



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 23 February 2012** at the **Council Chambers Jurien Bay** commencing at **10.00am**.

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

The format for the day is as follows:

10.00am	Ordinary Meeting of Council
12.00pm	Lunch
12.30pm	Councillor Discussion Session
1.00pm	Corporate Discussion Session

A handwritten signature in blue ink, appearing to read "Tony Nottle", is positioned above the typed name.

.....
Tony Nottle
CHIEF EXECUTIVE OFFICER

15 February 2012



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING

to be held

AT THE COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 23 FEBRUARY 2012

COMMENCING AT 10.00AM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

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

Staff	Mr T Nottle	(Chief Executive Officer)
	Mr I Rennie	(Deputy Chief Executive Officer)
	Mr W George	(Manager Building Services)
	Mr S Clayton	(Manager Corporate Services)
	Mr J Hurley	(Manager Planning)
	Miss T Jeans	(Planning Assistant)
	Miss D Kerr	(Secretary)

Apologies Councillor W Gibson

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 19 JANUARY 2012



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

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 FINANCE

9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2011

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Fin8
Disclosure of Interest:	None
Date:	January 2011
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 December 2011.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 December 2011.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 31 December 2011 was \$6,424,745. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

General Purpose Funding

Expenditure is at 64.5% of Y-T-D budget and is due to legal and valuation expenses being less than budgeted.

Law, Order and Public Safety

Expenditure is at 88.0% of Y-T-D budget and is due to less than budgeted employee costs related to the provision for a second ranger.

Community Amenities

Income is at 152.5% of Y-T-D budget and is due to the SuperTowns grant. This does present a true variance and the budget will be amended at budget review.

Recreation and Culture

Expenditure is at 69.4% of Y-T-D budget. This is due to salaries and materials and contracts being less than budgeted. This can partly be explained by the recognition of accrued salaries as at the 30 June 2011 and reversed on 1 June 2011. In addition, there was a significant number of Parks and Gardens Staff taking annual leave over the first two months of the financial year.

A further examination of timesheets suggest a significant portion of the parks and garden teams hours are being directed to other departments in the first half of the year, such as septic tank cleaning, waste site maintenance, road patching and verge maintenance. This is being monitored, it currently presents an allocation issue rather than a true cost saving. This information will be used for formulating the 2012/2013 budget.

Transport

Income is at 146.3% of Y-T-D budget and is due to an additional grant being received from Regional Road Group for further works on Watheroo Road. This does present a true variance.

Economic Services

Expenditure is at 65.9% of Y-T-D budget. This is due to less than budgeted expenditure related to tourism and the Local Tourism Planning Strategy.

Other Property and Services

Income is at 471.4% of Y-T-D budget and is due to profit on sale of Lot 7 Dandaragan Road, Dandaragan, also unexpected private works income received for the clearing of seaweed from the Jurien Bay Marina. As well as an insurance reimbursement for a burnt trailer and damaged radio tower.

Expenditure in at 110.2% of Y-T-D budget and is due to the following;

- Expenditure related to private works.

- Commission on sale of Lot 7 Dandaragan Road, Dandaragan.
- An audit of the ATO fuel rebate was undertaken, however, this cost will be more than offset by a future additional fuel rebate claim to be submitted to the ATO.

Should Councillors wish to raise any issues relating to the 31 December 2011 financial statements, please do not hesitate to contact the Manager Corporate Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 December 2011
(Marked 9.1.1)


VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period ending 31 December 2011 be adopted.

9.1.2 BUDGET AMENDMENT – SUPERTOWNS DEVELOPMENT PLANNING FUND ADDITIONAL FUNDING

Location:	N/A
Applicant:	N/A
File Ref:	FID8157
Disclosure of Interest:	None
Date:	8 February 2012
Author:	Tony Nottle - Chief Executive Officer
Signature of Author:	

PROPOSAL

To authorise a budget amendment to acknowledge the additional funding offered under the SuperTowns Development Planning Fund.

BACKGROUND

Jurien Bay was selected as one of the nine SuperTowns under the State Government's Royalties for Regions Regional Centres Development Plan (SuperTowns) initiative.

Since this announcement, the Department of Regional Development and Lands (RDL) has established both a Planning Fund and an Implementation fund to assist the individual SuperTowns in achieving the requirements of the program.

At its meeting held on the 27th October 2011 Council resolved the following:

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Bailey

That Council authorise a budget amendment to recognise grant income of \$408,500 and corresponding Contract and Materials expenditure of \$408,500 within the Town Planning schedule for Development of a SuperTown Growth Implementation Plan for the Shire of Dandaragan in accordance with the lodged Financial Assistance Agreement for a Royalties for Regions Project entered into with the Department of Regional Development and Lands.

CARRIED 8 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Russell, seconded Cr Gibson

That Council authorise the Chief Executive Officer to prepare requests for quotations, appoint appropriate consultants to prepare the Growth Implementation Plan and informing strategies to meet the requirements under the Regional Centres Development Plan (SuperTowns) program in consultation with the Jurien Bay SuperTown Project Team, Jurien Bay SuperTown Community Reference Group, the Wheatbelt Development Commission and the Shire President.

CARRIED 8 / 0

Since these resolutions of Council, Minister Brendon Grylls MLA approved an additional \$2.5m to assist with the finalising of the planning required under the SuperTowns program. This was in addition to the \$5.5m already allocated in phase 1.

These funds were applied to projects requested by the SuperTowns but were rejected due to budget constraints at the time.

As this funding proposal has now been approved the Shire of Dandaragan received a further \$186,500 for the purposes of:

1. Preliminary sewerage design and costing for Jurien Bay
2. Finalisation of Growth Plans
3. Reinstatement of Phase 1 funding previously removed (5% reduction of previous request)

As a result of the funds being approved the Council will need to recognise the additional funds in its budget, and the existing Financial Assistance Agreement (FAA) will be required to be amended.

COMMENT

A copy of the correspondence received from RDL is attached and marked 9.1.2.

This amendment to the existing FAA increases the existing financial contribution from \$408,500 by \$186,500 to the total of \$595,000.

This additional funding allows the SuperTown Project Team and Shire staff to engage suitable expertise to carry out essential tasks associated with the sewerage design and to complete the Growth Plan after the initial minimum requirements deadline.

CONSULTATION

- Department of Regional Development & Lands
- Wheatbelt Development Commission

The Governance Structure for the Jurien Bay SuperTown process is already in place which includes the CRG and the SPT. This program has been discussed by both groups.

STATUTORY ENVIRONMENT

Section 6.8 Local Government Act (1995)

6.8 Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

POLICY IMPLICATIONS

There are no policy implications to this item.

FINANCIAL IMPLICATIONS

The Shire of Dandaragan has been allocated a further \$186,500 for the SuperTowns Program.

Existing allocation	\$408,500
<u>Additional funds</u>	<u>\$186,500</u>
Total allocation	\$595,000

While there is an increase in funding from RDL the Shire is also required to contribute \$10,000 of its own funds towards the sewerage project. These funds are already budgeted for in Council's 2011/12 budget.

The funds allocated to the Shire of Dandaragan (\$595,000) are expected to be expended by 30 June 2012.

STRATEGIC IMPLICATIONS

Some of the tasks that are required to be completed will assist Council in informing its future strategic direction to realise the aspirational population projections.

This additional funding also aligns with Council's existing Strategic Goal in regards to infill sewerage.

1.4 INFILL SEWERAGE

Goal:

Facilitate the provision of infill sewerage infrastructure to the coastal towns of Cervantes and Jurien Bay, in order to protect the marine / coastal environment and assist development.

Action:

- | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.4.1 | <ul style="list-style-type: none"> ▪ Lobby the State Government, Water Corporation and Department of Environment and Conservation for the prioritization of Cervantes and Jurien Bay on the State Governments Infill Sewerage Program. |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ATTACHMENTS

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

- Copy of letter from Director General of RDL, Mr. Paul Rosair (Includes Variation to FAA documentation)
- Copy of email from Katie Bawden from RDL regarding confirmation of additional funds and requirements for amending the existing FAA

(Marked 9.1.2)

VOTING REQUIREMENT

Recommendation 1 – Absolute majority

Recommendation 2 – Simple majority

OFFICER RECOMMENDATION 1

That Council authorise a budget amendment to recognise additional grant income of \$186,500 and corresponding Contract and Materials expenditure of \$186,500 within the Town Planning schedule for the completion of the SuperTown Growth Plan and the engagement of consultants to undertake design and costing for the Jurien Bay Sewerage Project for the Shire of Dandaragan in accordance with the lodged Financial Assistance Agreement with the Department of Regional Development and Lands.


OFFICER RECOMMENDATION 2

That Council authorise the President and the Chief Executive Officer to sign and affix the common seal to the SuperTowns Financial Assistance Agreement Contract Variation.

9.2 WORKS AND PLANT

9.3 ADMINISTRATION

9.3.1 APPLICATION OF COMMON SEAL FOR LEASE AGREEMENT BETWEEN BCD PTY LTD AND DALE HUMPHREY PARK, HARRY JAMES WILKINSON, MICHAEL JAMES KENNY, SARA CAROLYN KENNY AND RHONDA ELLEN SKELLEY

Location:	N/A
Applicant:	Shire of Dandaragan
File Ref:	Admin15
Disclosure of Interest:	None
Date:	2 February 2012
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 lease agreement between BCD Pty Ltd and Dale Humphrey Park, Harry James Wilkinson, Michael James Kenny, Sara Carolyn Kenny and Rhonda Ellen Skelley.

BACKGROUND

The Shire of Dandaragan's common seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied.

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

COMMENT

Not applicable

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil


VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council endorse the affixing of the Shire of Dandaragan's common seal to the lease agreement between BCD Pty Ltd and Dale Humphrey Park, Harry James Wilkinson, Michael James Kenny, Sara Carolyn Kenny and Rhonda Ellen Skelley.

9.3.2 LOCAL GOVERNMENT CONSTITUTIONAL RECOGNITION

Location:	N/A
Applicant:	N/A
File ref:	FID 8640
Disclosure of interest:	None
Date:	8 February 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of author:	

PROPOSAL

To formally consider the Council's position on Local Government Constitutional Recognition in light of the Australian Local Government Association's (ALGA) current campaign.

BACKGROUND

Both ALGA and the Western Australian Local Government Association (WALGA) have been focusing on the Constitutional Recognition of Local Government over the past few years.

Following the National General Assembly of Local Government held in June 2010, ALGA distributed fact sheets and brochures designed to highlight the importance of local government to local communities.

In February 2011, ALGA President Cr Genia McCaffery called on individual local governments to consider and pass resolutions in Council to endorse the position *"that a referendum be held in 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble of the Constitution if one is proposed."*

Council received further information via its Information Bulletin in regards to Constitutional Recognition.

In August 2011 an independent Expert Panel (Expert Panel) was established by the Federal Government to consult with stakeholder groups and the community on the level of support for constitutional recognition of local government and to identify possible forms that recognition could take.

To date, the Council has not formed a position in relation to this matter.

COMMENT

The catalyst for a number of local governments supporting the campaign by ALGA has been due to the circumstances surrounding the High Court decision in *Pape v Federal Commissioner of Taxation* (Pape Case). The Pape Case challenged constitutional validity of the Tax Bonus for Working Australians Act (No 2) 2009 (Cth) which sought to give one-off payments of up to \$900 to Australian taxpayers. The decision of the High Court of Australia was announced on 3 April 2009. There is general concern that without reference in the Australian Constitution, the Federal Government would not be able to directly fund Local Government through schemes such as Roads to Recovery.

To date all Shires in the Avon Midlands Zone of WALGA have supported the campaign, with the exception of the Shires of Dalwallinu and Moora.

President of the Shire of Dalwallinu Cr. Robert Nixon was the author of a document titled Words of Warning (see attached) and highlights the need to consider both points of view and not exclusively the views of ALGA and WALGA.

As a result of the Expert Panel's consultation the Final Report indicated the following (summarised) key points for and against that were raised:

Arguments used for and against constitutional recognition

Respondents made a range of arguments for and against constitutional recognition of local government. The arguments were grouped into categories. Figures B.1 and B.2 show the proportion of responses for or against constitutional recognition according to types of argument.

The arguments in favour of constitutional recognition centred on the arguments for financial recognition and reflected the long-term campaign from local government for recognition (see Figure B.1). The arguments against constitutional recognition were more varied and tended to reflect a negative opinion of both local government and politicians in general (see Figure B.2).

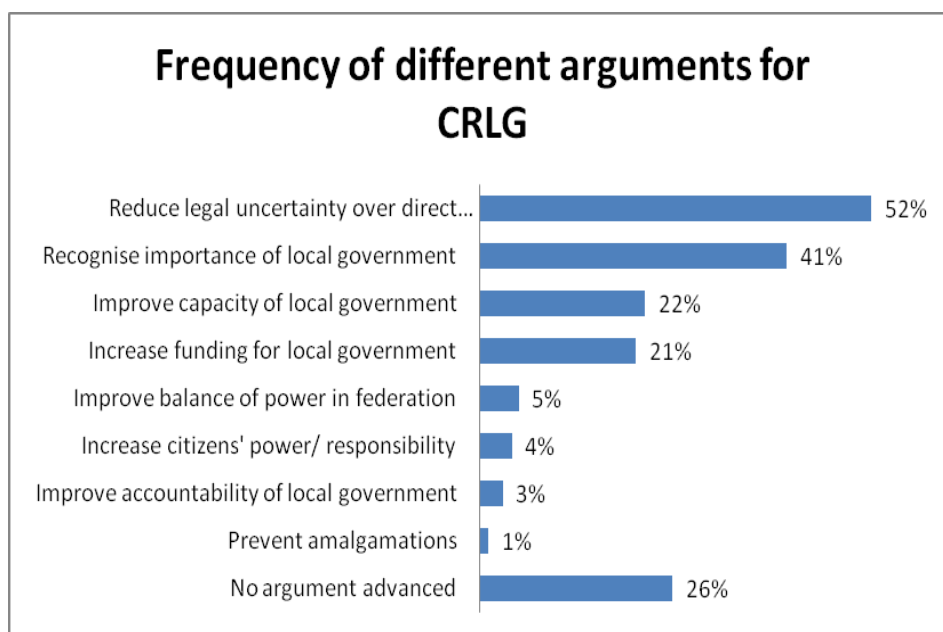


Figure B.1 Frequency of arguments for constitutional recognition of local government

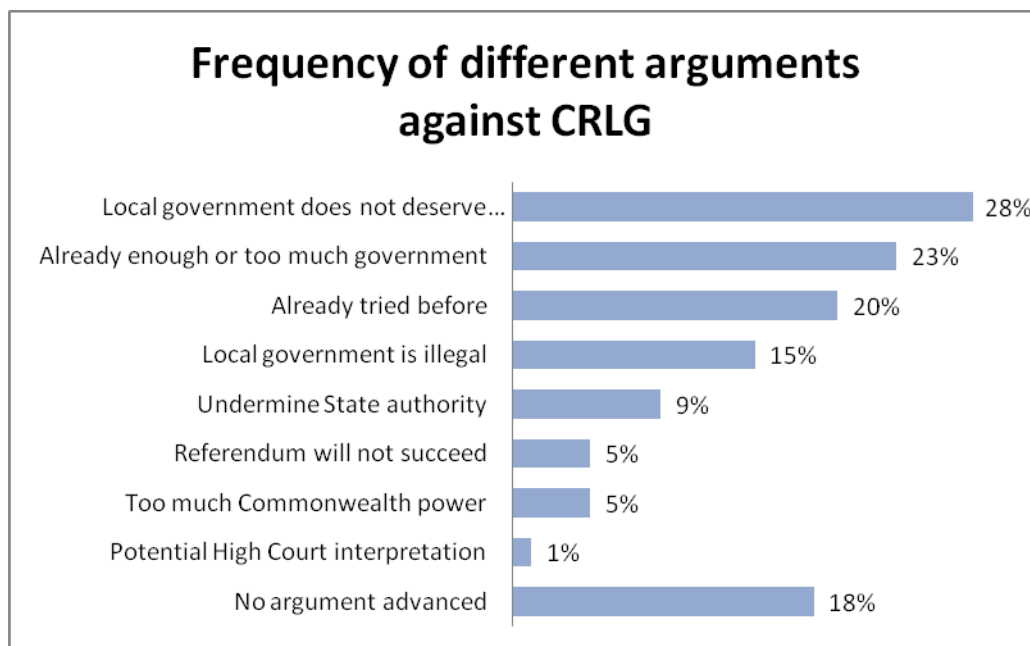


Figure B.2 Frequency of arguments against constitutional recognition of local government

Support for constitutional recognition

Overall, a slight majority of submissions supported recognising local government in the Constitution, with 53% in favour.

Figure B.3 shows the proportion of submissions which were for, against or undecided about recognition of local government in the Constitution. Submissions were evenly split between those in favour and those against.

(Source: Expert Panel on Constitutional Reform Final Report – Appendix B Summary of Submissions Received)

Constitutional Recognition for Local Government has been discussed for a number of years, and referendums were held in both 1974 and 1988. These two referendums were unsuccessful. (See attachment 9.3.2)

It's fair to say that Local Government is a "creature of the State." The current method of the distribution of Financial Assistance Grants (FAGS) is based on a number of equations and calculations in an attempt to fund the local governments fairly. These funds are distributed to the State from the Federal Government, and the WA Grants Commission forwards on these funds (not in its entirety).

We have seen examples of funding schemes run by the Federal Government based out of Canberra. Regional Partnerships was such a scheme that was ineffective when control of these grants were changed and administered from the "head office" on the eastern seaboard.

This constitutional recognition argument addresses some basic concerns of local government. However, Council needs to consider whether it can compete for its share of funding direct from Canberra considering more and more funds are in a competitive pool.

The Pape case seems to have put fear in the minds of local government representatives as they believe schemes such as the Roads 2 Recovery program may be deemed illegal.

In a letter to the Shire of Dalwallinu the Hon. Christian Porter outlined the following:

- *Electors in a section 128 referendum in 1974 (initiated by the Whitlam Government) overwhelmingly rejected a proposal to insert two new provisions in the Constitution...*
- *Electors in a section 128 referendum in 1988 (initiated by the Hawk Government) again, and even in larger numbers, overwhelmingly rejected a proposal to amend the Commonwealth Constitution to add a new section 119A...*
- *...The recognition by the Commonwealth Constitution of local governments would weaken or detract from the federal structure of the Constitution and federalism generally. In my view, that would be regrettable especially because the federal structure of the Commonwealth Constitution is one of the means of limiting an expansion of centralism...*
- *...In my view, the Pape case does not have obvious detrimental implications for the funding local Government. For example, although the High Court indicated that direct Commonwealth expenditure from the Consolidated Revenue Fund is limited to matters falling within the scope of Commonwealth legislative*

and executive powers (which, as you may know, have been expansively interpreted by the High Court) that decision does not limit other sources of funding such as section 96 grants of financial assistance...

Section 128 of the Australian Constitution outlines how a change to the Australian Constitution can be made.

128. This Constitution shall not be altered except in the following manner:--

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representative, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the

electors voting in that State approve the proposed law.

Traditionally referendums for changes to the Australian Constitution are unsuccessful. There have been a total of 46 referendums held over the history of the Commonwealth. Of these 46, only 8 have been carried. This equates to a success rate of 17.3%. Referendums are costly with the most recent referendum in 1999 costing the Australian tax payers \$66,820,894.

In light of the above it is recommended to Council to advise WALGA that it does not support constitutional recognition of local government in the Commonwealth of Australia Constitution Act.

CONSULTATION

- Councillor L Short
- WALGA
- Shire of Dalwallinu
- Shire of Moora

STATUTORY ENVIRONMENT

The referendum proposes an amendment to the Commonwealth of Australia Constitution Act

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this item.

ATTACHMENTS

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

- Letters from ALGA President Cr Genia McCaffery received 14 February 2011, 23 September 2011 and 28 September 2011
- Copy of WALGA's submission to the Expert Panel
- ALGA Constitutional Tally Chart
- ALGA Fact Sheet No. 1
- Correspondence from Dalwallinu Shire President Cr. Robert Nixon
- Emails from WALGA Avon Midlands Zone President Cr. Lawrie Short
- "Words of Warning" Document by Dalwallinu Shire President Cr. Robert Nixon
- Expert Panel Final Report
- History of Local Government & Referendums (Appendix F of Expert Panel Final Report)
- Referendum statistics

(Marked 9.3.2)


VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council advise both the Australian Local Government Association and the Western Australian Local Government Association it does not support constitutional recognition of local government in the Commonwealth of Australia Constitution Act.

9.3.3 COUNCIL MEETING SCHEDULE 2012 / 2013

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Meetings 9
Disclosure of Interest:	None
Date:	14 February 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

To determine a Council meeting schedule for the period 1 July 2012 to 30 June 2013.

BACKGROUND

On an annual basis, local governments in Western Australia are required to establish and advertise a schedule of council meetings. The Shire of Dandaragan's current schedule sets meetings up to 30 June 2012 and as such it is timely to adopt a new schedule.

COMMENT

Currently, Council meets every fourth Thursday of the month, excepting December. Other changes can occur due to public holidays.

Council considered the issue at the forum held 9 February where dates and start times were discussed.

CONSULTATION

Council at the forum 9 February 2012.

STATUTORY ENVIRONMENT

Local Government Act 1995 requires the advertising of a local government's ordinary meetings of council.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 FEBRUARY 2012

ATTACHMENTS

Nil

VOTING REQUIREMENT


Simple majority

OFFICER RECOMMENDATION

That Council adopt the following meeting schedule for the 2012 / 2013 financial year;

DAY	DATE	TIME	MEETING VENUE
Thurs	26 July 2012	5.00pm	Jurien Bay
Thurs	23 August 2012 (School Visit)	11.00am	Jurien Bay
Thurs	27 September 2012	5.00pm	Badgingarra
Thurs	25 October 2012	5.00pm	Jurien Bay
Thurs	22 November 2012	5.00pm	Jurien Bay
Thurs	20 December 2012	5.00pm	Jurien Bay
Thurs	24 January 2013	5.00pm	Cervantes (AGM of Electors)
Thurs	28 February 2013	5.00pm	Jurien Bay
Thurs	21 March 2013	5.00pm	Dandaragan
Thurs	18 April 2013	5.00pm	Jurien Bay
Thurs	23 May 2013	5.00pm	Jurien Bay
Thurs	27 June 2013	5.00pm	Cervantes

9.3.4 COUNCIL FORUMS SCHEDULE 2012 / 2013

Location:	Shire of Dandaragan
Applicant:	N/A
File Ref:	Meetings 9
Disclosure of Interest:	None
Date:	14 February 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

To determine a Council forum meeting schedule for the period commencing 1 July 2012 to 30 June 2013.

BACKGROUND

Council generally hold forums on the second Thursday of each

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 FEBRUARY 2012

month, at Jurien Bay commencing at 9.00am.

COMMENT

Council discussed proposed forum dates, start times and locations for them to be held, at the forum held 9 February 2012.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Financial implications relate to the Councillors travel expenses and catering and are not deemed to be significant.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council adopt the following Council forum dates / times for the purpose of informally progressing issues of policy, strategy and to receive delegations and presentations:


DAY	DATE	TIME	Venue
Thursday	12 July 2012	9.00am	Jurien Bay
Thursday	9 August 2012	9.00am	Jurien Bay
Thursday	13 September 2012	9.00am	Jurien Bay
Thursday	11 October 2012	9.00am	Jurien Bay
Thursday	8 November 2012	9.00am	Jurien Bay
Thursday	6 December 2012	9.00am	Jurien Bay
Thursday	10 January 2013	9.00am	Jurien Bay
Thursday	14 February 2013	9.00am	Jurien Bay
Thursday	14 March 2013	9.00am	Jurien Bay
Thursday	11 April 2013	9.00am	Jurien Bay

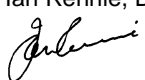
AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 FEBRUARY 2012

DAY	DATE	TIME	Venue
Thursday	9 May 2013	9.00am	Jurien Bay
Thursday	13 June 2013	9.00am	Jurien Bay

9.4 TOWN PLANNING

9.4.1 MR RA & MRS S CONDER, LOT 321 EMMA COURT, ALTA MARE – PROPOSED SHED

Location: Lot 321 Emma Court, Alta Mare, Jurien Bay.
 Applicant: Mr RA & Mrs S Conder
 File Ref: 76/11
 Disclosure of Interest: Nil
 Date: 14 November 2011
 Author: William George, Manager Building Services
 Signature of Author: 

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

PROPOSAL

The proponents RA Conder and S Conder seek Council approval to construct a shed with a floor area, eaves wall height, and ridge height that exceed the provisions of the Policy Statement clause 6(a) and the associated table for Outbuildings within the 'Rural Residential' zoned area known as Alta Mare.

BACKGROUND

The undeveloped site is 2.892 ha in area and is zoned 'Rural Residential' under the Shire of Dandaragan's current Local Planning Scheme. The lot is elevated and has frontage to Emma Court and Canover Road as a corner lot within a cusp formed by the road junctions. Emma Court changes through approximately 270 degrees in a curve away from Canover Road.

The lot has a natural depression at the proposed location for the shed. Locating the shed at this lower level reduces the impact of the shed height in relation to the surroundings.

COMMENT

The proposed shed is of colorbond steel clad construction of 189m² on a concrete floor slab. Attached to the rear of the shed is an open-sided "lean-to" within the definitions of the Policy Statement, and with a floor area of 27m², giving a total outbuilding area of 216m². The floor area of the proposed shed does exceed the maximum given in table 6(a), but the total area of the outbuildings does not exceed the maximum total area of outbuildings given in the table.

The exterior appearance of the building will be non-reflective material and with written approval from all adjoining property owners the maximum permitted area of outbuildings can be 216m².

With written approval from all adjoining property owners and adequate screening through landscaping, the permitted wall height is 4.2m, and the permitted ridge height is 5.5m.

The neighbour consultation process with the one adjoining property owner was undertaken by staff but no response has been received.

The proponents requests an eaves wall height of 4.65 metres which is a 450mm (or 10.7%) increase above the maximum height provided for by table 6(a) as described above. Similarly, the proponents request a ridge height of 5.5m which is a 213mm (3.87%) increase above the maximum provided for by table 6(a).

The proposed building setbacks satisfy the requirements specified in the 'Alta Mare' Development Guidelines, and the proposed shed will be located behind the future dwelling site. The geographical location of the lot means that the building's exposure to the Canover Road elevation cannot be avoided, although the proposed shed site is in excess of 100m from the Canover Road boundary.

The proposed siting of the shed is not considered to have a detrimental effect of the streetscape and visual amenity of the adjacent area.

Consultation was carried out with the proponents in relation to the Policy restrictions on outbuilding floor areas and heights. The proponents explained that the building height dimensions are the smallest possible to provide storage access for their boat.

CONSULTATION

Council's Manager Building Services has consulted by telephone and emails with the proponents, Mr RA and Mrs S Conder on several occasions in relation to the proposal.

The neighbour consultation process with adjoining land owners was undertaken by staff but no responses were received.

STATUTORY ENVIRONMENT

- Shire of Dandaragan's Local Planning Scheme No 7 requires planning approval for all development on properties in this zone and where the application does not comply Council is required to consider the application.
- Development Standards are contained in Local Planning Scheme No 7, Clause 5.14.
- Clause 5.14.1 (xi) states:
"All residences, outbuildings, carports and the like shall be constructed of materials sympathetic to the character of the locality, as may be approved or required by Council. The scale of outbuildings shall be of a domestic nature such that the Rural-Residential amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted."
- Additional Specific provisions relating to this area are contained under part 3 of Schedule 11 of the Shire of Dandaragan Local

Planning Scheme No 7.

POLICY IMPLICATIONS

Council's Policy Relating to the Scale of Outbuildings – "Rural Residential and 'Special Use-Rural Development Zones.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee, and the building license application fee making a total of \$491.50.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Site Plans
- Floor Plan
- Elevations
- Email copy from applicant
- Policy relating to scale of outbuildings

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

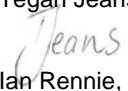

That Council grant approval for the proposed 4.65m eaves height and 5.5m ridge height shed on Lot 321 Emma Court, Alta Mare on the basis that the application marginally exceeds the maximum building height requirements contained within the Council Policy Relating to the Scale of Outbuildings – 'Rural Residential' and 'Special Use Rural Development zones, but satisfies all other requirements of the Council's Policy and the Alta Mare Design Guidelines.

Advice:

- **That the applicant Mr RA and Mrs S Conder be advised that this is planning approval and not a Building Licence to erect the shed subject of this report.**
- **That the applicant be advised should he be aggrieved by this decision 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 Development Act 2005 within 28 days of the date of this decision to;**

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

9.4.2 PROPOSED AGROFORESTRY – LOT 3616 AGATON ROAD, DANDARAGAN

Location:	Lot 3616 Agaton Road
Applicant:	Carbon Conscious Limited
File Ref:	AGR35
Disclosure of Interest:	Nil
Date:	10 February 2012
Author:	Tegan Jeans, Planning Assistant
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider a planning application for an Agroforestry Plantation of 1,150 hectares of Mallee trees for the purpose of carbon sequestration at Lot 3616 Agaton Road. Refer to the Locality Plan (Attachment 1).

BACKGROUND

At its meeting on 19 January 2012, Council resolved to defer the application to the next meeting of Council to allow Councillors to attend workshops to be further acquainted with carbon sequestration.

Council met with Ric Collins, the Director of Carbon Estates from Carbon Conscious, at the Council Forum on the 9th of February. At this forum Councillors were able to clarify any queries they had about the application and Carbon Conscious, and understand how carbon sequestration works.

In addition to meeting with Carbon Conscious, Councillors also had the chance to attend a Carbon Farming Initiative Workshop. These information workshops aim to inform what the Carbon Farming Initiative entails and how carbon trading works.

The owners of the Lot have also provided further justification to the application (see attachment 6). The information supplied outlines the role of Carbon Conscious and differentiates the company to Managed Investment Schemes. The letter also questions why Council are hesitant in approving 'marginal farm land with trees which contribute to a healthier world environment'.

The subject property is zoned 'Rural' under the Shire of Dandaragan Local Planning Scheme No.7 and traditionally has been farmed on an extensive basis through cropping and grazing. The lot is 1,481 hectares in area and contains a single dwelling, and three outbuildings. Access is obtained via Agaton Road.

The site is largely cleared except for a portion of remnant vegetation in the middle of the lot and to the east of the block. It's proposed that all natural remnant vegetation is to be retained and a 20m firebreak is to be established around these areas.

For reference purposes, the Shire Local Planning Scheme No.7 defines 'Agroforestry' as

"Land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare."

The use is listed as a 'D' (discretionary) use in the 'Rural' zone. Accordingly the Council may exercise its discretion to approve or alternatively refuse the application.

The Shire has been provided with an example Mallee Plantation Plan (attachment 3) and has advised that a full plan will be provided prior to planting of the trees.

It is proposed that planting will commence in the winter of 2012 and be completed by spring 2012.

Carbon Conscious establishes Mallee plantations for the purpose of sequestering carbon for large greenhouse gas emitters. Carbon Conscious does not propose to harvest the Mallee plantations, however, provision is proposed to be made through lodgement of a Tree Plantation Agreement on the title of the land to exercise a harvest option in the future should the carbon market disappear.

The Shire has been advised of the following:

- The location is predominantly fragile sandy soil.
- Rabbit baiting is to be completed in February/March using trails or bait stations, depending on deemed need. Bait stations may be maintained for 24 months if rabbit invasion is evident.
- The establishment program involves ripping of the site to 450mm, at 2-4m intervals prior to planting and which is normally completed in autumn prior to planting. Agriculture equipment and tractor driver are required for this operation.
- Planting is by a mechanical planter with a small scalping blade to remove any immediate weed burden. Planting involves agricultural equipment, seven persons for a two-shift operation, and should be completed at a rate of 70 hectares per day.
- Mallee plantations are established without irrigation with water requirements confined to the need for weed, pest and fire control.
- Regular inspections are conducted post planting regarding weed competition and insect and pest activity.
- Firebreaks are completed and fire-fighting water supplies are provided in advance of the fire season in accord with Shire regulations and FESAs Guidelines for Plantation Fire Protection.
- Livestock are to be excluded from the site for a minimum of three years but in reality, there will be no grazing for livestock in Mallee plantations as the trees will out-compete other plant growth.

COMMENT

As reflected in the Strategic section of this report Agroforestry for carbon sequestration and timber production appears to have considerable merit and a significant future in this region. Notably, Agroforestry over the past decade has emerged as a legitimate agricultural landuse in the South West of WA to support wood chipping as government introduced measures to preserve old growth forests. With this occurrence and a number of concerns over the establishment of tree plantations the Timber Plantation Industry with government assistance prepared an industry Code of Practice to provide general guidance and an acceptance of appropriate standards and regulation. However, whilst such a Code is beneficial, it is prudent for the Council to impose conditions that:

- bind the Code of Practice to the planning approval; and
- address other concerns of a relevant nature.

There is a concern over the increased risk of bush fires and the proliferation of pests and weeds. The applicant has stated that firebreaks are to be completed and fire fighting water supplies are to be provided in advance of the fire season in accordance with the Shire regulations and FESA's Guidelines for Plantation Fire Protection. The applicant has also advised that baiting for pests will occur in the short term and regular inspections will be undertaken for pest, insect and weed activity. Given the above, it is still considered appropriate that a condition be imposed requiring a Plantation Management Plan (which is to incorporate a Fire Management Plan) to be prepared and submitted for endorsement by the local government prior to the commencement of planting.

CONSULTATION

Although not a mandatory requirement, the proposal was forwarded to neighbouring landowners (see attachment 4) for comment prior to the Council determining the application.

In response nine submissions were received. Of these, two were in support, one was indifferent and six were objecting to the proposal. A schedule of submissions (attachment 5) outlines the main points of each of the submissions and the Shire's response to each of these submissions.

The main concerns of these submissions are:

1. The loss of a sound productive holding that should be retained for future food production;
2. An existing plantation of Pine and Eucalyptus trees nearby that has resulted in a severe ground water deficiency for the property;
3. The lack of vermin and weed control and no effective firebreaks on the property; and
4. The total planting on one farm will have a negative impact on the economies of the district with one less family, associated

business, workers will lose income source, as traditional farming support a whole community.

In response to concern one, while the owners of the Lot have productive properties in the vicinity of this farm, this particular property is not profitable in most years, hence it has remained on the market for some time. Carbon Conscious is not keen to divert viable agricultural land into trees for carbon and specifically seeks deep sandy soil, which normally cannot hold sufficient nutrients and moisture within the root zones for crop and pasture production, thus leading to unprofitable agricultural production.

In response to concern two, Mallee trees have been chosen as they are deep rooted and will draw water from some depth. In addition, they will live for 100 years, a desirable attribute under the Carbon Farming Initiative. However, Mallee growth is much less than Pines and the general impact on the water table in the Dandaragan area with generally good rainfall is expected to be minimal.

In response to concern three, the Shire has been advised that regular inspections are to be conducted post planting regarding weed competition and insect and pest activity including extensive baiting programs to manage vermin, rabbits in particular. The current owners will continue to live on the property for some time and beyond that, Carbon Conscious will seek to find a suitable tenant for the house on the farm so there is a presence on the property. Carbon Conscious are also proposing to maintain the existing water system including in excess of 60,000 litres of water storage in cement tanks for fire fighting purposes. A Plantation Management Plan (which is to incorporate a Fire Management Plan) is to be prepared and submitted for endorsement by the local government prior to the commencement of planting.

Finally, in response to concern four, the district will not be losing residents as the new owners have left the house for the existing residents to continue to use. The Shire has been advised that Carbon Conscious use local contractors for much of the work required for site preparation and maintenance. Where possible, the company seeks to make its houses available for others to rent. In the near future, the company expects to place staff in the region to manage the plantations established to the north of this location.

STATUTORY ENVIRONMENT

Agroforestry is listed within Table 1 – Zoning Table of the Shire of Dandaragan Local Planning Scheme No.7 as a ‘D’ (discretionary) use in the ‘Rural’ zone. Accordingly the Council may exercise its discretion to approve or alternatively refuse the application.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposed Agroforestry other than receipt of a \$2,422.40 planning application fee and costs associated with advertising and consultation.

STRATEGIC IMPLICATIONS

Section 3.1 of the Shire's draft Local Planning Strategy – Rural Land Use and Rural Settlement (LPS) clearly acknowledges the future potential for intensive agriculture in the region, with specific reference to Agroforestry.

In this regard the LPS states:

Agroforestry for carbon sequestration and timber production appears to have a significant future judging from interest and initial projects where trees are being planted for both purposes."

Further to the above section 8.4.1 of the LPS states that the Shire should encourage the use of rural land for commercial agricultural production including grazing, cropping, agroforestry, tree plantations, intensive agricultural production where appropriate.

Section 9.3 of the LPS states that during the last decade local governments throughout the south west have had various degrees of concern about the impact of tree plantations as more properties change from mixed use farming to a monoculture. These concerns include:

- the loss of agricultural land
- loss of traditional agricultural activities for which infrastructure has been developed (e.g. saleyards or abattoir);
- loss of farming families;
- fire risk; and
- changes to the water table.

The timber plantation industry and Government have developed Codes of Practice. Councils have accepted the industry and found that these concerns were either unfounded, over stated, or can be managed.

In consideration of the positive outlook expressed in the draft LPS and given further proposals for larger plantations are likely should carbon pricing be introduced by the federal government in July 2012, it is suggested a local planning policy on the establishment of Agroforestry plantations be prepared.

ATTACHMENTS

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

- Attachment 1 – Locality Plan
- Attachment 2 – Site Plan
- Attachment 3 – Example Management Plan
- Attachment 4 – Consultation Plan

- Attachment 5 – Schedule of Submissions
- Attachment 6 – Justification Provided by Owner
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for an Agroforestry use (1,150 hectare Mallee Tree plantation) on Lot 3616 Agaton Road, Dandaragan, subject to the following:

Conditions

1. All plantings shall be in accordance with the attached approved plan(s) dated 4th November 2011 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
2. A Plantation Management Plan (incorporating a Fire Management Plan in accordance with the FESA 'Guidelines for Plantation Fire Protection') shall be prepared, submitted, and endorsed by the local government prior to the commencement of tree planting;
3. The Agroforestry (tree plantation) shall be operated and managed in accordance with the 'Western Australian Code of Practice for Timber Plantation' and the 'Fire Management Plan' endorsed by the local government;
4. If at a future date harvesting of the plantation is to be considered, then a 'harvesting plan' shall be submitted to local government for consideration a minimum of 24 months prior to the anticipated commencement of the harvesting of the plantation. The 'harvesting plan' shall be prepared in accordance with the 'Western Australian Code of Practice for Timber Plantations' for endorsement by the local government; and
5. A minimum vegetated buffer of 50m to be established from the boundary of the wetland dependent vegetation in the eastern portion of the lot.


Advice

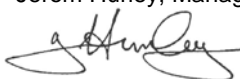
- a) In regard to condition 2 of this approval, the Plantation Management Plan is to include, but is not limited to, a fire management plan, a weed control strategy, vermin and pest control strategy, livestock grazing management strategy and firebreak maintenance responsibility;
- b) In regard to condition 2 of this approval it is requested the applicant consult with the Shire Community Emergency Services Coordinator in regard to fire management and the preparation of a Fire Management Plan;
- c) Any further use, additional to and or intensification of any part of the subject land that is not in accordance with the

approved application is the subject of a new application for planning approval;

- d) In conducting the activity hereby permitted, the plantation operator / manager is required to comply with all relevant legislation, and to have particular regard to the general reasonable amenity expectations of those who maybe resident in the vicinity;
- This approval is valid for a period of two (2) years. If the plantation development has not substantially commenced within this period the approval will lapse; and
 - The applicant is advised that a right of appeal against Council's decision exists in accordance with the provisions of the *Planning and Development Act, 2005*. In this regard contact should be made with the State Administrative Tribunal on 9219 3111 or via website www.sat.justice.wa.gov.au

9.4.3 PROPOSED ADDITIONS TO EXISTING DWELLING (GARAGE) – LOT 2 (8) HEATON STREET, JURIE BAY

Location:	Lot 2 (8) Heaton Street, Jurien Bay
Applicant:	Swan Aussie Sheds
File Ref:	BE87
Disclosure of Interest:	Nil
Date:	13 February 2012
Author:	Tegan Jeans, Planning Assistant
Signature of Author:	

Senior Officer:	Jerom Hurley, Manager of Planning
Signature of Senior Officer:	

PROPOSAL

To consider an application submitted by Swan Aussie Constructions seeking planning approval for a proposed 88m² additions to an existing dwelling (garage) with an eaves height of 4.0m and ridge height of 5.525m to be erected on at Lot 2 (8) Heaton Street, Jurien Bay. Refer to the Locality Plan in the attachments.

BACKGROUND

The site is 766sqm in area and is zoned 'Residential' with a density of R12.5 under Shire of Dandaragan's current Local Planning Scheme. A single dwelling is located on the lot with no other outbuildings. The lot has frontage to Heaton Road.

The garage has a proposed 12m long, four meter high, nil setback boundary wall in lieu of the minimum 1.5m setback required under the Residential Design Codes. The rear setback of 3.747m and the front setback of 26.5m of the additions to the dwelling both comply with the requirements of the Residential Design Codes.

Council's Policy relating to the scale of outbuildings in Residential

areas states the intent to provide direction and guidance on the area and height of outbuildings that the Shire of Dandaragan will permit within Residential areas. The policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria of Residential Design Codes (2002).

This Policy outlines the maximum floor areas and wall heights for both garages and carports in Residential areas. Part 1 of the policy states that all garages and carports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m.

The garage proposes a wall height of 4.0m in lieu of 3m, and a ridge height of 5.525m in lieu of 4.5m as required under the above stated policy. The floor area is also more than double the allowable 40sqm under the Shire policy at 80.28m².

The garage is proposed to be connected to the existing dwelling by a personal access door and hence is not classed as an outbuilding. It is proposed to be constructed of brickwork and have a zincalume roof to match the existing dwelling. Given this, the existing dwelling actually has a tile roof rather than a zincalume roof.

COMMENT

Part 2 of the Shire's policy relating to outbuildings in residential areas states that Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria are, in the opinion of Council, satisfactorily addressed:

- a) the garage or carport is attached to and forms part of the adjoining dwelling;
- b) the garage or carport is situated under the roof line of the adjoining dwelling;
- c) the garage or carport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);
- d) the garage or carport will not have an impact on the streetscape or amenity of the area; and
- e) the garage or carport complies with any design guidelines adopted by Council.

The garage is proposed to be attached to the dwelling by connecting to the existing verandah and rear corner of the house. The garage is located approximately 19m behind the front elevation of the property and would therefore not be deemed to have a negative visual impact from a streetscape perspective. However, due to the proposed nil setback boundary wall, its length, and the height of the proposed garage it is believed that there shall be significant an impact on the adjoining landowners.

The proposal is 2.007 times larger than the maximum garage or carport size permitted in the by the Shire's Outbuildings in

residential areas policy. There are no design guidelines relevant to this property.

The garage sits under the roofline of the second storey portion of the dwelling, but sits higher than the roofline of the portion of the dwelling of which it is attached. The wall height of the garage is proposed to be the same height as the ridge height of the portion of the dwelling it is attached to. The scale of the garage will therefore not be in fitting with the dwelling of which it is attached.

The policy states that all carports and garages shall be constructed of materials that match or complement the dwelling on the site. The walls of the garage are proposed to match the existing brick work of the dwelling. However, the roofing of the garage is shown as "zincalume to match existing" while the existing dwelling is actually a tile roof. If the proposed roofing is to be zincalume the reflection from the roof could potentially have a negative impact on the adjoining landowners given that the garage is proposed to be located on the boundary.

The R-Codes performance criteria 6.3.2 states that buildings could be built up to boundaries other than the street boundary where it is desirable to do so in order to:

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

While the proposal does aim to make the most effective use of space and may enhance privacy, due to the bulk, height and scale of the development and the proximity to the boundary the development will have a significant adverse effect on the amenity of the adjoining property (7 Heaton Street). It is unlikely that access to direct sunlight by the adjoining landowners will be impacted as the garage is proposed to be located to the south-west of the boundary line where the boundary wall is proposed.

CONSULTATION

The applicant has been contact by the Shire's Manager of Buildings Services regarding the over height and over size nature of the proposal. The applicant did not wish to reduce either the wall height or the floor area of the garage. As such being in excess of the permitted building areas and heights, Council staff are obliged to recommend refusal in this case.

The scale of this proposal has been discussed between Council's Manager Planning and Manager Building Services in terms of the Policy intent and the reluctance to provide a supportive

recommendation for this item.

Neighbour consultation was undertaken with six adjoining landowners (Unit 1, 2 and 3/32 Dalton Street, 1 Heaton Street and 3 Heaton Street). Of the six adjoining landowners consulted, two objections were received.

The main concerns of the objections received were:

- The inaccuracy of the plans provided.
- The potential glare and water flow off the roof;
- The impact of the boundary wall on the amenity of the area and any potential overshadowing.
- Footings of the proposed boundary wall to be engineered totally independent of an existing boundary wall.
- Prevent flow of air through the properties.
- The scale of the shed is more conducive to an industrial area;
- The fact that the block is already higher than the surrounding properties.

The potential glare has already been addressed in the comments section above, however the garage does propose to have a gutter system installed which would contain water on site. This is a standard requirement for all forms of development.

The footing details are not required to be provided at this stage but will need to be provided if the proposal is approved and a building licence is submitted.

The proposal will be in such a location that it may reduce the amount of airflow through the properties. This is due to the garage combined with the existing dwelling will mean that built form will take up the majority of the northeast boundary.

The impact of the boundary wall will have a significant effect on Lot 283 Heaton Street and this will be further exacerbated by the subject lot being higher than the surrounding properties.

STATUTORY ENVIRONMENT

The following statutory documents have relevance to this application:

- Council's Policy relating to Outbuildings in Residential Areas.
- Western Australian Planning Commission's State Planning Policy 3.1 - Residential Design Codes
- Shire of Dandaragan's Local Planning Scheme No. 7

POLICY IMPLICATIONS

If the garage is approved there is a potential for a precedent to be set for over size and over height garages in the area.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposed additions other than receipt of a \$139 planning application fee and

costs associated with consultation.

STRATEGIC IMPLICATIONS

If approved, there is a possible future precedent for 4m high parapet walls for garages and oversize and over height garages.

ATTACHMENTS

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

- Locality Plan
- Site Plan
- Floor Plan
- Elevations

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the planning application be refused for a Residential Design Code and Shire Policy Variation for a proposed garage at Lot 2 (8) Heaton Street, Jurien Bay due to the following reasons:

- 1. non-compliance with R-Codes performance provision 6.3.2 relating to significant adverse effect on the amenity of the adjoining property; and**
- 2. that the proposed shed does not comply with the Shires current policy for Outbuildings in Residential areas as it exceeds the maximum allowed combined area for garages by 40.28m²; and**
- 3. significant departure from Shire Policy relating to the height of the proposed parapet wall at 4 metres high which may lead to a future precedent of over height parapet walls and unacceptable building bulk at common boundaries.**

Advice

- **Should the proponent be aggrieved by this decision 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 Development Act 2005 within 28 days of the date of this decision to:**

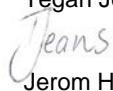
**The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845**


9.4.4 PROPOSED CERVANTES TOWN CENTRE FUTURE LAND USE PLAN

Location:
Applicant:

Cervantes Town Centre
N/A

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 FEBRUARY 2012

File Ref:	TP34
Disclosure of Interest:	None
Date:	9 February 2012
Author:	Tegan Jeans, Planning Assistant
Signature of Author:	

Senior Officer:	Jerom Hurley, Manager of Planning
Signature of Senior Officer:	

PROPOSAL

For Council to consider the adoption of a future land use plan for the Cervantes Town Centre for the purposes of public consultation. See attachment 1 for a locality plan that shows the Cervantes town centre, attachment 2 that shows the current zoning and attachment 3 that shows the proposed plan.

BACKGROUND

The plan was originally prepared by Landcorp as a concept plan for the existing Cervantes commercial precinct which can be described as the area bound by Seville, Weston, Iberia and Aragon Streets. The majority of the land has yet to be developed and comprises a mix of commercial and public purpose zonings.

The Future Land Use Plan aims to:

- Provide a broad outline of how the existing commercial and undeveloped Crown land should be utilised in the future to create an efficient and effective town centre;
- Combine a range of town centre functions and opportunities to cater for permanent and part-time residents, holiday makers and tourists (e.g. Bus tours to Pinnacles);
- Ensure that residents could come to the town centre for a range of activities combining education, health, business, entertainment and shopping;
- provide opportunities for aged persons to live near all the potential facilities;
- locate the aged in an active, interesting area with easy/walking access to most facilities;
- enhance the appearance and layout;
- prepare a realistic long term plan based, as much as possible, on the existing road layout, existing development and services;
- integrate higher density group residential and short-stay holiday accommodation into the town centre;
- develop an orderly and efficient road layout including the provision for servicing and parking;
- provide open space for shaded seating, tourist rest areas, picnic facilities for visitors, beautification integrated with parking including bus parking and access to the shops and tavern;
- enhance and highlight entry-roads through street signage and lighting, street furniture and street trees, etc.;
- develop mixed use lots blending group residential and tourist accommodation as a transitional use between are commercial and existing residential land on the south side of Seville Street;
- provide safe open space and pedestrian connection in between

- the school and town centre;
- encourage development on both sides of Cadiz Street to create a “main street”;
 - ensure there is flexibility and robustness in the layout, e.g. creating the small pocket park near the western end of Cadiz Street which retains the opportunity of a future road connection if required; and
 - provide access and servicing opportunities at the rear of those lots on the northern side of Cadiz Street.

The adoption and implementation of the plan will assist in the orderly growth of an attractive town centre. The plan will also give existing and future landowners confidence to invest in the development potential within the town centre.

The plan was brought before Council at a Forum on 14th June 2007. Council were generally happy within the design except for the playground on Weston Street being shown as Commercial zoning. Council wished this to be shown as a reserve. Apart from this change nothing else was commented on.

The plan since then has been “abandoned” with no work undertaken to further the project. This is largely due to the adverse reaction to Landcorp` involvement in the preparation of a plan for the town centre. Landcorp initially became involved to assist Council in the implementation of this plan.

COMMENT

The Shire plans to create a Coastal Settlement Strategy Plan for the region between Jurien Bay and Cervantes and as such aim to facilitate growth in the region. During this process it is necessary to review planning for each settlement node to ensure that planning for each settlement node reflects current broader planning needs. Currently there is insufficient planning for the Cervantes town centre, with a draft plan created in 2007 that was never formally advertised or adopted.

Currently the Scheme Maps designate a future road pattern and zoning boundaries for the town centre. These boundaries, however, differ from the current cadastral boundaries across the town centre. This is confusing and makes it difficult to establish which boundaries should be followed in terms of future planning for the town centre. The boundaries shown on the Scheme Maps form part of the Scheme and any further change will require a separate Scheme Amendment, which takes time. Reference in the Scheme to an adopted town centre plan that can be amended via a far less involved process would be a better approach. This can be incorporated in a plan for Coastal Settlement Strategy Plan for the region, incorporating a holistic planning approach for the region.

Without a town centre plan in place, development proposals may compromise the orderly and efficient development of the town centre. The plan would provide a basis for decision making for proposals and scheme amendments e.g. Amendment 18. The Shire's planning consultant recommends Council consider the option of preparing a simple town centre strategy.

CONSULTATION

While the plan currently has no statutory power, it is recommended that the plan be formally advertised for a period of 42 days in accordance with the provisions of the Town Planning Regulations 1967. Land owners and occupiers within the subject land and nearby affected owners should be contacted in writing as well as notices being placed on site and in a newspaper circulating in the District.

After the expiry of the period within which submissions may be made, the local government is to –

- a) Review the proposed Plan in light of any submissions made; and
- b) Resolve to adopt the Plan with or without modification, or not to proceed with the Policy;

In addition to the statutory requirements outlined above, it is recommended that consultation is extended to include sending a copy of the proposed Future Land Use Plan to all those property owners in Cervantes.

STATUTORY ENVIRONMENT

There are currently no statutory powers within the Shire's Local Planning Scheme that would give this plan any weight. Currently the zoning and road layout in the scheme map is different to what is proposed on the land use plan. As such, the scheme maps will have a greater power than that of the plan if it is adopted by Council.

Given this, it is recommended that the plan be adopted for the purpose of advertising to have a strategic plan in place. Once advertising has concluded on the plan and it is brought before Council for final adoption, it is recommended that Council then also resolve to amend the scheme to give the plan statutory power.

This could be achieved by amending the zoning of the Cervantes Town Centre to become a special use zone and inserting provisions in Schedule 4 and Part 5 of the of the scheme stating that all development and subdivision to occur in accordance with Schedule 14.

Schedule 14 would then state that the use and development of land within Special Development Cervantes Town Centre Zone

encompassing that land bound by Iberia, Aragon, Seville and Weston Streets shall be in accordance with the provisions of the Cervantes Town Centre Future Land Use Plan. This also gives Council an opportunity to implement further requirements it sees fit on the design and development control of the town centre.

This would be similar to the provisions used currently for Victoria Location 10751. This is just one option on how this could be achieved and could be achieved several different ways. This process should be left open by Council to allow for flexibility to implement statutory powers for the plan.

Further to the above, it is recommended that this plan be incorporated into the Coastal Settlement Strategy Plan for a holistic approach.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There will be a cost involved in advertising the plan; this is, however, covered in the adopted budget.

STRATEGIC IMPLICATIONS

The future land use plan will assist in the procedural and governance aspects of the Shire's development control responsibilities. This includes providing direction and guidance on the land uses that are to be permitted within the Cervantes Town Centre and the future growth of the centre.

ATTACHMENTS

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

- Attachment 1 - Locality Plan
- Attachment 2 – Zoning Plan
- Attachment 3 – Future Land Use Plan

(Marked 9.4.4)

VOTING REQUIREMENT

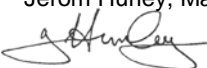
Simple majority


OFFICER RECOMMENDATION

That Council:

- 1. resolve to advertise the Cervantes Town Centre Future Land Use Plan for public comment, in accordance with provision 25 of the *Town Planning Regulations 1967*; and**
- 2. request a copy of the proposed Future Land Use Plan to be sent to all land owners within the Cervantes Townsite for their information and providing an opportunity for their comment.**

9.4.5 LOCAL PLANNING SCHEME NO.7 – AMENDMENT NO.11 – LOT 1 JURIE EAST ROAD

Location: Lot 1 Jurien East Road, Jurien Bay
 Applicant: Mr D and Mrs C Kent
 File Ref: 2717
 Disclosure of Interest: Cr Kent previously disclosed an interest in the matter
 Date: 13 February 2012
 Author: Jerom Hurley, Manager Planning
 Signature of Author: 

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

PROPOSAL

To rezone Lot 1 Jurien East Road, Jurien Bay from 'Rural' to 'Rural Residential' and 'Parks and Recreation'. The proposed Amendment would allow subdivision of the existing 1429.5 ha lot into 277 Rural Residential lots ranging in size from 2.0 - 16.7 ha. A subdivision guide plan (SGP) has been prepared to guide future subdivision of the land. The SGP shows an 'ecological management corridor' over pre-existing remnant vegetation and central low-lying wetland areas for conservation and passive recreation purposes. Four lots are proposed to have additional use rights for a local convenience store, cafe, chalets, a restaurant or community purpose facilities.

BACKGROUND

Lot 1 is located approximately 10km east-northeast of Jurien Bay on Jurien East Road, just east of Drovers Cave National Park. The lot is bounded by Jurien East Road to the south, Lot 501 to the west (subject of existing extractive industry and rural living proposal), Cockleshell Gully Road to the east and Lot 512 Cockleshell Gully Road to the north (possible future rural living). The site is zoned Rural and is included within the Bassendean Precinct Special Control Area under Local Planning Scheme No. 7. Adjoining land to the North, East and South is also zoned Rural. The existing rural living estates of Alta Mare and Jurien Bay Heights are situated directly adjacent the subject land to the south west. Directly opposite the subject land, on the south side of Jurien East Road is Location 10600, subject of a proposal for a future regional airport to replace the existing Jurien Bay Airstrip.

As far back as 1998, Council has given its support to a future regional airport proposal for Location 10600, to the south of Lot 1. The Shire attempted to formally recognise this future airport on the Scheme Maps for Scheme No.7 when it was being prepared but the then Department for Planning and Infrastructure advised this was not possible due to a lack of detailed information about the implications of having an airport in this location. The Shire has recently applied for funding under the Regional Airport Development Scheme to identify possible future regional airport site options and to select a preferred site.

Lot 1 is used for primarily grazing. There is an existing residence and outbuildings on the south west portion of the site. Adjoining Lot 501 extends into the subject lot by approximately 300-400m in this portion as well, but otherwise the property boundaries are relatively straight.

Lot 1 is located in a swale between limestone hills to the west and low hills to the east. Water flows and seeps from the north to create wetlands in the central area of the lot during winter months. Storm drainage lines enter the property from the north east and move across the central part of the lot to the south west. Summer storms can initiate surface flows and potential flooding due to the non-wetting nature of the soils. These conditions can also result in water erosion, particularly on the eastern sand ridges. Scattered remnant vegetation remains across the lot, with higher concentrations in the west causing a potential fire hazard. The SGP proposes fire management measures such as fuel reduction zones and strategic fire breaks to address this. The unprotected sandy soils, particularly in the east, have a moderate to high wind erosion risk.

Council resolved to initiate advertising of Amendment No. 11 at its meeting of 16 December 2010. Following consent from the Western Australian Planning Commission (WAPC) and a decision of the Environmental Protection Authority (EPA) to not require formal environmental review, the amendment was advertised. Seven submissions were received, all from Government agencies. Issues raised in those submissions are considered below.

Lot 1 is identified in the draft Local Planning Strategy – Rural Land Use and Rural Settlement (LPS) - as suitable for rural living purposes. As a condition of its approval to advertise the LPS, the WAPC required the following statement to be included specifically in relation to the identification of Lot 1 for rural living:

'Rural living subdivision may only occur where the application can satisfy the decision making authorities that the land use can occur and be managed to protect the quality of water and other environment attributes of the area. The application will also have to provide evidence to the satisfaction of the WAPC to justify the timing of rezoning, subdivision and land release.'

The Council did not agree with several of the WAPC's requirements and included a note with the draft LPS during advertising to state its position. The Council has now adopted the LPS for final approval subject to further discussions taking place with Department of Planning officers regarding this and other matters prior to the LPS being submitted to the WAPC for endorsement. Discussions will take place before the end of the month.

Proposed lot sizes are generally above 4 ha, although some proposed lots are down to 2 ha. Current State level policy exempts lots above 4 ha from a requirement to connect to reticulated water. Proposed changes to State level policy would change the minimum lot size for a non-reticulated water supply to 40 ha, although there is provision for the WAPC to approve smaller lot sizes if the proponent can demonstrate that providing reticulated water is not feasible.

The Department of Water (DoW) proposed to extend the Priority 2 water source protection area across the entire subject land during December 2008. This would have placed restrictions on land use and the use of groundwater across the site particularly for tourism based activities proposed for the eastern side of Lot 1. The DoW released its Drinking Water Source Protection Review for the Jurien Water Reserve in July 2011. Lot 1 is not included in a priority water source protection area.

Under the proposed Rural Residential zoning, lots would be able to support one dwelling, outbuildings for domestic use and, at Council's discretion, one ancillary accommodation unit as defined in the Residential Design Codes. All buildings would be required to be contained within a 4,000 sqm building envelope.

Additional use rights are proposed for four of the proposed lots. The additional use rights would be included in Schedule 2 of the Local Planning Scheme. A summary of the lots and the proposed additional use rights are listed below:

Property	Additional Uses
Lot 245 (A5)	Community Use; Reception Centre
Lot 248 (A6)	Chalets (4 maximum); Community Use; Local Convenience Store; Restaurant
Lot 249 (A7)	Chalets (5 maximum); Community Use; Restaurant
Lot 153 (A8)	Community Use; Restaurant

The proposed ecological management corridor is intended to provide functions including conservation, passive recreation (pathways, seating, and shade structures), native wildlife fauna corridor, visual interest and landscape recognition, protection of artificial features (e.g. soaks), and to create a sense of place and point of difference.

COMMENT

Possibility of Future Regional Airport on Adjoining Property
Zoning Lot 1 Rural Residential and approving the proposed SGP may preclude Location 10600 from being further considered as a possible future regional airport site. Given the historical identification of Lot 10600 for a future airport, it would be desirable to reach a conclusion about its suitability for that use via the

intended site selection study rather than indirectly via a decision on this amendment. Equally, it would not seem fair to substantially compromise the development potential of Lot 1 for the sake of providing for a future airport over adjoining Location 10600. The progression of rural living proposals over adjoining properties and any potential conflict with those proposals would surely be considerations in evaluating the relative suitability of Location 10600 as a future regional airport.

If Location 10600 were identified as the preferred site for a future regional airport, it may be possible to reduce the impact on the development potential of Lot 1 by relocating the north-south runway to the east of the lot. While it would be unreasonable to defer development plans indefinitely, the interrelationship between the development proposal for Lot 1 and the possibility of a future airport over Location 10600 should be considered further as part of progressing development plans, particularly if Location 10600 is identified as the preferred site for a future regional airport.

Suitability of Subject Land for Rural Living

If it is determined that the subject land can be zoned without awaiting completion of a study to identify the preferred site for a regional airport, then the question turns to whether this land is suitable for rural living. The following comments demonstrate that Lot 1 is suitable for rural living:

- A period of sustained growth is expected in Jurien Bay with the recent opening of Indian Ocean Drive and investment under the SuperTowns program;
- The land is relatively close to Jurien Bay but will not compromise the future expansion of urban uses;
- The land is close to existing established rural residential estates but will provide a different lifestyle option to what is available at Alta Mare and Jurien Bay Heights;
- Demand for lots can increase very rapidly while it takes considerable time have lots ready for sale;
- The proposed use will be more likely to preserve environmental qualities of the land than the current use;
- The proposed amendment was granted consent to advertise by the WAPC; and
- The land is identified in a LPS that has been adopted for final approval by Council following public advertising.

Water Supply

The proposed amendment is based on a premise that domestic water supplies for lots in this Rural Residential zone will be provided primarily through the use of rainwater tanks, supplemented by groundwater through the use of bores. Current State policies DC 3.4 and SPP 2.5, however, requires rural living lots up to 4 ha in area to be connected to a reticulated water supply. Some of the lots shown on the proposed SGP are below 4 ha. A draft revision of SPP 2.5 requires connection to reticulated

water for all rural living lots (up to 40 ha) but also states:

- If a reticulated supply is demonstrated by the proponent to not be feasible or available, the WAPC may consider a fit-for-purpose domestic water supply, which includes water for fire fighting. The supply must be demonstrated, sustainable and supported by water and health agencies;
- If it is proposed to supplement rainwater tanks with the use of groundwater the proponents must demonstrate the adequacy of available groundwater and how the allocation, use and disposal of ground water will be fairly and sustainably managed to benefit each lot owner/s with no adverse environmental impacts.

In relation to the first dot point above, the proponents have stated it is not feasible to connect the proposed lots to a reticulated water supply based on the cost of extending reticulation to and through the site. While it is highly likely that this is indeed the case, the WAPC is likely to require this to be demonstrated. It would therefore be beneficial to quantify the cost of connecting to a reticulated water supply to demonstrate that connection is not feasible. In accordance with current State policy it may also be appropriate for lots to be a minimum of 4 hectares.

The following points are made in relation to the second dot point:

- The WAPC draft revised policies state that 550mm annual rainfall is sufficient to provide a domestic water supply via roof catchment. Jurien Bay's annual rainfall according to the DoW is just below 550mm, at 530mm.
- Evidence has been provided in the amendment document, based on the DoW's Stormwater Management Manual for WA, to show that annual rainfall is sufficient to meet domestic potable water requirements if minimum roof catchment areas and minimum storage tank capacity are achieved, even in dry years.
- The proposed provisions for this Rural Residential zone include requirements for minimum roof catchment areas and storage tank capacity of 240m² and 120kL respectively. The calculations assume water for fire-fighting will be sourced from either on-site dams or bores.
- The existing approved groundwater allocation for the superficial aquifer in this area is 30gL/year. Less than 50% of this allocation is currently being used, leaving a further 16.62gL/year.
- The Land Capability and Geotechnical Analysis that forms part of the Amendent document states that generally domestic groundwater water licenses are limited to 1500kL/year. If each of the proposed lots drew 1500kL/year, then the total groundwater draw for this Rural Residential zone would be just over 0.4gL/year. It would therefore be difficult to argue that groundwater use from this proposed Rural Residential zone would threaten the groundwater source.

- Lots in adjacent estates, Alta Mare and Jurien Bay Heights, achieve their domestic water supply utilising a combination of rainfall and bores.

In relation to groundwater quality, the Land Capability and Geotechnical Assessment concludes that the proposed rural living use would have less impact on groundwater quality than the current land use. Notwithstanding this assessment, little information has been provided regarding the actual groundwater quality. The Department of Environment and Conservation (DEC) recommends groundwater quality be tested periodically to determine whether the rural living use is suitable for the land. The Shire's planning consultant recommends a *"groundwater monitoring program be undertaken, pre, during and post development to the satisfaction of the Department of Environment and Conservation, Department of Health and Department of Water to ensure sustainable use of/and/or impacts on groundwater resources and an appropriate provision be included in the Amendment under Provision 5. Water Supply"*. It would be appropriate to conduct groundwater testing prior to the land being rezoned to ensure the quality of the groundwater is suitable for domestic purposes.

Notwithstanding the availability of groundwater, it is important that the groundwater resource is managed appropriately. To this end, it is recommended that statutory measures be investigated and where applicable, introduced to ensure groundwater use is appropriately managed in this Rural Residential zone.

Extractive Industry on Adjoining Property

The limestone and sand extractive industries on Lot 501 could conflict with western portions of this proposed Rural Residential zone as proposed lots are within the 300m buffer shown on the proposed SGP. In its submission, the Department of Mines and Petroleum (DMP) requests a 500m buffer instead of the standard 300m buffer recommended in the EPA's 'Guidance for the Assessment of Environmental Factors No 3 June 2005'. The Shire's planning consultant recommends the SGP be modified in accordance with the DMP's request and this is supported. The DMP also requests that no development be permitted within this buffer until extractive industries are complete. The Shire's planning consultant has recommended the following provision to address this request:

'no residential development (e.g. Dwelling and other uses adversely affected by quarrying) is permitted within the buffers until the extraction of sand and limestone is complete, or the DMP, EPA, WAPC and Council has agreed to the removal of the buffer as no further extraction will occur or that the development will not restrict the access to basic raw materials on Lot 1. The 500m buffer may only be reduced on

the SGP as a result of seeking further guidance from, and the agreement of, the EPA'.

A variation to this provision is recommended given that Council is the decision making authority in relation to the extractive industries on the adjoining land that will ultimately determine status of the approved extractive industry.

Other Matters

In its submission, the DoW requests best management practices in relation to development near sensitive water resources (e.g. minimum lot sizes and land use controls etc). The Shire's planning consultant recommends a provision be added for this Rural Residential zone requiring development to be set back a minimum of 100m from key water resources. This recommendation is supported.

The Department of Health (DoH) does not support the current SGP due to concerns that low lying areas are not suitable for onsite effluent disposal. The proponent must demonstrate to the satisfaction of the DoH that proposed lots shown on the SGP are able to accommodate onsite effluent disposal. Results of this assessment may necessitate modifications to the SGP; something already contemplated if Council decides to increase the minimum lot size to 4 ha.

The four proposed "Additional Use Sites" are well located for their intended range of uses and are of suitable size to support those uses. These additional uses would not extend to other lots in the Rural Residential zone and additional development and management requirements, addressing such matters as water and effluent management, landscape impact, traffic and noise, would be specified in Schedule 2 upon gazettal of the amendment. The Shire's planning consultant recommends the permissibility of a Convenience Store as an additional use on the four designated lots be limited to a maximum net lettable area of 300 square metres, consistent with the definition of Convenience Store in Schedule 1 of Scheme No.7. This recommendation is supported.

The Shire's planning consultant recommends a drainage study be undertaken to determine the extent of flood hazards and how they can be alleviated. While the likelihood of flooding is low, the potential consequences of not giving sufficient attention to it can be extreme. The Shire's planning consultant also recommends measures to minimize the potential impacts of summer stormwater erosion. All of these additional water-related investigations can be addressed under a requirement for a hydrological study.

CONSULTATION

Amendment No. 11 was advertised subsequent to the Ordinary Meeting of Council held on 16th December 2010. Seven

submissions were received. A schedule of submissions is attached.

STATUTORY ENVIRONMENT

The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed Amendment, then ultimately the Amendment will be determined by the Minister for Planning. It is recommended that Council adopt the amendment for final approval, recognizing that there are matters that need to be addressed before the amendment is granted final approval by the Minister. Once the Amendment is approved, the Scheme will require subdivision and development to be generally in accordance with the approved SGP.

POLICY IMPLICATIONS

The Shire will have discussions with the Department of Water and Department of Planning regarding finalization of the LPS before the end of the month. These discussions will consider the relevance and potential implications of the WAPC's draft revised rural policies.

FINANCIAL IMPLICATIONS

Any costs associated with preparation and review of the Amendment document, including public advertising, have been provided for in the fee submitted.

STRATEGIC IMPLICATIONS

The approval and completion of this proposal has implications regarding the suitability of the proposed Regional Airport on location 10600 on the south side of Jurien East Road.

The adjacent limestone and sand extractive industries may affect the time at which development can occur on the proposed lots within the 500m buffer zone.

ATTACHMENTS

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

- Location Plan
- Proposed Subdivision Guide Plan
- Drainage Map
- Waste Water Disposal Constraints Map
- Remnant Vegetation, Wetlands and Rainfall Catchment
- Schedule of Submissions and Comments
- Copy of Submissions Received

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council:

1. pursuant to Regulations 17 (1) and 25 (fb) of the *Town Planning Regulations 1967* (as amended), note the submissions received and endorse the response to those submissions contained in the related Schedule of Submissions.
2. pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) and Regulations 17 (2)(a) and 25 of the *Town Planning Regulations 1967* (as amended) adopt for final approval, Amendment No.11 to Local Planning Scheme No. 7:
 - a) to rezone Lot 1 Jurien East Road, Jurien Bay to Rural Residential and Parks and Recreation;
 - b) to amend Schedule 2 – Additional Uses in accordance with the Schedule included in the amendment documents submitted;
 - c) to amend the Scheme Maps accordingly;
 - d) subject to the following investigations, including modifications resulting therefrom, and modifications being undertaken prior to final approval being granted:
 - i) a hydrological report being prepared by a suitably qualified consultant to confirm to the satisfaction of the Department of Water, the suitability of the groundwater underlying this Rural Residential zone, both in terms of quality and quantity, as a supplementary domestic water supply;
 - ii) the feasibility of connecting the subject Rural Residential zone to a reticulated water supply (or otherwise) being quantified to the satisfaction of the Western Australian Planning Commission;
 - iii) clause 2. 4.1. a) of the amendment being reworded as follows:
 Subdivision of the land within Lot 1 shall generally be in accordance with the most recent version of the Subdivision Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission.
 - iv) an appropriate provision being included under Schedule 11, Provision 5 - Water Supply requiring a water monitoring program to the satisfaction of the Department of Water to ensure sustainable use of/and/or impacts on ground resources;
 - v) require consultation with the Department of Water regarding the suitability of the following provision for inclusion under Provision 5 - Water Supply:
 The adoption and implementation of environment best management practices for development is required due to the sensitive ground and surface water resources across the site. The proponent must demonstrate that adequate protection

mechanisms including a minimum separation distance of 100m from drinking water supply sources and preferably upstream from potential contamination sources will be adopted.

- vi) A provision being included that prevents residential development (e.g. Dwelling and other uses adversely affected by quarrying) within the quarry buffer, as shown on the approved subdivision guide plan, until the Shire has received evidence to confirm that extractive industries have been completed (including rehabilitation) or that noise modelling shows noise to be within acceptable standards within proposed dwellings.
 - vii) The following clause being inserted under Schedule 2 No. 6 for proposed Lot 248:
A Local Convenience Store floor area which does not exceed 300 square metres net lettable area.
3. Subject to all matters raised in resolution 2. being resolved to the satisfaction of the Chief Executive Officer, submit a copy of the submissions and a copy of each submission to the Western Australian Planning Commission together with 3 copies of the amended documents (duly modified, signed and sealed) for endorsement pursuant to Regulation 22(2) of the *Town Planning Regulations 1967* (as amended).
4. Require the following matters to be addressed prior to the subdivision guide plan being adopted for final approval:
- a) A geotechnical report being prepared to the satisfaction of the Department of Health for specific lots shown on the proposed subdivision guide plan to demonstrate the suitability of those lots for effluent disposal;
 - b) The quarry buffer being increased to 500 metres;
 - c) The minimum lot size being increased to 4 hectares; and
 - d) Clarification regarding the need to accommodate a future regional airport on adjoining Location 10600, subsequent consideration of any options that would minimize the impact on Lot 1 should Location 10600 be identified as the preferred site for the future airport, and modification of the subdivision guide plan to accommodate lowest impact options.

9.5 HEALTH

9.6 BUILDING

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 LOCAL GOVERNMENT NEWS – ISSUE NO 1.12 – 9 JANUARY 2012

Document ID: 1344

Inside this issue:

- Planning and Designing for Pedestrian Guidelines
- 2011-2012 Biodiversity Fund – Round One open til 5pm AEST 31 January
- Waste and Recycle 2012 – win a free registration
- Call for nominations – Local Government Road Safety Awards 2012
- Officer training
- Elected member training
- 2012 training dates
- Local Government Remuneration Survey
- Regional Airports Development Scheme (RADS) 2012-2013
- 2012 Wetlands Management Conference
- 2012 National Awards for Local Government

9.7.2 LOCAL GOVERNMENT NEWS – ISSUE NO 2.12 – 16 JANUARY 2012

Document ID: 1745

Inside the issue:

- Meeting with the Hon Troy Buswell MLA; Minister for Transport; Housing; Emergency Services
- Vacancy for MWAC – Elected Member
- 2012 New Councillor Seminar
- Reminder on Local Government Review of MOU for Child Health Facilities Survey
- 2012 – Elected Member Integrated Planning and Reporting Workshops
- Sustainable Street Lighting Initiative
- Local Government Climate Change Declaration
- Managing Difficult and Toxic Behaviour
- Consultation on the Biosecurity and Agriculture Management Regulations 2011
- FESA Launch New Total Fire Ban Information Line

9.7.3 LOCAL GOVERNMENT NEWS – ISSUE NO 3.12 – 23 JANUARY 2012

Document ID: 1927

Inside this issue:

- 2011-2012 Biodiversity Fund Round One Open til 5pm AEST 31 January
- Sustainable Energy Infrastructure
- 2012 New Councillor Seminar
- Elected Member Training
- Local Government Emergency Management Forum 2012
- Closed Circuit Television (CCTV) Infopage and Survey
- 10 Year Plan for Mental Health for Public Consultation
- 2012 WA Wetlands Management Conference

- Community Safety and Neighbourhood Watch Update

9.7.4 LOCAL GOVERNMENT NEWS – ISSUE NO 4.12 – 30 JANUARY 2012

Document ID: 2099

Inside this issue:

- Vacancies on Boards and Committees
- MWAC Information Bulletin
- Officer Training
- Elected Member Training
- Department of Environment and Conservation (DEC) regulatory maps now available for use by external stakeholders
- 2012 National Awards for Local Government
- Call for WA Women's Hall of Fame Nominations
- Consultation of the Biosecurity and Agriculture Management Regulations 2011

9.7.5 KEEP AUSTRALIA BEAUTIFUL WA – 2012 REGISTRATIONS FOR TIDY TOWNS ARE OPEN NOW

Document ID: 2153

“Keep Australia Beautiful Councillors and staff are very keen to nurture your involvement in the free Tidy Towns – Sustainable Communities competition this year. It is open to all regional communities and often the most successful entries are led by local government.”

Prize money awarded in 2011 amounted to \$21,700

For more information please telephone Gail Dodd on 08 6467 5131 or email tidytowns@dec.wa.gov.au. Alternatively you can register online at <http://www.kabc.wa.gov.au/programs/tidy-towns/online-registration.html>.

9.7.6 DEPARTMENT OF LOCAL GOVERNMENT – INTEGRATED PLANNING AND REPORTING ADVISORY STANDARD

Document ID: 2082

“Over the past two years, a range of tools, information, case studies and training has been made available to local governments to help with their preparation for the new Strategic Community Planning and Corporate Business Planning requirements, which come into effect on 30 June 2013.”

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

9.7.7 WALGA – PLANNING AND COMMUNITY DEVELOPMENT NEWSLETTER

Document ID: 2101

Inside this issue:

- Local Government CCTV requirements
- 10 Year Plan for Mental Health for Public Consultation
- Community Safety & Neighbourhood Watch Update

- LG Emergency Management Forum
- 2012 National Awards for Local Government
- Healthy Active Workplaces Breakfast Seminar
- Young People and the Arts Funding Round
- Children's Environment and Health LG Showcase
- Disability Services Update
- Activating People and Places in WA
- Homelessness
- Environmental Health Conference
- Trails Grants
- Australasian Urban History Planning History Conference
- Heritage Management and Planning Seminar
- Reminders
- Grants

**9.7.8 VIRTUAL HEALTH – SOUTHERN INLAND HEALTH INITIATIVE
– SHIRE BULLETIN FEBRUARY 2012**

Document ID:

Inside this issue:

- District Medical Workforce Investment
- District Hospital and Health Services Investment
- Primary Health Care Demonstration Sites
- Small Hospital and Nursing Post Refurbishment
- Residential Aged Care and Dementia
- Telehealth
- Shire Meetings
- E-Newsletter

**9.7.9 JURIE BAY DISTRICT HIGH SCHOOL P&C ASSOCIATION –
JURIE BAY INDIAN OCEAN FESTIVAL**

Document ID: 2161

"The Jurie Indian Ocean Festival, incorporating Blessing of the Fleet was held on Saturday 12 November 2011.

This year the boats were blessed and the day continued with plenty to see and do. The tribute bands were a great success and once again the fireworks were a spectacular finale.

The P&C wish to thank you for your donation. Your support is important in achieving a successful day for the whole community. We appreciate your involvement and look forward to your continued support next year."

**9.7.10 WALGA INFOPAGE – CLARIFICATION – WALGA SUPPORT
FOR POLL PROVISIONS**

Document ID: 2660

Key Issues:

- WALGA fully supports the poll provisions contained in schedule 2.1 of the Local Government Act 1995.
- WALGA's submission to the Metropolitan Local Government Review Panel highlights the importance of community support for Local Government boundary changes.

9.7.11 WALGA INFOPAGE – BLESSING OF THE ROADS 2012

Document ID: 2489

Key Issues:

- Road safety awareness over the Easter long weekend from 6-9 April 2012.
- Local Governments are encouraged to coordinate a long Blessing of the Roads ceremony or event to raise awareness at a local level.
- Information Kit available to assist Councils with participation in Blessing of the Roads 2012.

9.7.12 WALGA INFOPAGE – METROPOLITAN LOCAL GOVERNMENT REVIEW

Document ID: 2488

Key Issues:

- WALGA's Submission to the Metropolitan Local Government Review Panel was endorsed by State Council on 30 January 2012.
- Recommendations of the Submission are provided overleaf and the full Submission is available on the Association's website.

9.7.13 LOCAL GOVERNMENT NEWS – ISSUE NO 5.12 – 6 FEBRUARY 2012

Document ID:

Inside this issue:

- Metropolitan Local Government Review – WALGA Submission.
- New WALGA Website Launched.
- Vacancies on Boards and Committees
- Local Government Service Delivery to Aboriginal Communities Forum.
- 2012 Elected Member Integrated Planning and Reporting Workshops.
- Country Local Government Fund Accountability.
- Demands Side Management.

9.7.14 MEDIA RELEASE – HON MIA DAVIES MLC – INNOVATIVE CITRUS OPERATION FORGES NEW FRONTIERS

Document ID: 2539

Member of the Agricultural Region Mia Davies accompanied the Minister for Agriculture and Food, Terry Redman on a visit to fruit-growing operation Moora Citrus.

Moora Citrus is operated by 2010 Rural Woman of the Year Sue Middleton and her husband Michael Brennan.

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

9.7.15 HERITAGE COUNCIL – NOMINATIONS OPEN FOR THE 2012 WESTERN AUSTRALIAN HERITAGE AWARDS

Document ID: 2192

Nominations are now open for the Heritage Council's 2012 Western Australian Heritage Awards.

Winners and high commendation recipients in categories 6, 7 and 10 of the 2012 Western Australia Heritage Awards will be shortlisted for nominations to the UNESCO Asia-Pacific Awards for Cultural Heritage Conservation, with Heritage Council endorsement and agreement of the project owners.

If you require more information about the Awards, contact the Office of Heritage Karmen Grzetic A/Marketing and Communication Officer on 9221 4177.

9.7.16 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2012 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – DISCUSSION PAPER

Document ID: 2737

An incomplete draft of the above mentioned discussion paper was included in the packages sent out on 24 January 2012 regarding the Call for Motions for the National General Assembly.

The correct document is now available and on hand if required.

9.7.17 DANDARAGAN GOLF CLUB INC – DRS SMALL GRANTS ASSISTANCE

Document ID: 2800

The Dandaragan Golf Club is applying for a Department of Sport and Recreation Small Grant to assist with the resurfacing of our 34 synthetic tee boxes.

“As such we would very much appreciate funding assistance from the Shire of Dandaragan. To date the project has been fortunate enough to receive a small amount from our local Community Recreation Club and our small Golf Club can also commit some funds towards the project. The total cost of the project will be under \$25,000 if executed in 2012.”

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 FEBRUARY 2012

- 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**