorise the allocation of funds for the Shire of Dandaragan Community Grants for 2016 / 2017.
2. Consider an additional condition and amendment to the Shire of Dandaragan Community Grants Program Conditions of Application.

BACKGROUND

In accordance with the Community Grants Program Policy 1.6, advertisements were placed in each of the four local community newspapers inviting applications for community groups. The objective of the Community Grants is to provide funds to community-based organisations and individuals, to support the promotion and development of social, economic, recreation, art and cultural benefits for the residents of the Shire of Dandaragan.

COMMENT

This year, the funding pool, including a carryover from the previous financial year, is \$23,779.93. The Grants Program received a total of 22 applications, however one was withdrawn prior to the closing date, therefore there was a total funding request of \$24,316.65 which is a slight oversubscription.

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Advance Dandaragan	3 Events - Australia Day BBQ - Dandaragan Community Carols - Dandaragan Quiet Achievers Dinner	\$1,600
Badgingarra Chamber of Commerce	Sign for town entry	\$1,500
Badgingarra Community Association	Wildflowers Photography Workshop	\$450
Badgingarra Community	Step into Badgy Stepping	\$430

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 AUGUST 2016

Association	Stones Project	
Cervantes Chamber of Commerce	Concept Drawings for Cervantes Information Bay Art Installation	\$1,500
Cervantes Community Recreation Centre	Sporting Activity Workshops	\$410
Cervantes Cultural Committee	Art Workshop during Cervantes Market Day/Show and Shine	\$1,500
Cervantes Historical Society	Hard-drive and Storage Cabinet	\$938.20
Cervantes Memorial Park	Flagpole	\$1,276.90
Cervantes Primary School P&C	Cyber-Safety Workshop	\$1,000
Cervantes Primary School P&C	Indigenous Cultural Workshops	\$860
Cervantes Playgroup	Petting Zoo	\$926.55
Cervantes Ratepayers & Progress Association	Mural Artist Fees for General Store Wall	\$1,500
Cervantes Volunteer Bush Fire Brigade	Emergency Volunteers Dinner	\$1,500
Dandaragan Repertory Club	Stage Lights, Clamps, & Cables	\$1,500
Dandaragan Shire 4 Arts	Life Drawing Workshop and Sketching Workshop	\$1,200
Dandaragan Community Resource Centre	Workshop & Facilitator for Dandaragan Way Tourism Trail	\$1,500
FUNdraisers Dandaragan	Replace Lighting at Dandaragan War Memorial	\$525
Jurien Bay Community Men's Shed	Oktoberfest Promotions and Venue Hire	\$1,200
Jurien Bay Progress Association	Concept Plan, Feasibility Study and Land Survey for Jurien Bay Interpretive Complex	\$1,500
West Midlands Group	Presenter Fees & Travel costs, Advertising and Venue Hire for Women Wellbeing and Wine Event	\$1,500
	TOTAL	\$24,316.65

This will be the eighth consecutive year of the Shire of Dandaragan Community Grants Program. The assistance provided by the Shire is to support the community event and is not intended to be the sole source of funding.

The Community Grants Committee met on 11 August 2016 to consider the applications.

The first item of discussion was to consider the eligibility of the applications. The following applications were considered ineligible (or elements of the application were ineligible):

Applicant: Advance Dandaragan
Request: 1 of 3 Events

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 AUGUST 2016

- Comment: Australia Day Community Breakfast BBQ
 The Australian Day event is already listed in the Shire of Dandaragan budget as a separate item as outlined in Policy 1.6 'Recurring Grants 3' for \$750 therefore it is ineligible to be funded under this Program.
- Applicant: Badgingarra Chamber of Commerce
 Request: Sign for town entry
 Comment: Applicant did not contact Shire Staff regarding Community Projects on Council Reserves/Road Reserves - Project Guidelines. This is a durable item therefore is deemed ineligible. The Committee suggested that this may be an item under the Tourism budget.
- Applicant: Cervantes Chamber of Commerce
 Request: Concept Drawings for Cervantes Information Bay Art Installation
 Comment: Deemed ineligible as it constitutes a forward planning activity under Annual Grant Conditions 3.i.
- Applicant: Cervantes Community Recreation Centre
 Request: Sporting Activity Workshops
 Comment: Budget in the application was incorrect so total expenses was only \$350 (despite requesting \$410). \$50 insurance expense was deemed ineligible due to the Centre already having insurance for this type of core activity.
- Applicant: Cervantes Historical Society
 Request: Hard-drive and Storage Cabinet
 Comment: Durable items eligible under Tronox SRFF therefore deemed ineligible for Community Grant.
- Applicant: Cervantes Memorial Park
 Request: Flagpole
 Comment: Durable item eligible under Tronox SRFF therefore deemed ineligible under this grant program. However, the Committee suggested that this may be an item under the Maintenance budget.
- Applicant: Cervantes Primary School P&C
 Request: Cyber-Safety Workshop
 Comment: Deemed ineligible due to being responsibility of another level of government (under State Department of Education).
- Applicant: Cervantes Volunteer Bush Fire Brigade
 Request: Emergency Services Volunteer Dinner

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Comment: Declined due to being an exclusive event. Based on grant budget, it was determined that only 3 members of each emergency services group would be invited and the Committee felt that any event should include all emergency services volunteers.

Applicant: Dandaragan Repertory Club
Request: Stage Lights, Clamps & Cables
Comment: Durable item eligible under Tronox SRFF therefore deemed ineligible under this grant program.

Applicant: Dandaragan Community Resource Centre
Request: Workshop and Facilitator for Dandaragan Way Tourism Trail
Comment: Deemed ineligible as it constitutes a forward planning activity under Annual Grant Conditions 3.i. However, Committee recommended funding due to the activity having a high criteria ranking for benefiting the community, wider community participation, and involvement of other community organisations.

Applicant: FUNdraisers Dandaragan
Request: Replace lighting at Dandaragan War Memorial
Comment: Durable item eligible under Tronox SRFF therefore deemed ineligible under this grant program.

Applicant: Jurien Bay Progress Association
Request: Concept Plan, Feasibility Study and Land Survey for Jurien Bay Interpretive Complex
Comment: Deemed ineligible as it constitutes a forward planning activity under Annual Grant Conditions 3.i. However, Committee recommended funding due to the activity having a high criteria ranking for benefiting the community, level of volunteer participation, extent to which applicant is funding the project, and involvement of other community organisations.

These remaining applications were deemed eligible and therefore, the working party recommends Council award the following grants in full:

ORGANISATION	PROJECT DESCRIPTION	GRANT
Advance Dandaragan	2 Events - Dandaragan Community Carols - Dandaragan Quiet Achievers Dinner	\$800
Badgingarra Community	Wildflowers Photography	\$450

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Association	Workshop	
Badgingarra Community Association	Step into Badgy Stepping Stones Project	\$430
Cervantes Community Recreation Centre	Sporting Activity Workshops	\$300
Cervantes Cultural Committee	Art Workshop during Cervantes Market Day/Show and Shine	\$1,500
Cervantes Primary School P&C	Indigenous Cultural Workshops	\$860
Cervantes Playgroup	Petting Zoo	\$926.55
Cervantes Ratepayers & Progress Association	Mural Artist Fees for General Store Wall	\$1,500
Dandaragan Shire 4 Arts	Life Drawing Workshop and Sketching Workshop	\$1,200
Dandaragan Community Resource Centre	Workshop & Facilitator for Dandaragan Way Tourism Trail	\$1,500
Jurien Bay Community Men's Shed	Oktoberfest Promotions and Venue Hire	\$1,200
Jurien Bay Progress Association	Concept Plan, Feasibility Study and Land Survey for Jurien Bay Interpretive Complex	\$1,500
West Midlands Group	Presenter Fees & Travel costs, Advertising and Venue Hire for Women Wellbeing and Wine Event	\$1,500
	TOTAL	\$13,666.55

The final item of discussion was the quality of the grant applications themselves. The following items of concerns were raised:

- 1) The listing of pre-existing internal costs of the group paid whether the event goes ahead or not such as insurance costs for core activities should not be included in the budget section of the application.
- 2) It was suggested by the working party that an information session be held prior to next year's grant program to educate applicants on what is expected to be contained in applications.
- 3) It was suggest by the Committee to include retrospective projects as being ineligible for funding.

CONSULTATION

- Councillor Leslee Holmes
- Councillor Judy Kulisa
- Councillor Kaye McGlew
- Councillor Dahlia Richardson

STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996

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POLICY IMPLICATIONS

In accordance with Shire of Dandaragan's Policy 1.6 Community Grants Program.

FINANCIAL IMPLICATIONS

A budget of \$23,779.93 is available in 2016 / 2017.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan 2015 - 2025

GOAL THREE: Strong and connected community	
OBJECTIVE	How the Shire will contribute to these objectives
3.4 Support community-led initiatives	Provide community grant program, set at a percentage of rates and reviewed four yearly in the Corporate Business Plan

ATTACHMENTS

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

- Shire of Dandaragan Community Grants Program Conditions of Application (Doc ID: 65456)

(Marked 9.1.2)

A copy of the grant applications have previously been provided to Councillors Holmes, Kulisa, McGlew and Richardson at the meeting to assess the applications held on 11 August 2016. Due to the large size of the attachment, a copy can be provided to Councillors upon request.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Fully fund the following grant applications:**

ORGANISATION	PROJECT DESCRIPTION	GRANT
Badgingarra Community Association	Wildflowers Photography Workshop	\$450
Badgingarra Community Association	Step into Badgy Stepping Stones Project	\$430
Cervantes Playgroup	Petting Zoo	\$926.55
Cervantes Ratepayers & Progress Association	Mural Artist Fees for General Store Wall	\$1,500
Dandaragan Shire 4 Arts	Life Drawing Workshop and Sketching Workshop	\$1,200
Dandaragan Community Resource Centre	Workshop & Facilitator for Dandaragan Way Tourism Trail	\$1,500

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2. **Partially approve the Advance Dandaragan request up to \$800 for two events, excluding the Australia Day BBQ.**
3. **Partially approve the Cervantes Community Recreation Centre request up to \$300 for workshops, excluding insurance fees.**
4. **Approve the Cervantes Cultural Committee request of \$1,500 in full with the condition that the organisation provide financial documents to the Shire before funds are released.**
5. **Approve the Cervantes Primary School P&C request of \$860 in full with the condition that the Association provide a written quotation from the workshop presenter before funds are released.**
6. **Approve the Jurien Bay Community Men's Shed request of \$1,200 in full with the condition that this is the final year that this event will be funded under the Community Grants program.**
7. **Approve the Jurien Bay Progress Association request of \$1,500 in full on the condition that the Association must provide a project brief before funds are released. While having in-principle support, the wider project has not been considered by Council to date and therefore this should not be considered final approval for the project.**
8. **Approve the West Midlands Group request of \$1,500 in full with the condition that this is the final year that this event will be funded under the Community Grants program.**
9. **Reject the following grant applications:**

ORGANISATION	PROJECT DESCRIPTION	GRANT
Badgingarra Chamber of Commerce	Sign for town entry	\$1,500
Cervantes Chamber of Commerce	Concept Drawings for Cervantes Information Bay Art Installation	\$1,500
Cervantes Historical Society	Hard-drive and Storage Cabinet	\$938.20
Cervantes Memorial Park	Flagpole	\$1,276.90
Cervantes Primary School P&C	Cyber-Safety Workshop	\$1,000
Cervantes Volunteer Bush Fire Brigade	Emergency Volunteers Dinner	\$1,500
Dandaragan Repertory Club	Stage Lights, Clamps, & Cables	\$1,500
FUNdraisers Dandaragan	Replace Lighting at Dandaragan War Memorial	\$525


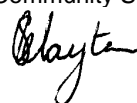
10. **Adopt an additional condition to the Shire of Dandaragan Community Grants Program Conditions of Application to read as follows:**

“6.j) Any activity or project already underway or completed.”

and:

“2.5 Is this project/activity already underway, or has it been completed? Yes/No”

9.1.3 SHIRE OF DANDARAGAN & TRONOX SPORTING AND RECREATION FACILITIES FUND COMMITTEE GRANT DETERMINATIONS FOR THE 2016 / 2017 FINANCIAL YEAR

Location:	N/A
Applicant:	N/A
File Ref:	Business Classification Scheme / Grants and Subsidise / Applications / Tronox Community Grants
Disclosure of Interest:	Nil
Date:	11 August 2016
Author:	Michelle Perkins, Community Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Senior Officer:	

PROPOSAL

The purpose of this report is to:

1. Consider the allocation of funds for the Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund grant determinations for 2015 / 2016 financial year.
2. Consider amendments to Tronox & Shire of Dandaragan Sporting & Recreation Facilities Fund Assessment Criteria.

BACKGROUND

The Council may allocate a sum of money each year for the purpose of 'Assisting local organisations to provide or improve sporting and recreational facilities and to purchase or improve items of durable equipment'. Council has allocated an amount of \$15,000 on the 2016 / 2017 Budget for the Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund and Tronox has once again contributed to match the funding, for total grant fund available of \$30,000. In addition, there is a carryover amount from previous years of \$20,322.31, therefore the total funds available this year is \$50,322.31. The funds are allocated by a Committee, made up of two representatives from each community within the Shire of Dandaragan.

COMMENT

This year, a total of 23 applications were submitted by community organisations and sporting clubs. The total fund available is \$50,322.31 and the sum of all requests (ex GST) was \$96,431.09.

Badgingarra Primary School P&C submitted an application but it was recommended that funding be sought through Tronox School Partnership Program. It was confirmed by the Tronox Representative that the school had not yet utilised their allocated School Partnership funds, and therefore this application was denied.

Cervantes Community Recreation Centre submitted an application requesting funding for table trolleys, a chair trolley and bain marie.

A committee member was aware that the table trolleys had already been purchased and manufactured and therefore were ineligible for funding under point 8 of Assessment Criteria, however the other items were considered eligible.

Cervantes Cultural Committee submitted an application for signage for the Windvane Art, and security cameras/system for Cervantes Community Recreation Centre. The security camera item was denied funding as it was deemed more appropriate for the Cervantes Community Recreation Centre itself to apply for this item.

Cervantes Golf Club submitted an application for a ride-on mower, however funding was denied because it was not demonstrated that the club could contribute the 50% required to fulfil the project as per point 5 of the Assessment Criteria.

Coastal Kids Care submitted an application for climbing equipment and soft fall. Just prior to the committee meeting, the applicant contacted the CDO to ask that the soft-fall item be removed from the grant request. Funding was denied due to not having applied for funding elsewhere as per point 26 of the Assessment Criteria.

Dandaragan Community Recreation Club submitted an application for tables, however members of the DCRC committee present requested that the application be withdrawn due to the items being sourced previously.

Dandaragan Community Resource Centre submitted an application for marquees, tables and eskies however was deemed ineligible as per point 4 of the Assessment Criteria due to late submission.

Jurien Bay District High School P&C Association submitted an application to construct a roof patio and concrete floor for a Multi-Purpose Outdoor Area however was deemed ineligible as per point 23 of the Assessment Criteria which deemed it necessary for large projects over \$10,000 to apply for funding to other funding bodies. The Tronox Representative also advised that the school had already receiving maximum funding for projects through the Tronox School Partnership Program.

Jurien Bay Volunteer Marine Rescue Group submitted an application to purchase a laptop and equipment however it was denied due to the group having received a significant amount of funding both by external funding bodies, and had received grants in previous Tronox rounds and therefore should be declined on this occasion based on point 29 in the Assessment Criteria.

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Jurien Bay Bowling Club submitted an application for an automatic irrigation system for bowling greens. The application was denied due to the organisation having received significant funding in previous rounds and should be declined on this occasion under point 29 in the Assessment Criteria.

The Committee agreed to fund the following list of 15 projects:

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Advance Dandaragan	Gym Flooring	\$1,917.60	\$958.70
Badgingarra Community Association	Cupboards/Sink to bar area in Badgingarra Community Centre	\$5,181.82	\$2,590.91
Canover Volunteer Bush Fire Brigade	Mobile Communication Booster and Fridge	\$1,900	\$950
Cervantes Bowling Club	Reticulation for synthetic green	\$9,000	\$4,500
Cervantes Community Recreation Centre	Bain Marie & Chair Trolley	\$1,047.90	\$314.95
Cervantes Cultural Committee	Signage (lectern) at Windvane Art	\$3,254.70	\$625
Cervantes Ratepayers & Progress Association	Shade cover (metal) over playground at Catalonia Park	\$15,000	\$7,500
Cervantes Volunteer Bush Fire Brigade	BBQ	\$799	\$399.50
Dandaragan Bowling Club	Perimeter Seating around green	\$2,797	\$1,398.50
Dandaragan Golf Club	Concrete Shed Floor	\$8,030	\$4,000
Jurien Sport and Recreation Centre	PA System	\$27,522	\$13,761
Jurien Sport and Recreation Centre	Fridge	\$1870	\$935
Lions Club of Jurien Bay	Gazebos	\$2,304	\$1,152
St John Ambulance Dandaragan	IPads	\$6,590	\$3,295
Turquoise Coast Netball Association	Courtside Shelters	\$13,000	\$6,500
TOTAL		\$100,214.02	\$48,880.56

CONSULTATION

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

STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996.

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POLICY IMPLICATIONS

Council Policy 1.15 applies in relation to purchasing.

FINANCIAL IMPLICATIONS

Council has made provision in the budget for \$30,000 expenditure and includes matching income from Tronox of \$15,000 and general purpose revenue of \$15,000, plus balance brought forward from 2014/2015 of \$20,322.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan 2015 - 2025

GOAL 2: Healthy, Safe and Active Community	
Objectives	How the Shire will contribute to these objectives
2.4 Provide recreation and community facilities and activities	<ul style="list-style-type: none"> ▪ Maintain Civic buildings, community centres and public halls to provide facilities for a range of community activities (note the community centres are run by community organisations) ▪ Plan for future recreation needs, including five-yearly review of the Recreation Plan, feasibility assessments in accordance with the Major Recreation Facilities Fund, and review of cycleway and dual use pathway plans
GOAL 3: Strong and Connected Community	
3.4 Support community-led initiatives	<ul style="list-style-type: none"> ▪ Support community self-management of resources where appropriate

ATTACHMENTS

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

- Minutes of the Committee meeting held 8 August 2016 (Doc ID: 71418)
- Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund Assessment Criteria (Doc ID:65599)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council:

- 1. approve the following grant applications for the Tronox & Shire of Dandaragan Sporting & Recreation Facilities Fund, as recommended at the Committee meeting held on the 8 August 2016, for the 2016 / 2017 financial year:**

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Advance Dandaragan	Gym Flooring	\$1,917.60	\$958.70

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Badgingarra Community Association	Cupboards/Sink to bar area in function room of Badgingarra Community Centre	\$5,181.82	\$2,590.91
Canover Volunteer Bush Fire Brigade	Mobile Communication Booster and Fridge	\$1,900	\$950
Cervantes Bowling Club	Reticulation for synthetic green	\$9,000	\$4,500
Cervantes Community Recreation Centre	Bain Marie & Chair Trolley	\$629.90	\$314.95
Cervantes Cultural Committee	Signage (lectern) at Windvane Art	\$1,375	\$625
Cervantes Ratepayers & Progress Association	Shade cover (metal) over playground at Catalonia Park	\$15,000	\$7,500
Cervantes Volunteer Bush Fire Brigade	BBQ	\$799	\$399.50
Dandaragan Bowling Club	Perimeter Seating around green	\$2,797	\$1,398.50
Dandaragan Golf Club	Concrete Shed Floor	\$8,030	\$4,000
Jurien Sport and Recreation Centre	PA System	\$27,522	\$13,761
Jurien Sport and Recreation Centre	Fridge	\$1870	\$935
Lions Club of Jurien Bay	Gazebos	\$2,304	\$1,152
St John Ambulance Dandaragan	IPads	\$6,590	\$3,295
Turquoise Coast Netball Association	Courtside Shelters	\$13,000	\$6,500
TOTAL		\$100,214.02	\$48,880.56

2. reject the following grant applications for the Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund, as recommended at the Committee meeting held on the 8 August 2016:

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Badgingarra Primary School P&C Association	Shade Sail	\$6,402	\$3,201
Cervantes Community Recreation Centre	Table Trolleys	\$418	\$209
Cervantes Cultural Committee	Security Cameras / System for Cervantes Community Recreation Centre	\$1,879.70	\$939.85
Cervantes Golf Club	Ride-on Mower	\$27,500	\$13,750

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Coastal Kids Care	Climbing Equipment	\$5,000	\$2,272.73
Dandaragan Community Recreation Club	Tables	\$3,430	\$1,363.64
Dandaragan Community Resource Centre	Marquees, Tables and Eskies	\$2,412.73	\$1,251.82
Jurien Bay District High School P&C Association	Roof Patio and Concrete Floor for Multi-Purpose Outdoor Area	\$25,565.24	\$12,500
Jurien Bay Volunteer Marine Rescue Group	Laptop	\$1,400	\$700
Jurien Bowling Club	Automatic Irrigation System for Bowling Greens	\$22,600	\$11,300
TOTAL		\$96,607.67	\$47,488.04

3. adopt amendments to the Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund Assessment Criteria with section 16, 17, 28, and 30 to read as follows:

“16. The organisation concerned shall manage all project purchases and construction.

17. On completion of the project, the organisation shall submit a Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund Acquittal Statement including supporting invoices from project suppliers, plus a (tax) invoice from the grant applicant to Shire of Dandaragan to enable the Fund’s contribution to be paid to the organisation. Funds must be recouped by 30 June of the current financial year in which the grant was approved.”

“28. Future applicants must demonstrate that they have discussed their project with Local Government authorities where necessary, to ensure that their project complies with regulations or is eligible for approvals. Building approval costs are the responsibility of the applicant.

Applications that involve modifications or additions to Shire-controlled buildings must have the approval of the Building Services Manager prior to the application being submitted. If buildings or facilities are managed by a Centre Management Committee, Applications must be submitted to that Committee for approval of works prior to submitting grant application to Shire.



Applications that involve projects on Shire-owned and/or vested land must comply with the Shire of Dandaragan

Community Projects on Council Reserves/Road Reserves – Project Guidelines.

Requests for funding for shade structures over Shire-owned playgrounds must be in accordance with Shire of Dandaragan Policy 6.5.6 Reserves: Shade Structures over Playgrounds – Community Requests.”

“30. To reduce the amount of irrelevant information received through the grant process, a maximum of one (1) quote for each item relevant to projects under \$10,000 plus one financial document to demonstrate the applicants’ ability to meet their financial commitment to the project is required. For projects \$10,000 and over, three (3) quotes for each item is required, plus organisation’s financial position with reconciliation and most current bank statement.”

9.1.4 ACCOUNTS FOR PAYMENT – JULY 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	12 August 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of July 2016.

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for July 2016 totalled \$1,531,079.63 for the Municipal Fund

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for July 2016 (Doc Id: 71650)

(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Municipal Fund cheque and EFT listing for the period ending 31 July 2016 totalling \$1,531,079.63 for the Municipal Fund be accepted.

9.1.5 AGREEMENT FOR THE PROVISION OF SERVICES BY JURIEB BAY COMMUNITY RESOURCE CENTRE

Location: Shire of Dandaragan
 Applicant: N/A
 Folder Path: Business Classification Scheme / Economic Development / Service Provision / Telecentre
 Disclosure of Interest: Nil
 Date: 8 August 2016
 Author: Alison Slyns, Economic Development Coordinator

Signature of Author: 
 Senior Officer: Tony Nottle, Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

For Council not to renew the Agreement for Provision of Services with the Jurien Bay Community Resource Centre, following a review in accordance with Section 1.3 of the Agreement and undertake these services internally.

BACKGROUND

During the development of the Jurien Bay Visitor Information and Civic Centre (JBVICC), an Agreement for the Provision of Services (Agreement) was signed by the Jurien Bay Community Resource Centre (JBCRC) to deliver visitor servicing, a public library, community event promotion and venue hire for a contract fee of \$60,000 ex GST per annum.

The JBVICC was opened in April 2015, with the Agreement's initial contract period of twelve months commencing on 1 June 2015. The intention in signing an initial twelve-month contract, with an option for an additional two years, was to allow the Agreement terms to be under regular review in the first year, given that the building was new and the service provision included an expanded library service, brand new rooms and facilities for hire and a new visitor centre, with the expectation of an unknown but significant increase in visitor numbers.

As per section 1.3 of the Agreement:

"The Shire and the Contractor agree that by the completion of the first twelve months of this agreement the parties will undertake a comprehensive review of the agreement. This review will be completed and presented to Council no later than 90 days from the twelve month anniversary of this agreement."

A series of meetings was held during the first twelve months of the contract. The purpose of the ongoing review was to establish the level of satisfaction each party with the provision of services for the agreement and any items that each party feels have or have not been adequately delivered as part of the agreement. At these meetings the Shire was represented by the CEO and Economic Development Coordinator, Alison Slyns. The JBCRC was

represented by their Chairperson, Lester Marston, and Manager, Sue Campbell.

At the final review meeting on 2 May 2016 the JBCRC indicated their intention to have the Service Agreement renewed. In establishing the Agreement and throughout the initial twelve-month operating period, the Shire was very clear in its intention for the visitor centre to be the main recipient of hours allocated in the Agreement, with other services including library and venue hire also being incorporated. However, the visitor centre has been predominantly staffed with JBCRC volunteers and this has been a detriment to the overall development and growth of the visitor centre.

At the Council Forum 26 May 2016, the JBCRC presented an offer to Council to renew the current Agreement with a proposed contract fee of \$105,300. This provided visitor, library and venue hire services from 9am to 5pm Monday to Friday, the same contracted hours as the existing Agreement but an increase on the current fee of \$60,000 per annum.

During review meetings, the Shire outlined that in addition to the current Agreement terms, there would be an expectation for visitor servicing to be expanded to include paid staff on weekends. The additional fees requested by the JBCRC to cover these hours are:

Saturdays (5 hours)	\$5,200.00
Sundays (5 hours, long weekends only)	\$1,200.00

The addition of the proposed weekend fees brings the JBCRC's total request to \$111,700.00.

COMMENT

Despite the agreement in place there has also been a significant amount of time invested by the Shire with the Economic Development Officer completing many tasks with relation to the operations, accreditation and ongoing promotion of the visitor centre. There has been an obvious disconnect between the Shire and its volunteers and the JBCRC staff and their volunteers throughout the contract period. There has also been significant demand on Shire resources for Building Services and Corporate and Community Services to resolve issues that really should have been the role of the building tenant and / or service provider to resolve.

Since the initial Agreement only covered weekday trading, the Shire has coordinated a visitor centre volunteer service on regular Saturdays as well as long weekend Sundays since September 2015. This has been received very well by visitors, local

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businesses and residents and it is anticipated that weekend opening hours with paid staff will be considered for the future.

During the review process, the JBCRC agreed to provide the Shire with updated statistics on the services provided since the agreement commenced, as well as an outline of their expectations for a new Agreement. The JBCRC indicated that they did not believe the current fees associated with the Agreement were sufficient in providing the current Service Agreement, not including the Shire's preference to expand visitor servicing to include weekend paid staff.

The statistics provided by the JBCRC for the service period July 2015 to April 2016 are as follows:

CIVIC BUILDING HIRE SUMMARY					
MONTH	Jurien Bay DHS 100% discount	NFP Education 100% discount	Shire of Dandaragan NO FEE	Paid Bookings	TOTAL
Aug-15	\$135.00	\$285.00	\$0.00	\$1,257.00	\$1,677.00
Sep-15	\$737.50	\$410.00	\$75.00	\$1,320.00	\$2,542.50
Oct-15	\$220.00	\$540.00	\$382.50	\$765.00	\$1,907.50
Nov-15	\$300.00	\$450.00	\$175.00	\$865.00	\$1,790.00
Dec-15	\$80.00	\$1,050.00	\$217.50	\$530.00	\$1,877.50
Jan-16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Feb-16	\$50.00	\$175.00	\$425.00	\$40.00	\$690.00
Mar-16	\$50.00	\$0.00	\$585.00	\$669.50	\$1,304.50
Apr-16	\$0.00	\$0.00	\$242.50	\$195.00	\$437.50
TOTAL	\$1,472.50	\$2,735.00	\$850.00	\$4,737.00	\$9,794.50

LIBRARY STATISTICS	
QUARTER	TOTAL
Jul-Sep 15	745
Oct-Dec 15	509
Jan-Mar 16	332
TOTAL	1586

VISITOR CENTRE STATISTICS			
QUARTER	Weekdays	Weekends	TOTAL
Jul-Sep 15	3035	191	3226

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Oct-Dec 15	2899	584	3483
Jan-Mar 16	3104	623	3727
TOTAL	9038	1398	10436

In the ongoing review meetings with the JBCRC the feedback consistently provided by the Shire was the overall dissatisfaction with the level of service being provided, particularly with the use of volunteers instead of paid staff at the visitor centre. Despite the JBCRC receiving fees to account for paid staff carrying out the Agreement, the front line of the visitor centre was predominantly staffed by volunteers.

Over several years Council has strongly indicated that economic development, particularly tourism, is a strategic priority moving forward. The initial first year of the Agreement has shown the Shire's expectations of tourism and visitor servicing does not match the delivery provided by the JBCRC. The Shire set the foundation for a visitor centre with high standards, including being an accredited visitor centre from the first day of operations, and a high level of networking and development within the visitor centre community throughout the State.

It is anticipated that by allocating the existing contract fee of \$60,000 to Shire wages and salaries, the Agreement can be fulfilled internally with a combination of new and existing staff. This provides the opportunity for the Shire to deliver high quality customer service in these areas, in line with the Council's strategic direction to support tourism development and promotion.

As well as establishing the visitor centre, the booking systems for the education and conference centre in the building were established by the Shire when first bookings were taken from January 2015. Facility booking services were carried out by the Shire until such time that the JBCRC took over this role when they relocated to the building in April 2015. As part of the current Agreement, the JBCRC collects fees on behalf of the Shire for hiring the education and conference centre and some hot offices. However, there are conference spaces and hot offices for hire in the JBCRC lease area for which they retain the hire fees so there is a potential conflict of interest in whether the JBCRC would promote to hire out spaces that they don't receive income from, in preference to those spaces that they do retain the hire fees. Reverting to the provision of the room hire service being carried out internally aligns with Council's vision for this building to be heavily promoted and well utilised in a variety of core areas and not in conflict with any other local room hire.

To allow the JBCRC adequate time to adjust their operational requirements to remove the Shire's service provision, a notice

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period for the termination of the Agreement of 60 days, unless otherwise agreed in writing by both parties, is recommended.

CONSULTATION

- Executive Manager Corporate and Community Services
- Council via Council Forum
- Jurien Bay Community Resource Centre

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are currently no policy implications relevant to this item but any future policies developed will be presented to Council as required to assist with effectively managing the building facilities.

FINANCIAL IMPLICATIONS

The existing Agreement is \$60,000 ex GST per annum and the JBCRC has proposed a fee of \$105,300 to continue the same services. However, the internal provision of these services using a combination of new and existing Shire staff can be achieved within a \$60,000 budget allocated to wages and salaries.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan 2015-2025

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5 Facilitate industry, population and visitor attraction and growth to expand and diversify the regional economy	Expand and improve the visitor centres' network
<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	- Maintain Civic buildings, community centres and public halls to provide facilities for a range of community activities - Provide a free public library service
<i>Goal 3: Strong and Connected Community</i>	
Objectives	How the Shire will contribute
3.1 Support strong community resource services	- Maintain Civic buildings, community centres and public halls to provide facilities for a range of community activities - Provide a free public library service

ATTACHMENTS

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

- Agreement for Provision of Services – Shire of Dandaragan and Jurien Bay Community Resource Centre Inc (Doc ID: 34022)
- **(Confidential)** - Proposal for Service Agreement 2016-2017 (Doc Id: 67165)
(Marked 9.1.5)

VOTING REQUIREMENT

Absolute majority



OFFICER RECOMMENDATION

That Council:

1. **not renew the Agreement for Provision of Services between the Shire of Dandaragan and the Jurien Bay Community Resource Centre following a review in accordance with Section 1.3 of the Agreement;**
2. **undertake the services outlined in the Provision of Services (Doc ID: 34022) with Shire of Dandaragan staff following the termination of the Agreement between the Shire of Dandaragan and the Jurien Bay Community Resource Centre, which is to include a sixty-day termination period unless otherwise agreed in writing by both parties;**
3. **authorises a Budget amendment in the 2016/17 financial year, allocating the balance of the \$60,000 service fee remaining at the termination of the Agreement to Shire of Dandaragan wages and salaries.**

9.2 INFRASTRUCTURE SERVICES

9.2.1 JURIEN BAY FORESHORE REDEVELOPMENT AND RENEWAL BUDGET AMENDMENT

Location:	Jurien Bay
Applicant:	[Applicant]
Folder Path:	Business Classification Scheme / Parks and Reserves / Design and Construction / Jurien Bay Foreshore Recreation
Disclosure of Interest:	[Nil or provide explanation of interest]
Date:	12 August 2016
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council consider a budget amendment to enable the completion of all redevelopment and renewal of infrastructure to complete Stage 1 (Stages 1A and 1b) of the Jurien Bay Foreshore Redevelopment.

BACKGROUND

Introduction

In 2012 the Shire of Dandaragan commenced the process for the redevelopment of the Jurien Bay Foreshore from the Jurien Bay Jetty to Fauntleroy Park. This process was in line with the Jurien Bay Foreshore Plan 2008 and the Jurien Bay City Centre Strategy, which make various recommendations on developments along the coastal strip, inclusive of public facilities and potential property development, suggesting that there is scope to achieve the vision of Jurien Bay developing as an active and vibrant waterside town with the beach featuring more predominantly in the town design and character.

Since 2012 Council and staff have undergone a planning and design process culminating in construction of Stage 1 commencing in May 2016 with completion of Stage 1 expected November 2016. This process can be summarised as follows:

- February 2013 - *Pre-Design Business Case Study* and associated *Master Plan* was presented to Council.
- January 2015 - Design Report and associated Concept Design Options were advertised for public comment.
- February 2015 - *Design Report* and associated *Concept Design Options* discussed at Public Information Session.
- March 2015 - revised *Concept Plan* was presented to Council Meeting for endorsement and approval to move to Design and Construction (D & C) phase.
- July 2015 – October 2015 - commissioning of an environmental survey, application and receipt of *Clearing Permit* from Department of Environment and Regulation (DER).

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- March 2016 – approval of *License to Construct Bore* for irrigation from Department of Water (DoW).
- May 2016 - construction commenced on Stage 1.

Scope

A summary of the key components included in the scope of the project and their initial cost estimate can be summarised as follows:

JURIEN BAY FORESHORE REDEVELOPMENT	Cost Estimate
1. PREPARATION WORKS <ul style="list-style-type: none"> a. Site Establishment b. Vegetation Control c. Site and Earthworks d. Stormwater Drainage 	\$125,772
2. LANDSCAPE INFRASTRUCTURE <ul style="list-style-type: none"> a. Landscape Hardworks (Footpaths) b. Street Furniture c. Soil Preparation d. Landscape Softworks (Turfing / Plants) e. Irrigation Infrastructure 	\$875,068
3. COOK STREET CARPARK <ul style="list-style-type: none"> a. Earthworks (Asphalt, Footpaths, Kerbing) b. Drainage 	\$75,087
4. JETTY COMMERCIAL AREA <ul style="list-style-type: none"> a. Landscape Hardworks b. Services c. Lighting d. Commercial Buildings (not included in cost) 	\$399,327
5. COOK STREET COMMERCIAL AREA <ul style="list-style-type: none"> a. Landscape Hardworks 	\$188,946

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<ul style="list-style-type: none"> b. Services c. Lighting d. Commercial Facilities (not included in cost) 	
6. JETTY <ul style="list-style-type: none"> a. Jetty Boardwalk b. Disable Beach Access (not included in cost) 	\$343,324
7. FUTURE RECREATIONAL INFRASTRUCTURE <ul style="list-style-type: none"> a. Volley Ball Court b. Solar Lighting 	\$116,270
TOTAL COST ESTIMATE	\$1,832,670

Budget and Funding Sources

The key component of the budget that covers this project correlates to the Jurien Bay Foreshore Redevelopment, other sources have been identified and utilised to contribute to the delivery the redevelopment and renewal as a whole. A summary of identified budget sources are as follows:

Funding Sources	Funding Amount
Jurien Bay Foreshore Redevelopment <ul style="list-style-type: none"> ▪ Joint submission with the Shire of Gingin ▪ Country Local Government Fund Regional Group Project – Coral Coast – Experience Perth Tourism Development Infrastructure ▪ Value of this funding to the Shire of Dandaragan was \$399,900. ▪ Leveraged funds \$160,931 to be contributed by the Shire of Dandaragan. 	\$560,831
Jurien Bay Foreshore Enhancement <ul style="list-style-type: none"> ▪ Remaining funds from Jurien Bay Jetty Specified Area Rate used to build new jetty. ▪ Shire is required to spend this money on 	\$197,425

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<p>capital improvements of the Jetty precinct.</p> <ul style="list-style-type: none"> ▪ Value of \$197,425 	
<p>Turquoise Way Renewal</p> <ul style="list-style-type: none"> ▪ Section dual use path running through the project area would need to be renewed due. ▪ Damage associated with insufficient basecourse depth during construction and vegetation intrusion through the base and the asphalt surface. ▪ \$30,000 in the 2016/17 Capital Works Budget for renewal of identified sections. 	\$30,000
TOTAL BUDGET	\$788,256

Costs for components of the project were initially developed during the various planning stages, with costs further refined as the stages progressed. Changes and refinement of costs can be attributed to:

- Initial costings completed to satisfy requirements for attainment of grant funding.
- Amendment and refinement of scope and expectations at the various design stages.
- Inclusion of commercial precincts where cost estimates are nominal and final costs are likely to vary depending upon level and delivery of commercial developments.
- High value, non-priority components included for information purposes.

COMMENT

Asset Management

For the purposes of asset and budget management the components of this project and their associated delivery can be considered as a multitude of infrastructure and asset management processes:

- Public Open Space new construction.
- Public Open Space renewal.
- Footpath new construction.
- Footpath renewal.
- Infrastructure renewal.
- Infrastructure reconstruction.

Delivery

Staff investigated the most appropriate options for the delivery of the project that would maximise the number of components of the project that could be delivered with the available funds. They also investigated additional sources of funding for specific components to assist with their delivery.

It was determined that the most cost effective manner in which to deliver the project was via a Design and Construction (D&C) process whereby key components of the project be completed by a series of appropriate subcontractors, rather than advertise the whole project for tender by a single contractor. This would reduce the requirement for full blown tender documentation and allow Shire staff to continually review the project budget, priorities, funding sources and tweak specific components and deal with issues as they arise.

1. Stage 1

At the commencement of the Stage 1 D&C phase a review of the project budget versus available funding was undertaken to determine the key components that could be delivered within the funding available. This would constitute a minimum standard or works in order to meet funding requirements and present a redeveloped area with basic landscaping components. These areas nominally included the following and could be classified at Stage 1A:

- **PREPARATION WORKS**
 - Clearing and Earthworks.
 - Stormwater Drainage
- **LANDSCAPE INFRASTRUCTURE**
 - Irrigation infrastructure
 - Vegetation landscaping
 - Turfing
 - Dual use paths
 - Park Furniture – scaled back to fit budget
- **COOK STREET CARPARK**
 - Nil
- **JETTY COMMERCIAL AREA**
 - Basic landscaping
 - Paving
 - Retaining walls
 - Dual Use Paths
- **COOK STREET COMMERCIAL AREA**
 - Basic landscaping
 - Dual Use Paths
 - Hardstand Area
- **JETTY**
 - Nil
- **FUTURE RECREATIONAL INFRASTRUCTURE**
 - Nil

As construction has progressed and more certain details of components have progressed staff have been able to further refine cost estimates for specific components which would further enhance the project and provide a more comprehensively finished product. Specific landscaping components would be further progressed and give the redevelopment and more “completed finish” with greater public amenities and an overall better aesthetic outlook. These areas nominally include the following and are classified as Stage 1B.

- Fauntleroy Park Renewal.
- Cook Street Car Park Renewal.
- Dual Use Path Renewal.
- Drainage Renewal.
- Landscaping Renewal.

The components of Stage 1A and 1B combined will entail completion of Stage 1.

2. Stage 2

Further stages of the project may be implemented at later stages should funds become available and Council sees the benefit in further infrastructure investment in this area. These stages have nominally been outlined as follows:

- Lighting
 - Solar lighting throughout redevelopment area, as per cost estimate.
 - Seek opportunities for grant funding and present to Council.
- Volleyball Court
 - Monitor usage of redeveloped area.
 - Investigate cost effective options for implementation.
- Street Furniture at Commercial Precincts
 - As per cost estimates received.
 - Opportunity for inclusion in 2017/18 budget.

3. Stage 3

Costs for these items have not been accurately developed, but are based upon original order of magnitude cost estimates. This would likely be upwards of \$1M. The delivery of specific components would need to be investigated to determine the most appropriate and cost effective delivery method. These items include:

- Jetty Precinct Commercial Development
 - Services
 - Commercial Buildings
- Cook Street Commercial Development
 - Services
 - Commercial Buildings / Facilities
 - Comprehensive Landscaping
- Jetty

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- Boardwalk
- Mobility impaired access to beach

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Discussion

Staff are seeking direction from Council on the finalisation and completion of Stage 1 of the project. A summary of costs for Stages 1A, 1B and 2 are included in the following table.

JURIEN BAY FORESHORE REDEVELOPMENT	INITIAL COST ESTIMATE	STAGE 1A	STAGE 1B	STAGE 2
1. PREPARATION WORKS	\$ 125,772	\$ 223,296	\$ -	\$ -
2. LANDSCAPE INFRASTRUCTURE	\$ 875,068	\$ 446,316	\$ 113,648	\$ -
3. COOK STREET CARPARK	\$ 75,087	\$ -	\$ 139,976	\$ -
4. JETTY COMMERCIAL AREA	\$ 399,327	\$ 112,712	\$ -	\$ 77,000
5. COOK STREET COMMERCIAL AREA	\$ 188,946	\$ -	\$ 75,000	\$ 77,000
6. JETTY	\$ 343,324	\$ -	\$ -	\$ -
7. FUTURE RECREATIONAL INFRASTRUCTURE	\$ 116,270	\$ -	\$ -	\$ 67,270
TOTAL	\$ 1,832,670	\$ 782,324	\$ 328,624	\$ 221,270

Sources of funding available, as per the 2016/17 Council Budget, to fund either upgrades or renewal of such infrastructure include:

- Public Open Space Renewal Reserve - \$739,000.
- Public Open Space Construction Reserve - \$84,000.
- Infrastructure Renewal Reserve - \$1,056,000.
- Infrastructure Construction Reserve - \$0.

Based upon this information the following options are suggested:

Option 1

- Seek Budget Amendment as follows to enable the completion of all redevelopment and renewal components associated with Stage 1 (1A and 1B) of the project taking the total project budget to \$1,116,880.
 - Public Open Space Renewal Reserve \$188,648
 - Infrastructure Renewal Reserve \$139, 976
- Investigate potential funding options for delivery of specific components of Stage 2 and bring to Council as they arise.

Option 2

- Complete Stage 1A of the project as per current quotes and cost estimates
- Delay completion of Stage 1B for consideration in 2017 / 18 Budget.
- Investigate potential funding options for delivery of specific components of Stage 2 and bring to Council as they arise.

The staff recommendation is that Option 1 be implemented as this will provide a more completed finish to the overall project.

CONSULTATION

A summary of the Jurien Bay Foreshore Redevelopment project was presented at Council Forum 11 August 2016. Council were presented with a summary of the project delivery from the design stages, approvals received and construction. An update was provided to Council on current progress of the construction stage of development including:

- Budget update.
- Funding sources.
- Redevelopment components completed.
- Associated renewal components.
- Cost savings made.
- An outline of additional redevelopment and renewal components to finalise completion.
- An outline of potential funding for additional items.

STATUTORY ENVIRONMENT

- Section 6.8 Local Government Act – 1995
- Section 26D Rights in Water Irrigation Act – 1914 (*License to Construct or Alter Well*).
- Section 51E Environmental Protection Act – 1986 (*Permit to Clear Native Vegetation*)

POLICY IMPLICATIONS

Nil

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FINANCIAL IMPLICATIONS

As outlined the key sources of funding that have been identified and utilised to contribute to the delivery the redevelopment and renewal of the project as a whole are as follows:

Project Items	Funding Amount (\$)
Jurien Bay Foreshore Redevelopment	560,831
Jurien Bay Foreshore Enhancement	197,425
Turquoise Way Renewal	30,000
TOTAL BUDGET	788,256

A summary of costs for Stages 1A, 1B and 2 are included in the COMMENT section.

This item is seeking a Budget Amendment for the Jurien Bay Foreshore Redevelopment Project to enable the completion of all redevelopment and renewal components associated with Stage 1 (1A and 1B) of the project as follows:

- o Public Open Space Renewal Reserve \$190,000
- o Infrastructure Renewal Reserve \$140,000

STRATEGIC IMPLICATIONS

Shire of Dandaragan 2015-2025 Strategic Community Plan:

GOAL NUMBER TWO: HEALTHY, SAFE AND ACTIVE COMMUNITY	
The following table outlines how the Shire will maintain and further foster the healthy, safe and active nature of the Shire community.	
OBJECTIVES	How the Shire will contribute to these objectives
2.4 Provide recreation and community facilities and activities	<ul style="list-style-type: none"> a) Maintain Civic buildings, community centres and public halls to provide facilities for a range of community activities (note the community centres are run by community organisations) b) Manage club leases and other community leases c) Provide a free basic public library service (jointly with the State Library of WA as part of the State-wide network of public libraries) d) Plan for future recreation needs, including five-yearly review of the Recreation Plan, feasibility assessments in accordance with the Major Recreation Facilities Fund, and review of cycleway and dual use pathway plans e) Plan, develop and manage the Jurien Bay Marina and foreshore

ATTACHMENTS

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

- Jurien Bay Foreshore Redevelopment Concept Plan (Doc Id: 71674)
(Marked 9.2.1)

VOTING REQUIREMENT

Absolute Majority.

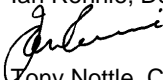

OFFICER RECOMMENDATION

That Council authorise a Budget Amendment up to a maximum of \$330,000 to the 2016 / 17 Capital Works Budget for the Jurien Bay Foreshore Redevelopment Project, to enable the completion of all redevelopment and renewal components associated with Stage 1 (1A and 1B) of the project, with the additional sources of funding being from:

- 1. Public Open Space Renewal Reserve \$190,000.**
- 2. Infrastructure Renewal Reserve \$140,000.**

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 BADGINGARRA CARAVAN PARK – ASSIGNMENT OF LEASE

Location:	Badgingarra Lot 172 (Reserve 31366
Applicant:	BCD Pty Ltd
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Caravan Parks
Disclosure of Interest:	None
Date:	15 August 2016
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider a request from Michael & Rachel Henderson for the assignment of the Lease of the Badgingarra Caravan Park from Marlene Neethling to Badgingarra Investments Pty Ltd.

BACKGROUND

Marlene Neethling has leased the caravan park at Badgingarra from mid 2012.

COMMENT

Marlene Neethling and Michael & Rachel Henderson have now requested Council to agree to the assignment of the lease. Council is in receipt of the offer to purchase, subject to Council's various approvals.

Because the Caravan Park is on a reserve with Council holding a management order over the reserve, it is necessary for Council and the Hon. Minister of Lands to agree to the assignment of the lease. All costs associated with the assignment of the lease will be at the expense of the lessee.

Council's Solicitor will prepare a draft Assignment of Lease document and this will need to be approved by the Department of Lands and is in order for the assignment to occur.

CONSULTATION

- Marlene Neethling
- McLeods, Council Solicitors
- Department of Lands
- Michael and Rachel Henderson

STATUTORY ENVIRONMENT

- Land Administration Act
- Caravan and Camping Act

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

Purchaser of the lease of the Badgingarra Caravan Park will be responsible for all costs associated with the assignment of the lease.

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 M & R Henderson (Document Id: 71690) **(Marked 9.3.1)**

VOTING REQUIREMENT


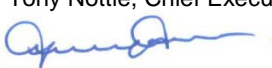
Simple Majority

OFFICER RECOMMENDATION

That approval be granted for the assignment of the lease of Reserve 31366, Badgingarra Lot 172 from Marlene Neethling to Michael & Rachel Henderson subject to the following conditions:

- 1. All costs associated with the assignment of the lease being met by the lessees;**
- 2. That the Hon Minister for Lands approval be granted to the assignment of the Lease;**
- 3. Subject to payment of any outstanding debts against the property; and**
- 4. That the President and Chief Executive Officer be authorised to sign and utilise the common seal on the Assignment of Lease Document, following satisfaction of all conditions relating to the assignment.**

9.3.2 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	15 August 2016
Author:	Julie Rouse, Executive Secretary
Senior Officer:	 Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to the following documentation:

- Deed of Assumption and Indemnification for Lot 300 Aragon Street, Cervantes between the Shire of Dandaragan and RAC Tourism Assets Pty Ltd; and
- Non-Standard Wastewater Service Agreement between Water Corporation and the Shire of Dandaragan for Lot 229 Aragon Street, Cervantes
- Application to Register a Discharge of Property (Seizure and Sale) Order (Note 1) against Lot 536 Plan 13388 Volume 1577 Folio 943 (11 Mario Way, Craigie WA 6025)

BACKGROUND

The Shire of Dandaragan's common seal has been applied in the circumstance of the Shire undertaking a Deed of Assumption and Indemnification on Lot 300 Aragon Street, Cervantes with RAC Tourism Assets Pty Ltd.

The Shire of Dandaragan's common seal has also been applied in the circumstance of entering into a Non-Standard Wastewater Service Agreement with Water Corporation for the land use of a caravan park located at Lot 229 Aragon Street, Cervantes as identified in Schedules 1 and 2 of the Wastewater Service Agreement.

The Shire of Dandaragan's common seal has also been applied on an Application to Register a Discharge of a Property (Seizure and Sale) Order (Note 1) against Lot 536 Plan 13388 Volume 1577 Folio 943 of which the Shire of Dandaragan is registered as a judgement creditor. This debt has now been discharged by the property owner to the Shire of Dandaragan.

COMMENT

Application of the Common Seal in all instances is accompanied by the signatures of the President and Chief Executive Officer. In the instance of Items 235 and 236 of the Common Seal Register the Common Seal was applied and accompanied by the

signatures of the Acting President, Cr Darren Slyns, and the Acting Chief Executive Officer, Mr Ian Rennie.

In the instance of Item 237 of the Common Seal Register the Common Seal was applied and accompanied by the signatures of the President, Cr Leslee Holmes, and the Chief Executive Officer, Mr Tony Nottle.

A register is maintained to record all occasions on which the Common Seal is applied and in this instance relates to Items 235, 236 and 237 within the Shire of Dandaragan's Common Seal Register.

Generally, the Common Seal is only applied in circumstances where Council has specifically resolved to enter into an agreement or lease, or the disposal of or acquisition of land. There are however, occasions where the Common Seal is required to be applied urgently and Council's endorsement in this instance is sought retrospectively.

CONSULTATION

Internal

- Acting CEO
- Executive Secretary

External

- McLeods Barristers and Solicitors
- Water Corporation
- Mr Darren Fisher

STATUTORY ENVIRONMENT

Section 9.49A of the *Local Government Act 1995* applies whereby the Common Seal of the local government is affixed to a document in accordance with subsections 2 and 3 of Section 9.49A whereby the local government authorises the use of the Common Seal.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

Goal 5.2 of the Shire's Strategic Community Plan applies with the Shire providing a high level of administration with compliance in all legislative requirements and functions.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council:

- 1. retrospectively authorise the Acting President and Acting Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to the Deed of Assumption and Indemnification for Lot 300 Aragon Street, Cervantes between the Shire of Dandaragan and RAC Tourism Assets Pty Ltd.**
- 2. retrospectively authorise the Acting President and Acting Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to the Non-Standard Wastewater Service Agreement for Lot 229 Aragon Street, Cervantes between the Shire of Dandaragan and Water Corporation**
- 3. retrospectively authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to Application to Register a Discharge of Property (Seizure and Sale) Order (Note 1) against Lot 536 Plan 13388 Volume 1577 Folio 943 (11 Mario Way, Craigie WA 6025)**

9.3.3 SHIRE OF DANDARAGAN STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN

Location: N/A
 Applicant: N/A
 Folder Path: Business Classification Scheme / Corporate Management / Planning / Strategic Plans
 Disclosure of Interest: Nil
 Date: 15 August 2016
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author:



PROPOSAL

For Council to consider adopting the draft Strategic Community Plan (SCP) and the draft Corporate Business Plan (CBP) following the major review of both documents completed during 2016.

BACKGROUND

Council completed a minor review of its SCP and CBP in 2015 and adopted the amended documents in September 2015.

Council also considered a review schedule during this process where, in future, a minor review will take place every 2 years and a major review every 4 years. These reviews coincided with the ordinary election cycle.

The community consultation for the major review took place in February and March 2016. The Shire engaged the services of Carmel Ross Consulting who facilitated community meetings in Badgingarra, Jurien Bay, Dandaragan and Cervantes.

Council has discussed elements of the SCP during Forum sessions in May and June to help further refine the Shire's strategic direction.

COMMENT

Strategic Community Plan (SCP)

The idea of a major review of the Shire's SCP is that the community is consulted extensively, while the minor review is more a desktop review process. As such the following information and sources were sought and was outlined in the consultant's report in May 2016.

Sector	Source of Input	Format of Input
Community Meetings	Badgingarra, 29th February; 15 people	Notes taken at meeting
	Jurien Bay, 2nd March; approx. 110 people	Notes taken at meeting
	Dandaragan, 9th March; 36 people	Notes taken at meeting

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	Cervantes, 16th March; 23 people	Notes taken at meeting
Council	Jurien Bay, 2nd March; 6 councillors	Notes taken at meeting
Shire Staff	Workshop, 13th April; 21 people	Notes taken at meeting
Community members, individual	Badgingarra x 2	2 x written surveys
	Jurien Bay x 44	39 x online surveys 5 x written surveys
	Dandaragan x 10	8 x online surveys 2 x written surveys
	Cervantes x 13	11 x online surveys 2 x written surveys
	Perth residents (with property within the Shire)	4 x online surveys
	Interstate and regional (with property within the Shire)	2 x online surveys
	Surveys without location information*	22 x online surveys
Business Groups	Cervantes Chamber of Commerce	Written submission 17 March 2016
	Jurien Bay Chamber of Commerce	Written submission received 24 March 2016
	Turquoise Coast Chambers Alliance	Written submission received 24 March 2016
Individual Business	Skydive Jurien Bay	Written submission received 24 March 2016

**Location information not in original online survey until corrected 1 week after originally launched.*

The process allowed the participants to outline their strengths and needs of their local community and towns, and how their Shire can help achieve these.

With the Council's decision to do the majority of the work involved in the major review "in-house" a clear picture of available resources was communicated to everyone at the public meetings. It seems that this approach has provided appropriate and realistic opportunities compared with the original SCP developed in 2012.

Key themes were developed out of the feedback received and suggestions on the Shire's vision, mission and values were also discussed. As such the final draft (Attachment 1) articulates some of these changes when compared with the 2012 SCP. A report

was prepared by Carmel Ross Consulting summarising the process and key outcomes. A copy of this report is marked Attachment 3 (Doc Id: 67380).

Corporate Business Plan (CBP)

The CBP is a document that has been developed following the development of the final draft of the SCP. A CBP is a document that is an internal business planning tool that translates Council priorities into operations within the resources available. In its entirety, it details the services, operations and projects a local government will deliver over a defined period, the processes for delivering these and the associated cost. The CBP is comprised of CBP Priorities and responsible area operational, technical delivery and financial plans.

The document has maintained its original structure as it allows for improved reporting back to Council. The CBP activates the SCP well and has incorporated the changes made during the major review of the SCP.

CONSULTATION

In addition to the consultation as indicated in the comment section above, Shire staff have also presented to Council on two occasions to review the strategic priorities, vision, mission and values during Council Forum sessions.

Following consideration of the documentation from Council, both the SCP and CBP will be made available to the public and copies of the SCP sent to the appropriate community groups. They will also be displayed in the town's libraries.

STATUTORY ENVIRONMENT

It is a requirement of the Local Government Act 1995 that a Local Government must prepare plans for the future of its district. Furthermore the Local Government (Administration) Regulations 1996 require a local government to consider a SCP and that it is to consult members of the community to prepare such a plan. The preparation of the SCP during this major review has been carried out in accordance to these requirements.

A Local Government is also to prepare a CBP in accordance with the regulations. As such the draft CBP as presented in Attachment 2 has been prepared in accordance with these requirements.

Following the adoption of a SCP, it is a requirement that the Plan is to be advertised advising of its adoption.

POLICY IMPLICATIONS

There are no policy implications in relation to this item.

FINANCIAL IMPLICATIONS

A 10 year financial profile has been provided within the SCP and the CBP to show the effects of the direction of the Shire. It does identify that there are still funding shortfalls from known sources of income to achieve the entire SCP which will need to be taken into account into the future.

STRATEGIC IMPLICATIONS

The consideration of both the SCP and the CBP helps set the strategic vision for the Shire of Dandaragan into the future.

ATTACHMENTS

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

- Draft Strategic Community Plan 2016 - 2025 (Doc Id: 69297)
- Draft Corporate Business Plan 2016 – 2020 (Doc Id: 71669)
- Consultants summary report (Doc Id: 71946)

(Marked 9.3.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION 1



That Council adopt the Shire of Dandaragan Draft Strategic Community Plan (Doc Id: 69297) in accordance with section 5.56 of the Local Government Act 1995 and Regulation 19C of the Local Government (Administration) Regulations 1996.

OFFICER RECOMMENDATION 2

That Council adopt the Shire of Dandaragan Draft Corporate Business Plan (Doc Id: 71669) in accordance with section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996.

9.4 DEVELOPMENT SERVICES

9.4.1 SCHEME AMENDMENT NO.27 LOT 1 JURIEEN EAST ROAD, JURIEEN BAY

Location:	Lot 1 Jurien Road, Jurien Bay
Applicant:	Landvision on behalf of D Kent
Folder Path:	Business Classification Scheme / Land Use and Planning / Zoning / Rezoning Applications
Disclosure of Interest:	None
Date:	8 August 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Landvision acting on behalf of the landowner of Lot 1 Jurien Road is seeking to rezone the subject land to create:

24 rural residential lots of 4.0-5.5ha;

30 rural residential lots of 10.0-11.5ha;

Two broadacre Rural lots, 300ha each;

One 285 ha lot suitable for a regional airport and with a range of other uses including:

- areas for a regional terminus with associated facilities;
- a service station site;
- an area for aviation activities, e.g. hire cars, recreational flights, etc.; and
- an area for hangar lots where accommodation is developed above but as part of a hangar for light aircraft, and other recreational craft such as ultra-lights, etc.

BACKGROUND

At the Council meeting held on the 26 July 2012, Land Insights made an application requesting to rezone Lot 501 Jurien Road from Rural to Rural Residential and Parks and Recreation, with the amendment to facilitate the development of the Cockleshell Rural Residential Precinct.

The applicant proposed to subdivide the lot into 277 rural residential lots to provide a rural lifestyle living opportunity integrating with Lot 1 Jurien Road to foster linkages between the two sites (subject to an integrated design with the adjoining estate being possible). Council supported the proposal.

After a prolonged process and discussions, the application was refused by the Minister for Planning in 2015. The Minister did however advise that the Department of Planning would consider an alternate proposal with a lesser density.

The applicant is now proposing a subdivision and amended rezoning with significantly less and larger lots as provided in the attachment.

Council has discussed the proposal at several forums as listed below;

Forum April 2016 – Applicant sought comment on potential new airport site. Advised that Council will engage a consultant to review the concept.

Forum June 2016 – Airport consultant advised. *The site as proposed by Landvision appears to offer a viable alternative location for the airport. Detailed technical studies are required to confirm this feasibility. It is also recommended that a site comparison study be undertaken, in line with the previous site options assessment, following the technical studies to assess the preferred airport location. In the meantime, the Turquoise Coast Regional Airport site as identified in the Master Plan 2014 should continue to be protected for possible airport use until any alternative site is operational.*

COMMENT

The subject land lies on the northern side of Jurien Road straddling a swale between limestone hills in the west and low hills in the east. The site was cleared in 1970 with the current land use being cattle grazing with some broadscale cropping to support the cattle. Much of the western part of the subject land has only been cleared in the last ten years.

The site consists of pasture land with scattered patches of remnant vegetation, mainly in the west and through a central swale area. Lot 1 is one of the closest cleared lots to Jurien Bay townsite. It is surrounded by agricultural land but is the second lot past the National Park that encloses the eastern part of the Jurien Bay townsite.

A small indentation on the western boundary is a limestone quarry. The site drops from a limestone based ridge in the west at elevations of up to 90m AHD on the western third of the lot. Through the central third the land is flatter and rises gently from 50m on the southern boundary to 70m on the northern boundary. The eastern third rises as a low gentle rising sand ridge to elevations of 90m.

A flora assessment was undertaken by Regeneration Technology Pty Ltd. The assessment concluded that no rare or endangered flora was present onsite. In its submission on a previous proposal in 2011 the then Department of Environment and Conservation provided advice regarding the clearing of vegetation and

protection of the habitat for the Carnaby's Black Cockatoo. Appropriate provisions will be included in Schedule 4 and Schedule 11.

The applicant states that in comparison to rural land uses, including horticulture, the proposed use will have minimal environmental impact. The findings suggest that there is little merit in retaining the existing broad acre rural use. The land is not considered suitable for continued agricultural use.

The scheme amendment proposes a number of mechanisms to protect the artificial soaks and associated groundwater system.

A significant issue for rural residential type development is provision of an adequate water supply. The applicant gives the following comments.

The WAPC's Rural Policy DC 3.4 states that rainfall supply for domestic purposes is not considered viable with a rainfall less than 550mm per year. The DoW stated that the annual average rainfall for Jurien Bay is 538.7mm which increases slightly on the higher land in close proximity to the coast such as the subject land. Therefore in most instances domestic water supply would be the individual landowners responsibility.

We believe that although the annual rainfall will often be slightly less than 550mm the common development of larger sheds hence roof catchment area support use of rainwater subject to:

- 240m² of roof catchment area of all buildings, and a storage tank capacity of 120,000 litres; and/or*
- if approved by the relevant authorities and treated to an acceptable standard for domestic and firefighting use, a 10,000 litres storage tank from an on-site dam or underground bore, and the tank must have a suitable "Fire Brigade Connection Point".*

Another significant issue is that there is surplus supply of rural living type land that adequately services the Jurien Bay area.

The applicant gives the following comments.

The majority of the land is located within 10 kilometres of Jurien Bay. Future development, therefore, will be ideally placed to support existing communities in Jurien Bay which in turn will provide services and infrastructure for future residents.

The proposed lot sizes will provide a rational transition of development from the adjoining broad-acre rural holdings east of Cockleshell Road to the standard town lots moving west towards Jurien Bay. Furthermore, the development will form a logical

extension of the 'Alta Mare' and 'Jurien Bay Heights' rural residential developments to the south west, being located directly across Jurien Road to the north.

The proposal will not interfere or constrain the future urban expansion of Jurien for standard sized residential allotments and associated urban development. Future areas of expansion are identified immediately north and south of Jurien being North Head (approximately 2500 lots) and the Ardross Estate (approximately 8000 lots). Being located to the east, the proposal will have no bearing or adverse impact upon the long term expansion of these areas and therefore Jurien Bay.

The development of the land for rural residential purposes is logical given that it is east of Jurien Bay and near the 'Alta Mare' and 'Jurien Bay Heights' estates.

Currently there are only four areas around Jurien Bay which are presently zoned to enable rural residential subdivision. Apart from the Rural Residential area east of Cockleshell Gully Road, all the other areas are substantially developed with no other areas zoned to meet future demand. We are not aware of other areas currently being considered for rezoning. Similarly, assuming a 10 kilometre radius from Jurien Bay, there are considered to be limited opportunities to rezone land for future rural residential development for the following reasons:

- a) Substantial areas are reserved, including Beekeepers Nature Reserve and Drovers Cave Nature Park; and*
- b) Land adjoining Indian Ocean Drive north and south of Jurien Bay is more suited to the long term urban expansion of Jurien.*

Given the history of rural residential lot release it is difficult to predict demand using simple methods of extrapolation. Nevertheless there is compelling evidence for demand in the area. Most notably the two existing estates to the east of Jurien Bay (Alta Mare and Jurien Bay Heights) were released to the market commencing early 2000. Of the 433 lots released by the end of 2007, 98.7% were sold to individual purchasers by mid 2008 (average of 61 lots per year).

There is a large amount of detailed information provided in the attached Scheme Report that has not been reproduced in the officers report. The officer has identified significant issues above, however it is expected that the consultation/advertising process may identify other significant issues to be addressed in a schedule of submissions when the amendment comes back to Council for consideration. Councillors are encouraged to discuss the amendment with the Manager Planning during the

consultation period so that any modifications can be made prior to final consideration by Council.

Amendment Classification

In respect to Amendment No.27 it is recommended that it be classified by Council as a complex amendment pursuant to Regulation 34 for the following reasons;

- a) it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
- b) it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and
- c) the amendment is not recognised as being a basic or standard amendment.

CONSULTATION

The recommendation of this report is to commence the advertising process for the proposed Scheme Amendment.

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no current budget implications relevant to this item. There will potentially be increased income from rates if the subject property is subdivided.

The applicant will be invoiced for all costs associated with the application based on cost recovery.

STRATEGIC IMPLICATIONS

This subject land was identified in the Rural Local Planning Strategy 2012 as subject to Amendment No.11. This amendment was refused by the Minister for Planning. The draft Local Planning Strategy adopted for advertising by the Council at the 28 July 2016 Council meeting sets out the criteria for determining suitability for rural living development.

ATTACHMENTS

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

- Scheme Amendment No. 27 (Doc ID 70067)
- Appendices to report (Doc ID 70068).

Note – Both these documents have been previously circulated to Forum of 28 July 2016

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Dandaragan Local Planning Scheme No. 7 by:

- 1. Including existing Lot 1 Jurien Road, Jurien Bay within the 'Rural Residential' zone, and the 'Special Use – Regional Airport' zone.**
- 2. Introducing a schedule of site specific development and subdivision provisions, including a Subdivision Guide Plan, in Schedule 11.**

1. Subdivision and Development

- a) Subdivision of the land within Lot 1 shall generally be in accordance with the Subdivision Guide Plan No. ... dated 12 April 2016 attached to the Scheme Amendment Report (Amendment No.27).**
- b) Council and the Fire and Emergency Services Authority may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare, and implement a Fire Management Plan.**
- c) Direct access to Cockleshell Gully Road will only be permitted when supported to the satisfaction of the local government and Main Roads WA.**
- d) Council may request, at the subdivision stage, that the subdivider undertakes to prepare a drainage study to determine how to alleviate adjacent lots from hazards posed by floodwaters, but without degrading the conservation values of the wetlands and associated features. The basis of information regarding a drainage and flood risk study, should reflect the criteria provided in the Land Capability and Geotechnical Assessment (Appendix 2).**
- e) Prior to subdivision, the subdivider shall prepare building guidelines to inform the desired character of future development. The guidelines shall be prepared to Council's satisfaction.**
- f) The subdivider shall install suitable fencing to the perimeter of the Estate and to the boundaries of**

lots within. The style of fencing should be open in nature and befitting the rural character of the locality.

- g) At the time of subdivision, the local government may request the Western Australian Planning Commission impose a condition that requires the subdivider provide firefighting facilities (or a financial contribution in-lieu of) to service the subdivision.
- h) At the time of subdivision, the local government may request the Western Australian Planning Commission impose condition/s requiring the construction of any roads, battle-axe access legs, shared access legs, or crossovers required to provide adequate vehicular access to the proposed lots.

2. Public Open Space (Reserve for Recreation)

- a) Council shall at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a management plan for the Public Open Space (Reserve for 'Recreation') as delineated on the Subdivision Guide Plan which is to address the following:
 - 1) rehabilitation of the natural environment; and
 - 2) a maintenance regime.
- b) Prior to Council recommending endorsement to the Western Australian Planning Commission ('the WAPC') of a deposited plan of subdivision, the subdivider shall:
 - 1) implement a Public Open Space (POS) Management Plan to Council's satisfaction; and
 - 2) enter into a legal agreement with Council to ensure the ongoing maintenance of the POS in accordance with the provisions of the Management Plan for a specified period. The legal agreement shall be prepared at the subdivider's cost to the satisfaction of the WAPC.

3. Development & Land Use Controls

- a) All buildings shall be contained within a building envelope not exceeding 4,000 m². For the purpose of this clause "buildings" shall include dwellings, outbuildings and effluent disposal systems.

- b) Building envelopes shall be nominated by the landowner at the planning approval stage and shall comply with the following
 - 1) Minimum front setback 20m,
 - 2) Minimum side setback: 10m,
 - 3) Minimum rear setback: 10m, and
 - 4) Minimum setback from water body: 50m.
- c) Notwithstanding provisions b) above the application to approve a building envelope must be accompanied by relevant building plans, and information addressing visual amenity, privacy and screening, vegetation loss, access and proximity to natural features.
- d) In the case of lots adjoining rural lots with an established rural activity the building envelope shall be a minimum of 100 metres as measured from the lot boundary containing the rural use.
- e) Notwithstanding any other provision of the Scheme, outbuildings or shed structures shall:
 - 1) not be used for habitable purposes; and
 - 2) not be permitted unless approved in association with a related dwelling.
- f) No residential development shall be permitted within the Quarry Buffer as delineated on the Subdivision Guide Plan.
- g) Upon cessation of quarrying activity Council may approve development within the buffer area.
- h) Only one dwelling is permitted on any lot within the Rural Residential zone, although the local government may, at its discretion, also approve one ancillary accommodation unit as defined in the Residential Design Codes.
- i) No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:
 - 1) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government, and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
 - 2) Clearing for vehicular access or fire breaks specifically identified on the Subdivision Guide Plan;
 - 3) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government;

- 4) Trees that are diseased or dangerous as determined by the local government; and
 - 5) Any proposed clearing of River Gums on Lots 2 and 5 will require local government and Department of Environmental Protection approval aimed at protecting the habitat of the Carnaby's Black Cockatoo. Notwithstanding 3.) above no clearing of the River Gums (*Eucalyptus camaldulensis*) will be permitted on Lots 2 and 5 without the approval of the local government and the Department of Environmental Protection by obtaining a clearing permit obtained from the Department of Environmental Protection under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- j) Prior to Council recommending endorsement to the WAPC of a deposited plan of subdivision, the subdivider shall enter into a notification pursuant to section 165 Planning & Development Act 2005 advising registered proprietors and prospective purchasers of the subdivided lots that the lots are subject to the provisions of a Subdivision Guide Plan which contains factors affecting the use and enjoyment of the lots ("the Notification"). The Notification shall be prepared at the subdivider's cost to the satisfaction of the WAPC and shall be registered against each of the certificates of title for the subdivided lots.
 - k) Development must be consistent with the "Indian Ocean Drive Planning Guidelines" WAPC, March 2014, if it will be visible from Indian Ocean Drive.

4. Effluent Disposal

- a) Effluent disposal shall be via onsite disposal systems such as septic tanks and leach drains when the applicant can demonstrate a sufficient separation distance to groundwater and soil type is assessed as suitable.
- b) While the provision of rainwater tanks for storage of a domestic drinking water supply is mandatory when not connected to a reticulated supply if residents propose the use of unconfined groundwater for stock or domestic supply, the construction of any bore must be consistent with the national guidance booklet, *Minimum construction requirements for water bores in Australia*.

5. Water Supply

- a) Construction of a single dwelling on any lot shall be supported by a minimum:
 - 1) 240m² of roof catchment area from all buildings and a minimum rain water storage tank capacity of 120,000 litres as calculated under the Department of Water's Stormwater Management Manual for WA formula; or
 - 2) A 10,000 litre storage tank fed from an on-site dam or under-ground bore for domestic and firefighting use. All tanks shall include the installation of a 50mm outlet with gate valve and male coupling located at the base clearly marked "Fire Brigade Connection Point".
- b) The government does not require a licence to install a groundwater bore and to extract water when it is only to be used for:
 - the only water that can be taken from the well is from the water table aquifer;
 - water taken from the well/bore is to be used for one or more of the following:
 - i) firefighting;
 - ii) watering cattle or other stock but not under intensive conditions;
 - iii) watering an area of lawn or garden that does not exceed 0.2 ha;
 - iv) other ordinary domestic purposes. (Rights in Water and Irrigation Exemption [Section 26c] Order 2011 under the *Rights in Water and Irrigation Act 1914*).

6. Lots within Quarry Buffer.

Lots 33, 34, 35, 52, 54, 55, 56 shall not be released until the current extraction licence has ceased to operate or the buffer has been redefined and no longer affects the above lots.

3. Including portions of existing Lot 1, as outlined in the proposed Subdivision Guide Plan, within Schedule 4 – Special Uses No. 4 – Regional Airport (shown as Lot 4) with the following additional uses being permitted (P) or discretionary uses (D) or (A) with associated conditions:
 - a) Aviation Activities – P
 - b) Bed & Breakfast – D
 - c) Caravan Park – D
 - d) Caretaker's Dwelling – D
 - e) Chalets/Cabins – D

- f) Community Purpose – P
- g) Convenience store – D
- h) Cottage Industry – D
- i) Dwelling – P
- j) Hangar Lots – P
- k) Home Occupation – D
- l) Parking – P
- m) Restaurant / Café – D
- n) Rural Pursuit – D
- o) Service Station – D
- p) Terminal – P
- q) Vehicle Rental – P

4. Add to Schedule 1, two land use definitions the following and being added to the existing list of land use definitions in their alphabetical order where appropriate:

Airport – includes offices and ancillary buildings related to the airport, including runways, taxiways, apron and aircraft parking bays, hangars, vehicle parking, meeting and reception rooms.

Aviation Activities – includes uses associated with the airport and includes aircraft sales, displays, spare parts storage and sales, maintenance of aircraft, storage and sale of fuel, training buildings, vehicle hire and other associated airport facilities.

Hangar lots – comprise a hangar and dwelling/accommodation either separately or combined where there is a dwelling above or adjacent to a hangar in the same occupancy on lots designated in the Subdivision Guide Plan with a taxiway connecting to the runway.

Terminal – a building and associated land area for the purpose of handling passenger arrivals and departures, baggage, ticketing and all other aviation related businesses.

5. Including the requirement that no subdivision or development of the lot shown as Lot 4 on the Subdivision Guide Plan will be supported (subdivision) or approved (development) until both the Council and the Commission has:

an endorsed Structure Plan consistent with the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 4, Clause 14; and

an endorsed Local Development Plan, consistent with the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 6, Clause 46.

6. Including portions of Lot 4 as outlined in the proposed Subdivision Guide Plan within Schedule 4 – Special Uses (shown as Lot 4) Service Station with the following Special Uses with associated provisions.

Schedule 4 – Special Use Zones

No	Description of Land	Special Use	Conditions
2	Portion of Lot 1, shown as Lot 4, Jurien Road. Jurien Bay	Service Station	<ol style="list-style-type: none"> 1. Development to comply with the following provisions to the satisfaction of the local government: <ol style="list-style-type: none"> a. restaurant facilities – eating area to be no greater than 80 square metres (equivalent to approximately 50 sit-down customers) with limited takeaway food retailing contained within a single building without a drive through fast-food facility; b. convenience shop – with an aggregate retail floor space no greater than 65m²; c. a fuel outlet – retail outlet only with no bulk fuel service; d. vehicle servicing – limited to emergency breakdown repairs and one bay for carrying out greasing, tyre repairs and minor mechanical repairs (excluding premises used for a transport depot, panel beating, spray painting, major repairs or wrecking); e. toilet facilities including provision for the disabled and an infant changing room; f. overnight accommodation to be prohibited; and g. parking for a range of vehicles. 2. Proposals for service stations should be supported by a site level visual landscape assessment, which also addresses associated infrastructure. 3. Proposals in visually dominant sites, such as at the focal point of an important view, will not be supported. 4. Service stations should be designed to blend with their

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			<p>landscape setting. It is inappropriate for them to be hidden within the landscape as they need to be clearly visible. The design should ensure the buildings are not designed as prominent landmarks.</p> <p>5. A landscaped setback of an appropriate size should be provided at the front and sides of the development. The extent of landscape setbacks at the front and side boundaries of the service station should be assessed on a site-specific basis and be dependent on outcomes of site level visual landscape assessment. Locally indigenous plant species that are common along IOD and will grow to the required height and density should be used in the landscape treatment.</p> <p>6. The local and regional context should be considered in the building design and layout. Examples of style and materials that borrow their themes from IOD landscape include: casual, low-key coastal holiday style; natural materials such as limestone and rammed earth using local soil; materials reminiscent of local shacks, such as corrugated iron and wood window frames.</p> <p>7. All new utility lines, including power, telephone and data lines, that serve the proposed development should not be located within the IOD view shed corridor when it is feasible to locate them elsewhere. They should be installed underground where possible. If located above ground level they should be located on the inland side of the road or located as to be inconspicuous from IOD shielded from view from the scenic corridor within existing vegetation and/or revegetation.</p> <p>8. Signage may not dominate the view and should be in accordance with Main Roads and local government requirements.</p> <p>9. Incidental land uses including café, restaurant and/or convenience store are permitted</p>
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			subject to the satisfaction of Council.
	Portion of Lot 1, shown as Lot 4, Jurien Road, Jurien Bay	Regional Airport and associated uses to the satisfaction of the Local Government including: Runways and hardstand; Hangars; Terminal; Hangar lots with attached accommodation; Aviation activities - car hire - repairs - fuel Aviation related Recreation, e.g.: gliding, parachuting/sky diving; and Similar aviation activities at the discretion of the Council.	<ol style="list-style-type: none"> 1. Provide a structure plan for the whole of the airport site including access to and from the facility which sets out all the planning and design concepts by providing a framework for the physical development of the site. 2. Consider in detail and justify the suitability of the site for the proposed purposes. 3. Provide a layout, design and use parameters and other development considerations. 4. Satisfy all relevant Commonwealth, State and local government legislation in respect to the planning, development, licensing and operation of the proposed regional airport and associated uses. 5. Undertake and present an appropriate physical investigation of the proposed development areas to provide design requirements for infrastructure. 6. Undertake detailed investigations of the environmental attributes of the site, including flora and fauna, cultural and heritage considerations, stormwater flow and quality management to confirm the acceptability of the development site. 7. To undertake any other investigations determined under Commonwealth, State and Local government laws, regulations and by-laws. 8. Be subject to ongoing periodical reviews of the Structure Plan prior to any development occurring.
	Portion of Lot 1 (shown as Lot 1 on Subdivision Guide Plan), Jurien Road, Jurien Bay	Rural Residential	<ol style="list-style-type: none"> 1. No building shall be permitted within 20 metres of the front boundary, 10 metres of the rear boundary and 10 metres of the side boundary of any allotment. 2. Notwithstanding 1. above, Council may agree to reduce the setback from any boundary to a minimum of 10 metres for those lots where portion of the

			lot is within the Quarry buffer.
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7. **Modifying the Scheme Maps to show Special Use Site No. 4.**
8. **resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 27 is a complex amendment for the following reasons:**
 - a) **it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;**
 - b) **it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and**
 - c) **the amendment is not recognised as being a basic or standard amendment.in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;**
9. **authorise Council officers to prepare the scheme amendment documentation.**
10. **authorise the affixing of the common seal to and endorse the signing of the amendment documentation.**
11. **pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 27 to the Environmental Protection Authority;**
12. **pursuant to regulation.37 (2) of the Regulations, provides two copies of Amendment 27 to the Western Australian Planning Commission**
13. **proceed to advertise the amendment to the local planning scheme without modification, such advertising to commence after receipt of advice from the Western Australian Planning Commission pursuant to regulation 37 (4) of the Regulations that modifications are or are not to be made to the amendment for advertising.**

9.4.2 SCHEME AMENDMENT NO.31 LOCATION 3924 CERVANTES ROAD, CERVANTES

Location:	Location 3924 Cervantes Road, Cervantes
Applicant:	Landvision on behalf of B Robinson
Folder Path:	Business Classification Scheme / Land Use and Planning / Zoning / Rezoning Applications
Disclosure of Interest:	None
Date:	8 August 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Landvision acting on behalf of the landowner of Location 3924 Cervantes Road is seeking to rezone the subject land to create:

4 perennial horticulture lots – Agricultural smallholdings of a minimum of 40ha or larger.

141 rural lifestyle lots – Rural lifestyle lots where rural-residential activities would be permitted on lots with a minimum of 5.0ha suitable for rural living

7 conservation lots – Wilderness lots larger than 40ha over the uncleared western portion of the site and which will be subject to special controls to protect vegetation.

BACKGROUND

The landowner is Mr B. Robinson who has owned and managed the property since 2014. It is the landowners aim to subdivide the lot to enable it to be developed for a mix of conservation, perennial horticulture and rural living purposes with the intention of providing larger than usual lots providing land use and lifestyle opportunities not currently available in other rural residential estates.

This report provides an application to Council requesting a Scheme Amendment to change the subject land from Rural zone to Special Use which will enable the rezoning of the subject land to create a mixed use of primary production, conservation and rural living. It will also provide the development and management provisions to ensure the land use and development of Location 3924 is consistent with the aims and objectives of the Rural Local Planning Strategy 2012 and Scheme. The proposed mixed use development is supported by a Subdivision Guide Plan and a Development Guide Plan included in this Scheme Report.

When the Rural Local Planning Strategy 2012 was prepared the subject land was being proposed for a rural smallholdings development based on intensive horticulture with separation of houses from agriculture based upon provision of reticulated water to each lot. The proposal was contingent upon the introduction of

the Rural Smallholding zone to the Scheme by way of a Scheme Amendment to introduce the zone and to rezone the location accordingly. The proposed development was the vision of the previous owner. The current owner purchased the property in 2014 with the intention of planning for a Rural Smallholding estate or similar development.

The Shire of Dandaragan in its adopted Rural Local Planning Strategy 2012 supported the introduction of the Rural Smallholdings zone into its Local Planning Scheme subject to the satisfaction of the Western Australian Planning Commission. No land however, was zoned for this purpose, and so when a landowner seeks to have land zoned and subdivided for Rural Smallholdings, then they would need to prepare a Scheme Amendment to introduce the zone.

The draft Local Planning Strategy adopted for advertising by the Council at the 28 July 2016 Council meeting sets out the criteria for determining suitability for rural living development.

After further analysis of the potential for and sustainability of a development for an intensive agricultural development, including the preparation of a report on the land capability for such a development (see Appendix 1), it has been concluded that such a proposal had to be modified.

Constraints to such a development which resulted in a change of plan are as follows:

- an intensive horticultural development would rely on the use of groundwater which under current circumstances could not be guaranteed as the Department of Water will only issue a groundwater allocation on a case by case basis. This would mean an individual could purchase a lot but not receive an adequate water allocation for a proposed horticulture operation;
- an investigation of other private water supply models proved to be unviable;
- that there is the potential to create land use conflict between intensive agriculture operations and rural residential dwellings on smaller lots;
- that the most suitable soils for intensive agriculture were confined to small areas of the property;
- that the most suitable form of agriculture is perennial horticulture on larger lots (40+ha) separated from the smaller lots (4+ha); and
- that lots from 5ha – 15ha would be suitable for rural lifestyle if reliant on rainwater collection and, if granted a groundwater allocation, would create the opportunity for landowners to undertake small-scale horticultural projects aimed at boutique crops for niche markets to derive part time incomes.

It was concluded that the proposed layout where the largest lots suitable for perennial horticulture could be located separate from the smaller lots and could provide the opportunity to manage any land use impacts that would affect the residents. Also providing a range of lot sizes including many in the 5–15ha range would provide lots found nowhere else in the local authority where people could pursue small, often high return and niche crop markets becoming in high demand for healthy foods and specialty cooking. Other opportunities would also exist for artists, artisans and home/cottage scale manufacturing and processing.

Council has discussed the proposal at a Forum held on 28 June 2016.

COMMENT

The topography of Loc 3924 is gently undulating with slope gradients less than 10% and the elevation above sea level ranges from approximately 20m AHD adjacent to Cervantes Road in the north, to a high point of 110m AHD in the south eastern corner.

A significant issue for rural residential type development is provision of an adequate water supply. The applicant gives the following comments.

Water is available from the superficial Tamala Limestone and possibly the wedge of Lesueur Sandstone which occurs at depth under the site and which is fresh water. The amount of groundwater which is available for use is substantial but may change quickly as licences are sought and water allocated. Taking of water from the superficial aquifer for stock or domestic purposes does not require a licence although there are significant health requirements if proposing to use the water for domestic purposes.

Future landowners must provide water for domestic use from roof harvesting and tank storage and any domestic use of groundwater would require treatment. As such, the domestic supply of water will be obtained from roof catchments. Commonly, each dwelling on rural-residential properties will have a garage or large shed for:- machinery, vehicles, a boat and caravan which requires a large roof area in addition to the house and can capture a significant water supply. A tank of 120kL is normally recommended for areas such as this. In a good year with 620mm of rainfall, a roof area of 195m² is capable of filling the tank. Normal domestic potable use is in the order of 120kL – 180kL per year. In a relatively dry year with 500mm per year, a roof area of 240 – 360m² per year would be required.

The WAPC's Rural Policy DC 3.4 states that rainfall supply for domestic purposes is not considered viable with a rainfall less

than 550mm per year. The DoW stated that the annual average rainfall for Jurien Bay is 538.7mm which increases slightly on the higher land in close proximity to the coast such as the subject land. Therefore in most instances domestic water supply would be the individual land owner's responsibility. We believe that although the annual average rainfall may in some years be slightly less than 550mm the common development of larger sheds hence roof catchment area support use of rainwater subject to:

- 240m² of roof catchment area of all buildings, and a storage tank capacity of 120,000 litres; and/or
- if approved by the relevant authorities and treated to an acceptable standard for domestic and firefighting use, a 10,000 litres storage tank from an on-site dam or underground bore, and the tank must have a suitable "Fire Brigade Connection Point".

Another significant issue is that there is surplus supply of rural living type land in that adequately services the Cervantes / Jurien Bay area.

The applicant gives the following comments.

One of the requirements of the LPS and State policies is to show that there is a demand for the proposed lots. There is no established model or procedure to prove there is a demand and in this instance there are no similar sized lots with which to compare.

Accordingly, as shown in Appendix 3, we sought the services of Mr Ian Kelly of the Professionals, Jurien Bay Realty, who has over 18 years' experience in the area being personally involved with over 2000 real estate property sales. During his 18 years of local real estate experience, Mr Kelly and his office staff have had numerous inquiries for rural land of these proposed sized lots e.g. 4–20ha and 40+ha in area. Comments flowing from the inquiries and sales of the four completed rural residential estates in Jurien Bay indicate a common requirement is for larger rural lots so one can do either a straight out boutique rural business or tourism based rural business. They also have interest from many people who would prefer to be in the locality of Cervantes, being closer to the town of Cervantes, the metro area and to Moora than if in Jurien Bay.

The Proposal which presents a range of lot sizes suitable for a variety of land uses, will give people more options to actually utilise the land for their special requirements, which has certainly been unavailable within the four farmlet estates in Jurien Bay. It will give the options for businesses to grow and supply vegetables and fruit, not only to the local market, but for the wider markets as

well. There would be opportunities for horticulture businesses, nurseries, vineyards, and berry and fruit farms which could have associated tourism businesses attached. There could be opportunities for wildlife parks to showcase our native animals or birds. A property could also be utilised for a wildlife sanctuary. It is also suggested that the rural zoning also allow the use for commercial and tourism so properties could be developed for such uses as eco-tourism camps or chalets.

There is a large amount of detailed information provided in the attached Scheme Report that has not been reproduced in the officer's report. The officer has identified significant issues above, however it is expected that the consultation/advertising process may identify other significant issues to be addressed in a schedule of submissions when the amendment comes back to Council for consideration. Councilors are encouraged to discuss the amendment with the Manager Planning during the consultation period so that any modifications can be made prior to final consideration by Council.

Amendment Classification

In respect to Amendment No. 31 it is recommended that it be classified by Council as a complex amendment pursuant to Regulation 34 for the following reasons;

- a) it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
- b) it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and
- c) the amendment is not recognised as being a basic or standard amendment.

CONSULTATION

The recommendation of this report is to commence the advertising process for the proposed Scheme Amendment.

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no current budget implications relevant to this item. There will potentially be increased income from rates if the subject property is subdivided.

The applicant will be invoiced for all costs associated with the application based on cost recovery.

STRATEGIC IMPLICATIONS

This subject land was identified in the Rural Local Planning Strategy 2012 as the East Cervantes Precinct for the next stage of zoning for rural living when justified to the satisfaction of the WAPC. The draft Local Planning strategy adopted for advertising by the Council at the 28 July 2016 Council meeting sets out the criteria for determining suitability for rural living development.

ATTACHMENTS

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

- Scheme Amendment No. 31 (Doc ID 70070)
- Appendices to report (Doc ID 70071).

Note – Both these documents have been previously circulated at the Council Forum of 28 July 2016

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Dandaragan Local Planning Scheme No. 7 by:

- 1) Rezoning Location 3924, Cervantes Road, Cervantes from the “Rural” to “Special Use – Mixed Use Rural Lifestyle”.**
- 2) To identify a number of sites throughout the subdivision as shown on the Subdivision Guide Plan as “Public Purpose – Fire Services” sites to be vested in the local government.**
- 3) Amending Schedule 4 – Special Use Zones to add after No. 4, No. 5 Special Use – Mixed Use Rural Lifestyle and including the necessary special conditions, as follows:**

No	Description of Land	Special Use	Conditions
5	Location 3924 Cervantes Road	Mixed Use Rural Lifestyle Permitted: Dwelling Agriculture – Extensive Home Occupation	1. Subdivision shall generally be in accordance with the approved Subdivision Guide Plan dated _____ attached to the Scheme Amendment Report. 2. The minimum lot sizes for the

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		<p>Discretionary ("D") Agriculture – Intensive Bed and Breakfast Caretakers Dwelling Cottage Industry Home Business Rural Pursuit Discretionary ("A") Agroforestry Aquaculture Caravan Park Chalets Home Office</p>	<p>lots as shown on the Development Guide Plan to be:</p> <ul style="list-style-type: none"> - Agriculture Intensive – 40ha - Rural Lifestyle – 5ha - Conservation lots – 40ha <p>3. In addition to the uses listed in the Special Use column the following uses which if in the opinion of the local government are not considered to be nutrient exporting upon the advice of any relevant government agency may be permitted on Lots 1–4 in accordance with the following:</p> <p>Permitted Uses (P)</p> <ul style="list-style-type: none"> - Livestock grazing (agriculture extensive) <p>Discretionary Uses (D)</p> <ul style="list-style-type: none"> - Apiaries - Viticulture - Aquaculture - Horticulture - Orchards - Nursery - Silviculture - Floriculture - Broadscale cropping <p>Not Permitted Uses Notwithstanding any other Scheme provision and use of discretion by the Council, the following uses are not permitted:</p> <ul style="list-style-type: none"> - Feedlots - Livestock Grazing (intensive) - Piggeries - Poultry Farms - Turf Farms <p>Water Supply and Drainage</p> <p>4. Construction of a single dwelling on any lot shall be supported by a minimum:</p> <ol style="list-style-type: none"> a) 240m² of roof catchment area from all buildings and a minimum rain water storage tank capacity of 120,000 litres as calculated under the Department of Water's Stormwater Management Manual for WA formula; or b) A 10,000 litre storage tank fed from an on-site dam or underground bore for domestic and firefighting use. All tanks shall
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			<p>include the installation of a 50mm outlet with gate valve and make coupling located at the base clearly marked "Fire Brigade Connection Point."</p> <p>5. Notwithstanding provisions above, the application to approve a building envelope must be accompanied by relevant building plans, and information addressing visual amenity, privacy and screening, vegetation loss, access and proximity to natural features and compliance with the requirements of the Bushfire Management Plan dated 8th March, 2016 and endorsed by the CEO.</p> <p>6. In the case of lots adjoining rural lots with an established rural activity the building envelope shall where possible be a minimum of 100m as measured from the lot boundary containing the rural use.</p> <p>7. Notwithstanding any other provision of the Scheme, outbuildings or shed structures shall:</p> <ol style="list-style-type: none"> 1) Not be used for habitable purposes; and 2) Not be permitted unless approved in association with a related dwelling. <p>8. Stormwater drainage from developed areas and accessways shall be contained on-site to the satisfaction and specifications of the local government. The stormwater management system should be designed in accordance with the guidelines contained in the "Stormwater Management Manual of Western Australia". The Local government may allow stormwater drainage to be directed to the road verge where it can be shown it can be contained and will contribute to the benefit of roadside vegetation. Clearing Building Envelopes and</p>
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			<p>Setbacks</p> <p>9. Variations to the building envelopes shown in the Conservation lots must be approved by the local government where the local government is satisfied that the modification is justified and avoids fragmentation of the more vegetated parts of the site. Building envelopes shall be limited to 4000m².</p> <p>10. With due regard to protecting existing vegetation, all buildings shall be contained within a building envelope not exceeding 4000m². For the purpose of this clause “buildings” shall include dwellings, outbuildings and effluent disposal systems.</p> <p>11. Building envelopes shall be nominated by the landowner at the planning approval stage and shall comply with the following:</p> <ol style="list-style-type: none"> 1) Minimum front setback 20m; 2) Minimum side setback 10m; and 3) Minimum rear setback 10m. <p>12. Lots 5–13 inclusive to have a front setback of 100m. Lots 14, 76, 123 and 124 where the boundary is adjacent to Lot 4 shall be required to maximise the setback from Lot 4 to the satisfaction of the local government.</p> <p>13. No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:</p> <ol style="list-style-type: none"> 1) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government, and the Environmental Protection (Clearing of Native Vegetation) Regulations
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			<p>2004;</p> <p>2) Clearing for vehicular access or fire breaks specifically identified on the Subdivision Guide Plan;</p> <p>3) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government; and 4) Trees that are diseased or dangerous as determined by the local government.</p> <p>14. Only one dwelling is permitted on any lot, although the local government may, at its discretion, also approve one ancillary accommodation unit as defined in the Residential Design Codes.</p> <p>15. All vegetation shall be retained unless authorised by the local authority and when required the Department of Environment except in the case of vegetation proposed to be removed to make way for building construction, fences, powerlines, accessways, firebreaks and any other bushfire management protection.</p> <p>16. All driveways and associated hardstand (impervious surfaces) areas are to be constructed and maintained to the satisfaction of the local government.</p> <p>Effluent Disposal</p> <p>17. a) Effluent disposal shall be via onsite disposal systems such as ATUs approved by Council unless a sufficient separation distance to groundwater can be demonstrated and soil type is assessed as suitable for septic tank systems.</p> <p>b) While the provision of rainwater tanks for storage of a domestic</p>
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			<p>drinking water supply is mandatory when not connected to a reticulated supply if residents propose the use of unconfined groundwater for stock or domestic supply, the construction of any bore must be consistent with the national guidance booklet, Minimum construction requirements for water bores in Australia.</p> <p>Bushfire Management</p> <p>18. a) All development must comply with the approved Bushfire Management Plan (BMP) and any subsequent updates to the BMP and the BMP to be held and kept up to date by the Local government.</p> <p>b) The developer must lodge a Section 70A Notification on each Certificate of Title within this subdivision to alert the purchasers of land and successors in title of the responsibilities of the FMP.</p> <p>c) All property owners will be required to ensure all new buildings are designed and constructed in full compliance with the requirements of AS 3959-2009 and the local government.</p> <p>d) Each property owner must ensure the emergency water supply for firefighting purposes is maintained and the couplings are readily accessible by 3.4 firefighting appliances (installed at dwelling construction stage).</p> <p>Public Open Space</p> <p>19. The local government will, at the subdivision stage, request the WAPC to impose a condition requiring the subdivider to prepare and implement a management plan for the Public Open Space (Reserve for Recreation) as delineated on the</p>
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			<p>Subdivision Guide Plan.</p> <p>Notification on Title</p> <p>20. Prior to Council recommending endorsement to the WAPC of a deposited plan of subdivision, the subdivider shall enter into a notification pursuant to section 165 Planning & Development Act 2005 advising registered proprietors and prospective purchasers of the subdivided lots that the lots are subject to the provisions of a Subdivision Guide Plan which contains factors affecting the use and enjoyment of the lots ("the Notification"). The Notification shall be prepared at the subdivider's cost to the satisfaction of the WAPC and shall be registered against each of the certificates of title for the subdivided lots.</p> <p>21. Memorials or Notifications being placed on the titles of all lots advising landowners that special and specific scheme requirements area applicable to the land and that the land is within a Priority 2 Public Drinking Water Source Area.</p>
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4. Amend the Scheme maps accordingly;



5. resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 31 is a complex amendment for the following reasons:

- a) it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;**
- b) it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and**
- c) the amendment is not recognised as being a basic or standard amendment.in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded**

by the deemed provisions in Schedule 2 of the Regulations;

6. authorise Council officers to prepare the scheme amendment documentation.
7. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
8. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 31 to the Environmental Protection Authority;
9. pursuant to regulation. 37 (2) of the Regulations, provides two copies of Amendment 31 to the Western Australian Planning Commission
10. proceed to advertise the amendment to the local planning scheme without modification, such advertising to commence after receipt of advice from the Western Australian Planning Commission pursuant to regulation 37 (4) of the Regulations that modifications are or are not to be made to the amendment for advertising.

9.4.3 PLANNING APPROVAL – RESIDENTIAL DESIGN CODES VARIATIONS FOR PROPOSED DWELLING - LOT 3 CATALONIA STREET, CERVANTES

Location: Lot 3 Catalonia Street, Cervantes
 Applicant: N Thompson
 Folder Path: Development Services App / Development Application / 2016 / 43
 Disclosure of Interest: None
 Date: 8 August 2016
 Author: David Chidlow, Manager of Planning
 Signature of Author: 
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

The applicant seeks planning approval to construct a double storey dwelling with variations sought for building height, setbacks, visual privacy and solar access. The subject property is also subject to potential future coastal hazard risk.

BACKGROUND

This item was deferred at the 28 July 2016 Council meeting pending a site inspection by Councillors which was carried out on 11 August. The applicant proposes a two storey dwelling on Lot 3 Catalonia Street, Cervantes comprising lot area of 791m². The subject lot is zoned Residential R12.5.

The applicant has submitted the following explanation and justifications of variations sought.

Building Height (5.1.6)

The proposed house exceeds the building height requirements of the R Codes with both wall heights exceeding 6m and overall pitched roof height exceeding 9m at its apex. The building's wall height is approximately 6.2m (average) above existing natural ground levels at the higher, front section of the site and is approximately 6.8m (average) above existing natural ground levels at the lower, rear section of the site.

The main reason for the increase in the building's height is the site is to be filled in the building area with a sand pad 200-1150mm high. This is to fill a void or low point in the middle of the site. It also allows access to significant ocean and coastal views, beyond the bushes and coastal scrub on the adjoining vacant lots and road reserve.

The dip in the middle needs to be filled to prevent ponding of water at the lowest part, and allow adequate drainage to the site. As the house partly covers this area, the building's height slightly exceeds usual requirements. It should be noted that the FFL of the

proposed building of 10.50m is only 90mm higher than the existing building's FFL 10.41m (to be demolished). Other than the increased building pad, the house is the typical height for an average two storey home, and the rear of the site has its levels stepped down so there is less fill on the terraced rear garden area. Also note that the level of the top of the existing limestone retaining wall on the south west side boundary is FFL 10.20m, which is higher than the levels on the subject site, although the difference varies along its length.

The justifications for the increased wall height and maximum building height are;

- The proposed building allows adequate direct sun into the existing house and open spaces on the adjoining site.
- It also allows adequate daylight to major openings into habitable rooms of both dwellings.
- Maintains and allows access to views of significance to both buildings, by not substantially blocking views to the ocean.
- The highest ridge is less than 1m long and the R Codes allow a 0.5m height increase for every 2m shorter than a 6m ridge. Therefore, in this case a 2m ridge can be up to 10m above natural ground level. NGL under the ridge is 10.00m so max ridge height is 20.00m. Our proposed maximum ridge is FFL 9.623m
- The increased wall height results in no adverse impact on the amenity of the adjoining properties or the streetscape. The building and its elevation will enhance the streetscape
- The increased wall height allows adequate direct sun (no additional impact) into the adjoining buildings and open spaces, other than that which is ordinarily allowed by the R-Codes

Officer comment – Given that the site is potentially subject to future coastal hazards, an increase in floor levels and therefore building height is reasonable and would be expected for all other new neighbouring developments.

Lot Boundary Setback (5.1.3)

The side boundary setbacks of some sections of the ground floor walls along the southwest side of the building are less than suggested under the “deemed to comply” section of the R- Codes. The setback of the 13.26m long by 3.5m high Garage and Store wall is 1.0m in lieu of 1.5m and the setback of the 11.09m long by 4.0m high undercroft perimeter is 1.24m in lieu of 1.7m.

- The undercroft reduced setback has minimal impact on the adjoining property; the area is completely open to the side and covered by roof and the floor above, which complies with

setback requirements. The undercroft is for drive through covered parking of vehicles.

- The proposed building provides adequate direct sun and ventilation to the new building and its open spaces, as well as the existing adjoining property. Refer to overshadowing drawing, and availability of natural light at times of day throughout the year.
- The garage and store reduced setback also has minimal impact on the adjoining property; it is alongside the neighbour's garage. The existing tree on the boundary close to the proposed garage will be removed to construct this wall.
- The neighbours existing boundary fence on top of the existing limestone boundary retaining wall will provide adequate visual screening from the ground floor areas in the undercroft. The top of the existing retaining wall is FFL 10.20m with the fence on top. Also, the garage wall is solid, without openings to the southwest side, to prevent any overlooking.

Officer comment – The applicant has provided sufficient justification to support a variation.

Visual Privacy (5.4.1)

- The rear balcony overlooks the adjoining lot 4 along part of the southwest side boundary, towards the rear of the site. The 7.5m visual setback overlooks 4.2m of the adjoining side boundary, which includes a section of the neighbours rear garden, about 6m² in area. As the area overlooked is a relatively small section of rear garden area, located close to the end of the garden and close to the side boundary, the impacts of overlooking of these areas and its effect on both the neighbours and the proposed buildings privacy is minimal as they would not be considered large or be commonly accessed active habitable spaces or outdoor living areas.
- The front guest bedroom 2 overlooks the adjoining lot 4 along part of the southwest side boundary, near the front of the site. The 4.5m visual setback overlooks 3.2m of the adjoining side boundary, which is a small 2m² section of the neighbour's front garden area. As the area overlooked is within the front setback area and front garden area, they are mostly visible from the street. The impacts of overlooking of these areas and its effect on both the neighbour's and the proposed building's privacy is minimal as they would not be considered active habitable spaces or outdoor living areas.

Officer comment – The applicant has provided sufficient justification to support a variation.

Solar Access for Adjoining Sites (5.4.2) .

- The proposed building casts a shadow at midday, 21st of June over the Southwest adjoining Lot 4. The shadow is approximately 32% of the adjoining site's area, which is more than the deemed to comply requirement of 25%. While more than the allowable amount, following the Design Principles support.
- The proposed development allows protection of solar access to both the proposed and affected dwelling's habitable rooms and open spaces and outdoor entertaining areas on the site. This access is available on sunny days throughout the year at various times of day. The proposed overshadowing is not significant enough to prevent this.
- Allows significant solar access for the neighbours outdoor living areas and gardens; and
- Has no effect on neighbours windows, within 15 degrees of north, in both directions.
- Has no effect on any existing roof mounted solar collectors, as there appears to be none at the present time.

Officer comment – The applicant has provided sufficient justification to support a variation.

Coastal processes.

The subject property is within the 100 year coastal erosion risk draft mapping. At this stage the mapping is in draft format and has not been advertised publicly. However the Council is aware of the potential risk and has a duty of care to advise the applicant.

SPP 2.6 State Coastal Planning Policy states;

5.5 Coastal hazard risk management and adaptation planning

(ii) Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title: **VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.**

It is recommended that a condition of approval require the above notification on title and an advice note detailing the above be provided to the owner.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising closed on the 11 July 2016. One submission was received objecting to the following aspects of the proposal.

As we have limited knowledge of the R-codes we expect the Council to enforce the requirements of the code as we understand they are in place to protect the interest of neighbouring property owners both where there is a current home or whatever may happen in the future on that site (e.g. new home/additions/solar panels to roof etc.). We are concerned about the excessive loss of sunlight during the winter months.

We also have an issue with the external stairs on the ocean side not being screened & overlooking our property. We would welcome a meeting with the Shire to discuss this further to enhance our knowledge & understanding & voice any other concerns we have.

The Manager Planning met with the neighbours to discuss code variation concerns. Issues relating to overlooking and height were resolved. Their continuing concern is the amount of overshadowing that will impact on some of their outdoor entertaining area. It was suggested that moving the building 0.5 to 1.5m away from their property and reducing length of eaves would reduce some of the overshadowing. The applicant will not move the building closer to the unmade road reserve as advice from their architect is that this will reduce access to the rear of the lot on both sides and reducing the eaves with will open the upper level to more weathering being on the southern side of the building.

The R Codes generally take into account existing neighbours development rather than unknown future development when considering privacy and solar collectors. In the case of stairs and landings, these are not considered to be spaces that people would normally occupy for more than brief moments and therefore the privacy provisions do not apply.

The issue of overshadowing is more complex as it does exceed the deemed to comply requirements of the Codes. The codes do state that;

It is possible, however, that some overshadowing is unavoidable. In these cases, careful consideration as to what is being overshadowed, rather than the extent of overshadowing, should be judged on merit and the design principle applied (refer to figure 67).

In other cases a shadow cast by a proposed building may exceed the allowable limits in theory, but in practice may simply be casting

a shadow onto a boundary wall or roof or both, with minimal adverse effect.

The applicant has argued that the proposal allows significant solar access for the neighbours outdoor living areas and gardens; and has no effect on neighbours windows, within 15 degrees of north, in both directions.

Given that the site is potentially within a coastal hazard area, the additional height would be a factor that needs to be considered as desirable in this location and ultimately the neighbours may also be required to achieve a similar height to negate coastal hazard risk.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7;
- State Planning Policy 3.1 Residential Design Codes (R-Codes);

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.00

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 69904)
- Development Application and Plans (Doc Id: 69903)
- Submission (Doc Id: 69909)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning approval to D & N Thompson for a proposed dwelling with relaxations at Lot 3 Catalonia Street, Cervantes for maximum building height of 9.623m RL, reduced boundary setbacks, minor visual privacy intrusions and solar access of 32% as per the attached plans dated 20 June 2016 subject to the following conditions;

- 1. All development shall be in accordance with the attached plans date stamped 20 June 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**

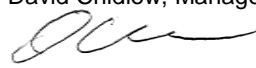

2. Notification being placed on the title with all costs associated with the preparation and lodgement of the notification being paid by the applicant advising “This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.”
3. The Chief Executive Officer and President be authorised to sign and apply the common seal to notification documents applicable to this application.

ADVICE NOTES:

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** The applicant be advised that this lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years (this advice is based on draft mapping that has not as yet been approved or made available for public use.) The applicant is also advised that all retaining walls should be constructed to a standard that provides sufficient stability and protection against coastal processes.
- Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

9.4.4 JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED SOLAR PHOTO VOLTAIC POWER FACILITY – LOTS 3899 & 105 MULLERING ROAD, CATABY

Location: Lots 3899 & 105 Mullering Road, Cataby
 Applicant: Wind Prospect on behalf of Trustpower and M Glasfurd Nominees & J Dermer
 Folder Path: Development Services Apps / Development Application / 2016 / 40
 Disclosure of Interest: None
 Date: 9 August 2016
 Author: David Chidlow, Manager of Planning
 Signature of Author: 
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

The proponent is seeking planning approval for up to 80 megawatt photovoltaic (PV) solar power generating facility within the proposed Waddi Wind Farm, the solar array will be located on Lot 3899 and is the subject of this planning application. The solar array will feed into a proposed substation located on Lot 105. The substation has current planning approval, however is subject to a current amendment to the wind farm planning approval to relocate onto Lot 105. The application is required to be determined by the Midwest/Wheatbelt (central) Joint Development Assessment Panel (JDAP).

BACKGROUND

The planning application is for a solar photovoltaic (PV) facility and associated infrastructure with the capacity of up to 80 MW. The project would be located on land currently used for grazing and / or cropping and located within the boundary of the Waddi Wind Farm project which was issued a planning approval by the Shire of Dandaragan in 2012 and renewed in April 2015. The project would supply energy to the Waddi Wind Farm on-site substation from which energy would be exported to the South West Interconnected System.

The main access to the Waddi Solar Plant would be from the Mullering Road using existing farm tracks located on the property and/or accessways constructed as part of the Waddi Wind Farm. New short augmentations to the existing tracks may be required to access the Waddi Solar Plant site. The Waddi Solar Plant would export electricity through a new distribution line (indicatively at 33kV) which would be either an overhead line or underground cable that extends from the solar plant site directly towards the proposed Waddi Wind Farm on-site substation located to the north-west of the solar plant.

Located within the proposed solar plant site would be arrays of solar photovoltaic panels totalling up to 80MW in capacity, internal access tracks, underground cables to connect arrays of

photovoltaic panels, solar monitoring stations, inverters, an on-site substation, maintenance and control building and perimeter fencing.

The proposed 150ha solar plant site is located on a private land title which is 1228ha in area and hosts typical farm residences and infrastructure including outbuildings, sheds, dams, fences and gravel farm tracks. This land title is operated as a farm in connection with other land titles in the region together totalling over 3,400ha. The proposed 150ha solar plant site is mostly cleared of native vegetation as is much of the surrounding land on the host land title. The land is used predominately for livestock grazing, cropping and plantations. Where vegetation does remain, it is limited in extent to isolated patches, scattered trees and linear wind breaks on private land, and linear strips along the Mullering Road reserve. Waddi Wind Farm Pty Ltd has a planning approval to construct up to 12 wind turbines, including all associated infrastructure, on the same land title.

The proposed 150 ha solar plant site is adjacent to the Minyulo Nature Reserve to the east and is over 7.7km south-east of Badgingarra National Park. The Minyulo Brook is located approximately 1.1km south of the solar plant site and is both a waterway and a registered Aboriginal heritage site (ID 28326).

Other surrounding land is generally cleared agricultural land with patches of remnant native vegetation. The proposed solar plant site is relatively flat with only a 50m variation in elevation across the proposed 150ha site. The soils within the proposed solar plant site consist of sandy gravel. Preliminary investigations have indicated that the ground is suitable for the construction of the proposed solar plant project. The route for the distribution line is cleared of native vegetation except for the Mullering Road reserve where remnant vegetation remains. Clearing of this vegetation will be avoided by use of an overhead line that spans the road reserve.

The construction of the proposed Waddi Solar Plant is expected to take between 12 to 15 months and employ up to 100 people at the peak of construction. Timeframes and employment numbers would be proportionately less if the project is constructed in stages. While construction may occur in parallel with the construction of the proposed Waddi Wind Farm, planning approval is sought for construction of the solar plant independently of the Waddi Wind Farm.

The project would require approximately 2,200 truck movements to the site however no oversized vehicles requiring escort or modifications to existing road conditions are expected to be required. A Traffic Management Plan would be prepared ahead of

the commencement of construction in consultation with the Shire of Dandaragan and Main Roads WA to confirm transport routes and undertake a road condition survey to facilitate the maintenance of public roads.

Once operational it is expected that operations staff would be responsible for maintaining the Waddi Solar Plant. Maintenance of fencing, weed management and other specialist services may be contracted out, locally where possible. The Waddi Solar Plant could be operated for over 20 years with refurbishment occurring as required to facilitate project life of 75 years or more.

COMMENT

The subject land is currently zoned 'Rural' under the Shire's Local Planning Scheme No. 7 (LPS7). The adjoining land uses are also zoned 'Rural' with the exception of the adjacent lot to the east, Minyulo Nature Reserve, which is reserved for 'Conservation' purposes.

The proposed PV solar power facility is a use not specifically mentioned in the Zoning Table. As such the Local Government may:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted;*

The objective for the Rural zone is follows;

“to provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.”

More specific guidance is provided in the Shire's draft Local Planning Strategy which was adopted by Council for advertising on 28 July 2016. Previous approvals for solar farms (Emu Downs) have been determined by the Joint Council and Development Assessment Panel as meeting the above objective.

The following sections of the draft Local Planning Strategy support such applications;

Table 4: Actions – service infrastructure

Action - Assess applications for wind farms and other alternative energy infrastructure, having regard to visual landscape issues and other relevant matters set out in Planning Bulletin 67 – Guidelines for Wind Farm Development.

5.4.3 Alternative Energy

There is significant potential for the Jurien Bay region to become an important area for renewable energy production projects. Wind power generation is already proving to be popular within the Jurien Bay hinterland with several projects in operation or planned. The first WA utility scale solar photovoltaic farm is also been developed north of Jurien Bay confirming the potential for solar power in the region.

There is adequate power generation within the region but the key issue for the shire is the transmission and distribution of power. The investment by energy producers in the shire may encourage energy intensive agricultural or other industries that use significant amounts of energy to locate in the area.

In addition, the Rural Planning Strategy 2012 which will be superseded by the draft Local Planning Strategy supported such proposals as stated in Objective 4 of section 7.4.2.1 of the Strategy:

“Support appropriate non-rural uses where they are compatible with adjoining and nearby rural uses, environmental attributes and landscape to complement the primary productive use of the land where a site contains remnant vegetation and other environmental features or lacks realistic potential for agricultural use the Council will consider the proposed non-rural uses as the predominant use on its merits.”

It is considered that the solar farm will not affect the rural landscape or its agricultural pursuit, as it is comparatively a small portion of the rural lot to be utilised for the project.

The landscape surrounding the proposed solar plant location features numerous existing man-made structures including overhead transmission and distribution lines, the existing Cataby substation, mining operations and associated infrastructure, public roads and farm infrastructure including buildings and fences.

An existing planning permit is in place for the development of the Waddi Wind Farm which would include the construction of wind turbines, access tracks, underground cable, an overhead transmission line, an onsite substation and a facilities building, all in the direct vicinity of the proposed solar plant site. The proposed solar plant would be integrated with the Waddi Wind Farm to

create an integrated renewable energy project creating synergies during both construction and operation.

The height of the proposed solar plant arrays are less than 3 metres and located on a relatively low lying portion of the land title minimising visibility from surrounding areas. The proposed solar plant is located over 6km from the Brand Highway, the main arterial road linking Perth to Geraldton, and may therefore be only fleetingly visible by passing traffic through road side vegetation and plantations. The Walyering Road adjoining the proposed solar plant site to the east and the Mullering Road located 1.4km to the north both host local traffic only and comparatively low traffic movements. Views from these local roads will also be limited and screened by roadside vegetation. The Minyulo Reserve located to the east of the solar plant site appears seldom visited (as evidenced by the condition of the access track) while the vegetation within the reserve is likely to screen the visibility of the proposed solar plant from the east and south.

Impact on agricultural use of land the proposed 150ha solar plant site comprises less than 12% of the land title on which it is located and less than 5% of the total farm area owned by the proprietor of the land title. As a relatively small proportion of the overall farm area, the proposed solar plant will not have a significant impact on ongoing agricultural operations.

The proposed site for the solar plant was selected to minimise the effects on the use of agricultural land by rationalising land-take areas, positioning the site at the eastern periphery of the land title and in a location that facilitates use of existing farm tracks as well as access tracks that would be constructed as part of the Application for Planning Approval

Actions to prevent and control the spread of agricultural weeds and plant disease to uninfested areas would include identification of risk species occurring in the region and potentially infested areas that may be traversed, implementing hygiene procedures where required (such as vehicle blow-down) before entering uninfested sites, sourcing outside materials from low risk sources, monitoring site access tracks to determine any new infestations, and carrying out appropriate remedial actions in the event that an outbreak occurs.

Inconvenience to landowners and their normal farming activities will be minimised through consultation and forward planning. The construction project manager will endeavour to work with landowners to determine those periods when certain farming activities must be carried out, and construction activity timing and procedures will be tailored to meet the affected landowner's needs

as much as possible. The landowners will be updated on a regular basis regarding construction activity procedures and programming.

The solar plant is proposed for an area with relatively low population density to minimise any potential visual impacts. The location of dwellings most proximate to the proposed solar plant site are shown in Attachment 7 with distances detailed in Table 3 below. Due to the distance between the proposed solar plant site and existing dwellings and with existing screening from land contours, plantations, roadside vegetation and vegetation within Minyulo Nature Reserve, the proposed solar farm is unlikely to be substantially visible from any of the dwellings listed in Table 3

Built structures proximate to the proposed solar plant site include the underground Dampier to Bunbury Natural Gas Pipeline (DBNGP) and Western Power distribution lines, both shown in Attachment 1. The DBNGP is located 1.7km to the north east of the proposed solar plant and will not be impacted by any proposed solar plant infrastructure. The applicant will consult and negotiate with Western Power to ensure there is no unacceptable impact to Western Power infrastructure.

Reflection or glare from photovoltaic solar panels is minimal as they are designed to collect and absorb sunlight, not to reflect it. No issues have been identified by aviation stakeholders consulted and it is noted that photovoltaic solar panels are installed at airports in Australia and around the world.

The following factors will ensure that the construction and operation of the solar plant project will not create an unacceptable fire management risk:

- The proposed solar plant site is cleared farmland.
- Cables connecting the PV arrays within the solar plant site will be located underground.
- There is very good access to the proposed solar plant site;

Given the above information, it is the Planning Officers recommendation that Council support the proposal with recommended conditions to be presented to the Joint Midwest / Wheatbelt (Central) Joint Development Assessment Panel for this application.

CONSULTATION

In addition to the Shire advertising and consultation process, the applicant undertook an advertising and consultation process and has advised;

Notification of the Waddi Solar Plant proposal inviting comments and further engagement has occurred with key stakeholders including approximately 26 state, federal and local government

agencies, 14 private sector organisations, 9 community groups, 10 State and Federal members of Parliament and the owners of all properties involved in and proximate to the Waddi Solar Plant project. Further engagement and consultation occurred with many of these stakeholders. The consultation process commenced towards the end of 2015 and is ongoing.

This notification and consultation has consisted of:

- *Letters addressed to specific stakeholders advising of the proposed project distributed by email and/or mail;*
- *Newsletter and a fact sheet distributed by email and unaddressed mail to mailboxes at the Badgingarra and Dandaragan post offices;*
- *Face-to-face meetings and discussions with some government agencies and interested neighbouring residents;*
- *Invitations to the Information Days distributed by email, unaddressed mail to mailboxes at the Badgingarra post office and available on the counter at the Dandaragan post office;*
- *Advertising of the Information Days in 4 local publications leading up to the Information Days, and posters displayed at 3 prominent community congregation points (Badgingarra and Dandaragan post offices and Shire of Dandaragan Council) and advertised by the Shire of Dandaragan on their website and Facebook page;*
- *The Information Days held at the Dandaragan Community Centre on 14th and 15th April; and*
- *Launching of the updated www.waddiwindfarm.com.au website on the 31st March 2016 which contains information about the Waddi Solar Plant.*

Copies of the newsletter, fact sheet and general correspondence sent to stakeholders are provided in the attachments. No written stakeholder responses were received specifically in relation to the Waddi Solar Plant project. As recommended in the Environment Protection Bulletin No. 21, consultation has occurred with the Department of Environment Regulation Noise Regulation Branch and the Department of Parks and Wildlife.

As the Waddi Solar Plant project progresses, engagement with stakeholders will be ongoing using newsletters, letters, emails, meetings and updates to the website.

The Shire of Dandaragan undertook to advertise the proposal to all landowners that had property within 5km of the subject site boundary. This included landowners that had only portion of land within 5km. Advertising commenced on 12 July 2016 until 8 August 2016. A couple of late submissions were accepted as prior notice had been given.

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The proposal was also advertised in the local newspapers circulating in the district and to the following government organisations.

- Department of Water;
- Wheatbelt Development Commission;
- Western Power;
- Western Australian Planning Commission
- Royal Australian Air Force Combat Support Unit;
- Main Roads Western Australia;
- Landgate;
- Department of Fire and Emergency Services;
- Environmental Protection Authority;
- Department of Regional Development State Land Services;
- Department of Environment Regulation
- Department of Planning;
- Department of Lands;
- Department of Industries and Resources;
- Department of Health;
- Department of Parks and Wildlife;
- Department of Mines and Petroleum;
- Department of Defence;
- Department of Agriculture and Food;
- Civil Aviation Safety Authority;
- Air Services Australia;
- Shire Officers.

Responses are provided in the Schedule of Submissions in the Attachments.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$34,196 and \$6,557 allocated to the Development Assessment Panel.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan draft Local Planning Strategy
- Local Planning Strategy - Rural Land Use and Rural Settlement 2012.

ATTACHMENTS

Circulated with the agenda are the following items relevant to this

report:

- Application Volume 1 (Doc Id: 71441)
- Application Volume 1 (Doc Id: 71442)
- Schedule of Submissions (Doc Id: 71996)

(Marked 9.4.4)

Note – documents 71441 & 71442 have been previously circulated at the Council Forum of 28 July 2016

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council advise the Midwest/Wheatbelt (Central) JDAP that it supports development for a proposed 80MW Solar Photovoltaic Facility and infrastructure with recommended conditions at Lots 3899 & 105 Mullering Road, Cataby and recommends the following:

The Wheatbelt JDAP determines that the use “Solar Photovoltaic Facility” is consistent with the objectives of the “Rural” zone and is therefore permitted under section 3.4.2 of the Shire of Dandaragan Local Planning Scheme No.7.

The Wheatbelt JDAP approve Department of Planning application reference DAP/16/01072 and accompanying plans prepared by Wind Prospect Pty Ltd dated 1 June 2016 (Revision D) in accordance with Regulation 68 (2) of the deemed provisions Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:

- 1. All development shall accord with the Development Application Report prepared by Wind Prospect Pty Ltd dated 1 June 2016 (Revision D) and subject to any modifications required as a consequence of any condition(s) of this approval;**
- 2. The endorsed plans shall not be modified or altered without the prior approval of the Midwest/Wheatbelt (Central) JDAP in accordance with Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;**
- 3. This decision constitutes planning approval only and is valid for a period of three years from the date of approval. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect;**
- 4. The proponent is to prepare, submit and adhere to a Traffic Management Plan to the requirements Main Roads WA and approval of the Local Government, with all costs met by the proponent including for condition surveys and any costs associated with the design,**

- construction and maintenance (over a specified defect liability period) of identified required upgrades.
5. The Proponent shall prepare a Traffic Feasibility Study and Delivery Method Statement identifying any roads under the care and control of the Shire of Dandaragan that may form part of the transport route for products from the relevant port and / or local manufacturers to the site during the construction period. Any damage caused to that road(s) by the Proponent or the Proponent's contractors shall be repaired at the Proponent's expense to the satisfaction of the Shire of Dandaragan.
 6. The Proponent shall, at the Proponent's expense, construct and drain a sealed access driveway(s) from Mullering Road to the property boundary to the satisfaction of the Shire of Dandaragan.
 7. The Proponent shall prepare and implement a Management Plan, to the satisfaction of the Shire of Dandaragan, that;
 - a) minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b) details the temporary land uses, the built form of structures and the operation and management of those temporary uses;
 - c) addresses the Proponents response to fire and emergency incidents;
 - d) ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - e) manages weed and pest nuisances on the site and in the locality; and
 - f) addresses the post construction operations of the site and the removal of temporary structures;
 8. Shire of Dandaragan is to be advised of completion of the solar facility.

Advice Notes:



1. The Proponent is to liaise with the local school bus operator to ensure these runs are not disturbed due to increased volumes of traffic;
2. The proponent may wish to consider providing greater than minimum fire mitigation strategies to protect against bush fire events;
3. Storage tanks should be fitted with BFB coupling or a standpipe installed to allow for fast flow;
4. Bulk water supply for fire suppression be made available to all Emergency Services within the Shire.

- Building Protection zones and Firebreaks will have to be adhered to;
5. All designs associated with the proposal are to comply with the requirements of the Civil Aviation Safety Authority (CASA);
 6. In relation to condition 4, prior to the commencement of any site work, the proponent is responsible to ensure that the Traffic Management Plan is lodged to Main Roads Mid West-Gascoyne Region for review and subsequently the Local Government for its approval. The Traffic Management Plan shall incorporate a Traffic Statement or Assessment (as appropriate) in accordance with the WAPC guideline, "Transport Assessment Guidelines for Developments" to ensure that impacts to intersections and the Main Roads network are addressed. The Traffic Management Plan shall include the identification of any necessary road upgrading and the provision of a dilapidation survey prior to and at the completion of the development with any damage caused to the road network used by transport vehicles accessing the site to be repaired to the requirements and approval of either Main Roads WA or the Local Government (this being dependent upon the responsible management authority of the relevant section of road reserve). Once the Traffic Management Plan is approved, the proponent from time to time is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan;
 7. The Shire will not accept any responsibility for the failure of any pavement constructed by the Proponent within the site;
 8. The Proponent is reminded of their obligations under Section 136 of the Planning & Development Act;
 9. The Proponent is advised that components of the project identified in this approval are located on an adjoining title and securing long term tenure of that infrastructure is the responsibility of the Proponent;
 10. This is planning approval only and a building permit for temporary and permanent structures must be obtained for this development prior to construction commencing; and
 11. Should the applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of the decision to the

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**State Administrative Tribunal,
GPO Box U1991,
PERTH WA 6845.**

9.4.5 POSSIBLE ACQUISITION OF RESERVE 40739 – CENTRAL WEST MENS' SHED

Location:	Reserve 40739 Madrid Street, Cervantes
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Schemes / Parks and Reserves / Service Provision /
Disclosure of Interest:	None
Date:	15 August 2016
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Council to consider acquisition of Reserve 40739 from the Hon Minister for Transport for the purpose of the Central West Coast Men's Shed and other possible uses.

BACKGROUND

The Department of Transport have been leasing portion of Reserve 40739 being Lot 848 Madrid Street, Cervantes to the Central West Men's Shed Inc. The lease has been in place for three (3) years and the Central West Men's Shed have requested a long term lease (10 years) from the Department. The Department is reluctant to enter into a long term lease arrangement, however has leased the area until 30 April 2019.

COMMENT

In discussions with the Department of Transport, the Department has indicated that it may be willing to relinquish the Management Order over the whole of Reserve 40739 and allow the Management Order to be transferred to the Shire of Dandaragan.

The Department of Transport do not normally have lessees occupying maritime sites unless it is involved with maritime purposes and hence why the Central West Men's Shed has been advised that the lease will not be allowed beyond 2019 and that they will need to vacate the premises after this date.

If Council was to acquire the Management Order over the whole of Reserve 40739, portions of it can be incorporated into the Foreshore Reserve and allow continuation of the development of the foreshore area as has happened at Catalonia Park.

The Department of Transport have indicated that a proposal to relinquish the Management Order would be received favourably, subject to resolution of the matter with the Department of Lands and the creation of a suitable purpose for the Reserve and also the approval to allow Council to have power to lease over the Reserve.

In further discussions with the President, Council is also requested to give consideration to the possibility of co-locating the Cervantes Historical Society / Museum Group also on the Reserve. The Men's Shed and Museum Group would be compatible uses for such a site. This would be subject to satisfactory negotiation with the two groups.

There would need to be a lease agreement drawn up if this was to occur.

CONSULTATION

- Central West Men's Shed Inc.
- Department of Transport
- Councillor L. Holmes

STATUTORY ENVIRONMENT

Land Administration Act 2005

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Any expenses in relation to lease agreements and other costs should be at the expense of the Central West Men's Shed and or the Cervantes Historical Society / Museum Group.

STRATEGIC IMPLICATIONS

Goal 3 – Strong and connected community – Objective 3.4 - Establishment and support of strong community groups;
 Goal 4 – Healthy Natural and Built Environment – Objective 4.4 - Maintain and conserve significant cultural and built heritage

ATTACHMENTS

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

- Aerial Photograph of Reserve (Document Id: 71651)
(Marked 9.4.5)

VOTING REQUIREMENT

Simple Majority

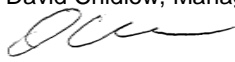
OFFICER RECOMMENDATION


That Council:

- 1. request the Department of Transport to relinquish the Management Order over Reserve 40739 which includes Lots 848 and 851 in favour of the Shire of Dandaragan; and**
- 2. that the Department of Lands be requested to amend the Management Order in favour of Council to include the purposes of Recreation and Community purposes**

and to allow the Council the power to lease any portion of the Reserve for a period of twenty-one (21) years.

9.4.6 AMENDMENTS TO PLANNING APPROVAL – WADDI WIND FARM

Location: Multiple properties - WADDI
 Applicant: Wind Prospect on behalf of Trustpower and Multiple landowners
 Folder Path: Development Services Apps / Development Application / 2015 / 11
 Disclosure of Interest: None
 Date: 12 August 2016
 Author: David Chidlow, Manager of Planning
 Signature of Author: 

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

PROPOSAL

The proponent requests approval for the following amendments to the planning approval for the Waddi Wind Farm:

1. Amend the transmission line route for connection of the wind farm into the transmission network.
2. Amend the location of the on-site substation to a location 900m west of the current permitted location and increase the area of the on-site substation from 4ha up to approximately 12ha.
3. Increase the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152m to 165m.
4. Minor amendments to the wording of existing planning approval conditions.
5. Amendments to the location of accessways and cable routes.
6. Increase the number of permanent wind monitoring masts from two to three.

BACKGROUND

A planning approval for the Waddi Wind Farm was issued by the Shire of Dandaragan in January 2012. In April 2015 the Shire approved an application to extend the Waddi Wind Farm planning approval until January 2020.

The proposed Waddi Wind Farm is located approximately 15km north-west of the Dandaragan townsite. The proposed new on-site substation and its access corridor are located on land immediately west and adjacent to the current Waddi Wind Farm project site boundary. The proposed new transmission line route extends west from the proposed new on-site substation, crossing the Mullering Brook, before extending south-west to follow the route of an existing Western Power owned distribution (SWER) line across the Brand Highway to the existing Cataby substation.

Amend the route for connection of the wind farm into the transmission network

The original planning approval allowed for a new 19km transmission line route extending south of the project to the

Yandin Road before heading west alongside the Mimegarra Road to a purpose built switchyard constructed proximate to the existing transmission network.

It is proposed to amend the transmission line route from the current approved route to an approximately 8 km transmission line route extending west from the project across private and public land to the existing Cataby substation owned by Western Power and located on the west side of the Brand Highway. The proposed route has been designed to follow existing fence lines before extending south-west to follow the route of an existing Western Power owned distribution (SWER) line across the Brand Highway towards the existing Cataby substation. Following fence lines of cleared farming land minimises impacts to farming practices. Following the route of Western Power's existing distribution (SWER) line provides an opportunity to minimise vegetation clearing and other impacts during construction and operation of the proposed transmission line through use of existing accessways created to access and maintain Western Power's existing distribution line and for fire management purposes.

Both the current approved transmission line route and the alternate proposed new transmission line route are shown in the attachments.

It should be noted that the majority of poles for the transmission line will be up to 30m in height, although some poles may be up to 40m in height if required, for example, to minimise impacts at the crossing of the Mullering Brook or to satisfy Main Roads clearance requirements in relation to crossing of the Brand Highway.

On-site substation - amend the location and area and other details

The on-site substation is a central point of connection of all wind turbines in the wind farm project and where the distribution voltage is transformed to a higher voltage to facilitate connection via a transmission line to the existing transmission network (i.e. the SWIS). The original planning approval allowed for a new on-site substation to be constructed on Lot 101. It is proposed to amend this to a location approximately 900m west of the current permitted location to a site adjacent to the western boundary of the current project site on Lot 105.

The original planning approval allowed for the on-site substation to be '*in the order of 200 x 200m (40,000m²)*' (i.e. 4ha). It is proposed to amend this to allow the on-site substation area to be up to approximately 12ha including an access corridor from the Mullering Road. This amendment is sought to provide additional space to accommodate the proposed uses of the on-site substation area.

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It is proposed that permanent components of the 'site compound' referred to in the planning report (i.e. those components associated with ongoing operations and maintenance) would be located within the on-site substation area while those temporary components of the 'site compound' referred to in the planning report (i.e. those components associated with construction) would be located proximate to or within the on-site substation area.

Increase the maximum tip height of the wind turbines from 152m to 165m

Wind turbine technology has been continually advancing since the original planning approval was issued for the Waddi Wind Farm. The latest generation of wind turbines available are increasingly exceeding a tip height of 152m. Raising the maximum allowable tip height of the wind turbines at the Waddi Wind Farm will allow for the most modern turbine models to be installed which are generally more efficient, quieter and cost-effective.

Updates to the wording of the existing planning conditions

Proposed amendments to the wording of existing planning conditions with an explanation for the proposed amendment are detailed in the table below. The existing planning conditions are provided in full in later in this report

Proposed amendments to the wording of existing planning conditions with justification for the proposed amendment.

Approval condition no.	Proposed amendment	Explanation
8	The proponent shall notify property owners with land within 5km of approved wind turbine locations of the potential for interference to TV reception from the wind farm and offer residents with a dwelling located within 5km of a wind turbine a pre-construction and post-construction assessment of television reception. The proponent shall remedy any reception problems attributable to the presence of the wind farm at dwellings located within 5km of approved wind turbine locations as at January 2012.	The term 'nearby' in the current condition is imprecise and open to interpretation. This amendment clarifies the scope of the pre and post construction assessments for television reception and takes into account the switch to digital TV.
13	Add "or background +5dB whichever is the higher" after the words "exceed 45dB(A)".	Depending on the level of background noise, the limit could otherwise be less for noise sensitive premises located within the wind farm

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		boundary compared with those located outside the wind farm boundary.
20	Replace 'Department of Environment Conservation' with 'Department of Parks and Wildlife.'	Department of Environment Conservation (DEC) no longer exists. Department of Parks and Wildlife has taken over the relevant functions of DEC.
24	Replace the current condition with "The proponent shall provide an appropriate viewing area and/or information display at appropriate location(s) agreed with Council."	The amendment provides greater flexibility for the Shire to determine what is most appropriate at the time of construction.
25	Add "except where higher security fencing is required for safety and security purposes" after the words "post and wire".	Rural construction fencing is not appropriate for all applications and could lead to unacceptable OHS and security risks at locations such as the on-site substation, operations and maintenance compound and temporary construction compounds.
29	Remove this condition in its entirety	The proposed amendment to the transmission line route would mean no transmission lines are proposed on the applicable land for the Waddi Wind Farm project.

Amendments to the location of accessways and cable routes

Flexibility is sought in relation to the location of accessways and underground cable routes between wind turbine locations and the on-site substation in order to provide for lowest impacts and best environmental outcomes. For example, the accessway and cable route to the cluster of six wind turbines located in the north-east corner of the project may be better served on environmental grounds by an alternative route across the small tributary of the Mullering Brook than is currently provided for in the current planning approval. Flexibility is therefore sought in relation to locating the accessway and cable route to this cluster to accommodate the route that will result in lowest impacts. The best route would be determined at the detailed engineering stage prior to commencement of construction. Such flexibility is sought in relation to all accessways and underground cable routes between wind turbine locations and the on-site substation.

Condition 1 of the original planning approval requires that the land use and development is generally in accordance with the approval plans to the satisfaction of the Chief Executive Officer of the Shire of Dandaragan. The proponent will comply with condition 1 by

providing the Shire of Dandaragan with the location of accessways and cable routes for assessment prior to commencement of construction.

Increase the number of permanent wind monitoring masts from two to three

The original planning approval allowed for the construction of two permanent wind monitoring masts. An amendment to the number of permanent monitoring is sought that increases the number of permanent wind monitoring masts from two to three. The field of wind monitoring, wind forecasting and the terms and conditions of wind turbine warranties are evolving and this amendment will ensure that the wind resource monitored at the project site post construction can adequately meet its required functions.

Confirmation of details of the original planning application and approval

If the proposed amendments are approved by the Shire of Dandaragan, the revised wind farm layout would remain indicative only and subject to detailed design within the design parameters of the original planning approval. Condition 1 of the current planning approval requires the land use and development is generally in accordance with the approval plans to the satisfaction of the Chief Executive Officer of the Shire of Dandaragan. Condition 1 will be relied upon by the proponent to achieve the following:

1. Development of the project in stages over a number of years with the timing of each stage dependent on market drivers. In this scenario, the final design for each stage would comply with all planning conditions and to comply with Condition 1 of the current planning approval, would be provided to the Shire of Dandaragan for review prior to the commencement of construction of each stage of the project.
2. A given stage of construction would occur continuously but may be broken up into distinct work packages such as civil works; construction of the transmission line; construction of the on-site substation; construction of wind turbine towers, nacelles and blades; etc. It is proposed that compliance with relevant planning conditions could be achieved for each distinct work package (i.e., ahead of compliance for other work packages) to allow that work package to proceed separately to other work packages.

COMMENT

The land which is the subject of this application for amendments (which includes all land subject of the original Waddi Wind Farm planning approval) is all zoned as "Rural", with the exception of the following:

1. The Brand Hwy road reserve;

2. Part of Reserve 27216 (Volume LR3141 Folio 872) which has a public purpose of recreation camping and conservation of flora by virtue of E450744;
3. Reserve 41986 (Volume LR3089 Folio 642) which has a public purpose of conservation of flora and fauna by virtue of F148689;
4. Volume LR3161 Folio 986, Lot 306 on Deposited Plan 54549 which is unvested Crown land set aside for public purposes; and
Certificate of Title Volume 1980 and Folio 817, Lot 3906 on plan P170072 is private land zoned as "Rural" but has an additional categorisation of "Bassendean sand special control area" the purpose of which is provided in section 6 of the LPS7 text.

Landscape and Visual Impact Assessment

GHD prepared a *Report for Landscape and Visual Impact Assessment* for the Waddi Wind Farm in September 2010 to support the Environmental Statement that comprised the original planning application. GHD has reviewed this assessment and assessed the potential impacts of the proposed amendments to the planning approval for the Waddi Wind Farm and reported their findings in a statement, a copy of which is provided in the attachments. A summary of their findings is provided below. Wind Prospect Pty Ltd prepared photomontage images and Zone of Visual Influence (ZVI) diagrams to inform the GHD assessment and are included in the GHD report in the attachments.

- The wind turbines would still not be visible from the township of Dandaragan with the proposed increase in tip height of the wind turbines;
- The limited visibility of the wind turbines from the easterly portions of the Badgingarra National Park would have perceptible change with the proposed increase to the tip height of the wind turbines;
- The roads within the footprint of the Waddi Wind Farm exposed to high and close quarter visibility of wind turbines would have an imperceptible increase in visibility as a result of the proposed increase in wind turbine tip height;
- The western edge of the Waddi Wind Farm will be visible from sections of the Brand Highway however the proposed increase to wind turbine tip height would result in a marginal to imperceptible increase in visibility;
- The proposed transmission line route would result in isolated visual impacts along the Brand Highway;
- There are limited opportunities to view the proposed transmission line from publicly accessible areas and views of the eastern section of the transmission line would be limited to private agricultural land;
- Overall there would be project wide net decrease in impacts associated with the proposed transmission line route as the

overall length of the route would decrease by approximately 11 km;

- The overall impacts of the proposed on-site substation relative to the current approved location would be marginally greater due to the increased size.

Noise Assessment

ViPAC prepared a Noise Impact Assessment for the Waddi Wind Farm in December 2010 to support the Environmental Statement that comprised the original planning application. ViPAC has reviewed this assessment and assessed the potential impacts of the proposed amendments to the planning approval for the Waddi Wind Farm and reported their findings in a statement, a copy of which is provided in the attachments. A summary of their findings are provided below.

- The on-site substation at the proposed new location will not have a significant or perceptible noise impact at the nearest residential receivers (i.e. dwellings not located within the project boundary) and will not represent a noticeable change compared to the original proposed location.
- As the proposed transmission line route is not located within 100 metres of any dwellings, corona discharge noise or Aeolian noise is not likely to be an issue.
- The proposed increase in wind turbine tip height is small and will not cause a significant or reasonable increase in the propagation of noise levels. There may be a slight increase in the predicted noise levels at some receiver locations depending on propagation distances and the relative height of topographical features along the line-of-sight between turbines and receivers, possibly up to about 0.5dB(A) or less. Current planning conditions require that the final layout and selected wind turbine model complies with the relevant standards.
- The proposed amendments will not have a significant or perceptible noise impact at the nearest relevant residential receivers and will not represent a noticeable change compared to the original proposal.

Conditions 12 to 18 of the current planning approval relate to noise and require that the final wind farm design meets applicable noise standards and that a post-construction monitoring program be implemented to verify compliance.

Shadow Flicker Assessment

Wind Prospect Pty Ltd prepared a shadow flicker analysis to inform the Environmental Statement that comprised the original planning application in 2011. This shadow flicker analysis was recently repeated by Wind Prospect to assess any potential increased impact of shadow flicker at sensitive receptors such as dwellings resulting from the proposed increase to wind turbine tip height from 152 metres to 165 metres.

Wind Prospect's findings are reported in the attachments which includes an image showing predicted shadow flicker with a wind turbine tip height of 165m.

- In the absence of specific guidelines relating to shadow flicker in WA, the relevant German guidelines were used as a benchmark. These guidelines set a limit of 30 hours of shadow flicker per year and 30 minutes of shadow flicker in any one day at a given shadow flicker receptor.
- No dwellings will receive more than 30 hours of shadow flicker per year or more than 30 minutes of shadow flicker per day.
- Seven of the 24 assessed dwellings are predicted to experience some shadow flicker.
- Predictions for shadow flicker have increased by roughly 1 to 9 hours per year across the seven dwellings compared to previous predictions.

Calculations have been made based on worst case conditions which exclude the effects of clouds, obstacles, and the variability of wind speed and direction, all of which would reduce the amount of shadow flicker experienced in reality relative to the levels predicted in the Shadow Flicker Assessment.

Aviation Assessment

An Aeronautical Impact Assessment and Aerial Applications Assessment were completed by The Ambidji Group Pty Ltd (Ambidji Group) in November 2010 and June 2010 respectively to support the Environmental Statement that comprised the original planning application. Ambidji has reviewed these previous assessments and prepared an Aviation Impact Assessment and Qualitative Risk Assessment which assesses the potential impacts of the proposed amendments to the planning approval for the Waddi Wind Farm. A copy of the Aviation Impact Assessment and Qualitative Risk Assessment (AIS & QRA) are provided in the attachments and a summary of the assessment is provided below.

The Aviation Impact Statement and Qualitative Risk Assessment completed in 2016 found that the proposed Waddi Wind Farm will not impact upon the following:

- The OLS and PANS OPS surfaces published for any military, registered or certified aerodrome;
 - The operation of any Navigation Aids and Communication facilities; or
 - Any air route Lowest Safe Altitudes.
- But will require further assessment by the Department of Defence in relation to:
- Military low flying area D193; and
 - The RAAF radar at Eclipse Hill.

The Aviation Impact Statement and Qualitative Risk Assessment has been provided to the Airservices Australia, the Department of

Defence, and the Civil Aviation Safety Authority (CASA) for review as part of a consultation process. Previous engagement with the Department of Defence in relation to these particular matters for a 152 metre tip height concluded that aircraft could operate around the wind farm and that they would not object despite the potential impact on Primary Surveillance Radar. The proposed amendments to the planning approval were detailed in a letter to the Department of Defence on the 9th March 2016 and the Ambidji Group will continue liaison with the Department of Defence on behalf of Waddi Wind Farm Pty Ltd.

Conditions 3 to 6 of the current planning approval relate to aviation, requiring notification of relevant parties of final wind turbine locations and heights.

All of the current conditions of approval are listed below;

Conditions:

1. The land use and development shall be undertaken generally in accordance with the approval plans, in a manner that is deemed to comply, to the satisfaction of the Chief Executive Officer.
2. Following the submission of the development application, if the proponent proposes changes resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit.
3. The proponent shall (prior to the erection of wind turbine generators) provide notification to the RAAF Aeronautical Service of the location and height details of the wind turbine generators.
4. The proponent shall (prior to the erection of wind turbine generators) provide notification to Air Services Australia of the location and height details of the wind turbine generators.
5. The proponent shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators.
6. The proponent shall (prior to the erection of wind turbine generators) provide notification to Aerial Agricultural Association of Australia of the location and height details of the wind turbine generators.
7. The proponent shall ensure sufficient clearance is maintained from Western Power's existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power.
8. The proponent shall offer nearby residents that may be affected by electromagnetic interference a pre-construction and post-construction assessment of television reception and

will remedy any reception problems attributable to the presence of the wind farm.

9. The proponent shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;
 - details of the selected transportation route;
 - detailed traffic management measures;
 - transportation of materials to the project site;
 - obtaining the necessary written approvals / permits from Main Roads WA Heavy Vehicle Operations Branch; and
 - the transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.
10. The access points onto the subject land and any road works shall be located and constructed to the satisfaction of the Chief Executive Officer and include all necessary drainage and signage. Costs applicable to the construction of the access points onto the site and any related issues shall be borne by the proponent.
11. The proponent in conjunction with the Shire of Dandaragan shall commission a Road Condition Report prepared by a recognised engineer (agreed to by both parties) prior to the commencement of the project. The Road Condition Report shall, at least but not be limited to, identifying the following issues;
 - a) suitability of the existing pavement strength (in wet and dry conditions) to cater for the proposed haulage loads and traffic volumes;
 - b) suitability of the existing horizontal and vertical alignments to cater for the proposed haulage loads and traffic volumes; and
 - c) identify and provide plans and costings for any required upgrade works to the existing road network to make it suitable for the proposed haulage loads and traffic volumes.

The costs associated with the preparation of the Road Condition Report and any road works identified in the Road Condition Report shall be undertaken at the cost of the proponent prior to any works commencing onsite.
12. The Wind Farm shall comply, at all times, with the Western Australian Environmental Protection Authority Environmental Protection (Noise) Regulations 1997 revision dated November 2003 and the South Australian Environmental Protection Authority Environmental Noise Guidelines for Wind Farms dated February 2003.
13. Noise from the operational Wind Farm shall not exceed 45dB(A) (using a 10 minutes LAeq), at surrounding noise sensitive premises within the wind farm boundary, unless otherwise agreed with the respective landowner.

14. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 35dB(A) (using a 10 minutes LAeq), whichever is the greater, at surrounding noise sensitive premises outside the wind farm boundary.
15. The background noise levels for the proposed development are to be based on the pre-recorded background noise measurements (Refer to Table 16.1 of the development application).
16. The proponent shall develop and implement a post-construction noise monitoring program at the noise sensitive receptors listed in Table 16.3 of the development application to assess compliance of the operational Wind Farm with the noise criteria. The post-construction noise monitoring program shall be conducted at the same time of year as when the background noise measurements were recorded. Results of the program shall be forwarded to the relevant authority.
17. Prior to the commencement of construction, the proponent shall commission third party noise modelling studies to demonstrate the final Wind Farm design complies with the noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment Regulation, at the appropriate time.
18. In relation to the concerns raised in the letter from the Western Australian Department of Environment and Conservation dated 02 June 2011, the proponent shall, prior to commencement of construction, implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm.
19. The proponents are required to obtain a Clearing Permit in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 in the case of any proposal to clear existing remnant native vegetation on the site to the satisfaction of the Department of Environment Regulation.
20. The proponent shall develop and implement an Avian Fauna Collision Monitoring Program, to the satisfaction of the Western Australia Department of Environment and Conservation, to monitor the impact of the Wind Farm on avian fauna in the project area, specifically in respect to the endangered Carnaby's Cockatoo.
21. Prior to the commencement of construction, the proponent shall commission detailed archaeological and ethnographic surveys, compliant with Aboriginal Heritage Act (1972) dated September 2011, over areas of proposed infrastructure.
22. Prior to the commencement of construction, the proponent shall make arrangements in consultation with the South West Aboriginal Land & Sea Council for any required Aboriginal heritage monitoring.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 AUGUST 2016

23. Prior to the commencement of construction, the proponent shall provide and implement, a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and Department of Fire and Emergency Services.
24. The proponent shall provide a viewing area in a location approved by the Shire, prior to the operation of the wind farm. The viewing area shall consist of a public viewing platform, a series of interpretative boards and an associated car park.
25. All fencing shall be of rural construction such as open post and rail or post and wire, to the satisfaction of the Shire.
26. Prior to the commencement of construction, the proponent will consult with landowners on the location of known weed infestations and will implement measures, as agreed with landowners, and in accordance with any relevant regulation under the Bio-security and Agriculture Management Act 2007 and measures recommended by the Western Australia Department of Food and Agriculture.
27. The proponent shall provide road signage to the specification and satisfaction of Main Roads WA and the Shire of Dandaragan.
28. Any leasehold arrangements exceeding 20 years for part lots are to be referred to the Western Australian Planning Commission for approval.
29. Prior to the commencement of construction of the overhead power line on Lots 4 and 3824, written evidence shall be submitted to the Council that an agreed power line route has been reached with Iluka Resources Limited.
30. Decommissioning of the above ground plant and equipment (excluding concrete pads; footings; and underground cables) on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period of the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponent of a plan outlining the process of decommissioning.
31. Planning consent is granted for a further four years from the expiry of the current planning approval extending the approval to 10 January 2020 during which time the development must be substantially commenced to the satisfaction of the Chief Executive Officer.
32. The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works.
33. The extension of the Planning Approval is not valid until the Planning Application Fee is received.
34. The extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have

substantially commenced as determined by the Chief Executive Officer.

Advice Notes:

- In relation to condition 29, the proponent may propose a replacement / alternative overhead power line route outside the indicative site works area, subject to further approval of the Council.

Health impacts of wind farms

This application is for amendments to an approved wind farm development. In February 2015 the National Health and Medical Research Council (NHMRC) came out with the following statement;

Examining whether wind farm emissions may affect human health is complex, as both the character of the emissions and individual perceptions of them are highly variable.

After careful consideration and deliberation of the body of evidence, NHMRC concludes that there is currently no consistent evidence that wind farms cause adverse health effects in humans. Given the poor quality of current direct evidence and the concern expressed by some members of the community, high quality research into possible health effects of wind farms, particularly within 1.5 km is warranted.

There are a couple of dwellings that are within the Windfarm project area (have windfarms on their property by agreement) that are slightly closer than 1.5km, and there are a couple of dwellings outside the project area that are just slightly greater than 1.5km from a wind tower (refer to map on page 15 of volume 1 in the attachments).

The current NMHRC statement means that those properties that have agreements (within 1.5km) may be impacted, but have agreed to the wind turbines, those that have dwellings greater than 1.5km away, based on the current evidence, are unlikely to suffer any negative health effects.

CONSULTATION

In addition to the Shire advertising and consultation process, the applicant undertook an advertising and consultation process and has advised;

Notification of the proposed amendments to the wind farm planning approval inviting comments and further engagement was sent to key stakeholders including approximately 26 state, federal and local government agencies, 14 private sector organisations, 9 community groups, 10 State and Federal members of Parliament and the owners of all properties involved in and proximate to the

Waddi Wind Farm project. Further engagement and consultation occurred with many of these stakeholders. The consultation process commenced towards the end of 2015 and is ongoing.

This notification and consultation has consisted of:

- *Letters addressed to specific stakeholders advising of the proposed amendments distributed by email and/or mail;*
- *Newsletter and a fact sheet distributed by email and unaddressed mail to mailboxes at the Badgingarra and Dandaragan post offices;*
- *Face-to-face meetings and discussions with some government agencies and interested neighbouring residents;*
- *Invitations to the Information Days distributed by email, unaddressed mail to mailboxes at the Badgingarra post office and available on the counter at the Dandaragan post office;*
- *Advertising of the Information Days in 4 local publications leading up to the Information Days, posters displayed at 3 prominent community congregation points (Badgingarra and Dandaragan post offices and Shire of Dandaragan Council) and advertised by the Shire of Dandaragan on their website and Facebook page;*
- *The Information Days held at the Dandaragan Community Centre on 14th and 15th April; and*
- *Launching of the updated www.waddiwindfarm.com.au website on the 31st March 2016 which contains information about the Waddi Wind Farm and the proposed amendments to the planning approval.*

Written responses from stakeholders are summarised in the attachments as well as feedback from the sole visitor to the Information Days held at the Dandaragan Community Centre. As recommended in the Environment Protection Bulletin No. 21, consultation has occurred with the Department of Environment Regulation Noise Regulation Branch and the Department of Parks and Wildlife.

As the Waddi Wind Farm project progresses, engagement with stakeholders will be ongoing using newsletters, letters, emails, meetings and updates to the website.

The Shire of Dandaragan undertook to advertise the proposal to all landowners that had property within 5km of the subject site boundary. This included landowners that had only portion of land within 5km. Advertising commenced on 12 July 2016 until 8 August 2016. A couple of late submissions were accepted as prior notice had been given.

The proposal was also advertised in the local newspapers circulating in the district and to the following government organisations.

- Department of Water;
- Wheatbelt Development Commission;
- Western Power;
- Western Australian Planning Commission
- Royal Australian Air Force Combat Support Unit;
- Main Roads Western Australia;
- Landgate;
- Department of Fire and Emergency Services;
- Environmental Protection Authority;
- Department of Regional Development State Land Services;
- Department of Environment Regulation
- Department of Planning;
- Department of Lands;
- Department of Industries and Resources;
- Department of Health;
- Department of Parks and Wildlife;
- Department of Mines and Petroleum;
- Department of Defence;
- Department of Agriculture and Food;
- Civil Aviation Safety Authority;
- Air Services Australia;
- Shire Officers.

Responses are provided in the Schedule of Submissions in the Attachments.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$15,675 which is 50% of the full fee as the application is for amendments to an existing approval.

STRATEGIC IMPLICATIONS

The following sections of the draft Local Planning Strategy support such applications;

Table 4: Actions – service infrastructure

Action - Assess applications for wind farms and other alternative energy infrastructure, having regard to visual landscape issues and other relevant matters set out in Planning Bulletin 67 – Guidelines for Wind Farm Development.

5.4.3 Alternative Energy

There is significant potential for the Jurien Bay region to become an important area for renewable energy production projects. Wind power generation is already proving to be popular within the Jurien Bay hinterland with several projects in operation or planned. The first WA utility scale solar photovoltaic farm is also been developed north of Jurien Bay confirming the potential for solar power in the region.

There is adequate power generation within the region but the key issue for the shire is the transmission and distribution of power. The investment by energy producers in the shire may encourage energy intensive agricultural or other industries that use significant amounts of energy to locate in the area.

ATTACHMENTS.

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

- Application Volume 1 (Doc Id: 71443)
- Application Volume 1 (Doc Id: 71444)
- Schedule of Submissions (Doc Id: 71997)
- NHMRC doc (Doc Id: 71643)

(Marked 9.4.6)

Note – documents 71443 & 71444 have been previously circulated at the Council Forum of 28 July 2016

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council

A. Note the submissions received.

B. Grant the following amendments as set out in Waddi Wind Farm Planning Permit Amendment Application Rev D Volumes 1 and 2 dated 1 June 2016 (Doc IDs 71441, 71442) to the Waddi Wind Farm planning approval granted to Trustpower Australia Holdings Pty Ltd January 2012 and as amended in April 2015 for minor modifications to wind monitoring towers and extension of planning approval for the wind farm project granted until January 2020.

- 1. Amend the transmission line route for connection of the wind farm into the transmission network.**
- 2. Amend the location of the on-site substation to a location 900 metres west of the current permitted location and increase the area of the on-site substation from 4 ha up to approximately 12 ha.**

3. Increase the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152 metres to 165 metres.
4. Minor amendments to the wording of existing planning approval conditions as follows:
 - i. Replace Condition 8 with - The proponent shall notify property owners with land within 5km of approved wind turbine locations of the potential for interference to TV reception from the wind farm and offer residents with a dwelling located within 5km of a wind turbine a pre-construction and post-construction assessment of television reception. The proponent shall remedy any reception problems attributable to the presence of the wind farm at dwellings located within 5km of approved wind turbine locations as at January 2012.
 - ii. Condition 13 Add "or background +5dB whichever is the higher" after the words "exceed 45dB(A)".
 - iii. Condition 20 Replace 'Department of Environment Conservation' with 'Department of Parks and Wildlife.
 - iv. Condition 24 Replace the current condition with "The proponent shall provide an appropriate viewing area and/or information display at appropriate location(s) agreed with Council."
 - v. Condition 25 Add "except where higher security fencing is required for safety and security purposes" after the words "post and wire".
 - vi. Condition 29 Remove this condition in its entirety
5. Amendments to the location of accessways and cable routes.
6. Increase the number of permanent wind monitoring masts from two to three.
7. All other conditions of approval granted in January 2012 and April 2015 remain in force.

Advice Note


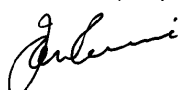
1. Condition 1 of the current planning approval requires the land use and development is generally in accordance with the approval plans to the satisfaction of the Chief Executive Officer of the Shire of Dandaragan. The applicant shall provide details of any variations to the Chief Executive Officer for approval prior to commencement of any subject works, or to the satisfaction of the Council if in the view of the Chief Executive Officer those

works are of significance and/or will detrimentally impact on nearby properties.

2. Should the applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of the decision to the

State Administrative Tribunal,
GPO Box U1991,
PERTH WA 6845.

9.4.7 MINOR AMENDMENT TO LPP 8.5 OUTBUILDINGS – “RESIDENTIAL AREAS”

Location:	Whole of Shire
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Authorisations / Delegations Register
Disclosure of Interest:	None
Date:	15 August 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to either reject the proposal to amend the outbuilding policy or advertise amending the policy relating to Outbuildings in Residential areas to permit a maximum wall height of 3.6m and maximum wall length of 10m with nil (less than 750mm) setback to side or rear boundaries and whether any amendments are required.

BACKGROUND

Council has requested that Local Planning Policy (LPP) 8.5 Outbuildings- “Residential Areas be reviewed in light of the number of outbuilding applications being received for wall height of up to 3.6m with a nil (defined in the policy as less than 750mm) setback from adjoining neighbours boundaries.

The matter under consideration for the variation to the policy is for the maximum wall height of outbuildings with nil setback (less than 750mm) from side and rear boundary setbacks be increased from 3.0m to 3.6m, with or without the maximum length of 9m being retained in the variation

The Outbuildings Policy introduction states that the policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria (deemed to comply) of the Residential Design Codes. It is the intent of the policy to guide amenity issues and provide acceptable development specifically for outbuildings under Design Principles 5.4.3 P3.

Generally, the taller and longer a wall adjacent to a boundary is, the further it should be set back. This statement is taken from Clause 4.2.1 of the Explanatory Guidelines to the Residential Design Codes and the amenity principle is reflected in table 2a and 2b of the Codes. This is an important amenity principle that protects a neighbours sense of openness and three dimensional built form in their surroundings. This is more so an expectation in a low density residential area than medium to high density. Clause 4.2.1 supports this principle in stating community acceptance of walls built up to side or rear boundaries is greater in medium to

high-density areas compared with low density areas. Generally most residential areas of the Shire are designated as low density.

There may be circumstances where it is not practicable to comply with the setback requirements and it may be appropriate to vary the requirements subject to justification, comment from the impacted neighbours and demonstrating that the proposal does not impact on the neighbours amenity. Design Principles 5.1.3 P3.2 of the Codes do allow for a variation based on meeting amenity objectives.

With regard to side boundary setbacks, the R-Codes also permit the following deemed to comply provisions.

C3.2 Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:

i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;

Each planning application is to be based on its merits taking into account these factors.

There is scope for Council to consider the above in making decisions for any outbuildings that do not comply with the policy.

The following submission in support of amending the policy has been received from a local builder that undertakes the majority of residential outbuildings construction in the Shire.

Comments from Mark Bellemore:

"I am emailing regarding support to modify Council's current policy with regards minimum setbacks for outbuildings within the Jurien Bay Town site.

With the growing trend of newcomers purchasing properties here for the lifestyle we offer, they bring with them a boat or caravan and often both to complement their move.

With boat and van sizes increasing Council should adapt their current policy to make it easier to keep their hard earned investments properly secured and protected from the weather elements.

Reversing a large boat or caravan down a narrow driveway is a hard enough task without having to jack-knife their trailer to gain entry to their shed, and by reducing the setback would make the

task so much easier and reduce the risk of damage to neighbouring fences.

These types of applications, where there is a valid reason and with no neighbour objection should be given a speedy approval to help with their settling here instead of the several weeks and often months to gain approval for modifying setbacks with their applications. I also recommend the Council Planning Officer process by Delegation Authority to give Councillors more time at monthly meetings to address much more important issues.

I recommend that the shed wall not become part of a fence line and be kept inside the boundary line at all times to ensure roof water is contained on their property and also where there could be a varying shed wall colour compared to an existing colourbond fence.

This is by no way any sort of Marketing ploy by Swan Aussie Sheds as it is much more time consuming to build a shed close to the boundary.

What we are trying to achieve is to give our customer an end product that keeps them happy, as they are our livelihood, just as they are equally to the Shire of Dandaragan as ratepayers and we should be trying to make their transition to our town an easy and enjoyable one."

COMMENT

The Manager of Planning does not support the proposed increase in height as it will reduce amenity to neighbouring properties. There may be circumstances where the policy may be reduced, however each of these need to be assessed on their merits rather than an increase in height at the boundary as a right irrespective of the circumstances.

Should Council decide to support the proposed change to increase the height at which a nil setback can be achieved it is recommended that Council advertise the following proposed amendments to the Policy.

That Council;

Advertise the proposed amendment to the Local Planning Policy 8.5 Outbuildings – “Residential Areas” by amending Clause 8 of the policy with deletion of “3.0m” maximum wall height and replace with “3.6m” maximum wall height and deletion of “9m” maximum length and replace with “10m” maximum length.

CONSULTATION

Given that there has been considerable debate over this issue, it is recommended that Council seek comments from the community before possibly making any changes to the Policy.

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 or matter and throughout the Scheme relate to one or more parts of the Scheme area. 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, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required in the Scheme.

Clause 7 of the Outbuildings Policy states: All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Generally this is between 1.0m and 2.0m depending on height and length of wall. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.

Clause 8 of the Outbuildings Policy states: Where a parapet/boundary wall is proposed (i.e. a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

POLICY IMPLICATIONS

This proposal if eventually approved would vary the Residential Outbuildings Policy for maximum height where a nil setback can be approved under delegation to staff.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

- LPP 8.5 Outbuildings – “Residential Areas” (Doc Id: 69102)
 - Image comparing Outbuilding wall heights (Doc Id: 69962)
- (Marked 9.4.7)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council:

not amend existing Policy 8.5 Outbuildings “Residential Areas” and advise local builders and Real Estate Agents of the decision.

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – JULY 2016 COUNCIL STATUS REPORT

Document ID: 71393

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 28 July 2016. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – AUGUST 2016

Document ID: 71876

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for August 2016. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JULY 2016

Document ID: 70683

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for July 2016. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JULY 2016

Document ID: 70472

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for July 2016. **(Marked 9.5.4)**

9.5.5 DEPARTMENT OF SPORT & RECREATION – SPORT & RECREATION UPDATE

Document ID: 70122

In this update:

- Sport Dimensions Guide for Playground Areas
- Events
 - Active Series Event: Strategic Directions 6
 - Children and Nature Conference
 - MPIO Courses
 - E-Mentoring Program
 - Great Aussie Camp Out
- Funding
 - Cheers to volunteers: Celebration grants open
 - Community Sporting and Recreation Facility Fund
 - Lotterywest Trails Grant
 - Community Participation Funding
 - Community Living and Participation Grants

9.5.6 HON TERRY REDMAN MLA – MEDIA STATEMENT – INVESTMENT BOOST FOR MID-WEST CAMPGROUNDS

Document ID: 70131

- \$1.072 million to improve caravan and camping infrastructure
- Funding to add 300 new camping sites in the Mid-West region
- Made possible by Liberal National Government's Royalties for Regions program

Attached to the agenda is a copy of the media release (**Marked 9.5.6**)

9.5.7 LAWRIE SHORT – REPORT ON THE RURAL WATER COUNCIL MEETING – 15 JULY 2016

Document ID: 70276

Attached to the agenda is copy of report on the Rural Water Council Meeting held 15 July 2016 at the Shire of Toodyay prepared by Lawrie Short (**Marked 9.5.7**)

9.5.8 RDA WHEATBELT INC – ENEWSLETTER JULY 2016

Document ID: 70273

Attached to the agenda is a copy of the e-newsletter from the RDA Wheatbelt Inc. (**Marked 9.5.8**)

9.5.9 HON TERRY REDMAN MLA – NEW APPOINTMENTS FOR THE REGIONAL DEVELOPMENT TRUST

Document ID: 70330

- Tim Shanahan appointed as chairman of WA Regional Development Trust
- Karlie Mucjanko appointed as deputy chairwoman
- Paul Farrell welcomed as a new member

9.5.10 WALGA – WASTE & RECYCLE CONFERENCE 2016

Document ID: 70331

Early Bird Resignation for the Waste & Recycle Conference 2016 is now open. This year's Conference includes two full days of tours, workshops and presentations, plus a dedicated trade exhibition. To find out more about the options and access Early Bird Resignation visit - <http://www.wasteandrecycle.net.au/>

9.5.11 COMMISSIONER FOR CHILDREN & YOUNG PEOPLE – MEDIA STATEMENT – YOUTH JUSTICE MUST FOCUS ON BREAKING CYCLE OF DISADVANTAGE

Document ID: 70347

“The Commissioner for Children and Young People WA Colin Pettit has said footage broadcast by the ABC’s Four Corners program of children and young people’s treatment in a NT detention centre was extremely distressing and a reminder that enduring vigilance is required to ensure the safety of vulnerable children and young people.”

9.5.12 WATER FOR FOOD E-NEWSLETTER – JULY 2016

Document ID: 70363

In this issue:

- Gascoyne announces master plan
- New website launched
- Land Tenure Pathway guidelines released
- New development partner for Mowanjum
- Investigative drilling program kicks off in the West Kimberley
- Overwhelming support for irrigation scheme

9.5.13 WALGA – ENVIRONEWS – JULY 2016 - ISSUE 16

Document ID: 70434

In this issue:

- Shire of Kalamunda's native plant success
- Sustainability for Schools Resources Package
- Welcome baby Stirling!
- NAMN Forum: Urban Fauna Management
- NAM and Environmental Consulting Contract Launched
- Bioregional One Planet Training in August
- Confused about Reporting Requirements?
- Data WARR
- Forum: How can pest management research help with on-ground community practice?

Events and funding opportunities

- Upcoming events
- Funding opportunities

9.5.14 UIL ENERGY – UIL ENERGY 2D SEISMIC SURVEY, ONSHORE PERTH BASIN WA

Document ID: 69949

“UIL Energy Ltd proposes to acquire 2D seismic data on petroleum exploration permits EP488, E9447 and EP489, near the town of Badgingarra and within the Local Government areas of Dandaragan and Coorow towards the end of 2016 / early 2017. The survey is designed to acquire approximately 264km of two dimensional (2D) seismic data and is expected will take approximately 8 weeks to complete.” If there are any queries in relation to this matter please contact UIL Energy via email: environment@uilenergy.com.

9.5.15 WALGA – LOCAL GOVERNMENT NEWS – 29 JULY 2016 – ISSUE 29

Document ID: 70471

In this issue:

- 2016 WA Local Government Convention
- Training for Local Government Officers
- Health Act Reform marks new approach to public health
- Service delivery review training workshops
- National Disability Insurance Scheme Housing Workshops
- Waste & Recycle Conference 2016
- New road safety campaigns aim to change behaviour of motorists
- Honorary Freeman bestowed on Peter Geraghty

Mailbag

- InfoPage: Compulsory Waste Management Data Collection and Reporting
- InfoPage: Public Health Act 2016

9.5.16 WALGA – WALGA PEOPLE AND CULTURE SEMINAR 2016 – FRIDAY 2 SEPTEMBER

Document ID: 70470

WALGA's Governance and Organisational Services Team is excited to invite you to the People and Cultural Seminar 2016 on Friday 2 September.

Topics by presenters will be:

- Fair Work Commission
- State of the Nation
- Change in Reporting of Misconduct
- Succession Planning in Local Government
- Training Technology in the Workplace
- Change Management and Creating a Resilient Workplace Discussion Panel
- Jurisdictional Dilemma

9.5.17 DANDARAGAN GROUNDWATER PROTECTION

Document ID: 70417

Attached to the agenda is a copy of correspondence and summary of meeting with Council on 23 June 2016 (**Marked 9.5.17**)

9.5.18 WEST KOOJAN-GILLINGARRA – LAND CONSERVATION DISTRICT

Document ID: 70459

President's Report, Minutes from AGM 4 August 2015 and Minutes of the meeting held 7 June 2016.

9.5.19 DEPARTMENT OF HEALTH – PUBLIC HEALTH ACT 2016

Document ID: 70464

Attached to the agenda is relevant correspondence in relation to the *Public Health Act 2016* ('the Public Health Act') together with the supporting *Public Health (Consequential Provisions) Act 2016* ('the Consequential Act') were passed by Parliament on 25 July 2016. (**Marked 9.5.19**)

9.5.20 HON LIZ HARVEY MLA – MEDIA STATEMENT – COMMUNITY ROAD SAFETY INITIATIVES FUNDED

Document ID: 70510

- \$64,817 for grassroots road safety initiatives
- 29 organisations to receive road safety grants

Ms Harvey said "*I'm always pleased when I see initiatives being put forward by people who really understand the need for grassroots involvement in spreading the road safety message*".

9.5.21 HON TERRY REDMAN MLA – MEDIA STATEMENT – NEW ROUND OF FUNDING FOR REGIONAL GRANTS

Document ID: 70498

- Latest round of Regional Grants Scheme and Community Chest Fund set to open
- Grants to fund community-driven projects in WA's regions
- Made possible by the Liberal National Government's Royalties for Regions program

9.5.22 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – YOUTH PARTICIPATION KIT

Document ID: 70530

The Department of Local Government & Communities has updated the Youth Participation Kits, which are valuable resources for young people and organisations.

The kits are also available on the Department's Youth website at <https://www.dlgc.wa.gov.au/CommunityInitiatives/Pages/Youth.aspx>

9.5.23 GOVERNMENT OF WA – EQUAL OPPORTUNITY COMMISSION E-BULLETIN – AUGUST 2016

Document ID: 71197

In this bulletin:

- Working in the Community
- Legal Update
- Website Highlights
- What's coming up at the Commission
- Can we help?

9.5.24 WALGA – LOCAL GOVERNMENT NEWS – 5 AUGUST 2016 – ISSUE 30

Document ID: 71206

In this issue:

- Draft Guidelines for the Planning, Design and Construction of Residential Vehicle Crossover
- WALGA People and Culture Seminar
- Training
- Draft Decision Process for Stormwater Management Released
- Vacancies on Boards and Committees
- Major State Reform Required for Community Bushfire Safety
- 2016 Census Goes Online
- Obituary – John Parry

9.5.25 WALGA – SHIRE OF DANDARAGAN'S ENTRY - BANNERS IN THE TERRACE BY BADGINGARRA PRIMARY SCHOOL

Document ID: 71285

Attached to the agenda is Shire of Dandaragan's entry in Banners in the Terrace done by Badgingarra Primary School (**Marked 9.5.25**)

9.5.26 WALGA – MEDIA RELEASE – COOLGARDIE HERITAGE A BANNER WINNER

Document ID: 71284

“A banner depicting iconic images from the Goldfields has taken top prize in the 2016 Banners in the Terrace competition. 59 communities entered banners in the competition run by WALGA as part of its annual Convention at the Perth Convention and Exhibition Centre.” WALGA CEO Ricky Burges said “this year the banners showed the variety of landscapes, lifestyles and communities that exist across the State.”

9.5.27 WESTERN POWER – IMPORTANT UPDATE ON REPORTING OF GRAFFITI FOR WESTERN POWER

Document ID: 71286

Western Power is currently changing the process for the reporting of graffiti on their equipment. This is a result of a process review for the ongoing management of graffiti affecting their assets.

In the meantime, we would like to advise of the change to our graffiti reporting arrangement:

- If you notice any offensive graffiti, or would like to report via the phone, please call 1800 662 008 (24 hours)
- Use the form on the Western Power website (www.westernpower.com.au) under “Report an issue”, or
- Alternatively, you can email enquiry@westernpower.com.au

9.5.28 WALGA – WASTE NEWS – 5 AUGUST 2016 – ISSUE 14

Document ID: 71287

In this issue:

- Less is More
- LG Spotlight: Albany’s Tip Top Tip Shop
- Community Waste Grants Funding
- Data Gold
- No Plastic Wrap
- Environmental Planning Tool workshop

Events:

- Thursday 25 August: Environmental Planning Tool workshop
- Wednesday 14 – Friday 16 September: Waste & Recycle Conference

Submissions:

- Friday 2 September: Community Waste Grants Funding

9.5.29 HON SEAN L’ESTRANGE MLA – MEDIA STATEMENT – WA COUNCILS TO BECOME SMALL BUSINESS FRIENDLY

Document ID: 71423

- New initiative to build stronger relationship between small business and local governments.

“The Small Business Friendly Local Governments initiative will focus on encouraging local governments to work more closely with business owners to support economic development in local communities throughout the State”.

Attached to the agenda is full copy of media release (**Marked 9.5.29**)

9.5.30 DEPARTMENT OF TRANSPORT – MINUTES JURIEAN BOAT HARBOUR STERRING COMMITTEE – 21 JULY 2016

Document ID: 71473

Attached to the agenda is a copy of the Minutes of the 21 July Meeting of the Jurien Boat Harbour Steering Committee **(Marked 9.5.30)**

9.5.31 WHEATBELT DEVELOPMENT COMMISSION – REGIONAL GRANTS SCHEME & COMMUNITY CHEST FUND 2017 PROGRAMS NOW OPEN

Document ID: 71538

The Wheatbelt Development Commission is seeking applications for grants which are available in the following categories:

- Regional Grants Scheme (RGS) – Grants from \$50,001 - \$300,000
- Community Chest Fund (CCF) – Grants up to & including \$50,000

Applications for both RGS and CCF close 12pm Tuesday 20 September 2016.

Attached to the agenda is correspondence **(Marked 9.5.31)**

9.5.32 WA ELECTORAL COMMISSION – REQUEST TO LEAVE VACANCY UNFILLED

Document ID: 71537

Attached to the agenda is correspondence from WA Electoral Commission giving approval under section 4.17(3) of the *Local Government Act 1995* to defer filling the vacancy left by the resignation of Christopher Carey. **(Marked 9.5.32)**

9.5.33 WALGA – MINUTES OF ANNUAL GENERAL MEETING HELD 3 AUGUST 2016

Document ID: 71585

Minutes of the AGM held at the Perth Convention Exhibition Centre on 3 August 2016 are available should you require.

9.5.34 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – AUGUST 2016 – ISSUE 20

Document ID: 71735

In this issue:

- Rejuvenated Committee Ready to Tackle Road Safety
- 'Horns and Hooves on the Highway' Launches in the Gascoyne
- Road Safety on Display at the ECU Joondalup Open Day
- Child Car Restraint (CCR) Update
- #NoTxtNoWrecks Message Promoted to Surfing Community
- East Kimberley Cricket Association Continues 'Belt Up' Campaign
- Riding Right in Geraldton
- Congratulations, Ryan Gibson
- New Risk Takers Campaign Hits Social Media
- Volunteer Gopher Drivers Wanted
- Ever Wondered What a Human Would Have to Look Like to Survive a Crash?
- Road Safety Events, Conferences and Resources

9.5.35 HON COLIN BARNETT MLA – MEDIA RELEASE – CASH BACK FOR DRINK CONTAINERS TO HELP RECYCLING

Document ID: 71880

- 10 cent return on beverage containers to improve recycling and reduce littering.

Attached to the agenda is full media statement (*Marked 9.5.35*)

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