

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

**MINUTES (PUBLIC)**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**CERVANTES PINNACLES MOTEL, CERVANTES**

**on**

**THURSDAY 24 NOVEMBER 2016**

**COMMENCING AT 5.04 PM**

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

# Table of Contents

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>1</b>
1.1	DECLARATION OF OPENING.....	1
1.2	DISCLAIMER READING .....	1
<b>2</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....</b>	<b>1</b>
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>2</b>
<b>4</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>2</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>2</b>
6.1	MINUTES OF SPECIAL COUNCIL MEETING HELD.....	2
<b>7</b>	<b>ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....</b>	<b>2</b>
<b>8</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....</b>	<b>3</b>
<b>9</b>	<b>REPORTS OF COMMITTEES AND OFFICERS .....</b>	<b>3</b>
<b>9.1</b>	<b>CORPORATE &amp; COMMUNITY SERVICES.....</b>	<b>3</b>
9.1.1	ACCOUNTS FOR PAYMENT – OCTOBER 2016 .....	3
9.1.2	FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2016 .....	4
<b>9.2</b>	<b>INFRASTRUCTURE SERVICES.....</b>	<b>6</b>
<b>9.3</b>	<b>GOVERNANCE &amp; ADMINISTRATION.....</b>	<b>6</b>
9.3.1	WARD BOUNDARY REVIEW - RELEASE FOR PUBLIC COMMENT.....	6
<b>9.4</b>	<b>DEVELOPMENT SERVICES.....</b>	<b>9</b>
9.4.1	REQUEST FOR EXTENSION TO PLANNING APPROVAL – BADGINGARRA WINDFARM .....	9
9.4.2	PROPOSED EXTRACTIVE INDUSTRY (LIMESAND) LOT 800(A) INDIAN OCEAN DRIVE, COOLJARLOO .....	23
9.4.3	PLANNING APPLICATION – PROPOSED OVERHEIGHT GARAGE – LOT 175 SANDLAND STREET, JURIE BAY .....	31
9.4.4	PROPOSED HELIPAD – LOT 362 CATALONIA STREET, CERVANTES.....	35
<b>9.5</b>	<b>COUNCILLOR INFORMATION BULLETIN.....</b>	<b>41</b>
9.5.1	SHIRE OF DANDARAGAN – OCTOBER 2016 COUNCIL STATUS REPORT.....	41
9.5.2	SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – NOVEMBER 2016 .....	41
9.5.3	SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2016 .....	41
9.5.4	SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2016.....	42
9.5.5	WALGA WASTE NEWS – 21 OCTOBER 2016 - WASTE AUDIT .....	42
9.5.6	HON MICHAEL MISCHIN MLC – MEDIA STATEMENT – FINE DEFAULTERS IN REGIONAL WA TARGETED .....	42
9.5.7	WA PLANNING COMMISSION – LPS NO.7 AMENDMENT NO.28 – MINISTERIAL DECISION FOR LPS AMENDMENT APPROVAL .....	42

9.5.8	WA PLANNING COMMISSION – PLANNING BULLETIN 111/16 – PLANNING IN BUSHFIRE PRONE AREAS - BUSHFIRE REFORM IMPLEMENTATION.....	43
9.5.9	WALGA – LOCAL GOVERNMENT NEWS – 21 OCTOBER 2016 – ISSUE 41.....	43
9.5.10	WALGA MEDIA RELEASE – PLANNING, COOPERATION NEEDED FOR WASTE STRATEGY GOALS.....	43
9.5.11	WALGA – PROCUREMENT NEWS – OCTOBER 2016 – ISSUE 29.....	43
9.5.12	HON DONNA FARAGHER MLC MEDIA STATEMENT – STATE PLANNING FRAMEWORK OUT FOR COMMENT.....	44
9.5.13	LAWRIE SHORT – REPORT ON THE RURAL WATER COUNCIL.....	44
9.5.14	WALGA – LOCAL GOVERNMENT NEWS – 28 OCTOBER 2016 – ISSUE 42.....	44
9.5.15	PIERRE & ROBYN BROCKMAN – WADDI WIND FARM.....	44
9.5.16	WALGA – LOCAL GOVERNMENT NEWS – 4 NOVEMBER 2016 – ISSUE 43.....	44
9.5.17	DEPARTMENT OF THE PREMIER AND CABINET – THE SOUTH WEST NATIVE TITLE SETTLEMENT - NEWSLETTER.....	45
9.5.18	TOURISM COUNCIL WA - EXPRESSIONS OF INTEREST FOR 2017 WA REGIONAL TOURISM CONFERENCE.....	45
9.5.19	TOURISM COUNCIL WA – TOURISM WORK ATLAS.....	45
9.5.20	RURAL HEALTH WEST – DOCTORS’ SERVICE AWARDS 2017 NOMINATE A DOCTOR WHO DESERVES TO BE ACKNOWLEDGED.....	45
9.5.21	CONSERVATION AND PARK COMMISSION – 2015 / 2016 ANNUAL REPORT OF THE MARINE PARKS AND RESERVES AUTHORITY.....	45
9.5.22	HON COLIN BARNETT MLA – MORE SENIORS ACTIVE WITH PROJECT EXPANSION.....	45
9.5.23	HON MARK LEWIS MLC – MEDIA STATEMENT – WILD DOG ACTION PLAN TO PROTECT AND GROW INDUSTRY.....	46
9.5.24	WALGA – WASTE NEWS – 11 NOVEMBER 2016 – ISSUE 20.....	46
9.5.25	WALGA – LOCAL GOVERNMENT NEWS – 11 NOVEMBER 2016 – ISSUE 44.....	46
9.5.26	DEPARTMENT OF DEFENCE – PRE-FIRE SEASON MANAGEMENT – LANCELIN DEFENCE TRAINING AREA.....	46
9.5.27	STATE EMERGENCY MANAGEMENT COMMITTEE – ALL-HAZARDS COMPREHENSIVE IMPACT ASSESSMENT TEMPLATE.....	47
9.5.28	TILT RENEWABLES LIMITED – TILT RENEWABLES IS BORN FROM TRUSTPOWER – WADDI WINDFARM.....	47
9.5.29	WALGA – STATE COUNCIL AGENDA – DECEMBER 2016.....	47
9.5.30	NEVILLE WILLIAMS LOCATION OF CERVANTES MENS SHED.....	47
9.5.31	DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – CIRCULAR 27-2016 – UPCOMING STATE ELECTION – IMPACT ON DECLARATION OF GIFTS.....	47
<b>11</b>	<b>CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC .....</b>	<b>48</b>
<b>11.1</b>	<b>GOVERNANCE &amp; ADMINISTRATION.....</b>	<b>49</b>
11.1.1	SALE OF LOT 96 (74) BASHFORD STREET, JURIE BAY.....	49

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....50**

**13 CLOSURE OF MEETING .....50**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.04pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 13 members of the public present.

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

*It is strongly advised that persons do not act on what is heard, 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 L Holmes	(President)
Councillor D Slyns	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	

### Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)
Mr W George	(Manager Building Services)

### Apologies

### Approved Leave of Absence

### Observers

Thirteen (13) Members of the Public

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Nil**

**4 PUBLIC QUESTION TIME**

Mrs Opal Wilkins congratulated Council on the concreting of the walkway between Drummond Circus and Weston Street, but that the edges need backfilling. Also the gravel walkways to the Commercial area need rolling and compacting because of loose stones.

The Manager of Infrastructure advised he will attend to the matter.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**Nil**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF SPECIAL COUNCIL MEETING HELD****COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Kulisa**

**That the minutes of the Ordinary Meeting of Council held on Thursday 27 October 2016 be confirmed.**

**CARRIED 8 / 0**

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**Department Of Immigration and Border Protection – Presented Plaque**

**The President advised that a plaque had been received by the Shire of Dandaragan in appreciation for their ongoing support of our commitment and involvement in Australian Citizenship.**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016
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## 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 ACCOUNTS FOR PAYMENT – OCTOBER 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	10 November 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

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

#### BACKGROUND

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

#### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for October 2016 totalled \$1,475,678.33 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for October 2016  
(Doc Id: 76476)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Sheppard**

**That the Municipal Fund cheque and EFT listing for the period ending 31 October 2016 totalling \$1,475,678.33 for the Municipal Fund be accepted.**

**CARRIED 8 / 0**

### 9.1.2 **FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2016**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	14 November 2016
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 September 2016.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 September 2016.

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 [i.e. surplus / (deficit)] position as at the 30 September 2016 was \$7,496,584. The composition of



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. 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

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Economic Services

Expenditure is at 69% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Other Property and Services

Expenditure is at 12% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 30 September 2016 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS**Business as usual**

5. Proactive and leading local government

k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 30 September 2016 (Doc Id: 76488)  
**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple majority


**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Scharf**

**That the monthly financial statements for the period 30 September 2016 be adopted.**

**CARRIED 8 / 0**

**9.2 INFRASTRUCTURE SERVICES****9.3 GOVERNANCE & ADMINISTRATION****9.3.1 WARD BOUNDARY REVIEW - RELEASE FOR PUBLIC COMMENT**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Boundaries / Electoral
Disclosure of Interest:	Nil
Date:	14 November 2016
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to receive and release the Ward Boundary Review prepared by Dr Kirsten Martinus from the University of Western Australia inviting public comment.

**BACKGROUND**

At the Council Forum held 13 February 2014, the issue of Council wards was briefly discussed and a request was made for a preliminary report to be prepared for Council's information. Council has discussed the issue on a number of occasions, until at the meeting of 23 October 2014, the following decision was made:

***"AMENDMENT***

*Moved Cr Kent, seconded Cr Bailey*

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

*CARRIED 8 / 0"*

Following that, Council at its ordinary meeting held 26 March 2015 resolved the following:

***OFFICER RECOMMENDATION / COUNCIL DECISION***

*Moved Cr McGlew, seconded Cr Short*

*The Shire of Dandaragan recommends to the Local Government Advisory Board that:*

- 1. An order be made under Section 2.2 (1) to divide the district into four wards with boundaries as detailed in the attached map (Option 2).*
- 2. An order be made under Section 2.3 (2) to name the four wards Jurien Bay, Cervantes, Badgingarra and Dandaragan (as detailed on the map).*
- 3. An order be made under Section 2.18 (3) to designate the following number of offices of councillor for each ward: Jurien Bay 4, Cervantes 2, Badgingarra 1 and Dandaragan 2.*

*LOST DUE TO A LACK OF AN ABSOLUTE MAJORITY 3 / 2*

*Cr Kaye McGlew requested that all votes be recorded in the minutes.*

*For: Cr McGlew, Cr Short, Cr Slyn*

*Against: Cr Kent, Cr Gibson*

***"COUNCIL DECISION***

*Moved Cr Kent, seconded Cr Slyn*

*That Council request the CEO to research the employment of an independent consultant to investigate a system that would identify appropriate representation for the Shire of Dandaragan.*

*CARRIED 3 / 2"*

As a result of this decision, a Sponsored Research Agreement (SRA) between the Shire of Dandaragan and the University of Western Australia was entered into to appoint Dr Kirsten Martinus, School of Earth and Environment at the University of

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

Western Australia, to carry out the Dandaragan Ward Boundary Research Project.

The Research Project commenced with interviews scheduled for the 2 and 3 August 2016.

The final Dandaragan Ward Boundary Project Report has been received and a presentation of the report was received by Council at its Forum held on the 27 October 2016. Following the presentation of the report, Council discussed the report at its following Forum held on the 17 November 2016. As a result, the CEO was requested to present it to the following Council Meeting.

#### COMMENT

Due to the fact that Council has previously determined to undertake a Ward Boundary Review, advertising the fact that Council intends to undertake a Ward Boundary Review is not required. This was also confirmed by staff at the Department of Local Government and Communities.

The timing of the report would require Council to make a final decision at its February Ordinary Meeting of Council in 2017, in order to implement any changes (should there be any) prior to the ordinary election to be held in October 2017.

As such it is recommended that the report be released for public comment, for a period of 28 days. This would give the public enough time to submit their comments regarding the report, and also allow for Council's meeting schedule.

#### CONSULTATION

- Council Forum
- Interviews with key stakeholders
- Department of Local Government and Communities

#### STATUTORY ENVIRONMENT

Schedule 2.2 of the Local Government Act 1995 outlines the processes and requirements of boundary reviews, naming etc. The process has been carried out in accordance with both Schedule 2.2 and the Department of Local Government and Communities Guideline "*How to conduct a review of wards and representation for local governments with and without a ward system.*"

#### POLICY IMPLICATIONS

There are no policy implications in relation to this item.

#### FINANCIAL IMPLICATIONS

The estimated cost of the ward boundary review is \$10,000. There is sufficient budget provision to accommodate this cost.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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STRATEGIC IMPLICATIONS

Shire of Dandaragan 2016 - 2026 Strategic Community Plan

<i>GOAL 5: Proactive and Leading Local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.1 High performing Council	d) Representation for all communities on Council (ward review)

ATTACHMENTS

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

- Draft Ward Boundary Review Report (Doc ID: 74932)  
**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Slyn, seconded Cr Gibson****That Council:**

- 1. acknowledge and receive the Draft Ward Boundary Review Report for the Shire of Dandaragan as attached (Doc ID: 74932); and**
- 2. agree to release and advertise the Draft Ward Boundary Review Report for the Shire of Dandaragan inviting submissions from the public closing 13 January 2017.**

**CARRIED 8 / 0****9.4 DEVELOPMENT SERVICES****9.4.1 REQUEST FOR EXTENSION TO PLANNING APPROVAL – BADGINGARRA WINDFARM**

Location: Lot 3850, 3755, 51, 3745, 3704, 50, 3747, 3754, 3753, 3748, 1651, 3774, 3742, 3743, 3744, 3738, 3739 in Badgingarra Locality


Applicant: APA Group

File Ref: Development Services App / Development Application / 2012 / 60

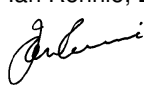
Disclosure of Interest: None

Date: 9 November 2016

Author: David Chidlow, Manager of Planning

Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer: 

**PROPOSAL**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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The applicant is seeking a further extension of three (3) years to the period of planning approval for the Badgingarra Windfarm, scheduled to lapse on the 19 December 2016.

The applicant has provided the following advice on the status of the project;

*“As with our previous extension, the project has continued to experience major delays to its critical development path mainly due to the delays experienced by Western Power to progress the Badgingarra Wind Farm connection application. Western Power has completed the construction of the Mid West Energy Project - Stage 1 (Southern Section) and is now finalising our transmission application to enable the Badgingarra Wind Farm to connect to the South West Interconnected System (“SWIS”).*

*In 2013 Western Power made rule changes to the Applications and Queuing Policy by implementing the new Competing Applications Group (CAG) process which affected Badgingarra’s connection application and timing. Under the CAG process applicants seeking a connection where capacity is scarce are grouped to share any required augmentation costs to fund any network expansion. The Badgingarra Wind Farm was allocated to CAG 80 (Northern SWIS area). However Western Power have recently abandoned this CAG process and APA (Wind Portfolio Pty Limited) is now progressing its application by paying significant fees to Western Power for connection studies and works required for an Access Offer. Western Power has indicated it will be in a position to offer Badgingarra Wind Farm an ETAC in early 2017.”*

The applicant is not proposing to change any of the approved plans. However the applicant has requested a minor amendment to condition 15 to bring the condition up to date with current standards as follows;

*“Please note that since the original planning approval the noise guidelines have been updated from an interim in December 2007 to final guidelines in July 2009. Condition 15 currently reads:*

*15. The Wind Farm shall comply with the South Australian Environmental Protection Authority “Wind farms environmental noise guidelines (interim)” dated December 2007 and the Western Australian Environmental Protection Authority ‘Environmental Protection Bulletin No. 21 Guidance for wind farm developments’ dated February 2014;*

*Suggest that condition 15 be updated to:*

*15. The Wind Farm shall comply with the South Australian Environment Protection Authority (SA EPA) “Wind farms environmental noise guidelines” dated July 2009 and the Western Australian Environmental Protection Authority “Environmental Protection Bulletin No. 21 Guidance for wind farm developments” dated February 2014.*

***Note: Condition 15 now becomes Condition 14 in the Officer Recommendation due to re-numbering.***

*Landowners*

*Since the previous extension was granted in 2014, the relevant financial landowner agreements remain in place with the same parties whom remain supportive of the project. Our recent meetings with landowners have also confirmed their strong support for the project."*

**BACKGROUND**

At its meeting on the 12 December 2008, Council granted conditional planning approval for the Badgingarra Wind Farm for a period of two (2) years. In 2010 an extension to planning approval was granted on 11 November for a further two (2) years with an additional 6 conditions added to the 2008 planning approval. At its meeting on the 18 April 2013 Council considered amendments to the proposed development due to improvements in wind turbine technologies. The variation resulted in a new design and more efficient turbine but an increase height to the tip of the turbine to 140 metres. The Council resolved at this meeting to approve the proposal subject to the conditions imposed in 2008 and 2012. On 23 October 2014 Council granted a further extension until 12 December 2016.

The following conditions of approval are current;

1. *Pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No.7 grant a further two year extension to the planning approval originally granted 12 December 2008 for the Badgingarra Windfarm (Lots 3850, 3755, 51, 3745, 3704, 50, 3747, 3754, 3753, 3748, 1651, 3774, 3742, 3743, 3744, 3738, 3739 in Badgingarra Locality), resulting in the revised expiry date of 12 December 2016;*
2. *The proponents shall (prior to the erection of wind turbine generators) provide notification to the RAAF Aeronautical Service of the location and height details of the wind turbine generators;*
3. *The proponents shall (prior to the erection of the wind turbine generators) provide notification to Air Services Australia of the location and height details of the wind turbine generators;*
4. *The proponents shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators;*
5. *The access points onto the subject land and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access points onto the site and any related issues shall be borne by the proponents;*

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



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

13. *Following the submission of the development application, if the proponents propose changes resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;*
14. *The proponents are required to obtain a Clearing Permit in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 in the case of any proposal to clear existing remnant native vegetation on the site to the satisfaction of the Department of Parks and Wildlife;*
15. *The Wind Farm shall comply with the South Australian Environmental Protection Authority "Wind farms environmental noise guidelines (interim)" dated December 2007 and the Western Australian Environmental Protection Authority 'Environmental Protection Bulletin No. 21 Guidance for wind farm developments' dated February 2014;*
16. *Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 40dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences inside the development envelope;*
17. *Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 35dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences outside the development envelope;*
18. *The background noise limits for the proposed development are to be based on the pre-recorded background noise measurements. (Refer to Table 5 of the development application.);*
19. *The proponents shall develop and implement a post construction noise monitoring program at the noise sensitive receptors listed in Table 5 of the development application to assess compliance of the operational Wind Farm with the noise limits. The post-construction noise monitoring program shall be conducted at the same time of year as when the background noise measurements were recorded. Results of the program shall be forwarded to the relevant authority;*
20. *Prior to the commencement of construction, the proponents shall commission third party noise modelling studies (in accordance with planning consent condition number 11) to demonstrate the final Wind Farm design complies with the noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment Regulation Noise Branch, at the appropriate time;*
21. *The proponents shall develop and implement a bird mortality monitoring program within 12 months of commencement of Wind Farm operations. The program shall be developed in consultation with the Department of*

- Parks and Wildlife and / or the WA Museum. Results of the program shall be forwarded to the Shire of Dandaragan;*
- 22. The proponents shall develop and implement an annual monitoring program for Carnaby's Black Cockatoo (*Calyptohynchus latirostris*) bird strike, foraging and roosting (including any avoidance) behaviour, with reporting to the Commonwealth Department of the Environment, Water, Heritage and the Arts. The WA Museum (Mr Ron Johnstone or his nominated appointment) is to be consulted in developing appropriate surveying methodologies for Carnaby's Black Cockatoo. The duration of this monitoring will be defined during the development of the program and subject to review, based on findings during the first two years' monitoring;*
  - 23. The proponents shall provide road signage to the specification and satisfaction of Main Roads WA and the Shire of Dandaragan;*
  - 24. The proponents shall submit a Drainage Management Plan for internal access roads for the endorsement of the Executive Manager Infrastructure and a Drainage Management Plan where any impacts occur externally to the properties contained within the application;*
  - 25. A display panel designated to the Badgingarra Wind Farm shall be included in the existing Viewing Area Information Stand at the Emu Downs Wind Farm;*
  - 26. The proponents shall ensure sufficient clearance is maintained from Western Powers' existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power;*
  - 27. The proponents shall provide landscaping to screen buildings to a similar standard as was planted at the Emu Downs Wind Farm;*
  - 28. Any leasehold arrangements exceeding 20 years for part lots are to be referred to the Western Australian Planning Commission for approval;*
  - 29. The submissions / objections lodged by the Department of Industry and Resources, Image Resources NL and Jurien Industrial Minerals Ltd being withdrawn and that Council be indemnified against any possible action from these organisations with regard to granting of planning approval, prior to the commencement of any on site works;*
  - 30. Decommissioning of the above ground plant and equipment (excluding concrete pads; footings; and inground cables) on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period of the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponents of a plan outlining the process of decommissioning;*
  - 31. Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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32. *The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works;*
33. *Prior to the commencement of construction, the proponent shall commission detailed archaeological and ethnographic surveys, compliant with Aboriginal Heritage Act (1972) dated September 2011, over areas of proposed infrastructure;*
34. *Prior to the commencement of construction, the proponent shall make arrangements in consultation with the South West Aboriginal Land and Sea Council for any required Aboriginal heritage monitoring;*
35. *Prior to the commencement of construction, the proponent shall provide and implement a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and Department of Fire and Emergency Services of Western Australia;*
36. *All fencing shall be of rural construction such as open post and rail or post and wire, to the satisfaction of the Shire;*
37. *Prior to the commencement of construction, the proponent will consult with landowners on the location of known weed infestations and will implement measures, as agreed with landowners, and in accordance with any relevant regulation under the Bio-security and Agriculture Management Act 2007 and measures recommended by the Western Australian Department of Food and Agriculture;*
38. *The proponent shall prior to commencement of construction, implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm; and*
39. *Planning approval for the extension of planning approval will commence from the date of receipt of the planning application fee to the value of \$15,750.*

The project site is located between Munbinea Road and the Brand Highway, to the west of the Badgingarra townsite and south east of Jurien Bay. The Windfarm will cover 17 properties with a total land area of approximately 21,660ha, used predominately for grazing and cropping with some small areas of remnant vegetation within the project site with the Badgingarra National Park located immediately adjacent to the south-east.

As detailed in the development application and reported to Council in December 2008, the facility will generate up to 130MW from 43 to 65 turbines (depending on the final choice of turbine size and manufacturer). The electricity generated is equivalent to meeting the requirements for approximately 80,000 homes.

The turbines are proposed to be situated on previously cleared farm land, causing minimal environmental impact during and after

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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the construction phase. The timeframe for construction is expected to take around 16 to 20 months depending on the number of turbines to be installed.

The scope of this proposed development includes:

- Construction of a number of wind turbines on the site;
- Installation of internal access roads and underground cables between each turbine;
- Construction of a substation;
- Connection of power lines from the new substation across to the existing Western Power electricity grid;
- Site compound comprising various support building; and
- Meteorological mast installation.

The final turbine type, capacity, numbers and final site layout is dependent on a number of commercial, engineering and environmental factors. These details will not be known until the contract for turbine supply and construction is negotiated and awarded. As a result, the proponents sought approval for the development of the Wind Farm within a defined Development Envelope. The Development Envelope takes into account the relevant wind flow characteristics, the topography and the desire to locate turbines away from vegetation, sensitive habitats, roads, occupied dwellings and other infrastructure.

#### COMMENT

The request for a 3 year extension to the current Badgingarra Windfarm planning approval is considered legitimate based on the statement of justification provided in the letter of request.

However, in granting the extension it should be made clear to the proponent that the Council's decision does not afford a right of appeal to the State Administrative Tribunal. The decision merely relates to the period of time upon which construction work must have substantially commenced, generally interpreted as 'slab on the ground', or in this instance could mean footings completed for the wind turbines.

#### CONSULTATION

The relevant landowner's party to the Windfarm development have agreed to the extension of the planning approval. A total of seven land owners have signed the consent form.

As there are no physical changes proposed to the approval, no community consultation was undertaken.

#### STATUTORY ENVIRONMENT

Regulation 77 of the deemed provisions Planning and Development (Local Planning Schemes) Regulations 2015

#### **77. Amending or cancelling development approval**

- (1) An owner of land in respect of which development approval has been granted by the local government may make an

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

application to the local government requesting the local government to do any or all of the following —

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
  - (b) to amend or delete any condition to which the approval is subject;
  - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
  - (d) to cancel the approval.
- (2) An application under subclause (1) —
- (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and
  - (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.
- (4) The local government may determine an application made under subclause (1) by —
- (a) approving the application without conditions; or
  - (b) approving the application with conditions; or
  - (c) refusing the application.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

2016 – 2026 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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<i>GOAL 5: Proactive and Leading local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Request for Extension to Approval Letter – Badgingarra Wind Farm Project (Doc Id: 76569)
  - Location Plan (Doc Id: 76579)
- (Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Gibson**

**That Council pursuant to Regulation 77 of the deemed provisions Planning and Development (Local Planning Schemes) Regulations grant a three year extension to the planning approval originally granted December 2008 and as amended in 2010, 2012 & 2014 for the Badgingarra Windfarm (Lots 3850, 3755, 51, 3745, 3704, 50, 3747, 3754, 3753, 3748, 1651, 3774, 3742, 3743, 3744, 3738, 3739 in Badgingarra Locality) resulting in the revised expiry date of 12 December 2019 subject to the following conditions:**

- 1. The proponents shall (prior to the erection of wind turbine generators) provide notification to the RAAF Aeronautical Service of the location and height details of the wind turbine generators;**
- 2. The proponents shall (prior to the erection of the wind turbine generators) provide notification to Air Services Australia of the location and height details of the wind turbine generators;**
- 3. The proponents shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators;**
- 4. The access points onto the subject land and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access points onto the site and any related issues shall be borne by the proponents;**
- 5. Access to the proposed development will only be allowed along Cadda Road and Yerramullah Road. The proponents will be required to undertake routine maintenance works on Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road**

(from Cantabilling Road to the intersection with Bibby Road) for the duration of the construction phase. The cost of the routine maintenance will be determined on a shared basis with the Shire (to be agreed prior to the commencement of the project based upon forecast traffic volumes). Any costs associated with required upgrades needed before development of the Wind Farm occurs shall be to the satisfaction of the Executive Manager Infrastructure and be at the cost of the proponents;

6. The proponents in conjunction with the Shire of Dandaragan shall commission a Road Condition Report prepared by a recognised engineer (agreed to by both parties) prior to the commencement of the project. The Road Condition Report shall, at least but not be limited to, identifying the following issues;
  - a) suitability of the existing pavement strength (in wet and dry conditions) to cater for the proposed haulage loads and traffic volumes;
  - b) suitability of the existing horizontal and vertical alignments to cater for the proposed haulage loads and traffic volumes; and
  - c) identify and provide plans and costings for any required upgrade works to the existing road network to make it suitable for the proposed haulage loads and traffic volumes.

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

7. The Shire of Dandaragan requires Cadda Road (from the Brand Highway to Munbinea Road) and Yerramullah Road (from Cantabilling Road to the intersection with Bibby Road) to be in no lesser standard at the end of the construction phase as they were prior to the development commencing. A photographic record of the condition of the subject roads shall be prepared prior to commencement of the project;
8. The proponents shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;
9. transportation of materials to the project site;
10. obtaining the necessary written approvals / permits from Main Roads WA Heavy Vehicle Operations Branch; and
11. the transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.
12. Following the submission of the development application, if the proponents propose changes

- resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;
13. The proponents are required to obtain a Clearing Permit in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 in the case of any proposal to clear existing remnant native vegetation on the site to the satisfaction of the Department of Parks and Wildlife;
  14. The Wind Farm shall comply with the South Australian Environment Protection Authority (SA EPA) "Wind farms environmental noise guidelines" dated July 2009 and the Western Australian Environmental Protection Authority "Environmental Protection Bulletin No. 21 Guidance for wind farm developments" dated February 2014;
  15. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 40dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences inside the development envelope;
  16. Noise from the operational Wind Farm shall not exceed 5dB(A) above the background noise level or 35dB(A) (using a 10 minutes LAeq), whichever is the greater, at existing residences outside the development envelope;
  17. The background noise limits for the proposed development are to be based on the pre-recorded background noise measurements. (Refer to Table 5 of the development application.);
  18. The proponents shall develop and implement a post construction noise monitoring program at the noise sensitive receptors listed in Table 5 of the development application to assess compliance of the operational Wind Farm with the noise limits. The post-construction noise monitoring program shall be conducted at the same time of year as when the background noise measurements were recorded. Results of the program shall be forwarded to the relevant authority;
  19. Prior to the commencement of construction, the proponents shall commission third party noise modelling studies (in accordance with planning consent condition number 11) to demonstrate the final Wind Farm design complies with the noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment Regulation Noise Branch, at the appropriate time;
  20. The proponents shall develop and implement a bird mortality monitoring program within 12 months of commencement of Wind Farm operations. The program



shall be developed in consultation with the Department of Parks and Wildlife and / or the WA Museum. Results of the program shall be forwarded to the Shire of Dandaragan;

21. The proponents shall develop and implement an annual monitoring program for Carnaby's Black Cockatoo (*Calyptohynchus latirostris*) bird strike, foraging and roosting (including any avoidance) behaviour, with reporting to the Commonwealth Department of the Environment, Water, Heritage and the Arts. The WA Museum (Mr Ron Johnstone or his nominated appointment) is to be consulted in developing appropriate surveying methodologies for Carnaby's Black Cockatoo. The duration of this monitoring will be defined during the development of the program and subject to review, based on findings during the first two years' monitoring;
22. The proponents shall provide road signage to the specification and satisfaction of Main Roads WA and the Shire of Dandaragan;
23. The proponents shall submit a Drainage Management Plan for internal access roads for the endorsement of the Executive Manager Infrastructure and a Drainage Management Plan where any impacts occur externally to the properties contained within the application;
24. A display panel designated to the Badgingarra Wind Farm shall be included in the existing Viewing Area Information Stand at the Emu Downs Wind Farm;
25. The proponents shall ensure sufficient clearance is maintained from Western Powers' existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power;
26. The proponents shall provide landscaping to screen buildings to a similar standard as was planted at the Emu Downs Wind Farm;
27. Any leasehold arrangements exceeding 20 years for part lots are to be referred to the Western Australian Planning Commission for approval;
28. The submissions / objections lodged by the Department of Industry and Resources, Image Resources NL and Jurien Industrial Minerals Ltd being withdrawn and that Council be indemnified against any possible action from these organisations with regard to granting of planning approval, prior to the commencement of any on site works;
29. Decommissioning of the above ground plant and equipment (excluding concrete pads; footings; and inground cables) on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period of the satisfaction of the Shire of Dandaragan. This will

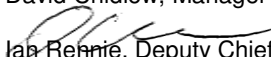

- occur following submission by the proponents of a plan outlining the process of decommissioning;
30. Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;
  31. The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works;
  32. Prior to the commencement of construction, the proponent shall commission detailed archaeological and ethnographic surveys, compliant with Aboriginal Heritage Act (1972) dated September 2011, over areas of proposed infrastructure;
  33. Prior to the commencement of construction, the proponent shall make arrangements in consultation with the South West Aboriginal Land and Sea Council for any required Aboriginal heritage monitoring;
  34. Prior to the commencement of construction, the proponent shall provide and implement a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and Department of Fire and Emergency Services of Western Australia;
  35. All fencing shall be of rural construction such as open post and rail or post and wire, to the satisfaction of the Shire;
  36. Prior to the commencement of construction, the proponent will consult with landowners on the location of known weed infestations and will implement measures, as agreed with landowners, and in accordance with any relevant regulation under the Bio-security and Agriculture Management Act 2007 and measures recommended by the Western Australian Department of Food and Agriculture;
  37. The proponent shall prior to commencement of construction, implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm.

**ADVICE NOTES:**

**Note 1:** Council's decision does not afford a right of appeal to the State Administrative Tribunal. The decision merely relates to the period of time upon which construction work must have substantially commenced, generally interpreted as 'slab on the ground', or in this instance could mean footings completed for the wind turbines.

CARRIED 8 / 0

#### 9.4.2 PROPOSED EXTRACTIVE INDUSTRY (LIMESAND) LOT 800(A) INDIAN OCEAN DRIVE, COOLJARLOO

Location:	Lot 800(A) Indian Ocean Drive, Cooljarloo
Applicant:	Dykstra Planning for N & F Dawe
Folder Path:	Development Services App / Development Application / 2016 / 60
Disclosure of Interest:	None
Date:	9 November 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rehmie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To consider an application for an additional extractive industry (limesand) on Lot 800(A) Indian Ocean Drive, Cooljarloo (the Site).

#### BACKGROUND

This application was presented to the 27 October 2016 Council meeting. The item was deferred to the November Council meeting due to several late submissions that requested significant changes to the recommended conditions of approval. Copies of the submissions are provided in the attachments.

A limestone extraction operation on Lot 800 (former Lot 2) was commenced by Main Roads WA during the construction of Indian Ocean Drive to provide a local source of limestone roadbase of suitable quality for road works.

The construction of Indian Ocean Drive was considered a "Public Work" under Section 6 of the Planning and Development Act, 2005 and accordingly development approval was not required from the Shire of Dandaragan to undertake the original quarrying operations.

Following completion of Indian Ocean Drive, the landowners sought and obtained the necessary approvals to enable the continued use of the existing quarry for low key limestone excavation works. (Council meeting March 2011)

The limestone quarry has been operated intermittently since this time depending on local demand for limestone to fulfil particular contracts.

A subdivision application was lodged with the Western Australian Planning Commission (WAPC) on 12 April 2016 (WAPC reference 153514) to create three (3) lots from Lot 800. This application has

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

since been approved. A copy of the proposed Plan of Subdivision is attached to the applicants planning report at appendix A.

Prior to this development application being prepared, preliminary support from Main Roads WA was sought for use of Indian Ocean Drive by Restricted Access Vehicles (RAVs) between the subject land, travelling south to Meadows Road. Support was also sought for use of Meadows Road and Mimegarra Road through to Brand Hwy by RAVs. Conditional support from the relevant Main Roads Regional Offices was obtained, as well as support from the Shire of Dandaragan for use of Meadows Road / Mimegarra Road.

Main Roads Heavy Vehicle Services are currently assessing the proposal. A copy of relevant correspondence from Main Roads WA is attached to the applicants planning report at appendix B. The Site is zoned Rural under Local Planning Scheme No. 7 (the Scheme) and is located 33km south-east of the Cervantes town site.

The Site (Lot A) has a land area of 561 hectares and is bisected by Indian Ocean Drive in its south-west corner. The Site is used for grazing. There is a dwelling situated on Lot B of the subdivision.

The Site has previously been used for the extraction of limestone by Main Roads WA for the construction of Indian Ocean Drive.

The conditions of approval as recommended in the Report to Council October 2016 were as follows.

*That Council grant planning approval and Extractive Industry Licence for an Extractive Industry (limesand) on Lot 800 (A) Indian Ocean Drive, Cooljarloo subject to the following:*

*Conditions:*

- 1. All development shall accord with the attached approved plan(s) and specifications dated 28 September 2016 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 Shire.*
- 2. No development shall occur until the Shire has issued an Extractive Industry Licence with conditions to the satisfaction of the Shire of Dandaragan Executive Manager Infrastructure.*
- 3. Screen planting shall be undertaken on the southern and western edge of the excavation site prior to the end of 2017.*
- 4. Hours of operation shall be limited to 8.00am to 6.00pm weekdays and 8.00am to midday Saturdays.*
- 5. Excavation depth shall not exceed 10 metres below natural ground level.*
- 6. No sales by wholesale or retail shall be undertaken from the site.*

*Advice to applicant:*

1. *The applicant is advised to liaise with Main Roads WA in relation to a Vehicle Application for Access.*
2. *The applicant is advised to liaise with the Department of Environment and Conservation in relation to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*
3. *This approval is valid for a period of two (2) years. If the development has not substantially commenced within this period the approval will lapse.*
4. *The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and / or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:*
  - a) *do not disturb the site of the known or suspected UXO;*
  - b) *without disturbing the immediate vicinity, clearly mark the site of the UXO;*
  - c) *notify Police of the circumstances / situation as quickly as possible; and*
  - d) *maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.*

*Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services.*

*The applicant is advised that there is a right of review (appeal) against Council's decision in accordance with the provisions of the Planning & Development Act 2005. In this regard contact should be made with the State Administrative Tribunal on 9219 311 or via website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)*

**COMMENT**

The subject land is zoned "Rural" under the Shire of Dandaragan LPS 7 and hence an Extractive Industry is capable of approval at Council's discretion. The objective of the Rural zone is to "provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

locality, in such a way as to prevent land degradation and further loss of biodiversity.”

The majority of surrounding land is reserved for “Conservation”, “Public Purposes: Commonwealth” and “Public Purposes: Unvested Crown Land”.

The proposed use is consistent with the intent of the zone given it enables an ancillary rural activity to co-exist with the predominant broadacre use of the land in a manner that will not impact on the rural character and amenity of the area. Furthermore, given limesand extraction is a temporary use, the land can continue to be used for broadacre farming once the extractive industry operation has ceased.

Given the relatively small scale of the proposal, and separation from the adjacent reserved land, there will be no impact on the biodiversity of the locality nor will the proposal result in land degradation.

The WAPC’s Indian Ocean Drive Planning Guideline document has been considered in the preparation of this proposal.

Under section 5.2.5- Mining, extractive industries and utilities, the Guidelines state:

- Basic raw material extraction sites and waste depots should be in-evident from IOD.

Further, the Guidelines advise sand (and rock) extraction site:

- Should be located and sited where they can be screened behind land forms such as dunes and ridges.

The siting of the limesand extraction site some 1.2km north from IOD, along with its location behind the undulating landform will effectively screen the sand extraction site from view.

In this regard, the natural surface where the sand extraction area will be located has a maximum height ranging between 60-70m AHD. Between the sand extraction site and IOD, the land form ranges in heights of up to 80m AHD when viewed from the west and 60m AHD when viewed from the south and east.

The Development Site Plan at Appendix C illustrates how the topographical features of the surrounding land will screen the limesand extraction area. As the limesand is removed from the site, the extraction area will progressively fall below the level of the surrounding topography. Plates 13-15 below depict the view towards the proposed limesand pit from IOD. It is noted the hill visible in the central part of Plate 14 sits in front of the extraction area and hence will effectively obscure the limesand pit.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

The combination of natural landform, vegetation and the set back of the limesand pit within the lot will ensure it is in-evident from IOD.

The amended conditions of approval as requested by the applicant, Main Roads WA, Department of Environment Regulation and the Department of Planning provide a better outcome than originally recommended and are supported. Copies of the submissions are provided in the attachments detailing reasons for the amendments which are incorporated in to the officer recommendations.

#### CONSULTATION

The use requires formal advertising under Local Planning Scheme No.7 As the Site is totally surrounded by state administered land, being for Conservation and for Public Purposes (Unvested Crown Land and Commonwealth) the application was only forwarded to relevant government agencies (including DPAW as managers for surrounding reserve land) for comment.

Responses were received from Main Roads WA, Department of Planning, and Department of Environment Regulation.

#### STATUTORY ENVIRONMENT

Extractive Industry is an "A" use, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after the proposal has been advertised for comment.

Should the Council refuse the application or impose conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

It is necessary for the applicant to gain an Extractive Industry Licence under the Shire's Local Laws; however this can be done as a separate process to the application for planning consent.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item in relation to the Local Planning Scheme; however it has been assessed in accordance with the Shire's Local Law for Extractive Industries and the Indian Ocean.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

The Shire of Dandaragan Local Planning Strategy ("the Strategy") includes Planning considerations at Appendix 1 which are to be addressed as part of the Shire's assessment of applications for extractive industries.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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The application is able to comply with the Planning considerations included in the Strategy, in that:

- The proposal will not have any significant impact on native flora and fauna, the natural landscape or surface and groundwater quality;
- The use will not impact on the use of the property for agricultural purposes;
- The proposal will have no adverse impact on the amenity of the surrounding area in terms of vehicular traffic, noise, dust or other emissions.
- The land is able to be rehabilitated to enable its future use for rural purposes; and
- The proposal will not result in any conflict with sensitive land uses.

The proposed use of the land for limesand extraction will not compromise the ability of the land to continue to be used for broad scale agricultural activities and sustainable agricultural production. It is the intention that broad scale agriculture activities will continue as part of a diversified agricultural operation on the land.

#### 2016 – 2026 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>GOAL 5: Proactive and Leading local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

#### ATTACHMENTS

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

- Location plan / Plans & Development Application (Doc Id: 74950)
- Late submissions (Doc Id: 76570, 76571, 76572, 76573)  
**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Simple majority

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

**Moved Cr McGlew, seconded Cr Sheppard**

**That Council grant planning approval and Extractive Industry Licence for an Extractive Industry (limesand) on Lot 800 (A) Indian Ocean Drive, Cooljarloo subject to the following:**

**Conditions:**



1. All development shall accord with the attached approved plan(s) and specifications dated 28 September 2016 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 Shire.
2. No development shall occur until the Shire has issued an Extractive Industry Licence with conditions to the satisfaction of the Shire of Dandaragan Executive Manager Infrastructure.
3. Hours of operation shall be limited to 6.00am to 6.00pm Monday to Saturday and 6.00am to 1pm Sunday
4. No sand extraction/carting on Public Holidays.
5. Maximum depth of excavation shall be to a floor elevation of approximately 50m AHD to match the prevailing natural level of the land surrounding the pit.
6. No sales by wholesale or retail shall be undertaken from the site.
7. Satisfactory arrangements being made with Main Roads WA to upgrade the access point onto Indian Ocean Drive at the applicants cost to be designed and constructed in accordance with Main Roads standards and process.
8. Access to/from the quarry by vehicles shall be as per restrictive covenant attached to WAPC subdivision over Lot 800 (WAPC Ref 153154).
9. The erection of appropriate signage for a mine access at locations on Indian Ocean Drive, to the approval of Main Roads WA and at the applicant's cost.

**Advice to applicant:**

1. **Main Roads advice to the applicant:** The applicant must obtain approval from Main Roads before any works are undertaken within the Indian Ocean Drive road reserve. The applicant seeking access to the Main Roads network is required to submit an Application as outlined in the Application Kit and Guidelines for Low Complexity Work. Application Kits can be found on the Main Roads website >"Our Roads">"Conducting Works on Roads"> Application Kit and Guidelines for Organisations Seeking to Undertake Works within Road Reserve — Low Complexity Works.
2. This approval is valid for a period of two (2) years. If the development has not substantially commenced within this period the approval will lapse.
3. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and / or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded

ordnance (UXO). While it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:

- a) do not disturb the site of the known or suspected UXO;
- b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
- c) notify Police of the circumstances / situation as quickly as possible; and
- d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services.

4. Department of Environment Regulation Advice to applicant - The proposal estimates a limesand extraction and screening rate of 22,000 tonnes per annum. Screening and stockpiling of limesand may be a prescribed activity under the Environmental Protection Regulations 1987 (EP Regulations). Bringing a mobile crushing plant on to the site will cause the premises to become a prescribed premises under the EP Regulations. Depending on the actual production or design capacity, and on the conditions of any other approval such as a local government extractive industry licence, the proposal may meet the definition of either a Category 12 (>50,000 tonnes per year) or Category 70 (>5,000 <50,000 tonnes per year) prescribed premises. As such, the EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises. It is recommended that the proponent submit an application form to DER for the project on Lot 800. Applications can be found on DER's website at <http://www.der.wa.gov.au>. DER will undertake parallel processing of applications, however works approvals may not be granted until such time as planning approval is in place. DER's process allows for the provision of a draft decision to the proponent. The proponent may consequently provide this draft decision in support of their planning assessment.
5. Department of Environment Regulation Advice to applicant - The clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained in accordance with the EP Act, or is of an exempt kind. A review of aerial imagery indicates that the area for proposed limesand extraction



contains native vegetation. A clearing permit will be required to clear native vegetation for the purpose of an extractive industry. Guidelines and fact sheets on the regulation of native vegetation clearing can be found on DER's website at [www.der.wa.gov.au/our-work/clearing;permits](http://www.der.wa.gov.au/our-work/clearing;permits). Further information on the clearing permit process can be obtained by email ([nvQ@der.wa.gov.au](mailto:nvQ@der.wa.gov.au)) or by telephone (9333 7469).

6. The applicant is advised that Council is considering the implementation of a per tonne charge/fee as part of the review of the Local law relating to extractive industry.

The applicant is advised that there is a right of review (appeal) against Council's decision in accordance with the provisions of the *Planning & Development Act 2005*. In this regard contact should be made with the State Administrative Tribunal on 9219 311 of via website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)

CARRIED 8 / 0

#### 9.4.3 PLANNING APPLICATION – PROPOSED OVERHEIGHT GARAGE – LOT 175 SANDLAND STREET, JURIEN BAY

Location:	Lot 175 Sandland Street, Jurien Bay
Applicant:	A & R Domney
Folder Path:	Development Services App / Development Application / 2016 / 67
Disclosure of Interest:	None
Date:	11 November 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks approval for a proposed garage attached to a dwelling that does not comply with the Council's Policy for outbuildings.

#### BACKGROUND

The proponent has submitted a proposal to construct a garage attached to an existing dwelling. The proposed garage has a floor area of 38.4m<sup>2</sup>, with attached lean to matching the dwelling veranda of 12 m<sup>2</sup>. The proposed wall is 3.5m (setback 0.6m from the side boundary and ridge height of 4.7m.

The height of the existing dwelling is a wall height of 3.2m and ridge height of 4.4m.

The proposed garage will be 0.3m above the height of the ridge of the dwelling.

The policy requires the garage to be situated under the roof line of the adjoining dwelling.

#### COMMENT

The proposed garage does not comply with the requirements of Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ as outlined in the table below in POLICY IMPLICATIONS.

The applicant proposes to house a boat that requires a height of 300mm (originally proposed to be 500mm) greater than the roof line of the existing dwelling.

The initial plans submitted by the builder were not a true representation of the scale of the proposal and misrepresented the scale of the garage as being equal to or greater than the scale of the dwelling.

The Manager Planning met with the applicant to discuss alternate options as the application did not meet the policy requirements and the draft report was for refusal. It was also immediately apparent to the Manager Planning that the scale of the proposal was minimal in comparison to the size of the dwelling. The plans were scaled and amended such that the setback was increased to 0.6m from the boundary and the height of the roof reduced to 300mm above the existing dwellings roof. At the time of inspection it was noted that there were two other dwellings (Whitfield Road) in the vicinity that had a very similar constructed garage approximately 300mm above the dwelling roof height. It was also noted that the immediately adjoining property (letter of no objection) was a two storey dwelling in proximity to the proposed structure. The height of the proposal will be significantly less than the height of the adjoining two storey building. No other neighbours are impacted by the proposal. Streetscape is not negatively impacted from the opposite side of the road as it comprises a school.

Due to the specific circumstances of this application as described above, the officer recommendation is for approval.

Council has consistently refused applications for applications that do not fully meet the policy requirements.

#### CONSULTATION

The applicant has obtained a letter from the immediately adjoining neighbour advising of no objection to the proposal.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

**Outbuildings**

**Carpports and Garages**

1. All garages and carports shall not exceed a floor area of 40m <sup>2</sup> , a wall height of 3.0m or a ridge height of 4.5m.	Does not comply
2. The 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;	Complies
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;	Proposed garage exceeds the height of the dwelling. Does not comply
c) the garage or carport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);	Complies
d) the garage or carport will not have an impact on the streetscape or amenity of the area; and	Complies
e) the garage or carport complies with any design guidelines adopted by Council.	None applicable
3. All carports and garages shall be constructed of materials that match or complement the dwelling on the site.	Complies
4. The use of zincalume wall cladding in garages and carports will not be permitted.	Complies

7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.
8. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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<i>GOAL 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>GOAL 5: Proactive and Leading local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Location plan, Plans & Neighbour submission (Doc Id: 76576)
- Photographs - Proposed garage Lot 175 Sandland Street Jurien Bay (Doc Id: 76620)

**(Marked 9.4.3)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Gibson, seconded Cr McGlew**

**That Council grant planning approval for the proposed garage in accordance with the attached approved plans date stamped 15 November 2016 on Lot 175 Sandland Street, Jurien Bay subject to:**

**Conditions:**

- 1. All development shall be in accordance with the attached plans date stamped 15 November 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. the roof and wall material matching the existing dwelling and being of non reflective nature and colour; and**
- 3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**

**ADVICE NOTES:**

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

**Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the**

approval after the date of the determination, the approval shall lapse and be of no further effect.

**Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.



**Note 4:** Council has granted dispensation for this specific application due the presence of a two storey dwelling immediately adjoining the development, the presence of a school over the road (non residential), and two similar structures having been constructed in the vicinity of the proposal.

**Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

**CARRIED 8 / 0**

#### **9.4.4 PROPOSED HELIPAD – LOT 362 CATALONIA STREET, CERVANTES**

Location:	Lot 362 Catalonia Street, Cervantes
Applicant:	David Thompson
Folder Path:	Development Services App / Development Application / 2016 / 65
Disclosure of Interest:	None
Date:	10 November 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### **PROPOSAL**

The proponent is seeking planning approval to establish a helipad at Lot 362 Catalonia Street, Cervantes as a tourist activity as well as for emergency services use.

#### **BACKGROUND**

The planning application is for a Helipad to be located in the north west corner of lot 362 Catalonia Street.

Lot 362 comprises an area of 3239m<sup>2</sup>.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

The land is owned by the Thompson family and accommodates the Indian Ocean Rock Lobster processing facility. This processing facility was established in 2008 and now incorporates a tourism operation featuring factory tours. Additionally, the seafood outlet on site provides fresh local seafood to the local community and tourists visiting Cervantes.

Lot 11 and the rear portion (abutting the ocean front) of Lot 362 have a zoning of Industrial under the Shire of Dandaragan's Local Planning Scheme No. 7 (LPS7). The front portion of Lot 362 (fronting Catalonia Street) and Lots 8, 9 and 10 are zoned Residential with an R Coding of R12.5.

The applicant proposes to amalgamate Lot 11 Madrid Street and Lots 8, 9, 10, and 362 Catalonia Street into one green title lot comprising a total area of 1.05ha. Lots 9, 10 11 and 362 contain existing buildings which will all be retained. The proposed Lot will retain frontage to Madrid Street to the south west and Catalonia Street to the south east.

A proposed rezoning of the site has been submitted to rezone the area to a Special Use Zone under clause 4.7.1 of the Scheme as a Tourism Industry Zone and it is anticipated this will be presented to the December 2016 Council meeting. The current draft document (being amended prior to the December meeting) does not currently list helipad as a land use.

The proposed helipad is a use not specifically mentioned in the Zoning Table. As such the Local Government may:

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

The objective for the "Industrial" zone is as follows;

*"To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by nature of their operations should be separated from residential areas."*

Portion of Lot 362 and nearby Lots are zoned "Residential". Given that there is potential for the activity to impact surrounding land uses, the objective for the residential zone has to be also considered.



*“To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes”.*

The applicant has provided the following information in support of the application;

*Further to our recent Development Application regard helipad establishment at The Lobster Shack, we would like to submit amended documentation in request for;*

*A raised platform, daytime use only, helipad - located wholly within the current land holdings of The Lobster Shack Pty Ltd.*

*In preparation for this revised application, The Lobster Shack, believing strongly in the merits and long-term local benefits of this plan, have engaged the services of a helicopter-expert, Aviation Consultant to address all relevant aviation considerations.*

*We believe this Application mitigates many, if not all, of the perceived conflict-of-interest issues raised with a beachfront pad on joint Council held land and now holds multiple benefits for all involved parties, inclusive of;*

- a) increased accessibility for Emergency Services helicopters during times of accident or natural disaster in our region.*
- b) significantly reduced overall impact on residents, businesses and visitors alike.*
- c) substantial increased exposure to both domestic and international visitors for Cervantes Township and The Nambung National Park (i.e. The Pinnacles).*

*Relevant points for consideration;*

- 1. We propose to install a raised (approx. 4m off the ground), 13m diameter, hexagonal shaped helipad in the north-west corner of our land parcel, as shown in Appendix (1).*
- 2. The raised helipad selected is a pre-fabricated pad from the oil and gas sector. (See pictures Figure 1). As such, it has been designed, fabricated and audited to the internationally accepted Oil & Gas Producer (OGP) Standards.*
- 3. Full original engineering drawings are available for this project with a sample enclosed.(See sample at Appendix 2).*
- 4. The pad is built to withstand the harshest of weather conditions as would be experienced in an offshore oil rig environment. The single helicopter structure has been design to comply with ISO19901-3:2014(E) Structural Systems Helicopter Landing Facilities (Helidecks) and ICAO International Standards and Recommended Practices – Aerodromes Volume 11 Heliports.*
- 5. Accordingly, the deck is built from 6mm checker-plate, with an alloy box-frame base, all held in place by hot-dip galvanised marine-grade steel box-tubing. (See pictures at Figure 2 and 2A )*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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6. *The pad is of sufficient size to legally accept all tourism helicopters based in Perth; the R44, B206, AS350, EC120 and EC130*
7. *Further to these capabilities, The Lobster Shack in conjunction with Microflite Helicopter Services would make a commitment to the Council and the local community that during times of declared disaster, the pad would be given priority use to Emergency Services Helicopters.*
8. *Complimentary to this offer, The Lobster Shack and MHS would also make available JetA1 helicopter fuel to these aircraft to facilitate Community Protection activities by extending the operational fuel capabilities.*
9. *The position of the pad on our land is strategically chosen to facilitate fully compliant approach and departure paths as shown in Figure XXX. These paths allow operations in all wind sectors and are critical in our Application by allowing all flight profiles of take-off and landings without flight over built-up areas or public gatherings. They also afford the critical requirement of suitable forced landing areas during all aspects of the flight profile.*
10. *A raised helipad option has been purposefully chosen for a significant reason. Helicopter downwash, is negligible in all aspects of forward flight, when compared to normal atmospheric wind conditions. The only significant detrimental wind component from a helicopter, is demonstrated during the hover phase, as is present in take-off and landing. To mitigate any adverse affect on local sand dunes, and any potential viewing public, a raised helipad is proposed. At 4m off the ground and with a solid 13m diameter deck surface, it is calculated that any detrimental downwards forces from the rotor-disc will be translated immediately to a horizontal force, easily dissipated into the ambient conditions. We believe this will completely negate any potentially detrimental downwash concerns."*

#### COMMENT

A number of submissions and a petition have been received from the Cervantes community regarding this proposal. These are listed in the schedule of submissions in the attachments.

Generally there is strong opposition to the proposal based on potential noise and disturbance nuisance that may be caused by the landing/take off as well as potentially over houses when wind conditions are adverse to a sea approach.

Civil Aviation Safety Authority (CASA) have responded that they do not have sufficient information provided by the applicant to make comment on the proposal.

*CASA has reviewed the planning application and I am advised that there is insufficient information provided about the construction of*

*the helipad for CASA to determine if it meets the provisions included in Civil Aviation Advisory Publication (CAAP) 92-2(2) which outlines the attributes of a safe helicopter landing site. It should be consulted specifically in respect to the helipad accepting enhanced performance twin engine helicopters included in the proposal and used by, for example, RAC Rescue or Western Australia Police.*

The proposal has merit as it supports the local tourism industry and will provide a unique experience to visitors to the town. There is also benefit in having an alternate landing pad for emergency services to use.

However the potential impact of the proposal on nearby residential properties has to be taken into account. The applicant has provided information on flight paths and noise levels generated by the proposed helicopters. These being the quietest available models. The applicant has also sourced a suitable helipad raised off the ground in order to mitigate dust, damage to dunes, noise levels. However in order to address the impact on nearby residential properties, expected noise levels need to be mapped showing noise levels, duration and frequency at noise sensitive premises (residential). This will require an expert in acoustics to provide a report on expected noise levels.

One of the other issues raised in the submissions is the potential for flight paths to be altered at the discretion of the pilot based on wind direction and strength. There is potential for helicopters to fly directly over residential properties in the event that conditions dictate the flight path. These conditions would also need to be taken into account in a noise assessment report.

#### CONSULTATION

The Shire of Dandaragan undertook to advertise the proposal to all landowners along Catalonia Street and surrounds as well as various state government agencies as detailed below from 7 October to 24 October. Following a number of submissions being received, it was decided to advertise the proposal in the Pinnacles Express with an amended closing date of 2 November.

- Air Services Australia
- Civil Aviation Safety Authority;
- Department of Lands;
- Department of Environment Regulation
- Department of Transport (Perth and Geraldton)
- Department of Regional Development
- Shire Officers.

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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>GOAL 5: Proactive and Leading local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS.

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

- Applicants submission (Doc Id: 76577)
- Location Plan (Doc Id: 76577)
- Schedule of Submissions (Doc Id: 76578)

**(Marked 9.4.4)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Kulisa**

**That Council**

- A. Determine that the use “Helipad” is not consistent with the objectives of the adjoining and nearby “Residential” zone and is therefore not permitted;**
- B. Refuse planning approval for the proposed Helipad on Lot 362 Catalonia Street, Cervantes for the following reasons;**
  - 1. the proposed development will most likely have a detrimental impact on the amenity of nearby residents and neighbouring properties;**
  - 2. a suitable airfield is provided within reasonable distance from the applicant’s site that could accommodate tourists;**

3. there is insufficient information provided by the applicant on potential noise impact at nearby residential properties in order for Council to consider this issue;
4. there is insufficient information provided by the applicant on the proposal to be provided to CASA for advice and Council consideration to address any safety concerns; and
5. the proposed development does not comply with orderly and proper planning for the locality.

**ADVICE NOTES:**

**Note 1:** In reference to reason 2 above, it is recognised that the proposed heliport is primarily to provide direct services to the location for special clients seeking a high service level, however once planning approval is granted, the use can be extended to include any groups of tourists or for tourism based helicopter flights.

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

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

**CARRIED 8 / 0**

## **9.5 COUNCILLOR INFORMATION BULLETIN**

### **9.5.1 SHIRE OF DANDARAGAN – OCTOBER 2016 COUNCIL STATUS REPORT**

Document ID: 75803

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 27 October 2016. *(Marked 9.5.1)*

### **9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – NOVEMBER 2016**

Document ID: 76605

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

### **9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2016**

Document ID: 75957

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

**9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2016**

Document ID: 74836

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

**9.5.5 WALGA WASTE NEWS – 21 OCTOBER 2016 - WASTE AUDIT**

Document ID: 75174

The Auditor General has tabled a Report in Parliament, titled Western Australian Waste Strategy: Rethinking Waste.

This report assesses whether strategies to reduce the State's reliance on landfill to manage household, construction, demolition, commercial and industrial waste have been successful. The recommendations focus on the activities of the Department of Environment Regulation and Waste Authority.

Key findings include

- Waste Strategy targets were not met but progress has been made
- Agency roles are unclear leading to poor planning, reporting and delays in funding project
- Guidance on good practice waste management planning and operations is limited
- Simple messages and incentives to engage the community in waste avoidance and minimisation are needed.

**9.5.6 HON MICHAEL MISCHIN MLC – MEDIA STATEMENT – FINE DEFAULTERS IN REGIONAL WA TARGETED**

Document ID: 75175

- Liberal National Government extends the clampdown on fine and infringement defaulters to regional and remote WA
- Measures to include car seizures, licence plate removal and wheel clamping.

**9.5.7 WA PLANNING COMMISSION – LPS NO.7 AMENDMENT NO.28 – MINISTERIAL DECISION FOR LPS AMENDMENT APPROVAL**

Document ID: 74997

Scheme Amendment to align the Local Planning Scheme with new planning regulations.

*“Pursuant to clause 87(2) of the Planning and Development Act 2005 (the Act), the Minister for Planning has granted final approval to amendment 28 to the Shire of Dandaragan Local Planning Scheme No.7 on 27 September 2016.*

*In accordance with clause 87(3) of the Act, the Western Australian Planning Commission (Commission) will cause the amendment to be published in the Government Gazette”.*

**9.5.8 WA PLANNING COMMISSION – PLANNING BULLETIN 111/16  
– PLANNING IN BUSHFIRE PRONE AREAS - BUSHFIRE  
REFORM IMPLEMENTATION**

Document ID: 75578

Attached to the agenda is Western Australian Planning Commission Planning Bulletin 111/2016 Planning in Bushfire Prone Areas (*Marked 9.5.8*) The document was distributed to Councillors 3 November 2016.

**9.5.9 WALGA – LOCAL GOVERNMENT NEWS – 21 OCTOBER 2016  
– ISSUE 41**

Document ID: 75099

In this issue:

- Auditor General Report on Waste Management
- Seeking Feedback: Economic Regulation Authority Water Services Code of Conduct Review
- Training
- Human Resources Forum
- Discussion Paper and Consultation Session on WA Volunteer Trends
- Transport and Roads Congress
- Planning for Shared Use Community Facilities Workshop

InfoPage:

- Mailbag: Economic Regulation Authority Review of the Water Services Code of Conduct
- Mailbag: State Risk Project Local Rollout

Media Release:

- Planning, Cooperation Needed for Waste Strategy Goals

**9.5.10 WALGA MEDIA RELEASE – PLANNING, COOPERATION  
NEEDED FOR WASTE STRATEGY GOALS**

Document ID: 75006

*“Coordinated planning and collaborative input will assist WA in achieving shared waste goals, reveals an independent report into performance of the State’s Waste Strategy.*

*The Auditor General’s report tabled in Parliament yesterday highlights that although progress has been made towards Strategy targets, many areas for improvement remain with a number of barriers to achieving greater waste minimisation for a better environmental outcome”.*

**9.5.11 WALGA – PROCUREMENT NEWS – OCTOBER 2016 – ISSUE  
29**

Document ID: 75301

In this issue:

- Procurement Network Forum
- Town Planning Preferred Supplier Arrangement
- Shire of Chapman Valley Energy Prize
- Waste and Recycle Conference
- Update of Preferred Supplier Arrangement for Temporary Personnel Services
- Preferred Supplier Update

- Asset Management Consulting Services Review
- LGIS Scheme Surplus Returned to Members
- Preferred Supplier Program Reconciliation Project

**9.5.12 HON DONNA FARAGHER MLC MEDIA STATEMENT – STATE PLANNING FRAMEWORK OUT FOR COMMENT**

Document ID: 57616

- Overarching provisions for sustainable use and development of land
- Ensures integrated decision-making across all levels of planning

The entire media statement is available should you require.

**9.5.13 LAWRIE SHORT – REPORT ON THE RURAL WATER COUNCIL**

Document ID: 75612

Report for the Rural Water Council Meeting held 21 October 2016 is available should you require.

**9.5.14 WALGA – LOCAL GOVERNMENT NEWS – 28 OCTOBER 2016 – ISSUE 42**

Document ID: 75569

In this issue:

- Road Assets and Expenditure Report 2015 – 2016
- Vacancies on Boards and Committees
- Heritage Workshop for Local Governments
- Grow a Mo for Movember
- Civic Sunday
- Road Closure for Event Application
- Sustainable Procurement for WA Local Government Sector
- Community Crime Prevention Fund

Mailbag:

- Infopage: Design WA initiative and new State Planning Policy 7
- Infopage: Local Government Bridge Maintenance Program

**9.5.15 PIERRE & ROBYN BROCKMAN – WADDI WIND FARM**

Document ID: 79532

Submission from Pierre & Robyn Brockman in relation to Waddi Wind Farm (**Marked 9.5.15**) This document was forwarded to Councillors with Council Forum documents.

**9.5.16 WALGA – LOCAL GOVERNMENT NEWS – 4 NOVEMBER 2016 – ISSUE 43**

Document ID: 75958

In this issue:

- Container Deposit System Policy Forum – Expression of Interest
- Heritage Workshop – FINAL CALL
- Workshop on Freight Rail Noise
- Road Ribbon on Road Safety
- Training
- Natural Area Managers Network Forum – Weed Management
- Human Resources Forum



- Capacity Building Program for Country Local Governments
- Capacity Building Program for Metropolitan Local Governments
- Perth Water – Catch it if You Can

Mailbag:

- InfoPage: Natural Disaster Relief and Recovery Arrangements

Media Release:

- Road Safety Initiative Clinches State Award

**9.5.17 DEPARTMENT OF THE PREMIER AND CABINET – THE SOUTH WEST NATIVE TITLE SETTLEMENT - NEWSLETTER**

Document ID: 76055

Attached to the agenda is a copy of the South West Native Title Settlement Newsletter November 2016 (*Marked 9.5.17*)

**9.5.18 TOURISM COUNCIL WA - EXPRESSIONS OF INTEREST FOR 2017 WA REGIONAL TOURISM CONFERENCE**

Document ID: 76129

Attached to the agenda is correspondence in relation to Expressions of Interest 2017 WA Regional Tourism Conference (*Marked 9.5.18*)

**9.5.19 TOURISM COUNCIL WA – TOURISM WORK ATLAS**

Document ID: 76130

Attached to the agenda is correspondence in relation to Tourism Work Atlas and copy of WA Tourism Work Profile for the Shire of Dandaragan (*Marked 9.5.19*)

**9.5.20 RURAL HEALTH WEST – DOCTORS’ SERVICE AWARDS 2017 NOMINATE A DOCTOR WHO DESERVES TO BE ACKNOWLEDGED**

Document ID: 76201

Nominations for the 2017 Rural Health West Doctors’ Service Awards are now open. These Awards recognise doctors who have provided an outstanding or extraordinary service in their communities. Visit [www.ruralhealthwest.com.au/dsa](http://www.ruralhealthwest.com.au/dsa) for further information and details of the Award category and how to nominate.

**9.5.21 CONSERVATION AND PARK COMMISSION – 2015 / 2016 ANNUAL REPORT OF THE MARINE PARKS AND RESERVES AUTHORITY**

Document ID: 76204

*“I am pleased to enclose a copy of the final Annual Report of the Marine Parks and Reserves Authority (MPRA) for the period ending 6 May 2016. The Annual Report summarises the activities of the MPRA during the 2015 / 2016 financial year and contains a summary of its membership, role and functions.”* A copy of this report is available if required.

**9.5.22 HON COLIN BARNETT MLA – MORE SENIORS ACTIVE WITH PROJECT EXPANSION**

Document ID: 76234

- \$300,000 in funding expansion for SilverSport pilot program
- Opportunities for eligible seniors to get active

SilverSport – based on the State Government’s highly successful KidSport program – provides up to \$200 towards fees, uniforms and equipment needed for eligible senior’s sport and recreation activities. The innovative program is being piloted in Belmont, Kwinana, Northam and Kalgoorlie-Boulder / Coolgardie for those aged 60 years and over.

#### **9.5.23 HON MARK LEWIS MLC – MEDIA STATEMENT – WILD DOG ACTION PLAN TO PROTECT AND GROW INDUSTRY**

Document ID: 76432

- WA Wild Dog Action Plan 2016-2021 will revitalise and foster growth of pastoral, agricultural and tourism industries
- Supported by Liberal National Government’s Royalties for Regions program

The Liberal National Government has announced a \$19.94 million investment to support Western Australia’s livestock industries and help landowners to control predatory wild dogs and other agricultural pests in regional areas.

*Council requested Cr. Slyns to indicate that action is required considering the recent tragedy near Koorda this week, and that this be brought up at the WALGA Avon Midland Zone Meeting.*

#### **9.5.24 WALGA – WASTE NEWS – 11 NOVEMBER 2016 – ISSUE 20**

Document ID: 76434

In this issue:

- Looking Tidy Greenbushes
- LG Focus: Armadale’s Hidden Gem
- Three Bin Rollout and Tagging Go Hand in Hand
- Pique Your Plastic Interest
- Had a Truck Fire?

#### **9.5.25 WALGA – LOCAL GOVERNMENT NEWS – 11 NOVEMBER 2016 – ISSUE 44**

Document ID: 76361

In this issue:

- Tourism Work Atlas – Employment in Local Government
- Vacancies on Boards and Committees
- Natural Area Management Network Forum – Weed Management
- Training
- Endangered Status of Banksia Woodlands
- LG Risk Vision Launch
- Workshop on Dog Friendly Parks

Mailbag:

- InfoPage: Draft Sewerage Policy

#### **9.5.26 DEPARTMENT OF DEFENCE – PRE-FIRE SEASON MANAGEMENT – LANCELIN DEFENCE TRAINING AREA**

Document ID: 76290

*“The Department of Defence held a Pre-fire Season Management Meeting for Lancelin Defence Training Area (LDTA) on 31 August 2016.”*

Attached to the agenda is a copy of the minutes (**Marked 9.5.26**)

**9.5.27 STATE EMERGENCY MANAGEMENT COMMITTEE – ALL-HAZARDS COMPREHENSIVE IMPACT ASSESSMENT TEMPLATE**

Document ID: 76444

In May 2016 SEMC launched the suite of State Emergency Management (EM) documents. State EM Recovery Procedure 4 outlines the process for conducting comprehensive impact assessments (CIA). I am writing to advise that the template for undertaking a CIA in support of Recovery Procedure 4 is now available by download from the SEMC website <http://www.semc.wa.gov.au/resources/legislation-and-policy-framework/procedure> for use by Controlling Agencies and Hazard Management Agencies

Attached to the agenda is correspondence (**Marked 9.5.27**)

**9.5.28 TILT RENEWABLES LIMITED – TILT RENEWABLES IS BORN FROM TRUSTPOWER – WADDI WINDFARM**

Document ID: 76446

On 31 October 2016 Trustpower Limited, our previous New Zealand parent company, separated into two new listed companies – Tilt Renewables Limited (Tilt Renewables) and Trustpower Limited (Trustpower).

Attached to the agenda is entire correspondence (**Marked 9.5.28**)

**9.5.29 WALGA – STATE COUNCIL AGENDA – DECEMBER 2016**

Document ID: 76362

The next State Council will be held on 7 December 2016 and a copy of the agenda can be found on the WALGA website at – <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>

**9.5.30 NEVILLE WILLIAMS LOCATION OF CERVANTES MENS SHED**

Document ID: 76504

Attached to the agenda is correspondence from Mr Williams re the location of the Cervantes Men's Shed (**Marked 9.5.30**)

It is intended to inspect the site on 24 November (Cervantes Council Meeting). For further information please refer to Council Meeting of 25 August 2016 - Item 9.4.5.

**9.5.31 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – CIRCULAR 27-2016 – UPCOMING STATE ELECTION – IMPACT ON DECLARATION OF GIFTS**

Document ID: 76538

*"The passage of the City of Perth Act 2016 earlier this year included minor changes to the existing gift and travel disclosure requirements for local government elected members and designated employees. On Wednesday 12 October 2016, Hon. Paul Miles MLA, Minister for Local Government, informed Parliament that he had established the working group to review all gift provisions".*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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Attached to the agenda is entire correspondence (*Marked 9.5.31*)

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

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

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

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

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

Local Government Act 1995

*5.23. Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
  - (e) a matter that if disclosed, would reveal —**
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or**
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government’s property; or

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016</b>
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- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.**
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

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

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

## 11.1 GOVERNANCE & ADMINISTRATION


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

Moved Cr Slyn, seconded Cr Richardson

That the meeting be closed to members of the public at 5:16pm in accordance with Section 5.23 (2) (d), (e)(ii) and (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Sale of Lot 96 (74) Bashford Street, Jurien Bay.

**CARRIED 8 / 0**

#### 11.1.1 SALE OF LOT 96 (74) BASHFORD STREET, JURIEN BAY

Location:	Lot 96 (74) Bashford Street, Jurien Bay
Applicant:	Ray White Real Estate Jurien Bay, on behalf of BPG Pty Ltd
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Land Developments
Disclosure of Interest:	Nil
Date:	16 November 2016
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

Moved Cr Gibson, seconded Sheppard

That Council:

1. Acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period that no submissions were received in relation to the proposed sale of Lot 96 (No. 74) Bashford Street, Jurien Bay at the value of \$400,000 to BPG Pty Ltd via private treaty;
2. Agree to sell Lot 96 (No. 74) Bashford Street to BPG Pty Ltd via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and
3. Authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 NOVEMBER 2016**

documentation associated with the sale of Lot 96 (No. 74) Bashford Street Jurien Bay on its behalf.

**CARRIED 8 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Scharf, seconded Cr Kulisa

That Council:

1. agree to establish a “Economic Development Initiatives Reserve” for the purposes of the planning, development and implementation of economic development initiatives within the Shire of Dandaragan; and
2. agree to transfer all proceeds from the sale of Lot 96 (No.74) Bashford Street from the Municipal Account to the newly established Economic Development Initiatives Reserve.

**CARRIED 8 / 0**

Moved Cr Gibson, seconded Cr McGlew that the Meeting be reopened to the public at 5.25pm.

**CARRIED 8 / 0**

Members of the Public entered the meeting and the President read the motion.

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

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 5.28pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....