"UNCONFIRMED"

MINUTES

ORDINARY MEETING

HELD

14TH DECEMBER 2011

AT

SHIRE OF DARDANUP
ADMINISTRATION CENTRE EATON
1 COUNCIL DRIVE - EATON

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 14th DECEMBER 2011, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 4.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr. J E Gardiner declared the meeting open at 4.30pm, welcomed those in attendance and referred to the Disclaimer and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Cr. John E Gardiner	Shire President
Cr. Michael Bennett	Deputy Shire President
Cr. Brad G Day	Councillor
Cr. Betty Murfit	Councillor
Cr. James Lee	Councillor
Cr. Peter Robinson	Councillor
Cr. Carmel N Boyce	Councillor
Cr. Luke Davies	Councillor
Cr. Danny Harris	Councillor
Cr. Peter Bass	Councillor
Mr Mark Chester	Chief Executive Officer
Ms Cathy Parkinson	Executive Assistant
Mr Robert Quinn	Manager Planning Services
Mr Tim Batt	Manager Health Services
Mr Stuart Eaton	Manager Financial Services
Mr Peter Black	Manager Building Services
Mr Luke Botica	Manager Technical Services
Mr Craig Browne	Engineering Technical Officer – Operations

Mr Ben Jordan	Manager Recreation Centre
Mr Jake Whistler	Planning Officer

2.2 *Apologies*

None.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

4.1 *Mr John Clarke regarding Item 11.4.3 Title: Application for Planning Consent: Hardstand Area for Temporary Storage of Logs – Lot 38, 14674 South Western Hwy, Picton*

Mr Clarke addressed Council advising that he would like to speak on behalf of the applicant to have consent granted for the application.

Shire President, Cr. J E Gardiner advised that Council would suspend standing orders at the time of the item to allow Mr Clarke to speak to Council.

4.2 *Ms Danielle De Beaux regarding Item 11.4.7 Title: Development Application – Outbuilding Within Landscape Buffer – 59 (Lot 113) Blue Wren Drive, Eaton.*

Ms De Beaux addressed Council asking Council to consider approving the shed application in the buffer area for her property on Blue Wren Drive. Ms De Beaux provided photos of the property advising that there was very little vegetation on the property that needed protection.

Shire President, Cr. J E Gardiner advised that Council would take her comments into consideration at the time of making a decision.

4.3 *Mr Shaun Bursill of the Eaton Cricket Club Regarding Item 11.2.5 Title: Request for Hard Cricket Wicket on Glen Huon Oval (Eaton Cricket Club)*

Mr Bursill addressed Council regarding the Eaton Cricket Club asked about the timing of the removal of the turf wicket.

Manager Technical Services, Mr Luke Botica advised that he would be making contact with the Cricket Club regarding the timing of when and how the pitch will be removed. The club will be involved in the process.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 *Title: Rural Bins Collections Petition*

Reporting Department:	*Health Services*
Reporting Officer:	*Mr Tim Batt – Manager Health Services*
Legislation:	*Local Government Act 1995*
File Number:	*LE04 0044, LE04 0043*

Officer Comment -

Council has received a petition regarding rural bin collections on the 5th December 2011 (Appendix ORD: 6.1). The petition calls for bin collections in the rural areas of Waterloo.

Council may refer to the minutes of the Waste Management Committee 25th of November 2011 (Item 7.5 – Rural Waste Bins 2011).

The proposal to introduce rural bin collections to some of the rural areas of the Shire has been discussed at this committee meeting.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

355/11 MOVED - Cr. M T Bennett SECONDED - Cr. P A Bass

THAT Council:

1. Accept the petition from residents in the Waterloo area;

2. Inform the community that consideration has been made into providing rural bin collections at a Waste Management Committee meeting on the 25th of November 2011;

3. Notes that the Waste Management Committee will be considering the possibility of introducing rural bin collections in 2012.

CARRIED
10/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 *Ordinary Meeting Held 23rd November 2011*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

356/11 MOVED - Cr. C N Boyce SECONDED - Cr. D Harris

THAT the Minutes of the Ordinary Meeting of Council held on the 23rd November 2011, be confirmed as true and correct subject to no corrections.

CARRIED
10/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

There will be two items for discussion at the end of the meeting for which the meeting will be closed:

- Waste Management Committee Minutes; and
- 2011 Organisational Review.

10 DECLARATION OF INTEREST

Cr. D Harris declared a Financial Interest in Item 11.4.6 - Proposed Amendment to Town Planning Scheme No. 3 (A173) – Lot 5 Garvey Road, Dardanup West.

11 REPORTS OF OFFICERS AND COMMITTEES

11.1 CHIEF EXECUTIVE OFFICER REPORT

11.1.1 *Title: Shire of Dardanup Strategic Plan - Review*

Reporting Department:	*Executive*
Reporting Officer:	*Mr Mark L Chester – Chief Executive Officer*
Legislation:	*Local Government Act 1995*
File Number:	*CO12 0001*

Background -

A local government is required to prepare and adopt a Plan for the Future (Local Government Act 1995 s. 5.6). Up until the 26th August 2011 the Plan for the Future for the Shire was in the form of the Strategic Plan. The Plan identified projects and objectives of the Shire and community for a ten year period.

The Shire of Dardanup current Strategic Plan was adopted on the 11th August 2010 Resolution: 272/10.

On the 26th August 2011 the Parliament amended the regulations relevant to the Plan for the Future. That being that the new format is to be applied that mandates

community consultation is required to develop community aspirations for their area. The process is identified as the Integrated Planning Framework. In simple terms the objectives of the community are reviewed by Council to create a strategy that takes the organization and community on a path to achieve the identified objectives.

The implementation of the strategic community plans occurs through the creation of Corporate Business Plans. Examples of this are the Road Asset Management Plan and the Pathways Asset Management Plan, and finally the budget.

The new Integrated Planning requirements are to be in place by the 30th June 2013 and cover a period of ten years.

On the adoption of the new planning process the previous requirement to review the Strategic Plan (Plan for the Future) was removed by new Regulation 19DB (4) that states that:-

> *(4) A local government is not required to review a plan for the future under former regulation 19C (4) on or after 26 August 2011.*

Legal Implications - None.

Strategic Plan .To be superseded by the Integrated Planning process.

Environment - None.

Precedents - None.

Budget Implications

This report has no implications for the budget.

The integrated planning process does however create the budget as Council is required to review and prioritize projects so that the resources can be provided to reach the plans objectives.

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Officer Comment -

This report is presented to Council to inform Council that the current Strategic Plan will be superseded by the new Integrated Planning process that includes Strategic Community Plans, the Corporate Business Plan and the Asset Management and Workforce Plans.

As per the new regulation 19DB (4) there is no requirement to review the current plan, Councils focus is to be on developing and adopting the Integrated Planning framework.

As stated at the recent finance and strategic planning workshops, development of the Strategic Community Plans (ten year plans) commences with consultation with the

community to have the community identify what their aspirations are. Once the information is collected staff will prepare a report to Council for consideration, including estimated costs, the source of funding and the impacts on future budgets. A draft plan is then adopted and referred back to the community for comment. From the Strategic Community Plans the staff will develop a Corporate Business Plan (covering a minimum of four years, reviewed every two years). The overall Strategic Community Plan covers a ten year period, with the first year forming the budget.

A strategy is in place to review the Dardanup Community Plan that has already been drafted early in 2012, with the Burekup and Eaton Community Plans to be developed in the first half of 2012.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

357/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT Council acknowledges that the current Strategic Plan is not to be reviewed in 2011/12 and will be superseded by the development and adoption of Strategic Community Plans and Corporate Business Plans as required by the Local Government Act (1995) Regulation 19C and 19DA as amended.

CARRIED
10/0

11.1.2 *Title: Draft Dust Local Law 2011*

Reporting Department:	*Executive*
Reporting Officer:	*Ms Cathy Parkinson – Executive Assistant*
Legislation:	*Local Government Act 1995*
File Number:	*LE01 0005*

Background -

At its meeting held 12th October 2011 Council resolved [297/11] as follows:

"THAT Council:

1. In accordance with Section 3.12 of the Local Government Act 1995 approves the advertising of the proposed local law "Shire of Dardanup Dust Control Local Law 2011" in order to seek community comment.

2. *Give a copy of the proposed local law and public notice to the Minister for Local Government.*

3. *After close of the public consultation period, submit to the Council for consideration a report on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4)."*

Legal Implications -

Section 3.12 of the Local Government Act 1995 (the Act) details the procedure to be followed when adopting or amending a local law.

3.12. Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law;

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

***making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

Strategic Plan - None

Environment - None

Precedents - Council has not had a Dust Control Local Law in the past.

Budget Implications - None

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Officer Comment -

A copy of the draft Shire of Dardanup Dust Local Law 2011 is attached (Appendix ORD: 11.1.2).

The state-wide advertising inviting submissions concluded on 8th December 2011.

The Act provides that after the last day for submissions the Council is to consider any submissions received and cause a report of the review to be prepared and considered by the Council.
No submissions were received in response to the public advertising.

Council Role - Legislative

Voting Requirements - Absolutely Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Note that no submissions were received in respect of the Shire of Dardanup Dust Control Local Law 2011; and

2. By Absolute Majority decision of the Council the Shire of Dardanup Dust Control Local Law 2011 be adopted.

FURTHER INFORMATION

Note: Councillors were provided with a copy of this 'Further Information' and an updated copy of the amended draft Local Law (Amended Appendix ORD: 11.1.2) , prior to the Council meeting.

Officer Comment

The Department of Local Government have made comments and suggested amendments to the local law as follows:

Shire of Dardanup Dust Control Local Law 2011

1. Page numbers

It is suggested that the page numbers in the contents and local law should be deleted, since these page numbers may no longer be correct after the local law is published in the *Government Gazette*.

2. Formatting of headings in contents page and content of local law

Part headings should be bold, centralised and not in block print.

E.g.

Part 1 – Preliminary

Schedule headings should be bold, centralised and not in block print.

E.g.

Schedule 1 – Prescribed offences
[Clause 6.3]

3. Defined terms

Defined terms in the local law should be bold, italicised and not include quotation marks. This format should be applied to all definitions, not just those definitions in clause 1.4.

E.g.

Act means…

4. Definition of local government

The Delegated Legislation Committee has recently voiced concerns at the use of the word "Shire" in local laws as a replacement for the term "local government".

The Committee's current position is that "local government" is the correct terminology to be used in local laws, since that is the term used in the *Local Government Act 1995*.

As a result, it is suggested that the Shire remove the definition for ***Shire*** and insert the following definition into clause 1.4:

local government means the Shire of Dardanup;

All other references to the term "Shire" in the local law should then be replaced with the words "local government".

5. Definition of building works

The *Building Act 2011* has recently come into operation. Once fully proclaimed, the Act will govern the issuing of building licences.

It is suggested that the definition for ***building works*** should be checked to ensure it complies with current legislation.

6. Clause 5.2

This clause repeats information that is already covered by sections 5.42 and 5.44 of the *Local Government Act 1995.* It is suggested that this clause be deleted.

7. Clause 5.3

This clause repeats information that is already covered by section 9.10 of the *Local Government Act 1995.* It is suggested that this clause be deleted.

8. Clause 6.1

It is suggested that this clause be reworded to avoid unnecessary repetition:

6.1 Offences
A person who –
(a) fails to comply with a notice issued to them under this local law; or
(b) contravenes any provision of this local law, commits an offence.

9. Clause 6.2

Clause 6.2(b) sets a daily penalty of $1000. This is inconsistent with clause 3.10(2) of the *Local Government Act 1995*, which sets a maximum daily penalty of $500 per day.

It is strongly suggested that the daily penalty be reduced to $500 or less in order to avoid inconsistency with the Act.

10. Minor edits

It is suggested that lower case be used for all instances of "dust management plan", since lower case is used in the definition of the term.

It is also suggested that the Shire should ensure that formatting is consistent throughout the local law.

11. Schedule 1 - Modified penalties

Under clause 9.17(3) of the *Local Government Act 1995*, a modified penalty cannot exceed 10% of the maximum penalty set for that offence.

As the maximum court imposed penalty under this local law is $5000, the maximum modified penalty that can be set for a prescribed offence is $500.

It is strongly suggested that the modified penalties in Schedule 1 should be lowered to $500 or less in order to avoid inconsistency with the *Local Government Act 1995*.

12. Schedule 1 - Format

Prescribed offences are typically listed in a boxed table. The Shire is encouraged to look at other local laws in the *Government Gazette* and use a similar format for Schedule 1.

It is suggested that the Department of Local Government amendments be made and that the local law be adopted.

Council Role - Legislative

Voting Requirements - Absolutely Majority.

Discussion:

Chief Executive Officer, Mr Mark Chester referred Councillors to the late submission from the Department of Local Government regarding the proposed Dust Local Law. This information was supplied in the "Further Information" papers along with a copy of the amended proposed dust local law.

Mr Chester asked Council if they were happy to consider the item now or if they would like to postpone making a decision regarding the adoption of the local law until a later meeting. The Department of Local Government had been contacted and had advised that the amendments did not significantly differ from the original proposed local law.

Councillors considered the new information and as the advice from the Department of Local Government was that the amendments were of a minor nature and did not significantly change the original proposed local law, they were happy to adopt the amended local law.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

358/11 MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT Council:

1. Receive the submission received from the Department of Local Government in respect of the Shire of Dardanup Dust Control Local Law 2011.

2. By Absolute Majority decision of the Council the Shire of Dardanup Dust Control Local Law 2011 be adopted inclusive of the following amendments:

i) Page numbers – Delete the page numbers in the contents listing.

ii) Amend formatting of headings in contents page and content of local law to be bold, centralised and not in block print.

iii) Amend Defined terms be formatted to be bold and italicised.

iv) Definition of local government – remove the definition for 'Shire'; and insert definition into clause 1.4 'local government means the Shire of Dardanup'. Replace the word 'Shire' throughout the local law to read 'local government'.

v) Definition of building work be amended to read 'building work means building works in respect of which a building licence is required under the *Building Act 2011*'.

vi) Clause 5.2 be deleted as it is already covered by sections 5.42 and 5.44 of the *Local Government Act 1995.*

vii) Clause 5.3 be deleted as it repeats information already covered by section 9.10 of the *Local Government Act 1995.*

viii) Clause 6.1 be reworded to read:

> **6.1 Offences**
> A person who –
> (a) fails to comply with a notice issued to them under this local law; or
> (b) contravenes any provision of this local law, commits an offence.

ix) Clause 6.2(b) penalty of $1,000 be reduced to $500 to avoid inconsistency with Claus 3.10(2) of the Local Government Act 1995.

x) lower case be used for all instances of "dust management plan".

xi) Schedule 1 - Modified penalties in Schedule 1 be lowered to $500 to avoid inconsistency with the Local Government Act 1995.

xii) Schedule 1 – prescribed offences to be listed in a boxed table format.

xiii) Replace the year 2011 in the title of the local law with 2012 to read "*Shire of Dardanup Dust Control Local Law 2012*".

CARRIED
10/0
By Absolute Majority

11.1.3 *Title: Renewal of Lease – Lot 55 Ferguson Road Dardanup – Recreation Club Rooms*

Reporting Department:	*Executive*
Reporting Officer:	*Mrs Cathy Parkinson – Executive Assistant*
Legislation:	*Local Government Act 1995*
File Number:	*LE11 0016 – A2638*

Background -

In accordance with its lease with Council, the Dardanup Sporting and Community Clubs Inc would like to take up of the option to extend the lease of the clubrooms at Lot 55 Ferguson Road, Dardanup by a further five (5) years.

Legal Implications -

Leasing of Council property falls under Section 3.58 of the Local Government Act "Disposing of Property".

3.58. Disposing of property

(1) In this section —

***dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Strategic Plan -

This lease extension meets the objectives of the Strategic Plan as outlined in the "Sporting & Recreation Facilities" objective. This reads *"To provide facilities for the community that encourage and develop an active and healthy lifestyle."*.

Environment - None.

Precedents - This lease has been in place since 2002 and 2007.

Budget Implications -

The Dardanup Sporting and Community Clubs Inc. has been paying an annual lease fee of $10.00 per annum for the past 10 years.

Budget – Whole of Life Cost – None.

Council Policy Compliance - None

Officer Comment -

As required under the Local Government Act 1995 S3.58, public notice was made advising of the Shire's intention to renew the lease, the purpose of the lease and the rental value. The public notice also invited submissions to be made by the 2nd December 2011. No submissions were received.

The lease document has been amended to reflect the WALGA proforma lease document and includes the following groups as members of the Dardanup Sporting and Community Clubs Inc:

- Dardanup Basketball Association
- Dardanup Tennis Club
- Dardanup Cricket Club
- SW Veteran Car Club
- Dardanup Royals Soccer Club
- South West Rose Group
- Dardanup Bull and Barrel Festival Committee

The lease requires the lessee to not unreasonably withhold access to the premises to community groups. As the lease is between the Shire and the Dardanup Sporting and Community Clubs Inc. it is up to the Dardanup Sporting and Community Clubs Inc. to make arrangements in relation to access to the premises and grounds. Clubs and groups have the option to approach the Dardanup Sporting and Community Clubs Inc. to become members if they so choose.

There have been no submissions received regarding the lease of the club rooms located on the recreation reserve. It is recommended that the lease be renewed for a further five years.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

359/11 MOVED - Cr. B G Day SECONDED - Cr. P A Bass

THAT Council:

1. **Approve the lease of clubrooms at Lot 55 Ferguson Road Dardanup to the Dardanup Sporting and Community Clubs Inc. for a further five years at an annual fee of $10.00.**

2. **Authorise the Chief Executive Officer and Shire President to execute the new lease.**

CARRIED
10/0

11.1.4 *Title: Renewal of Lease – Reserve 37231 Lot 5352 Vera Place, Dardanup West (S Gann)*

Reporting Department:	*Executive*
Reporting Officer:	*Mrs Cathy Parkinson – Executive Assistant*
Legislation:	*Local Government Act 1995*
File Number:	*LE11 0003 – A7365*

Background -

In accordance with its lease with Council, Mr S Gann would like to take up the option to extend the lease of Lot 5352 Vera Place, Dardanup by a further three (3) years. Previously, the lease has been renewed on an annual basis.

Legal Implications -

Leasing of Council property falls under Section 3.58 of the Local Government Act "Disposing of Property".

3.58. Disposing of property

(1) In this section —

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Strategic Plan - None.

Environment - None.

Precedents -

This lease has been in place since 2002 and has been renewed annually since then.

Budget Implications -

Mr Gann has been paying an annual lease fee equivalent to the minimum rate set by Council for the 8.3824ha property each year.

Budget – Whole of Life Cost – None.

Council Policy Compliance - None

Officer Comment -

As required under the Local Government Act 1995 S3.58, public notice was given advising of the Shire's intention to renew the lease, the purpose of the lease, and the rental value. The public notice also invited submissions to be made by the 2nd December 2011. No submissions were received.

The lease document has been amended to reflect the WALGA proforma lease document.

There have been no submissions received regarding the lease of the property and therefore it is recommended that the lease be renewed and increased to a period of three years.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

360/11 MOVED - Cr. B A Murfit SECONDED - Cr. P A Bass

THAT Council:

1. **Approve the extension of the lease to Mr Steven Gann for Reserve 37231 - Lot 5352 Vera Place, Dardanup West; for a period of three years, with the lease fee being the value of rates due.**

2. **Authorise the Chief Executive Officer and Shire President to execute the new lease.**

CARRIED
10/0

11.1.5 *Title: Renewal of Sub Lease – Northern Section Reserve 39158 – Eaton Town Soccer Club*

Reporting Department:	*Executive*
Reporting Officer:	*Mrs Cathy Parkinson – Executive Assistant*
Legislation:	*Local Government Act 1995*
File Number:	*LE11 0020 – A7375*

Background -

In accordance with its lease with Council, the Eaton Town Soccer Club would like to take up of the option to extend the sub-lease of the northern end of Reserve 39158 for soccer training, development and home games during 2012. The period of the sub-lease is for one year.

Legal Implications -

Leasing of Council property falls under Section 3.58 of the Local Government Act "Disposing of Property".

3.58. Disposing of property

(1) In this section —

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Strategic Plan -

This sub-lease extension meets the objectives of the Strategic Plan as outlined in the "Sporting & Recreation Facilities" objective. This reads *"To provide facilities for the community that encourage and develop an active and healthy lifestyle."*.

Environment - None.

Precedents -

This sub-lease has been in place since 2007 and has been renewed annually.

Budget Implications -

The Eaton Town Soccer Club do not pay any fees for the use of the reserve.

Budget – Whole of Life Cost – None.

Council Policy Compliance - None

Officer Comment -

As required under the Local Government Act 1995 S3.58, public notice was made advising of the Shire's intention to renew the lease, the purpose of the lease, and the rental value. The public notice also invited submissions to be made by the 8th December 2011. No submissions were received.

The sub-lease document has been amended to reflect the WALGA proforma lease document

There have been no submissions received regarding the sub-lease of the northern end of Glenhuon recreation reserve. It is recommended that the sub-lease be renewed for a further one year.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

361/11 MOVED - Cr. P A Bass SECONDED - Cr. P Robinson

THAT Council:

1. **Approve the sub-lease of the northern section of Reserve 39158 Glenhuon Reserve, for restricted use, to the Eaton Town Soccer Club for a further year.**

2. **Authorise the Chief Executive Officer and Shire President to execute the new sub-lease.**

CARRIED
10/0

11.1.6 *Title: Margaret River Fire Appeal*

Reporting Department:	*Executive*
Reporting Officer:	*Mr Mark L Chester –Chief Executive Officer*
Legislation:	*Local Government Act 1995*
File Number:	*GF08 0001*

Background -

The WALGA have issued a media release regarding the Margaret River Fire Appeal:

> *"Individuals and organisations wishing to assist those impacted by the Margaret River bushfires are urged to donate through the Lord Mayor's Distress Relief Fund (LMDRF).*
>
> *The State emergency fund has been activated to coordinate donations to support victims of the bushfires which have destroyed more than 25 homes and property in the Margaret River area.*
>
> *WA Local Government Association President Mayor Troy Pickard urged those interested in assisting to donate funds through the LMDRFs dedicated appeal account at BankWest or the City of Perth.*
>
> *"These devastating bushfires have affected the entire Margaret River community, and many West Australians are asking how they can help," Mayor Pickard said.*
>
> *"The best way to assist victims of this catastrophic event is to donate to the relief fund."*

Donations to the Margaret River Fire appeal established by the Lord Mayor's Distress Relief Fund can be made:

- *Via BankWest's Appeal account BSB 306-089, account 287738-4*
- *In person at any BankWest branch or agency*
- *In person at the City of Perth's customer service counter at Council House in the city*
- *Via credit card in calling the City of Perth on 9461 3333*
- *By mail to Margaret River Fire Appeal, care of the City of Perth, GPO Box C120, PERTH 6839.*

Mayor Pickard said victims would require immediate support with more than 70 individuals currently in emergency accommodation or relocation centres.

Perth Lord Mayor Lisa Scaffidi said she was shocked by the sudden and devastating impact of the fire and extensive loss and damage to property.

"Most people would be shocked by news of the fire and through the LMDRF they can help those people who are suffering now and who face a big job in rebuilding or cleaning up after the fires are extinguished," Ms Scaffidi said.

"The LMDRF is run by an independent board and all the money goes to victims, with donations of $2.00 and above being tax deductible.

"The appeal is set up in a way that allows assistance to be dispensed rapidly."

For latest updates and warnings on bushfires, please go to the FESA website at www.fesa.wa.gov.au/alerts or phone the bushfire information line on 1300 657 209.

Ends"

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents -

Council have made donations in the past:

- 11/02/2009 – Resolution 19/09; $10,000 to the Red Cross for the Victorian Bush Fire Appeal.
- 09/02/2011 – Resolution 25/11; $2,000 toward the Lord Mayor's Bush Fire Appeal for the Roleystone Fires.
- 09/02/2011 – Resolution 25/11; $2,000 toward the Carnarvon Flood Appeal.

Budget Implications -

There is a sum of $5,900 that is unallocated in the Donations and Grants fund.

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Officer Comment -

Council have donated funds toward disaster relief funds in the past. As this is a local Council it would be appropriate to donate to the Margaret River Bush Fire Appeal.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

362/11 MOVED - Cr. J Lee SECONDED - Cr. M T Bennett

THAT Council donates $5,000 toward the Lord Mayor's Distress Relief Fund toward those impacted by the Margaret River bushfires.

CARRIED
7/3

11.1.7 *Title: Ferguson Valley Marketing & Promotions Inc – Shire Representative*

Reporting Department:	*Executive*
Reporting Officer:	*Mr Mark L Chester – Chief Executive Officer*
Legislation:	*Local Government Act 1995*
File Number:	*CC02 0008*

Background -

The Ferguson Valley Marketing and Promotions Inc. [FVMP] have written to Council requesting that Council nominate a Shire representative to the group.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents -

Council have previously had a Shire representative on this group.

Budget Implications - None.

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Officer Comment -

Cr. John Gardiner was previously the Shire representative for the FVMP, but has now been elected board member and deputy Chairman of the group. The FVMP now request that the Shire nominate a Councillor for this position.

The group meets on the second Tuesday of each month from 7.30pm to 9.30pm. There is a business networking night held on the third Wednesday of each month from 6.30pm to 7.30pm.

Cr. M T Bennett was previously the deputy Chairman position of the FVMP that has now been filled by Cr. Gardiner. It has been suggested that Cr. M T Bennett be nominated as the Shire representative.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

Discussion:

Cr. P A Bass nominated Cr. M T Bennett. As there were no further nominations put forward, the Shire President put the resolution.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

363/11 MOVED - Cr. P A Bass SECONDED - Cr. J Lee

THAT Council nominate Cr. M T Bennett as the Shire representative on the Ferguson Valley Marketing and Promotion Inc.

CARRIED
10/0

11.2 MANAGER TECHNICAL SERVICES REPORT

11.2.1 Title: Petition – Upgrades at Hunter Park (D Penny)

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Luke Botica – Manager Technical Services*
Legislation:	*Local Government Act 1995*
File Number:	*A9742*

Background

A petition has been received from a Millbridge resident requesting Council consideration for a children's playground and toilet facilities at Hunter Park. There are 72 signatures on the petition. A copy of the petition is provided in the agenda (Appendix ORD: 11.2.1).

The petition is presented here to Council for consideration.

Legal Implications – None.

Strategic Plan

The Shire's Building Asset Management Plan lists two separate toilet facilities for Millbridge, with the first scheduled in 2013-2014 and the second in 2019-2020. It should be noted that details for the location of the toilet facilities has not been determined at this stage and cost estimates are for planning purposes only. The cost and timing could vary subject to final location, design and available funds.

The Parks & Reserves Asset Management Plan does not list any further improvements to Hunter Park. It should be noted that Hunter Park was developed (at a considerable expense) by the Estate developer and consists of high specification landscaping. The park does not include a playground; however, the layout does have provision for the installation of a small playground should it be deemed necessary.

Environment - None.

Precedents - None.

Budget Implications

The Building Asset Management Plan lists a cost of $209,017 for the design and construction of a toilet facility in 2013-2014. This is a general estimate which includes an assumption for connection to services. The cost and timing could vary subject to final location, design and available funds.

The cost of a playground depends on the size, style and materials used in the playground equipment, as well as any earthworks and infrastructure required to

facilitate its installation and functionality (e.g. pathway extensions, retaining walls etc).

The layout of Hunter Park does have provision for a small playground. Shire staff have sought quotations for a "spider web" type playground which would suit the available space. Such equipment is quoted at $20,500 excluding GST.

Budget – Whole of Life Cost

The addition of toilet facilities at the park will incur ongoing costs associated with service provision and usage such as water, sewer and electricity; general maintenance, upkeep and repairs; and the future renewal of the facility when it has reached the end of its serviceable life.

Similarly, playground facilities also have ongoing costs, through regular inspection, maintenance and repairs and renewal at the end of its serviceable life.

Council Policy Compliance - None.

Officer Comment

It should be noted that the provision of toilet facilities at Millbridge is already addressed in the Shire's Strategic Financial Plan and Building Asset Management Plan. The Council will need to determine a suitable location for the facilities. The petition would suggest that there is significant support for it to be located in Hunter Park – however, it is suggested that further research into a suitable location be carried out in future, as the petition may not be representative of the views of the Estate overall.

Millbridge has several playground facilities situated throughout the estate that were installed by the developer as part of the development of public open space. There are playgrounds currently at the following locations:

1. Cadell Park (on Swan Avenue).
2. POS adjoining Gascoyne Circle (part of Millars Creek POS)
3. POS accessed from Greenough Place (part of Millars Creek POS)
4. POS adjoining Torrens Loop (part of Millars Creek POS)

Playgrounds listed in items 1 to 3 above are situated on the west side of Millars Creek and the playground listed in item 4 is on the east side.

It is suggested that the provision of a playground in Hunter Park be referred to the review of the Parks & Reserves Asset Management Plan. A draft of the revised Parks & Reserves Asset Management Plan will be presented to Council in early 2012. It should be noted that the timing of any further improvements at Hunter Park may be delayed due to other parks and reserves requiring attention. For example, there are public open spaces in Parkridge which are not developed or consist of minimal improvements.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

364/11 MOVED - Cr. C N Boyce SECONDED - Cr. L Davies

THAT Council advises D Penny that:

1. **The need for toilet facilities at Millbridge has been identified in the Shire's Strategic Financial Plan and is currently scheduled for 2013-2014; however, the timing may vary subject to cost and the availability of funds.**

2. **The provision of playground facilities at Hunter Park will be referred to the annual review of the Strategic Financial Plan for further consideration prior to the adoption of the 2012/13 budget.**

CARRIED
10/0

11.2.2 *Title: Petition – Casuarina Street (E Spry)*

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Luke Botica – Manager Technical Services*
Legislation:	*Local Government Act 1995*
File Number:	*RD010104*

Background

A petition has been received from a resident of Casuarina Street requesting Council to address their concerns regarding the speed of vehicles on Casuarina Street. There are 39 signatures on the petition. A copy of the petition is provided in the agenda (Appendix ORD: 11.2.2).

The petition suggests that Council investigate the use of traffic calming devices such as speed humps at strategic locations along the road. A traffic counter was placed on the road from the 11th of October 2011 to the 1st of November 2011 by Shire staff to obtain current traffic statistics. The statistics will assist the Council in examining the situation on Casuarina Street and is referred to in this report.
The petition is presented here to Council for consideration.

Legal Implications

Casuarina Street is a local street which does not have a posted listed limit. Due to it being within a built up area, the default speed limit of 50km/h is applicable. Any vehicles travelling beyond 50km/h are therefore speeding and can be infringed by the Police.

Strategic Plan

Casuarina Street is listed in the Road Asset Management Plan (Road ID 104). There are no plans to alter the alignment, configuration or any other aspect of the road in the Road Asset Management Plan. The road was resurfaced approximately three years ago.

A pathway exists on the eastern verge for the full length of the road and a section also exists on the eastern verge between Diadem Street and Hale Street. There are no plans to further upgrade the pathway in the Pathway Asset Management Plan.

Environment - None.

Precedents

The Shire has had similar requests from the public regarding excessive speed. Approximately two years ago, the Council investigated the option of installing three speed humps along Lofthouse Avenue, which were to be funded to two-thirds of the total cost via the Anti-Hoon Program (Main Roads WA administered). The Council resolved not to proceed with the project due to public objection regarding the location of the devices.

Budget Implications

Estimations for the installation of speed humps have not been determined due to the location of such devices being unknown at this stage. It is however expected that each device could cost in the vicinity of $6000 to $8000 including purchase and installation. It should be noted that speed humps need to be illuminated and thus will need to be positioned next to street lighting. If street lighting needs to be upgraded, then this cost will need to be included as well.

Budget – Whole of Life Cost

The proposal has no effect on the long term management of the road network.

Council Policy Compliance - None.

Officer Comment

The following comments are made in regards to Casuarina Street:

- Casuarina Street is a low volume connector street which is asphalt sealed and kerbed. The width is 8.5 metres between kerbs and is 680 metres long. Casuarina Street connects Hamilton Road (local distributor) to Hale Street

(connector) and provides local access to Belvedere Crescent, Austin Street, Scott Street and Diadem Street (west and east). Eaton Primary School is located along the section between Diadem Street and Hale Street.

- The default speed limit of 50km/h is applicable to Casuarina Street.

- A traffic classifier was placed on Casuarina Street from the 11th of October 2011 to the 1st of November 2011. The details of traffic flows are as follows:

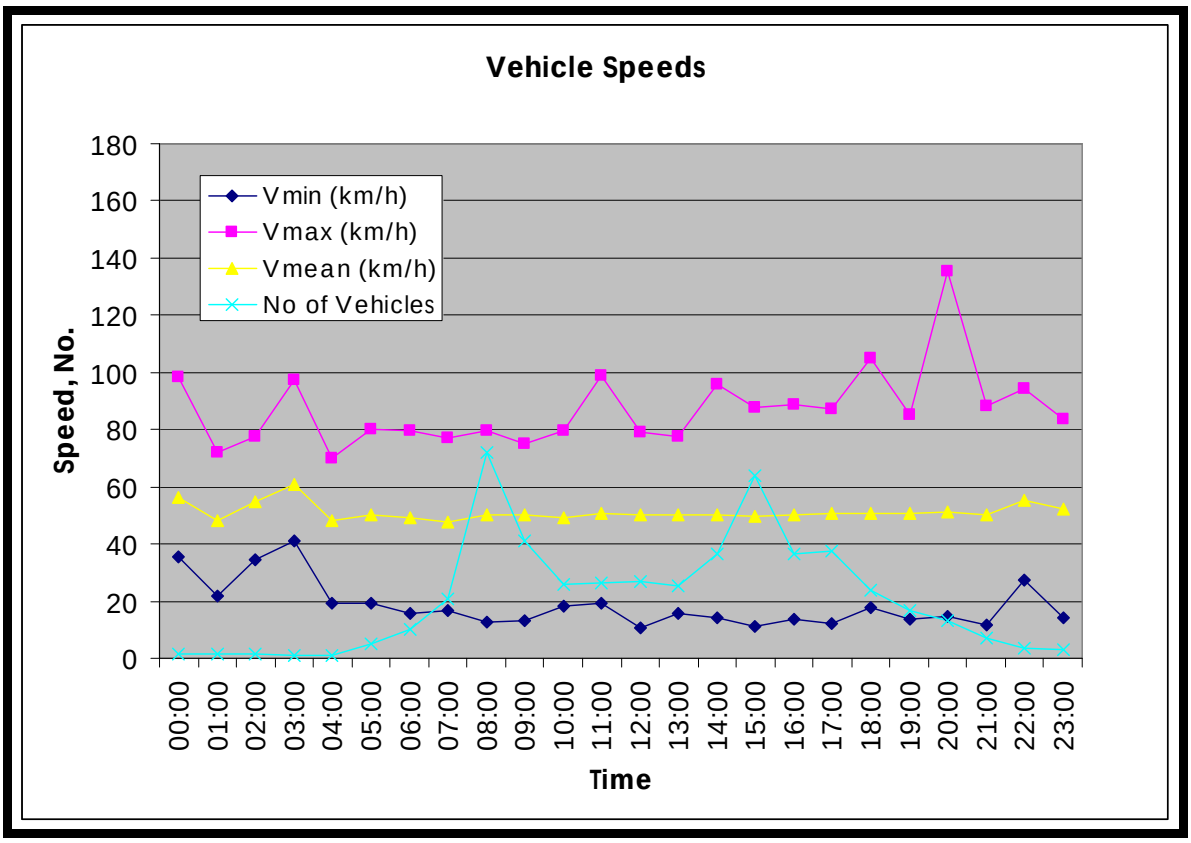
Austroads Class*	Average Vehicles Per Day**
Class 1 (2 axles, 1 or 2 groups - car, van, wagon, 4wd, utility, motorcycle)	477
Class 2 (3 to 5 axles, 3 groups – towing trailer, caravan, boat)	10
Class 3 (2 axles, 2 groups – two axle truck or bus)	14
Class 4 (3 axles, 2 groups – three axle truck or bus)	(3.4 vehicles per week)
Class 5 (4 axles, 2 groups – four axle truck	(1.7 vehicles per week)
Class 6 to 8 (up to 5 axles, 5 groups – articulated truck)	(3 vehicles per week)
Total	502

* *No class 9 to 12 vehicles recorded, all recorded vehicles are as-of-right*
** *7 day, 24 hour average*

- The average daily vehicle speed for the period was 50.2 km/h.
- The maximum daily speed ranged from 70 km/h to 130 km/h (virtual week).
- The 85th percentile vehicle speed was 58.7 km/h.
- The maximum vehicle speed recorded was 135.4 km/h.
- From a total of 10,455 vehicles recorded:

Vehicle Speeds	No.	%
Over 50 km/h	5,700	54.5
Over 60 km/h	1,240	11.9
Over 70 km/h	194	1.9
Over 80 km/h	32	0.3
Over 90 km/h	10	0.1
Over 100 km/h	3	-
Over 110 km/h	1	-

- One vehicle was recorded at over 130 km/h.
- The following table shows the hourly maximum and mean speed distributions (for a virtual day) on Casuarina Street.



- The traffic counts do indicate that there is a significant portion of vehicles driving over the speed limit of 50 km/h on Casuarina Street (54.5%).

- There are no unique characteristics or features on Casuarina Street that may attract hoon activity or excessive speed apart from the fact that the road is 680 metres in length and relatively straight. It should be noted that the problem of excessive speed may not be unique to Casuarina Street and may be one that is general to most roads in the area. It is planned to undertake a review of available traffic data of selected streets in Eaton to determine whether such incidences of excessive speed are specific to certain streets or areas, or whether it is a general driver behaviour issue that needs to be targeted, and not necessarily related to particular streets. This work is planned to be undertaken in 2012.

Due to the difficulties associated with locating and installing speed humps, and due to there being no funds available specifically for the works, it is suggested that the matter be raised with the Police, requesting them to increase surveillance along the road. It is suggested that a traffic counter be placed on the street following a surveillance period to determine whether it has had an impact on driver behaviour.

It should be noted that past cases indicate that there is normally general public support for traffic calming devices, but opposition generally occurs when details of locations are determined and individual properties are impacted on. The retro-fitting of traffic calming devices is therefore difficult as it will undoubtedly, impact on existing properties. The Technical Services staff generally insist on traffic calming devices in new subdivisions (at design stage) when a potential problem is identified – in such cases, the devices are incorporated in the design and layout of the subdivision and constructed prior to residential land titles being created.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

365/11 MOVED - Cr. D Harris SECONDED - Cr. P A Bass

THAT Council refers the matter of excessive vehicle speeds on Casuarina Street to the Police in the first instance, and revisits the issue following a period of Police surveillance.

CARRIED
10/0

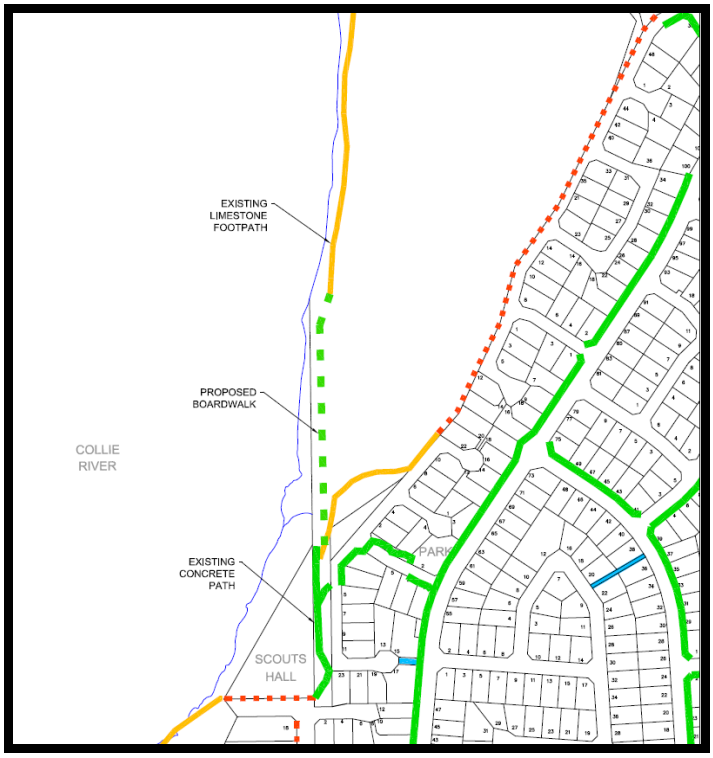
11.2.3 *Title: Collie River Boardwalk Project (Parkridge Section)*

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Luke Botica – Manager Technical Services*
Legislation:	*Local Government Act 1995*
File Number:	*GR030029*

Background

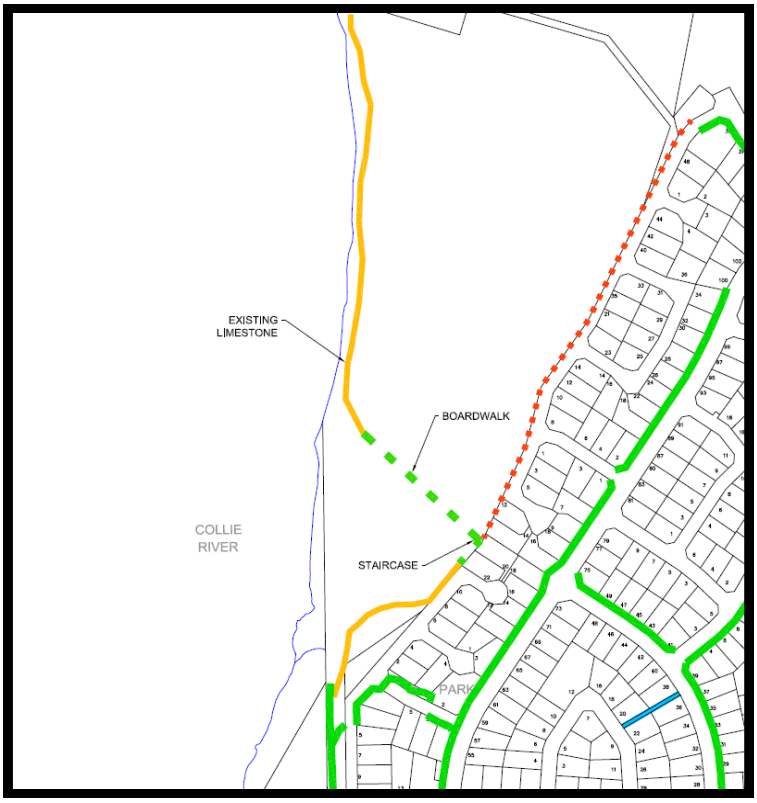
In 2010-2011, the Council was notified of its success in obtaining grant funding from Lotterywest for the construction of a boardwalk along the Collie River in Parkridge. Although, the project was approved by Lottery West, the detailed design revealed environmental constraints that have required Shire technical staff to examine alternative alignments and designs. The project was deferred until the issues were resolved. An alternative has been determined and the project is now presented to Council for endorsement.

The original application to the Lottery West Trails Grant Program was for the construction of an 82 metres long, 1.8 metres wide boardwalk to complete a missing link along the river walk trail between the section near the Scout Hall and the section in Parkridge. The project was approved on a dollar-for-dollar basis and the Shire had been offered its full requested amount of $50,000 towards a total project cost of $100,000. The following sketch shows the original alignment for the connection.



The original approved alignment passed through a high quality and densely vegetated section of the river wetland area. However, an assessment of the alignment during project design scoping indicated that the section would be difficult to access for construction including challenges associated with the boardwalk foundation. Although the boardwalk would provide a high quality pathway through the wetland environment, Shire staff believe that the quality of the wetland environment may be put at risk by both the construction activities and public access to the area once the boardwalk is established. Therefore, an alternative alignment has been determined to address the environmental concerns raised.

The new alignment has been shifted further north and consists of a reduced length of boardwalk and increased length of limestone pathway. Due to elevation differences, the pathway will also consist of a stairway and it is not possible to provide disabled access without significant construction works at a high cost and impact on the environment. The following sketch shows the amended alignment.



The preliminary designs have been prepared and have been submitted to Lottery West for approval. An extension of time has also been requested to April 2012 to complete the project, as the current approval expires in December 2011.

In summary, the project consists of:

- 150 metres of pathway in total.
- 25 metres boardwalk, 115 metres of limestone pathway and 10 metres of staircase.
- A staircase of 20 steps connecting an elevation difference of 4 metres.
- The boardwalk consists of a deck width of 1.8 metres and no handrails (not required).
- The limestone pathway consists of cement stabilised limestone to a width of 2 metres.
- The staircase width is 1.8 metres and has handrails on both sides.
- The boardwalk will consist of a galvanised steel frame with a recycled plastic deck.

This project was not included in the 2011-2012 Budget due to the outcome of the assessment of the alignment being unknown at the time of the annual budget deliberations. Therefore, the Council is requested to consider the inclusion of the project into the 2011-2012 Budget.

Legal Implications

If Council decides to proceed with the project, the terms and conditions of the grant must be met in order to receive the grant funds.

Strategic Plan

The river walk trail link is listed in the Shire's Pathway Asset Management Plan (PAMP). It is shown as a timber boardwalk. The alignment shown in the PAMP is indicative only and for planning purposes.

Environment

A number of options were examined by Shire staff. A boardwalk in the proposed location will have the least impact on the environment. The boardwalk will control access through the general area to a single route.

Precedents

There are other similar boardwalks already constructed along the river.

Budget Implications

There is no allocation in the 2011-2012 Budget for the project. However, there is $50,000 held in reserve which was carried forward from previous budgets when the grant application was unsuccessful. Therefore, the following unbudgeted allocation for the 2011-2012 Budget is recommended for adoption:

Expenditure	$100,000
Income	$50,000 – grant funds
	$50,000 – transfer from Reserve
Net Cost to Council	$Nil

It should be noted that the project was estimated at $100,000 for the initial application and preliminary quotes suggest that the project will be within this amount.

A vote by absolute majority is required to proceed as this is unbudgeted expenditure.

Budget – Whole of Life Cost

The structure will require annual routine maintenance and repairs from time to time. If maintained properly, the structure is likely to not need any major refurbishment for 25 years.

Council Policy Compliance - None.

Officer Comment

It is expected that Lottery West will approve the change in scope and extension of time for the project. However, Shire staff are unable to proceed with the project unless it is endorsed by Council and included in the Budget.

The Pathway Asset Management Plan identifies the boardwalk as an important link in the Collie River Walk Trail. The grant provides an opportunity to construct the boardwalk and it is therefore recommended that Council endorse the project and include it in the 2011-2012 Budget.

It should be noted that the project will not provide disabled access along the new section of boardwalk and pathway due to site and financial constraints. However, an alternative disabled access route will be available in future via a proposed route adjacent to Leicester Ramble.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

366/11 MOVED - Cr. C N Boyce SECONDED - Cr. J Lee

THAT Council includes the Collie River Boardwalk Project (Parkridge Section) in the 2011-2012 Budget, with the following allocations:

Expenditure	**$100,000**
Income	**$50,000 – Lotterywest grant funds** **$50,000 – Transfer from Reserve**
Net Cost to Council	**$Nil**

CARRIED
8/2
By Absolute Majority

11.2.4 *Title: Doral Mineral Sands Pty Ltd - Burekup Project - Incorporating Proposed Road Closures*

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Luke Botica – Manager Technical Services*
Legislation:	*Local Government Act 1995*
File Number:	*TS030014*

Background -

Council has received correspondence dated 23 November 2011 from Doral Mineral Sands Pty Ltd (Appendix ORD: 11.2.4) requesting an extension of the current temporary road closure of O'Connor Road to January 2013.

The current closure is approved until January 2012 and Doral Mineral sands are seeking an extension for a further 12 months. The temporary road closure is required to enable their mineral sand mining operations at Burekup.

The matter is hereby presented to Council for deliberation.

Legal Implications

Any non-permanent road closures need to be in accordance with Section 3.50 of the Local Government Act 1995, which states:

Closing certain thoroughfares to vehicles
3.50. *(1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.*

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

(3) The order cannot be made to have effect beyond one year after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Traffic Board constituted under the Road Traffic Act 1974 a copy of the contents of the notice required by subsection (4) (a).

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

(7) This section does not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.

(8) If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

Strategic Plan - *None.*

Environment - *None.*

Precedents

O'Connor Road is currently closed to all traffic. This extension of time would allow for the completion of mining operations and enable re-establishment of O'Connor Road. Any further request for extension would need to return to Council for deliberation.

Budget Implications

Advertising costs of approximately $400 will be sourced from the Public Advertising account in the Budget, reimbursed by the applicant.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment -

Section 3.50 of the Local Government Act 1995 requires proposals for a road closure continuation to be advertised for public comment, and through this process the Council will be able to determine whether the continuation will have an adverse effect on property owners, business operators and road users.

It is suggested that the proposed extension be advertised in the South Western Times for a period of three weeks to seek public comment and obtain feedback. As per Section 3.50(5) of the Local Government Act 1995, the Commissioner of Main Roads will need to be sent a copy of the contents of the notice.

There being no objections to the closure following advertising, it is suggested that the closures proceed by order under Section 3.50 of the Local Government Act 1995.

Council Role - Quasi Judicial

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

367/11 MOVED - Cr. P A Bass SECONDED - Cr. P Robinson

THAT:

1. **Council authorise the Chief Executive Officer to seek public comment on the proposal to extend the closure of the thoroughfare on O'Connor Road to January 2013 by advertising the proposal in accordance with Section 3.50 of the Local Government Act 1995.**

2. **If objections are received the matter together with all submissions is reported back to Council for further consideration and final deliberation.**

3. If no objections are received Council authorizes the Chief Executive officer to order the continued closure of O'Connor Road until January 2013.

4. The applicant to pay all advertising costs.

CARRIED
10/0

11.2.5 *Title: Request for Hard Cricket Wicket on Glen Huon Oval (Eaton Cricket Club)*

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Luke Botica – Manager Technical Services*
Legislation:	*Local Government Act 1995*
File Number:	*TS150009, CC020018*

Background

Correspondence has been received from the Eaton Cricket Club (the "Club") requesting a number of items to be addressed in response to the proposed renovation works and subsequent oval downtime at the Eaton Oval. Majority of the requests in the correspondence can be addressed at officer level; however, the Club has requested consideration of their proposal to establish a hard wicket at the Glen Huon Oval. The construction of a hard wicket is a significant addition to the Glen Huon Oval, which is not identified in the Eaton Sports Facilities Master Plan adopted by Council, and will therefore need to be considered by Council.

The Club originally requested Council approval for a hard wicket at Glen Huon Oval in August 2010. The initial request was rejected by Shire staff due to the Eaton Sports Facilities Master Plan being undertaken at the time and the Club was encouraged to participate in the consultation process in regards to the future of the Glen Huon Reserve.

The Club's proposal is to install the hard wicket between the current football oval and the soccer pitches. The Club has indicated that they are able to install the wicket at no cost to Council and have also stated that they have the support of both the Eaton Boomers Football Club and the Eaton Community College (Appendix ORD: 11.2.5).

Legal Implications

The oval is a reserve vested in the Shire of Dardanup. There are currently lease agreements for the use of the oval with Eaton Boomers Football Club, Eaton Soccer Club and Eaton Softball Association. There is also an agreement between the Shire and the Eaton Community College for the use of the oval by the school.

If Council decided to allow the installation of a hard wicket on the Glen Huon Oval, an agreement would need to be established between the Shire and the Eaton Cricket Club. This agreement may impact on the agreements with the other sporting clubs – for example, the Eaton Boomers Football Club would need to remove the northern football goal posts at the end of the football season to allow cricket to be played.

The Cricket Club will also require access to the Softball Clubrooms for toilet facilities.

Strategic Plan

The Eaton Sports Facilities Master Plan was adopted by Council on 27 July 2011 [240/11]. The Master Plan does not identify the establishment of a hard wicket at Glen Huon Oval.

Council's ultimate vision for the Glen Huon Oval is to create a community park. This will require the relocation of the Eaton Boomers Football Club and other users from the oval. The active recreation portion of the reserve would be reduced to a size suitable for use by the College and the remainder the reserve would be developed into passive recreation. The redevelopment of the reserve to a community park would only occur once alternative sporting grounds are developed, whether it is an existing and/or new reserve.

Environment - None.

Precedents - None.

Budget Implications

The Club have indicated that the hard wicket can be constructed at no cost to the Council.

Budget – Whole of Life Cost

If a hard wicket is constructed, it is suggested that the oval usage agreement with the Club clearly stipulates that the hard wicket is their responsibility to maintain and repair.

Council Policy Compliance - None

Officer Comment

It is planned to commence works at the Eaton Oval in March 2012 and tenders have recently been called for the various outsourced components of the project. The project will require an oval downtime of two years to enable the establishment of the turf playing surface. During this time, the current users will need to relocate to other venues and the Council has formally requested the users to make alternative arrangements.

As part of the planned works, the existing hard and turf wickets will be removed to allow the project to proceed. Both the hard and turf wickets will be replaced and all tenderers have been made aware of the need to accommodate the reinstatement of

the wickets as part of their works. The reinstatement of the wickets, will be organized by the Shire in consultation (and potentially some assistance) with the Club. Shire staff have also had contact with the curator of the Western Australian Cricket Association (WACA) to discuss the development of the new turf wicket. The exact timing of the wicket replacement will be determined once the successful tenderer is awarded the contract and full details for the delivery of the project are finalised.

The proposed location for the hard wicket on Glen Huon Oval is between the existing football oval and soccer pitches. The inclusion of a hard wicket on the Glen Huon Oval will increase the wear and tear on the oval. It should be noted that the Glen Huon Oval is also affected by poor irrigation water and therefore the condition and recovery of the playing surface can be difficult, and any increased use of the oval will have an impact on the quality of the surface.

The construction of a hard wicket on Glen Huon Oval may assist in providing an alternative venue for cricket while the Eaton Oval is developed. However, it is suspected that the wickets would not be removed following the reinstatement of Eaton Oval, particularly if the College is assisting financially towards its installation.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority

Discussion:

Cr. D Harris moved the officer recommended resolution.

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION

MOVED - Cr. D Harris SECONDED - Cr. C N Boyce

THAT Council Suspend Standing Orders so that they could hear from representatives of the Cricket Club [5.03pm].

CARRIED
10/0

COUNCIL RESOLUTION

MOVED - Cr. C N Boyce SECONDED - Cr. D Harris

THAT Council Resume Standing Orders [5.06pm]. All those present prior to the adjournment were present following the adjournment.

CARRIED
10/0

RESUMPTION OF STANDING ORDERS

FORESHADOWED MOTION

Cr. C N Boyce foreshadowed a motion should the first resolution be lost.

The foreshadowed motion is to defer making a decision on the Eaton Cricket Club proposal to install a hard wicket on the Glen Huon Reserve to give time to select a site for the hard wicket area on the Glen Huon Reserve. If at the completion of planning of the reserve and the hard wicket does not fit there, then the Cricket Club is to give a written undertaking that the wicket will be removed.

Discussion:

Council discussed the location of the pitch on the reserve and the need for the recreation planning processes to be finalised before making decisions with regard to the reserve.

Shire President, Cr. J E Gardiner put the resolution.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

MOTION LOST MOVED - Cr. D Harris SECONDED - Cr. C N Boyce

THAT Council rejects the proposal from the Eaton Cricket Club to install a hard wicket on the Glen Huon Reserve and advises the Club that the proposal is not in accordance with the Eaton Sports Facilities Master Plan and is not part of the Council's strategic vision for the Reserve.

LOST
0/10

Note: As the previous recommended resolution was lost, the foreshadowed motion by Cr. C N Boyce was put as follows:

COUNCIL RESOLUTION

368/11 MOVED - Cr. C N Boyce SECONDED - Cr. D Harris

THAT Council:

1. Defer making a decision on the Eaton Cricket Club proposal to install a hard wicket on the Glen Huon Reserve to give time to select a possible site on the Glen Huon Reserve.

2. Advise the Cricket Club if a decision to install a hard wicket on the Glen Huon Reserve is made, that the Club will be requested to give a written undertaking that they will remove the wicket if it is found at the completion of planning for the Reserve, that the wicket does not fit there.

CARRIED
10/0

11.2.6 *Title: River Valley Primary School Footpath, Burekup*

Reporting Department:	*Technical Services*
Reporting Officer:	*Mr Craig Browne – Engineering Technical Officer - Operations*
Legislation:	*Local Government Act 1995*
File Number:	*A9007: RDO10011*

Background

In 2009, the Shire partially completed a pathway along Shenton Road from O'Meara Drive to 10 Shenton Road (Appendix ORD: 11.2.6). Shire staff are now seeking Council endorsement for the completion of the remainder of the pathway and its inclusion into the 2011/2012 budget.
This pathway was previously halted to accommodate school extension work. The extension work is now complete and with school holidays commencing on the 15th December 2011, an optimum time has been presented to install the pathway. Therefore the matter is referred to Council.

Legal Implications

A meeting was held with the School Principal on the 1st August 2011 to discuss details of the project and all parties agreed to the project and its delivery. Follow up correspondence via written letter was sent to the River Valley Primary School on 19th September 2011.

Residents are also concerned that the lack of footpath adjacent to property 10 Shenton Road, forces children on bicycles out on to the road in order to access the school

Strategic Plan

The new pathway will be an extension of an existing pathway as identified in the Shires Pathway Asset Management Plan and will connect directly to the School access and pathway along Russell Road.

Environment

Removal of two trees is required to allow for the paths alignment. With future upgrade of the adjacent car park planned, this alignment has the least environmental impact while being the most practical for future development.

Research confirms that the trees in question are not native to the area. One of the trees may pose a safety threat in future as it leans precariously towards the schools newest building.

Precedents - None

Budget Implications

The cost of the works is estimated at $14 250 plus GST for installation of the footpath and gravel sheeting of the car park:

Length of pathway = 82 metres	
Tree removal	$ 2,250 + GST
Install Footpath and Earthworks	$ 8,000 + GST
Gravel Sheeting of car park area	$ 4,000 + GST
TOTAL	**$14,250 +GST**

Unspent funds from the 2009/2010 project were transferred to the Road maintenance Reserve, as per Council policy and can be accessed to complete the project.

Budget – Whole of Life Cost

The completion of this pathway will increase the overall pathway network. This will incur future costs associated with its maintenance, renewal and any repairs.

Council Policy Compliance - None

Officer Comment

Child safety is of concern both in transit to and from school and amongst vehicular traffic when arriving at school. The footpath will connect an existing path to the school, keeping cyclists off the road during busy periods of school drop off and pick-up.

The footpath will also delineate the car park, reducing confusion for both pedestrian and driver while both using the same area

Gravel sheeting the car park may also serve well to address current drainage issues associated with the area.

Council Role - Executive / Strategic

Voting Requirements - Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

369/11 MOVED - Cr. B A Murfit SECONDED - Cr. B G Day

THAT Council:

1. **Approves the completion of the Shenton Road pathway in the 2011/2012 budget.**

2. **The following allocation is included in the 2011/2012 budget.**

Expenditure :	**$15,000**
Income :	**$15,000 (from reserve)**
Net cost to Council :	**Nil**

CARRIED
10/0
By Absolute Majority

11.3 MANAGER PLANNING SERVICES REPORT

11.3.1 *Title: Excision and Amalgamation of Portion of Lot 504 (Council Drive)*

Reporting Department:	*Planning Services*
Reporting Officer:	*Mr Robert Quinn – Manager Planning Services*
Legislation:	*Land Administration Act 1997* *Planning and Development Act 2005* *Transfer of Land Act 1893*
File Number:	*A7375*

Background -

A request has been received from Citygate Properties Pty Ltd to purchase a portion of lot 504 Council Drive (Appendix ORD: 11.3.1A) Lot 504 is a reserve for the purpose of access and is under the management of the Shire of Dardanup. The purchase of this portion of lot 504 will enable the future expansion of Eaton Fair.

In order for this purchase to occur 3,528m^2 will be required to be excised from lot 504 and amalgamated into either lot 502 or 503. The purchase price and all costs will be at the expense of Citygate Properties Pty Ltd. This land transfer will be undertaken by the Department of Regional Development and Lands. The Shire receives no funds from the sale of the land.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost – None.

Council Policy Compliance - None.

Officer Comment

The portion of land being requested to be purchased has a segment of a roundabout located upon it and associated splitter islands and signs. This roundabout will be removed as part of the Eaton Fair redevelopment, however, in the interim period the Shire road infrastructure will need to be maintained. To provide protection of the roundabout infrastructure a right of way over 272m^2 of the 3,528m^2 portion is recommended. The portion with a the right of way is shown as "A" on (Appendix ORD: 11.3.1B) .

As roundabouts are controlled by MRWA input will be need from them regarding the splitter islands and approach signs. It is suggested that MRWA approval is made a condition of Council's endorsement for this proposal.

Council has previously supported future expansion of Eaton Fair which detailed development over this section land, there is no reason not to support this request.

Council Role - Advocacy.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

370/11 MOVED - Cr. M T Bennett SECONDED - Cr. P A Bass

THAT Council advise the Department of Regional Development and Lands that it supports the excision and amalgamation of 3,528m^2 shown as lot 600 on sketch A1 dated 3/11/11 into lot 503 or 502 subject to the following:

1. **Proposal is to the satisfaction of MRWA in regard to roundabout infrastructure.**

2. **Right of Carriageway in favour of the Shire of Dardanup is located on the 272m^2 of the proposed excised lot in accordance with sketch A1 dated 3/11/11.**

CARRIED
10/0

11.4 TOWN PLANNING OFFICER REPORT

11.4.1 *Title: Development Application – Construction of 3 Leachate Ponds – Lot 2 Banksia Road, Crooked Brook (Transpacific Waste Management Pty Ltd for Kingscape Holdings Pty Ltd)*

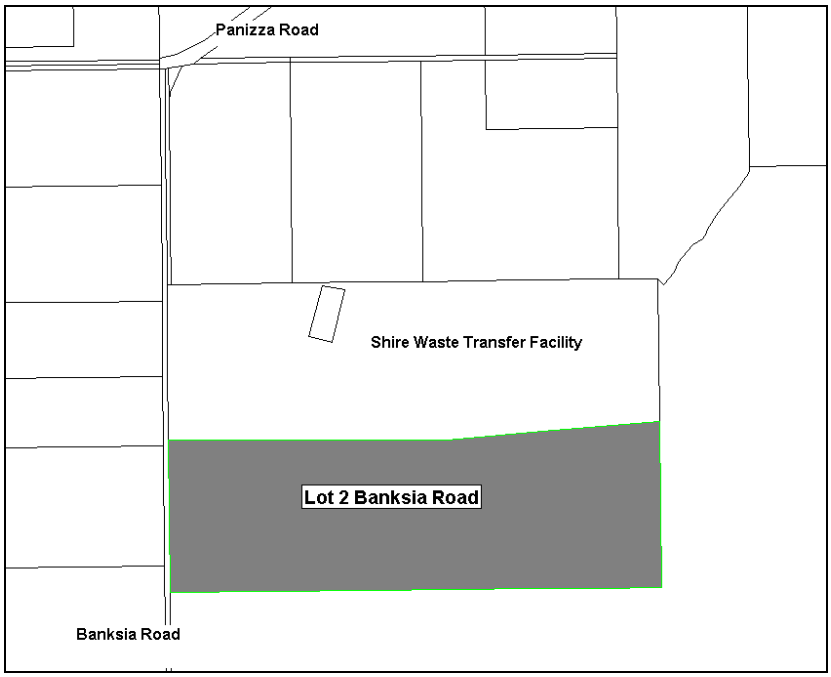
Reporting Department: *Planning Services*
Reporting Officer: *Mr Jake Whistler – Planning Officer*
Legislation: *Planning and Development Act 2005*
File Number: *A8241*

Background -

Location:	Lot 2 Banksia Road, Crooked Brook
Town Planning Scheme No.:	3
Zoning:	General Farming
Area:	121.6 Hectares
Slope:	Negligible
Improvements:	Land Fill Site
Previous Approvals:	Approved Land Fill Site

Lot 2 Banksia Road Landfill site is a class 3 putrescible landfill site operated by Transpacific Waste (trading as South West Waste). Currently, Lot 2 Banksia Road has 2 leachate ponds that support its land filling operations.

Site Plan



Legal Implications -

Appeal rights exist under the Planning and Development Act 2005

Strategic Plan - None

Environment - None

Precedents - The subject site currently has 2 approved leachate ponds.

Budget Implications - None

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Officer Comment -

- Proposal

  Transpacific Waste Management Pty Ltd proposes to construct new leachate ponds to service its existing and future landfill cells.

  The proponent has applied for the construction of 3 leachate ponds that will support its proposed expanding land fill operations. In conjunction with the proposed construction of the 3 leachate ponds, 1 existing leachate pond is proposed to be closed.

  Each of the proposed leachate ponds will have a capacity of 8,500m³.
  The proponent is required to obtain a works approval from the Department of Environment and Conservation (DEC).

- Town Planning Scheme No. 3

  The use of Lot 2 Banksia Road as a landfill site was originally assessed by officers as a 'use not listed' and was refused by Council in 1999. However, the application was approved by the State Administrative Tribunal in October 1999.

  Clause 2.4.2 of TPS No. 3 states that;

  > *'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –*
  >
  > *(a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.'*

  On the basis that the landfill site is an approved use and the current proposal of the construction of 3 leachate ponds is consistent with the sites current use,

it is considered by officers that the objective of TPS No. 3 clause 2.4.2(a) is met and therefore the proposed development should be permitted.

- Department of Environment and Conservation

  Council has little involvement in the operation of the site as the DEC controls the operation of the site in terms of waste accepted, pollution and any other potential environmental impact through its Works Approval process. In essence, Planning Approval is required as a formality.

- Conclusion

  The proposal is for the construction of 3 leachate ponds which officers consider to be ancillary to the existing land fill operations approved for the subject site. All environmental impacts will be controlled by the Works Approval issued by the DEC. It is recommended that the application be granted conditional Planning Approval.

Council Role - Quasi - Judicial

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

371/11 MOVED - Cr. M T Bennett SECONDED - Cr. P A Bass

THAT Council approve the application for Planning Consent dated 26 October 2011 for the construction of three (3) leachate ponds at Lot 2 Banksia Road, Crooked Brook, subject to the following conditions:

1. **All development shall generally be in accordance with the approved development plans which form part of this Development Approval.**

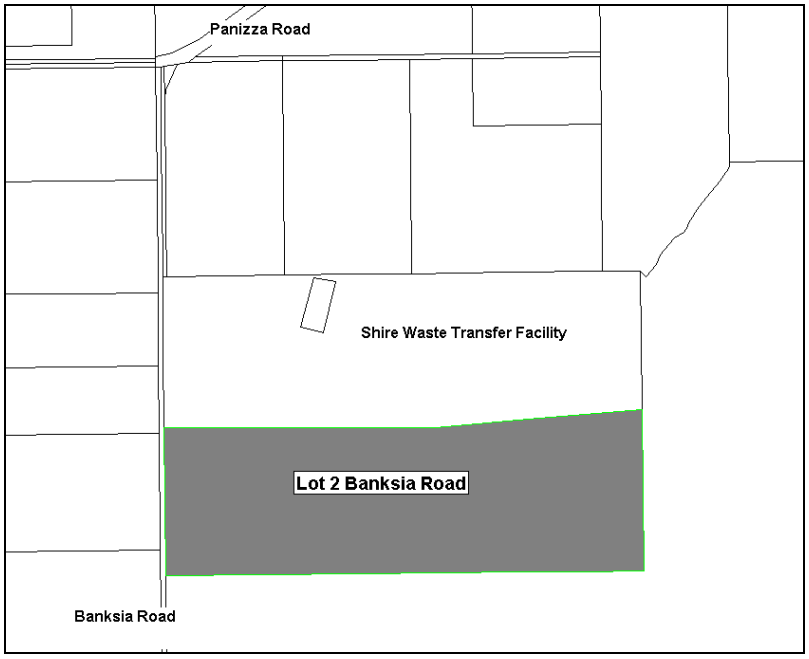
2. **The development approved shall be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).**

CARRIED
10/0

11.4.2 *Title: Development Application – Construction of a Residue Disposal Cell – Lot 2 Banksia Road, Crooked Brook (Transpacific Waste Management Pty Ltd for Kingscape Holdings Pty Ltd)*

Reporting Department: *Planning Services*
Reporting Officer: *Mr Jake Whistler – Planning Officer*
Legislation: *Planning and Development Act 2005*
File Number: *A8241*

Site Plan



Background -

Location:	Lot 2 Banksia Road, Crooked Brook
Town Planning Scheme No.:	3
Zoning:	General Farming
Area:	121.6 Hectares
Slope:	Negligible
Improvements:	Land Fill Site
Previous Approvals:	Approved Land Fill Site

Lot 2 Banksia Road Landfill site is a class 3 putrescible landfill site operated by Transpacific Waste (trading as South West Waste). Currently, Lot 2 Banksia Road has 5 landfill cells, 2 of which are inactive and ready for rehabilitation.

Legal Implications -

Appeal rights exist under the Planning and Development Act 2005.

Strategic Plan - None.

Environment - None.

Precedents -

At the 15 December 2010 meeting, Council approved the construction of a fifth Landfill Cell at the subject property.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment -

- Proposal

  Transpacific Waste Management Pty Ltd has entered into an agreement with Cristal Global's Millennium Inorganic Chemicals (MIC) to construct and operate a disposal cell for their process residue from their Kemerton and Australind processing plants at Lot 2 Banksia Road, Crooked Brook.

  The residue disposal cell is proposed to have a volume of 350,000m³ providing for approximately 5 years of residue capacity. The cell will be lined to prevent leachate entering the groundwater system. The drainage from the residue will be directed to a collection pond and then pumped to a tank for gravity reloading into the road tankers for return to MIC's Kemerton plant.

  The proponent is required to obtain a Works Approval from the Department of Environment and Conservation (DEC) for the proposed construction and use of a residue disposal cell.

- Town Planning Scheme No. 3

  The use of Lot 2 Banksia Road as a landfill site was originally assessed by officers as a 'use not listed' and was refused by Council in 1999. However, the application was approved by the State Administrative Tribunal in October 1999.

  Clause 2.4.2 of TPS No. 3 states that;

  > *'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –*
  >
  > *(a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.'*

On the basis that the landfill site is an approved use and the current proposal of a residue disposal cell is consistent with the sites current use, it is considered by officers that the objective of TPS No. 3 clause 2.4.2(a) is met and therefore the proposed development should be permitted.

- Department of Environment and Conservation

  Council has little involvement in the operation of the site as the DEC controls the operation of the site in terms of waste accepted, pollution and any other potential environmental impact through its Works Approval process. In essence, Planning Approval is required as a formality.

- Conclusion

  The proposal is for the construction and use of a residue disposal cell at Lot 2 Banksia Road, which is consistent with its current approved use. All environmental impacts will be controlled by the Works Approval issued by the DEC. It is recommended that the application be granted conditional Planning Approval.

Council Role - Quasi - Judicial

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

372/11 MOVED - Cr. M T Bennett SECONDED - Cr. B A Murfit

THAT Council approve the application for Planning Consent dated 26 October 2011 for the construction and use of a residue disposal cell at Lot 2 Banksia Road, Crooked Brook, subject to the following conditions:

1. **All development shall generally be in accordance with the approved development plans which form part of this Development Approval.**

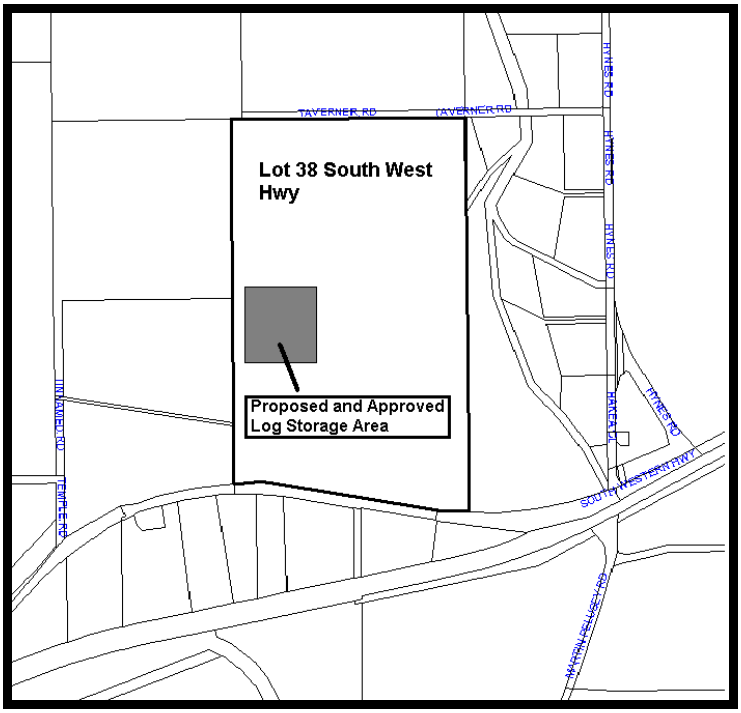
2. **The development approved shall be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).**

CARRIED
10/0

11.4.3 *Title: Application for Planning Consent: Hardstand Area for Temporary Storage of Logs – Lot 38, 14674 South Western Hwy, Picton (Thompson McRobert Edgeloe on behalf of CLPS Pty Ltd)*

Reporting Department:	*Planning Services*
Reporting Officer:	*Mr Jake Whistler – Planning Officer*
Legislation:	*Local Government Act 1995*
File Number:	*A7125*

Site Plan



Background

At the meeting of 22 June 2011, Council resolved to grant Planning Approval to Lot 38, 14674 South Western Hwy for the 'Construction of a Hardstand area for the Temporary Storage of Logs' subject to the following conditions;

1. *All development being generally in accordance with the approved development plans which form part of this Development Approval.*
2. *The development approved is to be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).*

3. *The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.*

4. *The Western Boundary of the proposed hardstand area shall be setback from the Western boundary of Lot 38, 14674 South Western Highway, Waterloo as indicated on the hereby approved plan.*

5. *All stormwater shall be contained within the approved hardstand development area to the satisfaction of the Manager Technical Services.*

6. *Log stacks shall be no more than 100 metres long, shall be no wider than 14 metres and shall be no more than 5 metres in height.*

7. *That 2 x 25,000 m³ tanks or the equivalent of shall be located within the hereby approved development area on Lot 38, 14674 South Western Highway and shall be fitted with the relevant FESA approved fittings and maintained full of water at all times prior to the use of the hereby approved development.*

8. *Transportation of logs to and from Lot 38, 14674 South Western Highway shall not operate outside the hours of 7.00 am and 7.00 pm between and including Monday and Saturday and shall not operate outside the hours of 9.00 am to 5.00 pm on Sundays.*

9. *A noise management plan prepared by a suitably qualified acoustic consultant shall be submitted to the Shire within one month of the hereby approved development being issued to the satisfaction of the Manager Health Services.*

Notes:

a) *A written request may be made for an extension of the term of planning approval at any time prior to the expiry of the approved period (2 years).*

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

c) *With regards to Condition No. 4, the 30 metre separation from the boundary of 14674 allows enough room for a future road to be constructed. This would act as a vegetation/ wetland buffer and be in accordance with Condition 9 of the endorsed Preston Industrial Park (Northern Precinct) Structure Plan and from advice from the Office of the Environmental Protection Authority.*

d) *With regard to the existing office and toilet on 14674 South Western Highway, any future proposed septic systems will require Shire approval prior to installation.*

A further Application for Planning Consent has been received by the Shire of Dardanup on 11 October, 2011 for the 'Construction of a Hardstand Area for the Temporary Storage of Logs' at Lot 38, 14674 South Western Highway with amended operational hours.

The proposed operational hours are 7.00am and 7.00pm Monday to Saturday, inclusive, with no operation outside the hours of 9.00 am to 5.00 pm on Sundays.

In addition to these operating hours, the applicant has proposed periods of 3 – 5 days (dates to be confirmed when known by applicant) where operations take place 24 hours a day. The applicant proposes to notify the Shire at the earliest possible opportunity of the dates.

The applicant has advised that these periods of 24 hour a day operation are to coincide with the arrival of ships at the Bunbury Port and the need to load-out logs from Lot 38 onto the ship within a certain time-frame.

The application was referred to the Department of Environment and Conservation, Department of Water, Water Corporation, Fire and Emergency Services Authority and the Environmental Protection Authority. No objections were received.

The application was also referred to all the residents along Hynes Road who neighbour the proposed development site with 4 objections being received.

The submissions from the Government agencies and the neighbouring residents have been summarized in the schedule of submissions.

Legal Implications

Application for review of Council decision to the State Administrative Tribunal exists.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

The original conditional Planning Approval granted by Council on 22 June 2011 imposed the operating hours (Condition No. 8) of 7.00 am and 7.00 pm between and including Monday and Saturday and shall not operate outside the hours of 9.00 am to 5.00 pm on Sundays.

The current application seeks to amend these approved operating hours by incorporating periods of 3 – 5 days (dates to be confirmed when known by applicant) where operations take place 24 hours a day.

Shire officers have reported that the applicant has already commenced a period of operation outside the permitted operational hours stated in the conditional Planning Approval (Condition No. 8) granted by Council on 22 June 2011. During this period (18 September 2011 to 21 September 2011) several noise complaints were made via

telephone directly to the Manager Health Services from residents along Hynes Road. According to Shire records, 4 written complaints were also lodged regarding noise pollution.

The above mentioned complaints were made prior to this applicant submitting the new application with the amended operational hours. This applicant submitted the application with the knowledge that nearby residents located along Hynes Road had made formal complaints regarding the noise emissions from Lot 38.

The applicant has proposed the following noise management methods;

- Use of flashing safety lights rather than safety beepers on all machinery;
- Position logs in a way that the last row (row closest to dwellings) will be used as a temporary noise buffer to nearby dwellings;
- Arrange yard so that there is less movement required by machinery when loading the trucks with logs; and
- Ensuring the use of machinery is at a minimum during these hours.

Environmental Health Officer Noise Monitoring Comments

A sound monitor was set up inside a local residents home (resident lives on Hynes Rd) from 4 November 2011 to 7 November 2011 by the Shire's Environmental Health Officer to monitor noise levels created from Lot 38 South Western Highway. Below are the comments from the Environmental Health Officer regarding the sound measurement results: -

> *Regarding the noise measurement from the log storage yard which occurred from Friday 4th November 2011 through to Monday 7th November 2011, please note the following:*
>
> *The noise measured from the log storage yard at 2:26am on the morning of Monday 7 November 2011 was in breach of the Environmental Protection (Noise) Regulations 1997. Specifically:*
>
> 1. *The noise contained an impulsive character (i.e. impact noise) which breaches Regulation 7 (b) (ii) of the Environmental Protection (Noise) Regulations 1997.*
> 2. *With a reasonable amount of confidence the noise breached the Decibel limit set in Regulation 8 of the Environmental Protection (Noise) Regulations 1997. The breach is in the order of one decibel over the limit.*
>
> *There were two distinct noises which were most likely:*
> 1. *The sound of log/s being dropped/placed onto a truck (this caused the impulsive noise)*
> 2. *Revving sound from loading machinery (this noise coupled with the impulsive noise brought the noise in breach of Regulation 8).*
>
> *The noise measurements are accurate. However, for technical reasons, they cannot be presented in the court of law. The measurements were conducted for the purpose of*

gauging whether future loading operations on this premises are likely to be in breach of the Environmental Protection (Noise) Regulations 1997.

Town Planning Scheme No. 3

Clause 7.2.4 of the Shire of Dardanup Town Planning Scheme states that;

> *"In making its decision on applications for its special approval the Council shall take into consideration the following matters;*
>
> *(f) The existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury to such amenity including injury due to the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products"*

Given the numerous noise complaints made from residents along Hynes road, both verbal and written, it can be assumed that the operations has caused injury to the amenity of the area and would therefore be in contravention of clause 7.2.4(f).

The comments made from the Shire's Environmental Health Officer regarding the sound monitoring results indicate that the 24 hour a day operation has the potential to breach the 'Environmental Protection (Noise) Regulations 1997' which reinforces the operations potential to contravene clause 7.2.4(f) in terms of noise emission injuring the amenity of the area.

Proposed Noise Mitigation

The noise mitigating measures proposed by the applicant are not considered by Shire officers to be sufficient to significantly reduce the level of noise emissions to a standard that does not breach the 'Environmental Protection (Noise) Regulations 1997' and does not cause injury to the amenity of the neighbourhood. The noise mitigating measures also do not address the dominant noise source being the dropping of logs onto the trucks and the revving sound of the loading machinery.

Conclusion

Shire officers recommend Council refuse planning approval for the 'Development of a Hardstand Area for the Temporary Storage of Logs' on Lot 38 South West Highway, Picton received 11 October, 2011 for the following reasons;

1. Written and verbal complaints have been lodged with the Shire from residents along Hynes Road regarding excessive noise after permitted hours (7.00 am and 7.00 pm between and including Monday and Saturday with no operation outside the hours of 9.00 am to 5.00 pm on Sundays) from the operations on Lot 38 South West Highway, Picton.

2. The Shire's Environmental Health Officer has advised that the operations at Lot 38 South Western Highway, Picton were in breach of the 'Environmental Protection (Noise) Regulations 1997' at the time noise monitoring was

conducted. The breach in the Noise Regulations was due to the noise made from the sound of logs being dropped onto trucks and the revving sound from the loading machinery.

3. The current and potential noise emissions from the operations at Lot 38 South West Highway, Picton, will in the opinion of Shire officers cause injury to the amenity of the neighbourhood which contravenes clause 7.2.4(f) of the Shire of Dardanup Town Planning Scheme No. 3.

4. The noise mitigating measures proposed by the applicant are not considered by Shire officers to be sufficient to significantly reduce the level of noise emissions to a standard that does not breach the 'Environmental Protection (Noise) Regulations 1997' and does not cause injury to the amenity of the neighbourhood.

5. The noise mitigating measures do not adequately address the dominant noise source being the being the dropping of logs onto the trucks and the revving sound of the loading machinery.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION

MOVED - Cr. M T Bennett SECONDED - Cr. L Davies

THAT Council Suspend Standing Orders so that they could hear from Mr J Clarke on behalf of the proponent [5.15pm].

CARRIED
10/0

COUNCIL RESOLUTION

MOVED - Cr. P Robinson SECONDED - Cr. C N Boyce

THAT Council Resume Standing Orders [5.24pm]. All those present prior to the adjournment were present following the adjournment.

CARRIED
10/0

RESUMPTION OF STANDING ORDERS

OFFICER RECOMMENDED RESOLUTION

THAT Council: -

1. Endorse the following schedule of submissions:

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
1.	Main Roads Western Australia PO Box 5010 Bunbury WA 6231	No objection but comment that this process operating in another location dropped unacceptable amounts of bark along various roads. Road clearing was promptly organised by the operators. MRWA hope that any similar issues will be attended to in a similar manner.	Acknowledged.
2.	Department of Water Carol Anderson carol.anderson@water.gov.au	No Comments.	Acknowledged.
3.	Water Corporation Kevin Powell Kevin.powell@watercorporation.com.au	No Objection.	Acknowledged..
4.	Department of Environment and Conservation PO Box 1693 Bunbury WA 6231	No Objections.	Acknowledged.
5.	Fire and Emergency Services Authority Po Box 1288 Bunbury WA 6231	1. Proponent has incorporated the FESA recommendation on the size and layout of the stacks in the application.	Acknowledged.
		2. Site currently has no hydrant service. Advise Council give consideration to whether the provision of a hydrant is required.	Council originally approved the placement of 2 x 25,000 m³ tanks with the relevant fittings under advice from FESA. The provision of a hydrant can be placed as a condition of Planning Approval.
6.	G & H DeCoppi Lot 11 Taverner Rd Waterloo WA 6228	Objection 1. Working heavy machinery on Sundays and through the night will have a negative impact on the area. 2. 3 – 5 day period working 24 hours per day is unacceptable.	 Acknowledged. Noise mitigating measures have been proposed by the applicant. Acknowledged.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
		3. Removal of reversing beepers as proposed by applicant may contravene work-safe regulations.	Contravention of Work-Safe regulations would be dealt with by Work-Safe.
		4. Use of logs as a noise buffer will be ineffective when considering the height of the exhaust on loaders.	Logs are proposed to reduce the amount of noise emitted from the development site.
		5. No drainage on site to contain polluted water. Amount of water entering Millers Creek has increased due to the development of the site causing flooding on our property.	Development Application was referred to the Department of Water. No issues regarding flooding were raised.
		6. No fire management plan for this site.	Fire safety measures were imposed on the original Planning Approval for the site under the recommendation form the Fire and Emergency Services Authority.
7.	T & L Phelps 81 Hynes Rd Waterloo, WA, 6228	Objection 1. Reversing beepers on machinery and the use of the machinery creates noise pollution.	Noise mitigating measures have been proposed by the applicant.
		2. Logs dropping onto trucks created noise pollution.	Acknowledged.
		3. Been living at the residence for 20 years. The zoning behind us was Special Rural. Unaware Council would change the zoning.	The subject land is zoned General Farming under the Shire of Dardanup Town Planning Scheme No. 3.
		4. Concerned approval of this application will set a precedent for other 24 hour, 7 day a week operations.	Acknowledged.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
8.	C & S Hynes 101 Hynes Rd Waterloo, WA, 6228	Objection 1. Working heavy machinery on Sundays and through the night will have a negative impact on the area.	Noise mitigating measures have been proposed by the applicant.
		2. 3 – 5 day period working 24 hours per day is unacceptable.	Acknowledged.
		3. Removal of reversing beepers as proposed by applicant may contravene work-safe regulations.	Contravention of Work-Safe regulations would be dealt with by Work-Safe.
		4. Use of logs as a noise buffer will be ineffective when considering the height of the exhaust on loaders.	Acknowledged. Logs are proposed to reduce the amount of noise emitted from the development site.
		5. No drainage on site to contain polluted water. Amount of water entering Millers Creek has increased due to the development of the site causing flooding on our property.	Development Application was referred to the Department of Water. No issues regarding flooding were raised.
		6. No fire management plan for this site.	Fire safety measures were imposed on the original Planning Approval (June 2011) for the site under the recommendation from the Fire and Emergency Services Authority.
9.	N & R Booth 22 Hands Ave Carey Park, WA, 6230	Objection 1. Noise and Dust control measures should be put into place.	Noise and dust control measures have been proposed by the applicant.
		2. Control of logging route.	Logging truck route is not an issue at this point in time.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
		3. A trial period should be put into place for adjoining property owners to assess potential disruptions.	A period of 24 hour operation (unapproved by Council) has occurred on one occasion which led to the complaint of several nearby property owners along Hynes Rd.
		4. Occupation Safety and Health Act regulations must be complied with at all times.	OS&H issues on the work site are dealt with by Work-Safe.

2. Refuse the Application for Planning Consent dated 11 October 2011 for the 'Development of a Hardstand Area for the Temporary Storage of Logs' on Lot 38 South West Highway, Picton for the following reasons;

   a. Written and verbal complaints have been lodged with the Shire of Dardanup from residents along Hynes Road regarding excessive noise after permitted hours (7.00 am and 7.00 pm between and including Monday and Saturday with no operation outside the hours of 9.00 am to 5.00 pm on Sundays) from the operations on Lot 38 South West Highway, Waterloo.

   b. The Shire's Environmental Health Officer advises that the operations at Lot 38 South Western Highway, Picton were in breach of the 'Environmental Protection (Noise) Regulations 1997' at the time noise monitoring was conducted (4 November 2011 to 7 November 2011). The breach in the Noise Regulations was due to the noise made from the sound of logs being dropped onto trucks and the revving sound from the loading machinery.

   c. The current and potential noise emissions from the operations at Lot 38 South West Highway, Picton will in the opinion of Shire officers cause injury to the amenity of the neighbourhood which contravenes clause 7.2.4(f) of the Shire of Dardanup Town Planning Scheme No. 3.

   d. The noise mitigating measures proposed by the applicant are not considered by Shire officers to be sufficient to significantly reduce the level of noise emissions to a standard that does not breach the

'Environmental Protection (Noise) Regulations 1997' and does not cause injury to the amenity of the neighbourhood

e. The noise mitigating measures do not adequately address the dominant noise source being the dropping of logs onto the trucks and the revving sound of the loading machinery.

Discussion:

Cr. D Harris moved a resolution to support a trial period for the company to operate 24 hours a day with approvals in place to minimise noise problems inclusive of providing noise management plans, noise modelling. The trial would be for two load outs.

Council discussed the proposal at length taking into consideration that this is an industrial area and that there are residents living in the area. It was noted that there was a requirement for the company to give the Shire enough notice of the load out taking place, so that noise monitoring equipment could be put in place to take measurements.

Cr. B G Day raised concern that there would not be enough time for the company to comply with conditions between now and the early January load out that is proposed.

Note: Manager Building Services, Mr Peter Black left the room [5.30pm].

Cr. M T Bennett suggested that if the company had not complied with conditions by the second load out, then they should be shut down.

Cr. P S Robinson pointed out that the proponent had stated that there was a bund in place, however residents state that it is not in place. Cr. P S Robinson felt that the officer recommended resolution to refuse the application should be put.

Note: Manager Building Services, Mr Peter Black returned to the room [5.34pm].

Following further consideration, Shire President, Cr. J E Gardiner put the resolution by Cr. D Harris.

COUNCIL RESOLUTION

373/11 MOVED - Cr. D Harris SECONDED - Cr. B G Day

THAT Council: -

1. Endorse the following schedule of submissions:

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
1.	Main Roads Western Australia PO Box 5010 Bunbury WA 6231	No objection but comment that this process operating in another location dropped unacceptable amounts of bark along various roads. Road clearing was promptly organised by the operators. MRWA hope that any similar issues will be attended to in a similar manner.	Acknowledged.
2.	Department of Water Carol Anderson carol.anderson@water.gov.au	No Comments.	Acknowledged.
3.	Water Corporation Kevin Powell Kevin.powell@watercorporation.com.au	No Objection.	Acknowledged..
4.	Department of Environment and Conservation PO Box 1693 Bunbury WA 6231	No Objections.	Acknowledged.
5.	Fire and Emergency Services Authority Po Box 1288 Bunbury WA 6231	1. Proponent has incorporated the FESA recommendation on the size and layout of the stacks in the application.	Acknowledged.
		2. Site currently has no hydrant service. Advise Council give consideration to whether the provision of a hydrant is required.	Council originally approved the placement of 2 x 25,000 m³ tanks with the relevant fittings under advice from FESA. The provision of a hydrant can be placed as a condition of Planning Approval.
6.	G & H DeCoppi Lot 11 Taverner Rd Waterloo WA 6228	Objection 1. Working heavy machinery on Sundays and through the night will have a negative impact on the area.	Acknowledged. Noise mitigating measures have been proposed by the applicant.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
		2. 3 – 5 day period working 24 hours per day is unacceptable.	Acknowledged.
		3. Removal of reversing beepers as proposed by applicant may contravene work-safe regulations.	Contravention of Work-Safe regulations would be dealt with by Work-Safe.
		4. Use of logs as a noise buffer will be ineffective when considering the height of the exhaust on loaders.	Logs are proposed to reduce the amount of noise emitted from the development site.
		5. No drainage on site to contain polluted water. Amount of water entering Millers Creek has increased due to the development of the site causing flooding on our property.	Development Application was referred to the Department of Water. No issues regarding flooding were raised.
		6. No fire management plan for this site.	Fire safety measures were imposed on the original Planning Approval for the site under the recommendation form the Fire and Emergency Services Authority.
7.	T & L Phelps 81 Hynes Rd Waterloo, WA, 6228	Objection 1. Reversing beepers on machinery and the use of the machinery creates noise pollution.	Noise mitigating measures have been proposed by the applicant.
		2. Logs dropping onto trucks created noise pollution.	Acknowledged.
		3. Been living at the residence for 20 years. The zoning behind us was Special Rural. Unaware Council would change the zoning.	The subject land is zoned General Farming under the Shire of Dardanup Town Planning Scheme No. 3.
		4. Concerned approval of this application will set a precedent for other 24 hour, 7 day a week operations.	Acknowledged.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
8.	C & S Hynes 101 Hynes Rd Waterloo, WA, 6228	Objection 1. Working heavy machinery on Sundays and through the night will have a negative impact on the area.	Noise mitigating measures have been proposed by the applicant.
		2. 3 – 5 day period working 24 hours per day is unacceptable.	Acknowledged.
		3. Removal of reversing beepers as proposed by applicant may contravene work-safe regulations.	Contravention of Work-Safe regulations would be dealt with by Work-Safe.
		4. Use of logs as a noise buffer will be ineffective when considering the height of the exhaust on loaders.	Acknowledged. Logs are proposed to reduce the amount of noise emitted from the development site.
		5. No drainage on site to contain polluted water. Amount of water entering Millers Creek has increased due to the development of the site causing flooding on our property.	Development Application was referred to the Department of Water. No issues regarding flooding were raised.
		6. No fire management plan for this site.	Fire safety measures were imposed on the original Planning Approval (June 2011) for the site under the recommendation from the Fire and Emergency Services Authority.
9.	N & R Booth 22 Hands Ave Carey Park, WA, 6230	Objection 1. Noise and Dust control measures should be put into place.	Noise and dust control measures have been proposed by the applicant.

	NAME & ADDRESS	SUMMARY OF SUBMISSION	OFFICER COMMENTS
		2. Control of logging route.	Logging truck route is not an issue at this point in time.
		3. A trial period should be put into place for adjoining property owners to assess potential disruptions.	A period of 24 hour operation (unapproved by Council) has occurred on one occasion which led to the complaint of several nearby property owners along Hynes Rd.
		4. Occupation Safety and Health Act regulations must be complied with at all times.	OS&H issues on the work site are dealt with by Work-Safe.

2. Grant temporary approval of the Application for Planning Consent dated 11 October 2011 for the 'Development of a Hardstand Area for the Temporary Storage of Logs' on Lot 38 South West Highway, Picton with the following conditions:

a) The approval period is for a trial to operate 24 hours for two load outs only and that the matter then be referred back to Council for further consideration.

b) A Noise Management Plan [inclusive of Noise Modelling] be provided to the Shire by the applicant.

c) The applicant to provide sufficient notice to the Shire of the load out times to give the Shire time to access a noise meter for the measurement of the noise emitted from the load outs.

CARRIED
6/4

11.4.4 *Title: Adoption of Development Guide Plan and Development Application – 25 Aged Persons Units – Lot 151 Recreation Drive, Eaton – Coastline Building Group Pty Ltd (Kevin Blackwood)*

Reporting Department: *Planning Services*
Reporting Officer: *Mr Jake Whistler – Planning Officer*
Legislation: *Local Government Act 1995*
File Number: *A10381*

Background

Lot 151 Recreation Drive was rezoned in May 2007 under Town Planning Scheme No. 3 (TPS3) Amendment No. 140 to a Restricted Use (R9 under TPS3). As a result, Lot 151 is restricted to the use of 'A maximum of 50 Aged Accommodation dwellings (Over 55's)'

The following requirements under the TPS3 Restricted Use Zones apply to Lot 151 Recreation Drive (formally Lot 1);

APPENDIX V – RESTRICTED USE ZONES

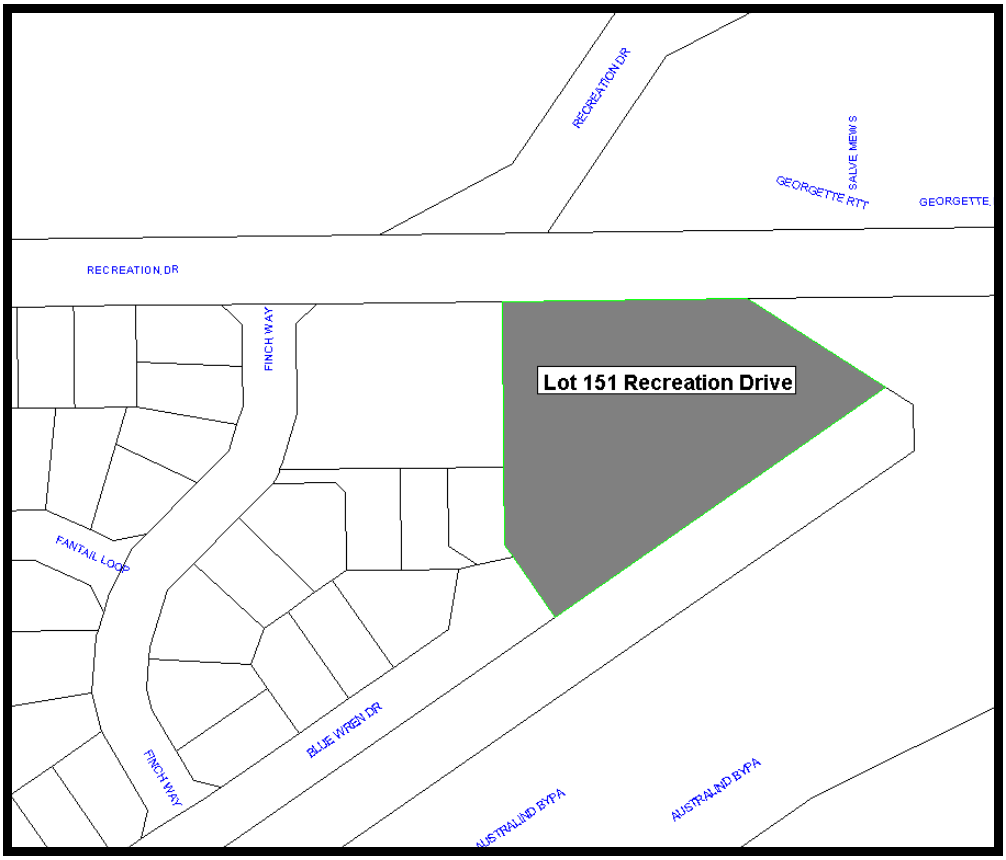
	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
R9	9.	Recreation Drive	Lot 1 Eaton on Diagram 78828	A maximum of 50 aged accommodation dwellings, kitchen and communal dining area and caretaker's residence subject to the following: *a) Prior to the subdivision and/or development of the land, a Development Guide Plan shall be prepared for the land to the satisfaction of, and adoption by, Council and such plan shall include details in respect of, but not limited to, building design, height, bulk, siting and finishes, traffic/pedestrian movement and management, car parking, landscaping and fencing, pavement treatments and control of advertising.* *b) All residents (excluding the caretakers) shall be aged 55 years or over.* *c) Minimum setbacks from external lot boundaries shall be 6 metres (front) and 1.5 metres (sides and rear).* *d) Upon adoption of a Development Guide Plan for the land, any person undertaking the development of the land shall comply with the standards set out within the Development Guide Plan.*

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
				e) The Council may, at the time of development assessment, impose additional criteria and conditions in order to protect the amenity of nearby land and residents. *f) As a condition of its Planning Consent for the land, Council shall require, to its satisfaction, the preparation of an agreement binding the proposed and future owners of the site, to the ongoing maintenance of the adjoining area of public open space.*

As per clause (a) of Restricted Use 9, A Development Guide Plan shall be prepared for the land and adopted by Council.

A Development Guide Plan (Appendix ORD: 11.4.4A) has been submitted by Coastline Building Group Pty Ltd for Lot 151 Recreation Drive, Eaton for Council adoption. An Application for Planning Consent dated 10 October 2011 (Appendix ORD: 11.4.4B) has also been submitted in conjunction with the lodged Development Guide Plan for the construction of 25 Aged Accommodation Units (over 55's) on Lot 151 Recreation Drive, Eaton.

Site Plan -



Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents

A Development Guide Plan (Appendix ORD: 11.4.4A) and an Application for Planning Consent for 30 Aged Dwellings (Over 55's) were previously approved by Council on 3 April 2008 for Lot 151 Recreation Drive, Eaton.

Construction did not commence and the approval has now lapsed.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

- Proposal:

  An Application for Planning Consent has been lodged concurrently with a Development Guide Plan for the Development of 25 single storey Aged Accommodation Units (Over 55's) on Lot 151 Recreation Drive, Eaton.
  The application proposes;

  - Three 3 bedroom units;
  - Twenty two 2 bedroom units;
  - A central communal area;
  - Access provided onto both Recreation Drive and Blue Wren Drive; and
  - 10 visitor parking bays.

- Town Planning Scheme No. 3:

  Lot 151 Recreation Drive has a Restricted Use Zoning which means the subject land can only be developed for the use of 'Aged Accommodation'.

  The proposal for 25 Aged Persons Units (Over 55's) conforms with the TPS3 zoning of the land.

- Conclusion:

  It is Shire officer's recommendation that Council adopt the submitted Development Guide Plan dated 10 October 2011 for Lot 151 Recreation Drive, Eaton and approve the Application for Planning Consent dated 10 October 2011

for the construction of 25 Aged Persons Accommodation (over 55's) for Lot 151 Recreation Drive, Eaton subject to the appropriate conditions

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

374/11 MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT Council: -

1. Adopt the Development Guide Plan (Appendix ORD: 11.4.4A) dated 10 October 2011 for Lot 151 Recreation Drive, Eaton.

2. Approve the Application for Planning Consent dated 10 October 2011 for the construction of 25 Aged Persons Accommodation (over 55's) for Lot 151 Recreation Drive, Eaton subject to the following conditions;

i) All development being generally in accordance with the approved development plans which form part of this Development Approval.

ii) The development approved is to be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).

iii) The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

iv) All stormwater from the building(s) and hardstand area(s) to be contained on site. All drainage to be designed by qualified Engineer and plans to be submitted, together with supporting calculations, to the Shire for approval prior to commencement of construction.

v) External solid boundary fencing shall be installed and treated with anti-graffiti measures with the details of the proposed being provided prior to commencement of construction.

vi) Landscaping and reticulation of the development site and adjoining road verges shall be installed prior to occupying the proposed development in accordance with the approved landscaping plan.

vii) Driveways, accessways and carbays shall be paved, drained and marked to the Shire's specifications in accordance with approved plan and Appendix IIA of Town Planning Scheme No. 3.

viii) A lighting plan shall be designed to the relevant standards and submitted to the Shire prior to commencement of construction of the hereby approved development.

ix) Pathways within the development shall be constructed and drained at the owners cost prior to occupation of the hereby approved development.

x) A Dust Management Plan shall be prepared and submitted for approval by the Shire prior to any works being undertaken on site and the approved Dust Management Plan shall be implemented.

xi) At least one permanent occupant of the Aged or Dependent person's dwelling(s) is to be either a person over the age of 55 or dependent person as defined by the Residential Design Codes, or the surviving spouse of such aged or dependent person.

xii) A Waste Management Plan shall be submitted detailing proposed waste receptacle locations and waste disposal vehicle access prior to construction of the hereby approved development.

xiii) The hereby approved development shall not have direct access to adjoining Lot 152 Recreation Drive, Eaton (Public Open Space).

Notes:

1. A written request may be made for an extension of the term of planning approval at any time prior to the expiry of the approval period (2 years).

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

use or development subject of the planning approval.

3. **With regard to Condition No. vii), a provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1 – 2001.**

4. **With regard to Condition No. xi), aged person's units should possess features which serve the special needs of aged or dependent persons. This includes features such as wider doorways and passageways to accommodate wheelchairs, power points and light switches at waist level, hand-rails in bathrooms and toilets, roofed car parking spaces and slip resistant floors for kitchens, laundries, bathrooms and toilets, as described in the Australian Standard for Adaptable Housing (AS 4299).**

5. **With regard to Condition No. xii), the Waste Management Plan shall show a bin enclosure with sufficient storage for waste and recycling containers for all units, demonstrate sufficient area for presentation of bins and sufficient area for a collection vehicle. Plan should show the bin storage area being adequately screened and drained.**

6. **Approved development shall comply with the relevant Health (Sewerage Lighting and Ventilation) Regulations and comply with the Shire of Dardanup's Health Local Laws component on bathrooms, laundries and toilets.**

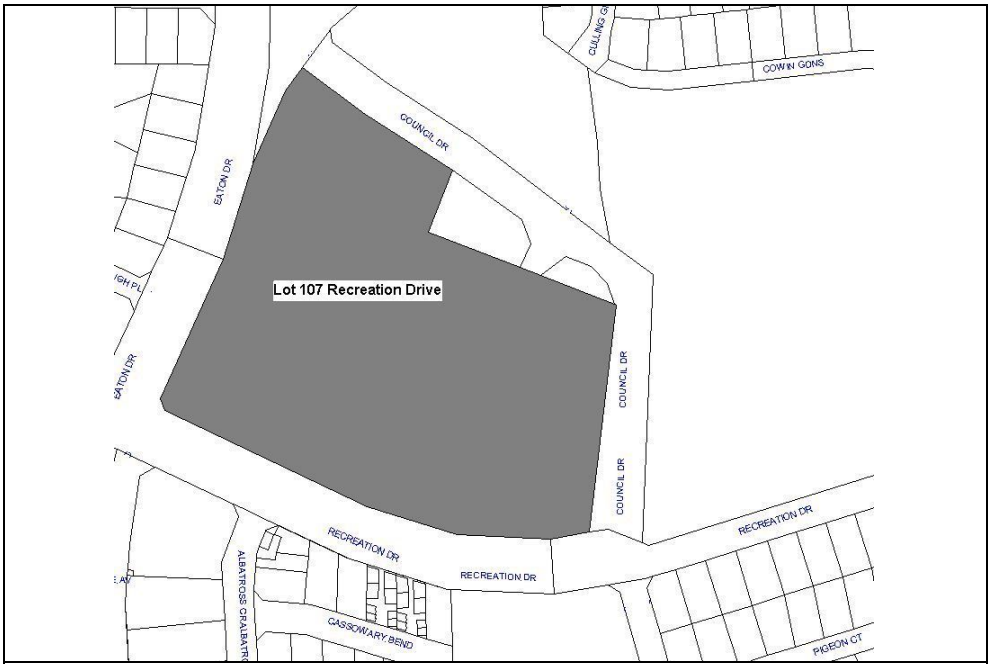
7. **A building License will be required.**

CARRIED
10/0

11.4.5 *Title: Adoption of Revised Eaton Town Centre Structure Plan (Planning Solutions Acting on behalf of Citygate Properties Pty Ltd)*

Reporting Department:	*Planning Services*
Reporting Officer:	*Mr Jake Whistler – Planning Officer*
Legislation:	*Local Government Act 1995* *Planning and Development Act 2005*
File Number:	*PL160006*

Site Plan -



Background

On 19 August 2011, the Western Australian Planning Commission (WAPC) resolved to approve the Revised Eaton Town Centre Structure Plan (Appendix ORD: 11.4.5A) for Lot 107 Recreation Drive, Portion of Reserve 39158 Council Drive and a Portion of Recreation Drive Road Reserve produced by 'Planning Solutions' on behalf of 'Citygate Properties Pty Ltd'.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents - None

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

The WAPC endorsed the Revised Eaton Town Centre Structure Plan on 19 August, 2011.

During the approval process the parking adjacent to Council Drive detailed as 'note 16' on the Structure Plan was modified. The proponent has requested confirmation from Council that this parking layout modification is acceptable. Shire officers consider this modification an internal management issue and does not create any significant planning issues.

Clause 3.15.7.19 of the Shire of Dardanup Town Planning Scheme No. 3 states;

> *'As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the Council is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to –*
>
> *(a) the proponent;*
>
> *(b) the Commission; and*
>
> *(c) any other appropriate person or public authority which the Council thinks fit.*

Officers therefore recommend that Council adopt the revised Eaton Town Centre Structure Plan for Lot 107 Recreation Drive, Portion of Reserve 39158 Council Drive and a Portion of Recreation Drive Road Reserve produced by 'Planning Solutions' on behalf of 'Citygate Properties Pty Ltd'.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

375/11 MOVED - Cr. M T Bennett SECONDED - Cr. P A Bass

THAT Council: -

1. Adopts the proposed Eaton Town Centre Structure Plan dated 26 October 2011 in accordance with Clause 3.15.7.19 of Town Planning Scheme No. 3.

2. Forwards a copy of the endorsed Eaton Town Centre Structure Plan to the Western Australian Planning Commission, in accordance with Clause 3.15.7.19 of Town Planning Scheme No. 3.

3. Advise the proponent that the proposed Eaton Town Centre Structure Plan dated 26 October 2011 has been endorsed by the Western Australian Planning Commission in accordance with Clause 3.15.7.14 and has been adopted by Council in accordance with Clause 3.15.7.19 of Town Planning Scheme No. 3.

4. Advise Citygate Properties Pty Ltd that Council support the modification as detailed in 'Note 16' on the proposed Eaton Town Centre Structure Plan.

CARRIED
10/0

11.4.6 *Title: Proposed Amendment to Town Planning Scheme No. 3 (A173) – Lot 5 Garvey Road, Dardanup West. (Edge Planning and Property on behalf of Vantage Land – D. & P. Harris)*

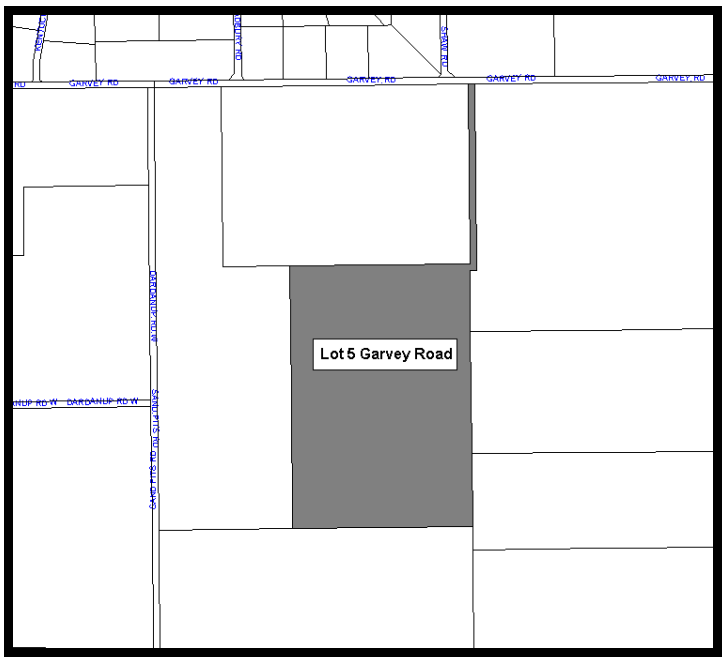
Reporting Department:	*Planning Services*
Reporting Officer:	*Mr Jake Whistler – Planning Officer*
Legislation:	*Planning and Development Act 2005* *Town Planning Regulations 1967*
File Number:	*PL113173*

DECLARATION OF INTEREST
Cr. D Harris declared a Financial Interest in this item as he is the property owner of Lot 5 Garvey Road. Cr. D Harris left the room [5.48pm].

Background

Location:	Lot 5 Garvey Road, Dardanup West
Town Planning Scheme No.:	3
Zoning:	General Farming
Area:	Approx. 44.2 Ha
Slope:	Flat
Improvements:	Nil

Site Plan



Lot 5 Garvey Road is approximately 44.2 hectares in area and currently zoned "General Farming". The land is currently used for mainly grazing purposes.

The proposal is to rezone Lot 5 Garvey Road, Dardanup West from "General Farming" zone to "Small Holding" zone and amending the scheme map.

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents

Council has previously initiated several amendments in the Dardanup West/Crooked Brook Structure Plan area.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

This site is contained within the Council endorsed Dardanup West/Crooked Brook Structure Plan ("the Plan") area, therefore, the rezoning has a strategic planning basis. This amendment is one of several in the Plan area, and therefore the existing generic 'Subdivision and Development Criteria' and 'Land use Controls' under 'Area

14' of Town Planning Scheme No. 3 (TPS3) Small Holding – Additional Requirements will be used.

One modification to the 'Subdivision and Development Criteria' of 'Area 14' has been proposed and has been outlined in the officer recommended resolution.

Greater Bunbury Region Scheme (GBRS)

Lot 5 Garvey Road is zoned "Rural" under the GBRS and does not adjoin any reserved lands. As such, further assessment against the GBRS is not required.

Conclusion

As the lot is contained within the Plan area, there are no planning reasons why this proposed amendment should not be supported. It is the officer's recommendation that Council resolve to amend the Shire of Dardanup Town Planning Scheme No. 3 via amendment 173.

Council Role – Quasi-Judicial.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No. 173 to Town Planning Scheme No. 3 to insert the following provisions in Appendix VIII of the Shire of Dardanup Town Planning Scheme No. 3:

   Under the heading "Area" and under the subheading "Area No. 14 – Dardanup West/ Crooked Brook Structure Plan" add

   "Lot 5 Garvey Road, Dardanup West".

   And

   Rezone Lot 5 Garvey Road, Dardanup West from "General Farming" zone to "Small Holding" zone and amending the Scheme Map.

   And

   In Appendix VIII "Additional Requirements – Small Holding Zones", delete provision 1(a) and add the following:

   "The minimum lot size shall be 1 hectare, with an average of 2 hectares unless varied through the adopted Subdivision Guide Plan. Larger lots may be required to

preserve or enhance landscape qualities or other site specific issues."

2. Advertise Amendment No. 173 to Town Planning Scheme No. 3 in accordance with Town Planning Regulation 15.

3. Advise the proponent that:

   a) Formal amendment documents (5 copies) shall be prepared to the satisfaction of the Chief Executive Officer.

   b) Nothing herein shall constrain Council's discretion to require modifications to the amendment documentation following advertising of the amendment.

   c) Any required environmental assessment and all advertising costs in regard to the amendment are to be met by the proponent.

   d) A fee of $4,120 is required to be lodged on submission of the documentation, and at the completion of the Amendment, an invoice will be forwarded to recover any additional Council administration costs in accordance with the Town Planning (Local Government Planning Fees) Regulations 2000 or unexpended funds will be refunded.

Discussion:

Cr. B G Day asked why there was not a Subdivision Guide Plan with the application provided to Council.

Manager Planning Services, Mr Robert Quinn advised that the applicant had provided the plan, however it was an administrative oversight that the plan had not been provided to Councillors.

Note: Planning Officer, Mr Jake Whistler left the room [5.51pm].

Cr. B G Day moved a resolution defer making a decision on this proposal until Council have had the opportunity to see the Subdivision Guide Plan.

COUNCIL RESOLUTION

376/11 MOVED - Cr. B G Day SECONDED - Cr. J Lee

THAT this item be deferred until the Structure Plan can be presented to Council.

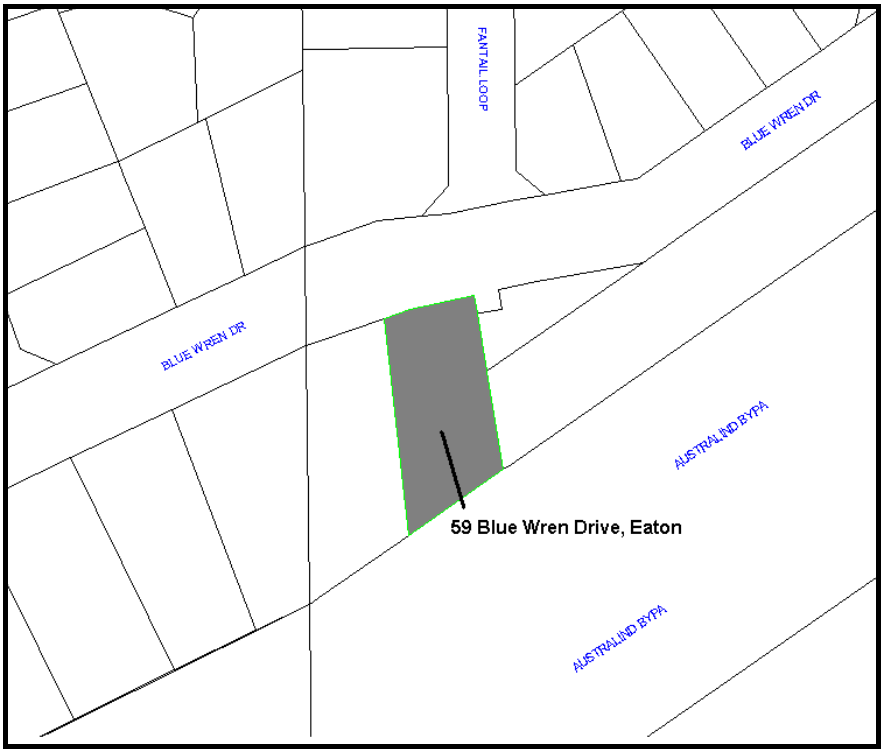
CARRIED
9/0

Note: Cr. D Harris returned to the room [5.54pm].

11.4.7 *Title: Development Application – Outbuilding Within Landscape Buffer – 59 (Lot 113) Blue Wren Drive, Eaton – D. De Beaux*

Reporting Department:	*Planning Services*
Reporting Officer:	*Mr Jake Whistler – Planning Officer*
Legislation:	*Local Government Act 1995 & Planning and Development Act 2005*
File Number:	*A10343*

Site Plan



Background -

Location:	59 (lot 113) Blue Wren Drive, Eaton
Town Planning Scheme No.:	3
Zoning:	Residential – R20
Area:	955m²
Slope:	Nil
Improvements:	Dwelling
Previous Approvals:	Nil

Council has received an application for planning consent (Appendix ORD: 11.4.7A) on the 24 November 2011, for the erection of an outbuilding on 59 Blue Wren Drive, Eaton.

The proposed outbuilding has dimensions of 6 metres by 6 metres and is setback 1.5 metres from both the Eastern and Southern boundary.

The Eastern, Southern and Western boundaries of the property have been fenced with a green 1.8 metre high colorbond fence.

The proposed location of the outbuilding is within the Shire of Dardanup's Landscape Buffer that runs parallel to the Australind Bypass.

Legal Implications -

Appeal rights exist under the Planning and Development Act 2005.

Strategic Plan - None.

Environment - None.

Precedents - None in the subdivision.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment -

An application for planning consent has been received for the erection of an outbuilding at 59 Blue Wren Drive, Eaton. The proposed location of the outbuilding is within the Shire's 'Landscape Buffer' as defined by the Shire of Dardanup Town Planning Scheme No. 3.

- Town Planning Scheme No. 3

Clause 3.18.1 '*Landscape Buffer'* of Town Planning Scheme No. 3 states;

A landscape buffer of 20 metres average width shall be provided on private land adjoining the Australind Bypass Road, for the extent of Eaton Super Lots 3, 6, part 41 and 19. The exact nature of this buffer will be determined on-site at the detailed subdivision design stage as endorsed by Council. The purpose of the buffer is to protect existing flora and maintain an uncluttered vista along the Australind Bypass Road and Hands Avenue. Within this buffer area:

(i) No buildings or structures whatsoever are to be erected.
(ii) All existing trees are to be retained and protected unless otherwise determined by Council.
(iii) Fencing shall be open farm-type fencing or otherwise approved by Council.
(iv) Additional tree planting is permitted without Council approval.

The application site plan (Appendix ORD: 11.4.7B) indicates the proposed location of the outbuilding within the Shire's 'Landscape Buffer'.

As per Clause 3.18.1 (i) of Town Planning Scheme No. 3, 'no buildings or structures whatsoever are to be erected' within this buffer area.

Shire officers therefore recommend that Council refuse the Application for Planning Consent for the Erection of an outbuilding on 59 (Lot 113) Blue Wren Drive, Eaton as it contravenes clause 3.18.1 (i) of Town Planning Scheme No. 3.

Council Role - Quasi-Judicial

Voting Requirements - Simple Majority

Note: Planning Officer, Mr Jake Whistler returned to the room [5.57pm].

OFFICER RECOMMENDED RESOLUTION

> THAT Council refuse the application for Planning Consent dated 22 November 2011 for the erection of an outbuilding on 59 (Lot 113) Blue Wren Drive, Eaton as it contravenes clause 3.18.1 (i) of Town Planning Scheme No. 3.

Discussion:

> *Cr. M T Bennett moved a resolution to approve the application.*
>
> *Council discussed the provisions of the Town Planning Scheme Clause and in particular Clause 3.18.1 (i) of Town Planning Scheme No. 3, which states that 'no buildings or structures whatsoever are to be erected' within this buffer area.*

Note: Cr. C N Boyce left the room [6.07pm].

FORESHADOWED MOTION

> *Cr. Cr. B G Day foreshadowed a motion should the first resolution be lost.*
>
> *The foreshadowed motion is to defer this item until staff can negotiate further with proponent on a change to the building envelope to accommodate the outbuilding.*

Discussion:

> *The history of the subdivision and the reasons for putting the buffer in place were discussed. Councillors noted that the proponent would have been aware prior to purchasing the property that no structures could be erected in the buffer.*

Note: Cr. C N Boyce returned to the room and Cr. L Davies left the room [6.09pm].

Manager Planning Services, Mr Robert Quinn advised that the proponent had been advised that there was another option to place the shed in another location, however the proponent had refused that offer.

Note: Cr. L Davies returned to the room [6.11pm].

Shire President, Cr. J E Gardiner put the resolution.

COUNCIL RESOLUTION

MOTION LOST MOVED - Cr. M T Bennett SECONDED - Cr. C N Boyce

THAT Council approve the application for Planning Consent dated 22 November 2011 for the erection of an outbuilding on 59 (Lot 113) Blue Wren Drive, Eaton.

LOST
3/7

Note: As the previous recommended resolution was lost, the foreshadowed motion by Cr. Cr. B G Day was put as follows:

COUNCIL RESOLUTION

377/11 MOVED - Cr. B G Day SECONDED - Cr. D Harris

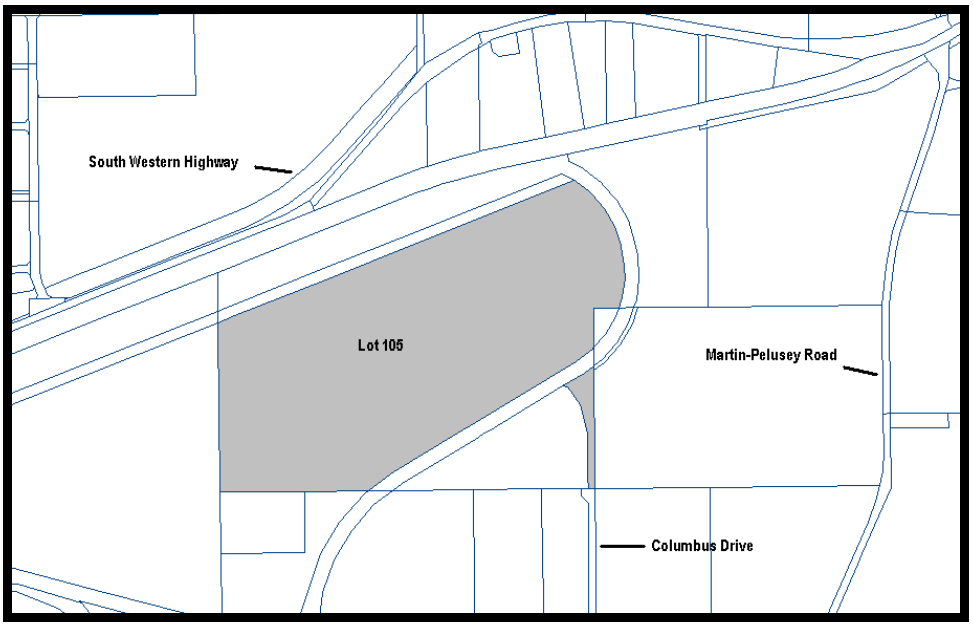
THAT item be deferred to negotiate further with proponent to negotiate a change of building envelope to accommodate the outbuilding.

CARRIED
6/4

11.4.8 *Title: Final Adoption of Town Planning Scheme No. 3 Amendment No. 174 and Structure Plan – Lot 105 Columbas Drive, Picton East (RPS Australia on behalf of Teede Investments Pty Ltd)*

Reporting Department:	*Planning Services*
Reporting Officer:	*Elizabeth Edwards – Senior Planning Officer*
Legislation:	*Planning and Development Act 2005* *Town Planning Regulations 1967*
File Number:	*PL113174, PL160007*

Location Plan



Background

Location:	Lot 105 Columbas Drive, Picton East
Town Planning Scheme No.:	3
Zoning:	Restricted Use No. 2 – Dry Industry
Area:	61.42ha
Slope:	Nil
Improvements:	Vacant

Resolution 370/10 from the 3 November 2010 Council meeting resolved to initiate an amendment to Town Planning Scheme No. 3 to rezone Lot 105 Columbus Drive, Picton East from "Restricted Use No. 2 – Dry Industry" to "Development" (Appendix ORD: 11.4.8A).

Resolution 371/10 from the 3 November 2010 Council meeting resolved to determine that the Structure Plan was satisfactory for advertising (Appendix ORD: 11.4.8B)

Legal Implications - No appeal rights exist.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

In accordance with the required procedure, the proposed amendment was referred to the Environmental Protection Authority which determined that a formal assessment of the amendment was not required (Appendix ORD: 11.4.8C). The proposed amendment was considered to be consistent with Regulation 25(2) of the Town Planning Regulations 1967 (as amended) and therefore consent to advertise from the Western Australian Planning Commission was not required.

The amendment was advertised for 42 days from 21 April 2011 to 3 June 2011 as follows:

1. A Public Notice was placed in the South Western Times on 21 April 2011;

2. A sign describing the proposal was placed at the front of the property for the duration of the advertising period;

3. Adjoining and nearby landowners were notified in writing of the proposal and invited to make submissions;

4. Plans and documents explaining the scheme amendment were displayed at Council Offices in Eaton and Dardanup for the duration of the advertising period; and

5. The following authorities were notified of the proposal in writing and requested to make submissions:

    - Fire and Emergency Services Authority
    - Western Power
    - Water Corporation
    - Department of Water
    - Department of Indigenous Affairs
    - Aqwest
    - Telstra
    - Department of Environment and Conservation
    - Department of Agriculture & Food
    - WA Government Railways
    - Main Roads WA

- City of Bunbury
- Department of Health
- WestNet Energy

A total of 14 submissions were received (Appendix ORD: 11.4.8D). All submissions have been summarised and are contained within the Resolution.

Council Role - Quasi-judicial

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

378/11 MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT Council:

1. Endorse the submissions as per the Schedule of Submissions.

	Name & Address	Summary of Submission	Officer Comments
1	Department of Indigenous Affairs PO Box 7770 Cloisters Square WA 6850	No registered sites	Noted
2	Water Corporation PO Box 305 Bunbury WA 6231	No objection Rural drainage infrastructure servicing the land upstream exists on the land and this will need to be maintained and taken into consideration.	Noted
3	Western Power Locked Bag 2520 Perth WA 6001	No objections Powerlines and easements traverse the land.	Noted
4	Public Transport Authority PO Box 8125 Perth WA 6849	No objections 1. no water runoff permitted into rail corridor 2. 1.8m high fencing to be erected to boundaries of rail corridor 3. rail crossing requires an assessment by MRWA to confirm its level of protection 4. noise abatement measures to be considered	Noted The subdivision stage is a more appropriate time for these comments to be considered.

	Name & Address	Summary of Submission	Officer Comments
		5. there will be no access to land designated on plan as potential future rail yards	
5	Department of Agriculture and Food PO Box 1231 Bunbury WA 6230	No objections Recommend setbacks/buffers to adjoining agricultural uses.	Noted
6	Department of Water PO Box K822 Perth WA 6000	Additional information needed to assess.	Proponent undertook further investigations and is currently awaiting final approval of LWMS from DoW.
7	City of Bunbury PO Box 21 Bunbury WA 6231	1. CoB request to see balance of Structure Plan area to ensure access to SW Hwy or Harris Rd is possible. 2. Water Corp unlikely to support drainage plan. 3. Picton and North Preston development areas target some of the same open drains, which could create a cumulative effect.	Officers met with CoB officers and discussed this matter. Additional work has been undertaken and a LWMS is currently being finalised with the DoW and Water Corp.
8	Department of Regional Development and Lands 61 Victoria St Bunbury WA 6230	No objection	Noted
9	Aqwest PO Box 400 Bunbury WA 6231	No objection	Noted
10	Fire and Emergency Services Authority PO Box 1288 Bunbury WA 6231	Request the following condition be applied; 'Fire hydrants to be provided to the FESA standard as imposed by the relevant Water Authority and that Water Authority is to be the clearing body upon completion of these works'	This is best considered at the time of subdivision application.
11	Eastcourt Property Group PO Box 1065 Canning Bridge WA 6153	1. Proposed stormwater infrastructure inadequate and may affect stormwater storage of adjoining properties. 2. Costs noted in Condition No. 17 on SP be shared with owners of lots noted in Condition No. 11.	Additional work has been undertaken and a LWMS is currently being finalised with the DoW. Noted

	Name & Address	Summary of Submission	Officer Comments
		3. Cost of upgrading railway crossing should be excluded from any shared arrangement as no benefit to adjoining landowners.	Cost apportionment will be considered at a later date once detailed scope of works and costings are available.
		4. Adjoining landowner should not have to contribute to the Lot 105 access leg.	Noted.
		5. Do not support a relocation of Harris Rd and Columbus Drive intersection.	Officers discussed this matter with the landowner who, once understanding the scope of the work, had no objections.
12	Department of Environment and Conservation PO Box 1693 Bunbury WA 6230	1. DEC supports EPA recommendations.	
		2. Condition No. 15 on SP should be amended to require approval by the SoD and DoW in addition to DEC.	Acknowledged
		3. Management of noise and dust would be better addressed under Condition No.7 on SP.	Acknowledged
		4. Roads between proposed lots and vegetation is preferable.	Noted
		5. Vegetated areas should be fenced.	Noted
13	Thomas McRobert Edgeloe (on behalf of Cunningham PE Pty Ltd, Harris Road Pty & Westim Pty Ltd) PO Box 733 Bunbury WA 6231	1. Incongruous that proposed DCA1 applies only to Lot 5.	DCA1 will include surrounding landholdings in the future. Officers will consider including surrounding landholdings in DCA1 as part of an omnibus amendment currently being prepared.
		2. Object to requirement for surrounding landowners to contribute towards upgrade of rail crossing and access leg to Lot 105.	Cost apportionment will be considered at a later date once detailed scope of works and costings are available.
		3. Concerns regarding stormwater management such as effects on upstream catchment, sizing of basins.	Additional work has been undertaken and a LWMS is currently being finalised with the DoW.

	Name & Address	Summary of Submission	Officer Comments
14	Thomas McRobert Edgeloe (on behalf of Capeldene Pastoral Ltd) PO Box 733 Bunbury WA 6231	1. Incongruous that proposed DCA1 applies only to Lot 5.	DCA1 will include surrounding landholdings in the future. Officers will consider including surrounding landholdings in DCA1 as part of an omnibus amendment currently being prepared.
		2. Object to requirement for surrounding landowners to contribute towards upgrade of rail crossing and access leg to Lot 105.	As Capeldene Pastoral Ltd own land within the City of Bunbury, they will not be part of DCA1 and will therefore not be required to pay contributions.
		3. Concerns regarding stormwater management such as effects on upstream catchment, sizing of basins.	Additional work has been undertaken and a LWMS is currently being finalised with the DoW.

2. Pursuant to Town Planning Regulation 17(2), adopt Amendment No. 174 to Town Planning Scheme No. 3 to:

i) Insert a new 'Part IX – Special Control Areas' into the Scheme text as follows:

PART IX – SPECIAL CONTROL AREAS

9.1 Operation of special control areas

9.1.1 The following special control areas are shown on the scheme map—

(a) Development contribution areas shown on the scheme map as DCA with a number and included in Appendix XI.

9.1.2 In respect of a special control area shown on a scheme map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the scheme.

9.2 Development contribution areas

9.2.1 Interpretation

In clause 9.2, unless the context otherwise requires—

'Administrative costs' means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

'Administrative items' means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 9.2.10.

'Cost contribution' means the contribution to the cost of infrastructure and administrative costs.

'Development contribution area' means shown on the scheme map as DCA with a number and included in Appendix XI.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 9 of the Scheme.

'Development contribution plan report' means a report prepared and distributed in accordance with clause 9.2.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in State Planning Policy 3.6) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of State Planning Policy 3.6.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Local government' means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

'Owner' means an owner of land that is located within a development contribution area.

9.2.2 Purpose

The purpose of having development contribution areas is to—

(a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;

(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and

(c) coordinate the timely provision of Infrastructure.

9.2.3 Development contribution plan required

9.2.3.1 A development contribution plan is required to be prepared and adopted for each development contribution area.

9.2.3.2 The local government shall, with 28 days of adopting a development contribution plan, forward a copy of the adopted development contribution plan to the Commission.

9.2.4 Development contribution plan part of Scheme

The development contribution plan is incorporated in Appendix XII as part of this Scheme.

9.2.5 Subdivision, strata subdivision and development

9.2.5.1 The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's

and/or subdivider's contribution towards the provision of community infrastructure.

9.2.5.2 The Commission may impose a condition requiring the preparation and implementation of a development contribution plan on subdivision approvals which relate to land included in a development contribution area.

9.2.5.3 The local government and or the Commission may impose a condition for development requiring the owner to make a cost contribution in accordance with the cost apportionment schedule prepared as part of the development contribution plan required under clause 9.2.

9.2.6 Guiding principles for development contribution plans:

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles—

a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

g) Right of consultation and review

Owners and/or subdividers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

9.2.7 Content of development contribution plans

9.2.7.1 The development contribution plan is to specify—

(a) the development contribution area to which the development contribution plan applies;

(b) the infrastructure and administrative items to be funded through the development contribution plan;

(c) the method of determining the cost contribution of each owner and or subdivider; and

(d) the priority and indicative timing for the provision of infrastructure.

9.2.8 Period of development contribution plan:

A development contribution plan shall specify the period during which it is to operate.

9.2.9 Land excluded

In calculating both the area of an owner's and/or subdivider's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—

a) roads designated under the Greater Bunbury Region Scheme as primary regional roads and other regional roads;

b) existing public open space;

c) existing government primary and secondary schools; and

d) such other land as is set out as excluded in the development contribution plan, is to be excluded.

9.2.10 Development contribution plan report and cost apportionment schedule

9.2.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners and/or subdividers in the development contribution area.

9.2.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner and or subdivider in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

9.2.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 9.2.11.

9.2.11 Cost contributions based on estimates

9.2.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

9.2.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—

(a) in the case of land to be acquired, in accordance with clause 9.2.12; and

(b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

9.2.11.3 The local government may have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner and or subdivider when requested to do so.

9.2.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government—

(a) is to adjust the cost contribution of any owner and or subdivider in accordance with the revised estimated costs; and

(b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner and or subdivider accordingly.

9.2.11.5 Where an owner's and/or subdivider's cost contribution is adjusted under clause 9.2.11.4, the local government, on receiving a request in writing from an owner and/or subdivider, is to provide the owner and/or subdivider with a copy

of estimated costs and the calculation of adjustments.

9.2.11.6 If an owner and/or subdivider objects to the amount of a cost contribution, the owner and/or subdivider may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner and/or subdivider at the owner's and/or subdivider's expense, within 28 days after being informed of the cost contribution.

9.2.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner and/or subdivider, the cost contribution is to be determined—

(a) by any method agreed between the local government and the owner and/or subdivider; or

(b) if the local government and the owner and/or subdivider cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and owner and/or subdivider.

9.2.12 Valuation

9.2.12.1 Clause 9.2.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

9.2.12.2 In clause 9.2.12—

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

'Valuer' means a licensed valuer agreed by the local government and the owner or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute,

9.2.12.3 If an owner and/or subdivider objects to a valuation made by the valuer, the owner and/or subdivider may give notice to the local government requesting a review of the amount of the value, at the owner's and/or subdivider's expense, within 28 days after being informed of the value.

9.2.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner and/or subdivider, the value is to be determined—

(a) by any method agreed between the local government and the owner and/or subdivider; or

(b) if the local government and the owner and/or subdivider cannot agree, the owner and/or subdivider may apply to the State Administrative Tribunal for a review of the matter under part 14 of the Planning and Development Act 2005.

9.2.13 Liability for cost contributions

9.2.13.1 An owner and/or subdivider must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 9.2.

9.2.13.2 An owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution to the local government arises on the earlier of—

(a) a proponent seeking clearance of conditions of subdivision and or strata from the local government;

(b) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's and/or

subdivider's land within the development contribution area;

(c) the commencement of any development on the owner's and/or subdivider's land within the development contribution area;

(d) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's and/or subdivider's land within the development contribution area; or

(e) the approval of a change or extension of use by the local government on the owner's and/or subdivider's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

9.2.13.3 Notwithstanding clause 9.2.13.2, an owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution does not arise if the owner and/or subdivider commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

9.2.13.4 Where a development contribution plan expires in accordance with clause 9.2.8, an owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's and/or subdivider's land, subject to such liability.

9.2.14 Payment of cost contribution

9.2.14.1 The owner and/or subdivider, with the agreement of the local government, is to pay the owner's and/or subdivider's cost contribution by—

(a) cheque or cash;

(b) transferring to the local government or a public authority land in satisfaction of the cost contribution;

(c) the provision of physical infrastructure;

(d) some other method acceptable to the local government; or

(e) any combination of these methods.

9.2.14.2 The owner and/or subdivider, with the agreement of the local government, may pay the owner's and/or subdivider's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

9.2.14.3 Payment by an owner and/or subdivider of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's and/or subdivider's liability for the portion of land subject to the contribution under the development contribution plan and the local government shall provide certification in writing to the owner and/or subdivider of such discharge if requested by the owner and/or subdivider.

9.2.15 Charge on land

9.2.15.1 The amount of any cost contribution for which an owner and/or subdivider is liable under clause 9.2.13, but has not paid, is a charge on the owner's and/or subdivider's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's and/or subdivider's expense, against the owner's and/or subdivider's certificate of title to that land.

9.2.15.2 The local government, at the owner's and/or subdivider's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 9.2.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

9.2.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and/or subdivider and at the expense of the owner and/or subdivider, is to withdraw any caveat lodged under clause 9.2.15.

9.2.16 Administration of funds

9.2.16.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

9.2.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 9.2.16.1 is to be applied in the development contribution area to which the reserve account relates.

9.2.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

9.2.17 Shortfall or excess in cost contributions

9.2.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may—

(a) make good the shortfall;

(b) enter into agreements with owners and/or subdividers to fund the shortfall; or

(c) raise loans or borrow from a financial institution,

but nothing in paragraph 9.2.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

9.2.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners and/or subdividers for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or subdividers and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

9.2.18 Powers of the local government

The local government in implementing the development contribution plan has the power to—

(a) acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and

(b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners and/or subdividers as it considers fit.

9.2.19 Arbitration

Subject to clauses 9.2.12.3 and 9.2.12.4, any dispute between an owner and/or subdivider and the local government in connection with the cost contribution required to be made by an owner and/or subdivider is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

ii) Insert a new 'Appendix XI – Development Contribution Areas' into the Scheme text as follows:

APPENDIX XI – DEVELOPMENT CONTRIBUTION AREAS

DEVELOPMENT CONTRIBUTION AREA (DCA) NO.	*DCA NAME*	*LAND DESCRIPTION*	*DEVELOPMENT CONTRIBUTION PLAN (DCP)*

iii) Insert a new 'Appendix XII – Development Contribution Plans' into the Scheme text as follows:

APPENDIX XII – DEVELOPMENT CONTRIBUTION PLANS

DEVELOPMENT CONTRIBUTION PLAN FOR DEVELOPMENT CONTRIBUTION AREA _____	
Plan No.	
Area name:	
Relationship to other planning instruments:	
Infrastructure and administrative items to be funded:	
Method for calculating contributions:	
Period of operation:	
Priority and timing:	
Review process:	

vi) Include 'Special Control Area' on the Scheme Map legend as shown on the Amendment map.

vii) Include 'DCA – Development Contribution Area' under 'Special Control Area' on the Scheme Map legend as shown on the Amendment map.

viii) Amend the Scheme Map by rezoning Lot 105 Columbas Drive, Picton from 'Restricted Use' zone to 'Development' zone as depicted on the Amendment map.

ix) Amend the Scheme Map by including Lot 105 Columbas Drive, Picton in the 'Special Control Area' and 'Development Contribution Area' as depicted on the Amendment map.

x) Include Lot 105 Columbas Drive, Picton in the 'Development Contribution Area' as 'DCA 1' and amend the Scheme text as follows:

APPENDIX XI – DEVELOPMENT CONTRIBUTION AREAS

DEVELOPMENT CONTRIBUTION AREA (DCA) NO.	*DCA NAME*	*LAND DESCRIPTION*	*DEVELOPMENT CONTRIBUTION PLAN (DCP)*
DCA1	*Picton South Industrial Area*	*Lot 105 Columbas Drive, Picton East*	*Picton South Industrial Area DCP*

xi) Include 'Development Contribution Plan for Development Contribution Area 1' in Appendix XII – Development Contribution Plans as follows:

APPENDIX XII – DEVELOPMENT CONTRIBUTION PLANS

DEVELOPMENT CONTRIBUTION PLAN FOR DEVELOPMENT CONTRIBUTION AREA 1	
Plan No.	*DCP1 – Picton South Industrial Area DCP*
Area name:	*DCA1 – Picton South Industrial Area*
Relationship to other planning instruments:	*State Planning Policy 3.6*
Infrastructure and administrative items to be funded:	*1. Upgrade Columbas Drive Rail Crossing in accordance with the requirements of Main Roads WA and Public Transport Authority;* *2. Columbas Drive Road upgrade and widening to 30 metres, including the access leg to Lot 105 Columbas Drive;* *3. Relocation of the Columbas Drive and Harris Road intersection including potential roundabout;* *4. Administrative costs including -* • *Costs to prepare and administer the plan during the period of operation (including but not limited to legal expenses, valuation fees, proportion of staff*

	salaries, consultant fees); • ***Costs to prepare and review estimates;*** • ***Costs to prepare the cost apportionment schedule*** • ***Costs to prepare estimates for infrastructure and administrative items.***
Method for calculating contributions:	***Cost apportionment based on developable land area.***
Period of operation:	***10 years***
Priority and timing:	***Infrastructure items are required to be undertaken at the time of the first subdivision within DCA1.***
Review process:	***DCP1 will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and degree of development potential still existing.*** ***The estimated infrastructure costs will be reviewed at least annually.***

with modification for final approval by the Hon. Minister for Planning.

3. Authorise the Chief Executive Officer and Shire President to endorse and seal the amendment documentation.

CARRIED
9/1

OFFICER RECOMMENDED RESOLUTION 2 of 2
& COUNCIL RESOLUTION

379/11 MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT Council:

1. Adopts the proposed Structure Plan for Lot 105 Columbas Drive, Picton East (Plan No. 11377-2-001 Dated 12 December 2011) in accordance with Clause 3.15.7.11 of Town Planning Scheme No. 3, subject to the following modifications:

a) Amend Note 15 to require approval by the Shire of Dardanup and Department of Water in addition to the Department of Environment and Conservation;

b) Amend Note 15 to remove reference to management of noise and dust;

c) Amend Note 7 to include management of noise and dust; and

d) Include required modifications to reflect the Local Water Management Strategy.

2. Requests the Western Australian Planning Commission to approve the proposed Structure Plan for Lot 105 Columbas Drive, Picton East (Plan No. 11377-2-001 Dated 12 December 2011) with modifications in accordance with Clause 3.15.7.14 of Town Planning Scheme No. 3.

CARRIED
9/1

11.5 RANGER REPORT

11.5.1 *Title: Application for Approval – Keeping More Than Two Dogs. A2688 (Lot 91) – 18 Clydesdale Drive, Eaton WA 6232*

Reporting Department:	*Planning Department*
Reporting Officer:	*Mr Daniel Gunson - Senior Ranger*
Legislation:	*Local Government Act 1995 & Dog Act 1976*
File Number:	*RS010001*

Background

An application for approval to keep three dogs has been received from Gerry Whittle of (Lot 91) A2688 – 18 Clydesdale Drive, Eaton WA 6232, in accordance with Section 26.3 – Local Government Act 1995 (Appendix ORD: 11.5.1A).

Legal Implications

In accordance with the Dog Act 1976, the dog owner has made application for three dogs to be permitted and be kept at the property.

Strategic Plan - None.

Environment - None.

Precedents

Applications are dealt with on an individual basis and do not create a precedent.

Budget Implications - None.

Budget – Whole of Life Cost - None

Council Policy Compliance -

Not applicable, this application is under the Local Law Relating to Dogs and the Dog Act 1976.

Officer Comment

Currently two dogs are registered at the property with the Shire of Dardanup.

(i) 1 year and 6 month old (recently) sterilised female StaffordShire Bull Terrier named "Jesse" (Registration 14/00316),

(ii) 2 year and 1 month old un-sterilised male StaffordShire Bull Terrier named "Kyza" (Registration 14/00317),

The third dog, as per approval request:

(i) 2 ½ month old un-sterilised male StaffordShire Bull Terrier named "Boo Boo" (Currently unregistered, subject to Council approval to keep).

The dog's owners have advised Ranger Services, in writing that that they see themselves as responsible dog owners, as the dogs are registered and currently the dogs are walked twice daily and the two adult dogs are currently up to date with vaccinations.

The applicant has stated that the dogs are checked by a veterinarian every six months.

They have also stated that they will vaccinate "Boo Boo" and socialise him with other dogs and that the dogs will be living in a loving responsible family environment.

The applicant has stated that the property has 1.8 metre high fences and a padlocked gate and signage indicating that there are dogs on the property.

The applicant also commented that he works as a prison officer and his wife works her shifts around his, so that there is always one person home, so the dogs should never be alone.

As required under the Shire of Dardanup Local Laws Relating to Dogs and the Dog Act 1976, Ranger Services has notified adjoining property owners in the request in keeping of three dogs and Rangers have sought their comments on the application (Appendix ORD: 11.5.1B).

From the nine neighbouring properties contacted, five replies were received by the due date.

From the responses received, four had "no objection" (Appendix ORD: 11.5.1C) and one replied with an "objection" (Appendix ORD: 11.5.1D). The objections raised were: -

- Safety concerns that if the dogs were to escape they may be deemed a pack of dogs; and

- The dogs at (Lot 91) 18 Clydesdale Drive, Eaton WA 6232, bark quite a lot.

The officer has envisaged that the dogs should not pose any problems, as they have not received any formal or noted complaints, in regards to nuisance barking or have never been required to attend this property in relation to the dogs escaping and straying in public.

The reporting officer recently inspected (Lot 91) 18 Clydesdale Drive, Eaton and is of the opinion that the property has effective means to adequately confine the dogs. A padlocked gate should prevent the dogs from escaping, unless the gate is left unsecured by the property owner or others.

It is recommended that Council approve the keeping of the three dogs currently nominated and that this approval reverts back to two dogs when any one of the nominated dogs die, or if there is a transfer of ownership or if the dog owners re-locate to another property within the Shire of Dardanup.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT:

1. Council approve the keeping of the three dogs named Jessie, Kyza and Boo Boo at (Lot 91) 18 Clydesdale Drive, Eaton WA 6232 (A2688).

2. Should any of the nominated dogs die or be transferred from the property then this approval reverts to only two dogs being permitted to be kept at the property.

COUNCIL RESOLUTION

MOTION LOST MOVED - Cr. M T Bennett SECONDED - Cr. D Harris

THAT Council do not approve the keeping of the three dogs at (Lot 91) 18 Clydesdale Drive, Eaton WA 6232 (A2688) as the property is small and the dogs are all of a young age.

LOST
4/6

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

380/11 MOVED - Cr. B G Day SECONDED - Cr. J Lee

THAT:

1. **Council approve the keeping of the three dogs named Jessie, Kyza and Boo Boo at (Lot 91) 18 Clydesdale Drive, Eaton WA 6232 (A2688).**

2. **Should any of the nominated dogs die or be transferred from the property then this approval reverts to only two dogs being permitted to be kept at the property.**

CARRIED
6/4

11.6 COMMUNITY DEVELOPMENT OFFICER REPORT

11.6.1 *Title: Premiers Active Citizenship Awards*

Reporting Department:	*Planning Services*
Reporting Officer:	*Mrs Helen Loton - Acting Community Development Officer*
Legislation:	*Local Government Act 1995*
File Number:	*CR01 0001*

Background

Nominations for the Premier's Australia Day Awards to be presented on 26 January 2012 close on the 9th December 2011.

There are three award categories: -

- Premier's Australia Day Active Citizenship Award.
- Premier's Australia Day Active Citizenship Award for a person under 25 years; and
- Premier's Australia Day Active Citizenship Award for a community group or event.

The following is the Selection Criteria for the awards: -

The winners will have been judged to have shown active citizenship and: -

- *Significant contribution to the local community.*
- *Demonstrated leadership on a community issue resulting in the enhancement of community life.*
- *A significant initiative which has brought about positive change and added value to community life.*
- *Inspiring qualities as a role model for the community.*

The following is the Eligibility Criteria for the awards: -

- *Nominees should reside or work principally within the local authority making the award.*
- *Awards may be granted posthumously in recognition of recent achievements.*
- *Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.*
- *A person cannot receive the same award twice, but can be considered for another award.*
- *Unsuccessful nominees may be nominated in future years.*
- *Sitting members of State, Federal and Local Government are not eligible.*

Legal Implications - None.

Strategic Plan - None.

Environment - None.

Precedents

The Premiers Australia Day Awards are presented each year on Australia Day.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Officer Comment

The Premiers Awards were advertised in the South Western Times and in the Council newsletter.

The nominations close after the print date of the agenda. The nominees received to date are outlined below and details of the full nominations are attached (Appendix ORD: 11.6.1). If any further nominations are received, they will be provided to Councillors under separate cover prior to the meeting on the 14th December.

Nominees received to date are as follows:-

Premier's Australia Day Active Citizenship Award.

- Mr Peter Parish

Premier's Australia Day Active Citizenship Award for a person under 25 years.

- None.

Premier's Australia Day Active Citizenship Award for a community group or event.

- Eaton Lions Club
- Dardanup Senior Citizens

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

381/11 MOVED - Cr. B G Day SECONDED - Cr. C N Boyce

THAT Council endorse the following nominations for the Premier's Australia Day Awards to be presented on Australia Day:

NOMINEE	AWARD
Peter Parish	**Active Citizenship Award**
Eaton Lions Club	**Active Citizenship Award for a Community Event / Group**

CARRIED
10/0

11.7 MANAGER HEALTH SERVICES REPORT

None.

11.8 MANAGER BUILDING SERVICES REPORT

None.

11.9 MANAGER FINANCIAL SERVICES REPORT

None.

11.10 SCHEDULE OF PAID ACCOUNTS

11.10.1 *Title: Schedule of Paid Accounts as at 14th December 2011*

Reporting Department:	*Financial Services*
Reporting Officer:	*Mrs Teresa Morley – Accounts Payable Officer*
Legislation:	*Local Government Act 1995 (Financial Regulations)*
File Number:	*None.*

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

382/11 MOVED - Cr. B G Day SECONDED - Cr. P A Bass

THAT Council receive the Schedule of Paid Accounts report as follows:

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT720	18/11/2011	Alyce Townsend	Umpire 15.11.2011	MUNI	36.00
EFT721	18/11/2011	B Watts Panel & Paint Repairs	Repair Of Rear, Left Panel On Nissan Navara Work Ute	MUNI	500.00
EFT722	18/11/2011	Branden Mann	Umpire 16.11.2011	MUNI	48.00
EFT723	18/11/2011	Christine Worsfold	Umpire 15.11.2011	MUNI	64.00
EFT724	18/11/2011	Courier Australia	Courier Charges	MUNI	39.88
EFT725	18/11/2011	Craig Depilato	Umpire 16.11.2011	MUNI	74.00
EFT726	18/11/2011	Damian John Christie & Jodie Rae Sayers	Rates Refund For Assessment A3524	MUNI	100.00
EFT727	18/11/2011	Dena English	Umpire 16.11.2011	MUNI	32.00
EFT728	18/11/2011	Emerge Associates	Consultancy Service For Eaton Oval Reconditioning Landscape Master Plan	MUNI	18,480.00
EFT729	18/11/2011	Emily Hayhurst	Umpire 15.11.2011	MUNI	48.00
EFT730	18/11/2011	Jessica Bessell	Umpire 17.11.2011	MUNI	60.00
EFT731	18/11/2011	Kaitlin O'Dea	Umpire 15.11.2011	MUNI	48.00
EFT732	18/11/2011	Karen Jetta	Umpire 25 October 2011	MUNI	64.00
EFT733	18/11/2011	Kayley Mann	Umpire 16.11.2011	MUNI	32.00
EFT734	18/11/2011	Kelly Howard	Umpire 15.11.2011	MUNI	64.00
EFT735	18/11/2011	Kylie Glancy	Umpire 03.11.2011	MUNI	30.00
EFT736	18/11/2011	Maxwell Jetta	Umpire 16.11.2011	MUNI	92.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT737	18/11/2011	Michael Gliddon	Umpire 16.11.2011	MUNI	92.50
EFT738	18/11/2011	Nicole Gray	Umpire 17.11.2011	MUNI	30.00
EFT739	18/11/2011	Ramar Holdings Pty Ltd	Rates Refund For Assessment A10459	MUNI	621.36
EFT740	18/11/2011	Raya Thompson	Sports Sponsorship - Pan Pacific Games	MUNI	248.00
EFT741	18/11/2011	Rebecca Bowron	Umpire 15.11.2011	MUNI	48.00
EFT742	18/11/2011	Regan Crabbe	Umpire 16.11.2011	MUNI	48.00
EFT743	18/11/2011	Robert Dempster	Umpire 16.11.2011	MUNI	74.00
EFT744	18/11/2011	Robert Quinn	Reimbursement Of Telephone Expenses	MUNI	40.80
EFT745	18/11/2011	Sarah Wallace	Umpire 17.11.2011	MUNI	75.00
EFT746	18/11/2011	Stephen Eaton	Internet Connection	MUNI	109.95
EFT747	18/11/2011	Therese Price	Umpire 15.11.2011	MUNI	48.00
EFT748	25/11/2011	Aaron Edwards	Umpire 23/11/2011	MUNI	74.00
EFT749	25/11/2011	Alan Heptinstall	Sports Sponsorship - Tom Heptinstall - Basketball Country Cup	MUNI	200.00
EFT750	25/11/2011	All Aussie Truck and Bobcat Services	Truck And Bobcat Hire	MUNI	2,200.00
EFT751	25/11/2011	Alleasing	Lease Of MPC2000 Photocopier - Dardanup Shire Office	MUNI	77.86
EFT752	25/11/2011	Alyce Townsend	Umpire 22/11/2011	MUNI	48.00
EFT753	25/11/2011	Amity Signs and Industrial Products	Street Signs	MUNI	19.25

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT754	25/11/2011	Australia Healthy Choice	Protein Supplements For Re-Sale	MUNI	171.77
EFT755	25/11/2011	Australian Entomological Supplies Pty Ltd	4 X Mosquito Breeding Cages, 1 X Postage And Handling	MUNI	179.30
EFT756	25/11/2011	Battery All Types	Replacement Battery - Mobile Sound System	MUNI	47.50
EFT757	25/11/2011	Big W (Division of Woolworths Limited)	Rechargeable Batteries For Group Fitness	MUNI	272.19
EFT758	25/11/2011	Blackwoods Atkins	2 X Yard Brooms.	MUNI	103.25
EFT759	25/11/2011	Branden Mann	Umpire 23/11/2011	MUNI	16.00
EFT760	25/11/2011	Brownes Foods Operations Pty Limited	Milk Order	MUNI	322.48
EFT761	25/11/2011	Brunswick Traditional Country Bakery	Items For Cafe	MUNI	27.00
EFT762	25/11/2011	Bunbury Electrical Service	Path Lights Repairs	MUNI	2,343.00
EFT763	25/11/2011	Bunbury Machinery	Repairs.	MUNI	429.77
EFT764	25/11/2011	Bunbury Mower Service	Chain Oil Sump Service; And Chain.	MUNI	100.50
EFT765	25/11/2011	Bunbury Trucks	Service 20,000 Km	MUNI	760.25
EFT766	25/11/2011	Bunnings Group Limited	Vandalism Repairs Items	MUNI	520.58
EFT767	25/11/2011	Burekup & District Country Club Inc	Australia Day Breakfast - Contribution	MUNI	300.00
EFT768	25/11/2011	Carbone Brothers Pty Limited	Gravel.	MUNI	31,552.93
EFT769	25/11/2011	Christine Worsfold	Umpire 22/11/2011	MUNI	96.00
EFT770	25/11/2011	City Landscaping Supplies	Scalps	MUNI	85.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT771	25/11/2011	Corporate Express Australia Limited	Eaton Office Stationary	MUNI	4,617.53
EFT772	25/11/2011	Craig Depilato	Umpire 23/11/2011	MUNI	92.50
EFT773	25/11/2011	Creating Communities Australia Pty Ltd	Contract To Carry Out Feasibility Studies On Eaton Oval & Eaton Rec Centre	MUNI	5,127.38
EFT774	25/11/2011	DAPCO Tyre & Auto Service	Fit 4 Tyres And Service	MUNI	2,208.82
EFT775	25/11/2011	Dardanup Garage and Service Station	25,000 Km Service	MUNI	988.54
EFT776	25/11/2011	Dardanup General Store	Cement And Fittings	MUNI	395.65
EFT777	25/11/2011	Dardanup Machinery Service	Service To Upper Ferguson BFB Fire Unit.	MUNI	688.70
EFT778	25/11/2011	Dena English	Umpire 23/11/2011	MUNI	32.00
EFT779	25/11/2011	DesAir	Quarterly Preventative Maintenance Of Air Conditioners	MUNI	254.10
EFT780	25/11/2011	Eaton Community Pharmacy	Items For Re-Sale	MUNI	641.38
EFT781	25/11/2011	Eaton Family Centre	Donation - Eaton Family Centre - Minor Grants 2011/12	MUNI	500.00
EFT782	25/11/2011	Eaton Home Hardware & Garden	Pruning Saws	MUNI	251.40
EFT783	25/11/2011	Elite Drycleaning	Cleaning Of Carpet At Council Chamber End Of Building	MUNI	260.00
EFT784	25/11/2011	Elizabeth Edwards	Reimbursement - Change To First Aid Training Course Fee	MUNI	27.50
EFT785	25/11/2011	Emily Hayhurst	Umpire 22/11/2011	MUNI	32.00
EFT786	25/11/2011	Felicity Woods	Umpire 24/11/2011	MUNI	75.00
EFT787	25/11/2011	Fleet Fitness	Service And Parts To Gym Equipment	MUNI	291.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT788	25/11/2011	Fulton Hogan Industries Pty Limited	Town/Rural - Premix And Catmul For Road Patching	MUNI	1,102.72
EFT789	25/11/2011	G & R P Brookes Plumbing	Plumbing To West Wall Of Centre	MUNI	924.00
EFT790	25/11/2011	G Tootill	Replace And Repair Headwall At Harris Rd	MUNI	250.25
EFT791	25/11/2011	Hannah Kurek	Sports Sponsorship - Pan Pacific Games	MUNI	200.00
EFT792	25/11/2011	Holcim (Australia) Pty Limited	7 Ton 5ml Blue Metal	MUNI	234.30
EFT793	25/11/2011	IGA Distribution (WA) Pty Limited	Items For Cafe	MUNI	475.96
EFT794	25/11/2011	IPWEA - WA Division	IPWEA - Public Works Training Week - Roman Ii Session	MUNI	675.00
EFT795	25/11/2011	JR & A Hersey Pty Limited	First Aid Supplies, Danger Safety Tape	MUNI	117.63
EFT796	25/11/2011	Jessica Bessell	Umpire 24/11/2011	MUNI	30.00
EFT797	25/11/2011	Kaitlin O'Dea	Umpire 22/11/2011	MUNI	80.00
EFT798	25/11/2011	Kelly Howard	Umpire 22/11/2011	MUNI	32.00
EFT799	25/11/2011	Kylie Glancy	Umpire 24/11/2011	MUNI	15.00
EFT800	25/11/2011	Landgate	Rating Valuations : Schedule Number GG2011/10 24/09/2011 - 10/10/2011	MUNI	667.15
EFT801	25/11/2011	Landgate	Valuation Report - Lot 1 Diagram 65861 Banksia Rd	MUNI	4,000.04
EFT802	25/11/2011	Les Mills Australia	Les Mills Monthly Licence Fees 01/11/2011 - 30/11/2011	MUNI	790.88
EFT803	25/11/2011	Live Wire Home Theatre Installation	Brackets And Cables For AV Units	MUNI	968.00
EFT804	25/11/2011	MJB Industries Pty Limited	1 X JP Trafficable Lid With Man-Hole (Round)	MUNI	205.70

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT805	25/11/2011	Malatesta Road Paving & Hotmix	Road Maintenance - Rural Sealed Roads	MUNI	420.00
EFT806	25/11/2011	Maxwell Jetta	Umpire 23/11/2011	MUNI	18.50
EFT807	25/11/2011	Michael Gliddon	Umpire 23/11/2011	MUNI	129.50
EFT808	25/11/2011	Microcom Pty Limited T/a Metrocount	Tubes As Per Quote Dated 9th November 2011.	MUNI	447.70
EFT809	25/11/2011	Nathan Stacey	Umpire 16 Nov 2011	MUNI	16.00
EFT810	25/11/2011	PFD Food Services Pty Limited	Items For Resale	MUNI	1,012.10
EFT811	25/11/2011	PFI Cleaning Supplies	Burekup Public Toilets	MUNI	96.80
EFT812	25/11/2011	Pacific Brands	Staff Uniform - Natalie Hopkins	MUNI	823.93
EFT813	25/11/2011	Perthwaste Pty Ltd	Domestic Kerbside Recycling Service For October	MUNI	18,774.89
EFT814	25/11/2011	Phillip Rowley	Reimbursement For Private Accommodation - For Roman II Seminar	MUNI	200.00
EFT815	25/11/2011	QK Technologies Pty Limited	Qikkids Software Support For 2012	MUNI	566.00
EFT816	25/11/2011	Rebecca Bowron	Umpire 22/11/2011	MUNI	32.00
EFT817	25/11/2011	Regan Crabbe	Umpire 23/11/2011	MUNI	74.00
EFT818	25/11/2011	Ricoh Finance	Leasing Cost Of Lanier MPC7500 And Lanier MP7000 Photocopiers	MUNI	1,541.03
EFT819	25/11/2011	Robert Dempster	Umpire 23/11/2011	MUNI	74.00
EFT820	25/11/2011	Rural Press Regional Media WA	Monthly Council News Page In Bunbury Mail	MUNI	861.77
EFT821	25/11/2011	Sarah Wallace	Umpire 24/11/2011	MUNI	30.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT822	25/11/2011	Schweppes Australia Pty Limited	Drinks For Cafe	MUNI	642.84
EFT823	25/11/2011	Signs Plus	Magnetic Name Badge For Cr John Gardiner	MUNI	57.00
EFT824	25/11/2011	Slush Puppie Western Australia Pty Ltd	Slushie Base Mix	MUNI	400.00
EFT825	25/11/2011	South West Business Association Inc	Website Hosting 12/11/2011 - 11/11/2011	MUNI	85.00
EFT826	25/11/2011	Southern Lock & Security	Replace Old Key Cabinet. Dardanup Office	MUNI	178.00
EFT827	25/11/2011	Spotlight Pty Limited	Vac Care Items For Craft Etc	MUNI	201.43
EFT828	25/11/2011	State Law Publisher	Govt Gazette Authorised Person R Quinn	MUNI	91.00
EFT829	25/11/2011	State Library of Western Australia	159 Gift Books For Better Beginnings 11/12 Financial Year	MUNI	1,047.20
EFT830	25/11/2011	Stephen Eaton	Expenses - TV Adapter For Chambers Video Projector	MUNI	217.40
EFT831	25/11/2011	T & P Design	Survey 19.11.11 And 24.11.11.	MUNI	1,295.25
EFT832	25/11/2011	T J Depiazzi & Sons	Soil Conditioner	MUNI	2,173.19
EFT833	25/11/2011	Terry O'Connor & Company	Repair Electrical Faults At Eaton Hall	MUNI	692.00
EFT834	25/11/2011	The Tyre Place	Repair Flat Tyre	MUNI	121.00
EFT835	25/11/2011	Therese Price	Umpire 22/11/2011	MUNI	80.00
EFT836	25/11/2011	Thinkwater Bunbury	Irrigation Parts	MUNI	382.25
EFT837	25/11/2011	Total Eden Pty Limited	Sprinklers	MUNI	369.61
EFT838	25/11/2011	Transpacific Waste Management Pty Ltd	Waste Disposal 03/11/2011 - 09/11/2011	MUNI	5,195.78

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT839	25/11/2011	Vacuum World	Filters For Vacuum Cleaner	MUNI	59.00
EFT840	25/11/2011	WALGA	Public Notice Proposed Dust Local Law	MUNI	2,154.90
EFT841	25/11/2011	We Print It - Bunbury	Cancellation Duplicate Books	MUNI	317.00
EFT842	25/11/2011	West Dardanup Bush Fire Brigade	Donation - Minor Grants 2011/12 - Fridge	MUNI	470.00
EFT843	25/11/2011	WheelieCleanBins.com.au Pty Limited	Cleaning Of Street And Reserve Bins EATON	MUNI	621.00
EFT844	25/11/2011	Woolworths Limited	Mock Tail Dance Party Funded By IIOY	MUNI	1,406.56
EFT845	25/11/2011	Wren Oil	Used Motor Oil Pump-Out, Shire Recycling Yard Banksia Road, Dardanup	MUNI	284.35
EFT846	02/12/2011	Alyce Townsend	Umpire 29/11/2011	MUNI	48.00
EFT847	02/12/2011	Australian Taxation Office	IAS - Payg November 2011	MUNI	79,595.00
EFT848	02/12/2011	Ben Jordan	Reimburse Telephone Expense As Per Council Policy July - Oct 2011	MUNI	136.02
EFT849	02/12/2011	Bronwyn Therese Boyle	Rates Refund For Assessment A2578 14 Glenhuon Blvd Eaton 6232	MUNI	94.50
EFT850	02/12/2011	Butler Settineri Pty Limited	Final Audit Fees 2010/11	MUNI	1,595.00
EFT851	02/12/2011	Christine Worsfold	Umpire 29/11/11	MUNI	64.00
EFT852	02/12/2011	Courier Australia	Delivery Charge For USB Cable For Roadside Unit Data Transfer.	MUNI	7.82
EFT853	02/12/2011	Dean Davey	Umpire 29/11/2011	MUNI	60.00
EFT854	02/12/2011	Emily Hayhurst	Umpire 29/11/2011	MUNI	16.00
EFT855	02/12/2011	Jessica Bessell	Umpire 01/12/2011	MUNI	45.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT856	02/12/2011	Kaitlin O'Dea	Umpire 29/11/2011	MUNI	32.00
EFT857	02/12/2011	Kelly Howard	Umpire 29/11/2011	MUNI	48.00
EFT858	02/12/2011	Kylie Glancy	Umpire 01/12/2011	MUNI	15.00
EFT859	02/12/2011	Michael Gliddon	Umpire 30/11/2011	MUNI	92.50
EFT860	02/12/2011	Rebecca Bowron	Umpire 29/11/2011	MUNI	48.00
EFT861	02/12/2011	Sarah Wallace	Umpire 01/12/2011	MUNI	45.00
EFT862	02/12/2011	Therese Price	Umpire 29/11/2011	MUNI	64.00
EFT863	02/12/2011	Willow Bridge Estate	1 X Case Dragonfly SBS	MUNI	428.40
42347	18/11/2011	Best Western Albany Motel & Apartments	1 X 2 Bedroom Apartment	MUNI	336.00
42350	18/11/2011	Department of Transport	Special Series Number Plate – 1004DA	MUNI	310.00
42351	18/11/2011	Eaton Junior Cricket Club	Donation - Eaton Cricket Club - Minor Grant 2011/12	MUNI	500.00
42352	18/11/2011	Fines Enforcement Registry	Fer Registration - Dog Inf Daniel O'reilly 2271	MUNI	344.00
42353	18/11/2011	Ian Lines & Geraldine Lines	Rates Refund For Assessment A1805	MUNI	7,259.72
42355	18/11/2011	Mohammad Aklie & Siti Lana	Rates Refund For Assessment A3212 1	MUNI	287.07
42356	18/11/2011	Synergy	Electricity - Street Lights 24/09/2011 - 24/10/2011	MUNI	19,418.95
42357	18/11/2011	Telstra	Eaton Rec Centre Telephone Use	MUNI	2,295.89
42358	18/11/2011	Tracy Dawn Barritt & Jody Rikihana Meads	Rates Refund For Assessment A3955	MUNI	325.92

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
42361	25/11/2011	Asgard Elements Super Fund	Superannuation Contributions	MUNI	213.28
42362	25/11/2011	Australian Institute of Company Directors	By Port Visit - Cr M Bennett	MUNI	60.00
42363	25/11/2011	AustralianSuper	Superannuation Contributions	MUNI	64.56
42364	25/11/2011	BT Super for Life	Superannuation Contributions	MUNI	180.86
42365	25/11/2011	Betty Murfit	Councillors Meeting Fee And Reimbursement Claim	MUNI	1,981.48
42366	25/11/2011	Bouncy Bounce Castle Hire	Vac Care Hire Of Bouncy Castles Etc For 20 Jan 2012	MUNI	550.00
42367	25/11/2011	RSL & Army Reserve Military Collection	Minor Grants 2011-12	MUNI	500.00
42368	25/11/2011	Burekup - Brunswick CWA	Council Meals - 2011/2012 Financial Year	MUNI	1,030.00
42369	25/11/2011	Burekup Bush Fire Brigade	Reimbursement Of Telephone Expenses. July To October	MUNI	96.34
42370	25/11/2011	Child Support Agency	Employee Payroll Deduction Ppe	MUNI	426.22
42371	25/11/2011	City of Stirling Libraries	Item Damaged By Patron	MUNI	7.70
42372	25/11/2011	Clark Rubber	Foam Sheets And Water Play Items For Vac Care	MUNI	192.70
42373	25/11/2011	Construction & Building Industry Super	Superannuation Contributions	MUNI	462.36
42374	25/11/2011	Eaton Community College	Library Shared Power Costs 1/10/11 - 31/10/11	MUNI	308.64
42375	25/11/2011	Elrick's TV Service	Replace Lost Remote For TV, Model # KDL 40CX520	MUNI	100.00
42376	25/11/2011	Equal Opportunity Commission	Equal Opportunity Law & Workplace Culture, And Grievance Management	MUNI	337.00
42377	25/11/2011	Equipsuper	Superannuation Contributions	MUNI	159.14

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
42378	25/11/2011	Fines Enforcement Registry	Fer Registration - Parking Inf (Adrian Humble) 538	MUNI	516.00
42379	25/11/2011	Flexible Lifetime Superannuation Fund	Superannuation Contributions	MUNI	144.42
42380	25/11/2011	Foxtel Cable Television Pty Limited	Foxtel Monthly Subscription Fee (Eaton Recreation Centre)	MUNI	68.00
42381	25/11/2011	Greg Charlesworth	Reimbursement For 5 Months Direct Debit Membership Payments	MUNI	243.25
42382	25/11/2011	Health Insurance Fund of WA (HIF)	Payroll Deductions	MUNI	180.10
42383	25/11/2011	ING Master Fund	Superannuation Contributions	MUNI	164.62
42384	25/11/2011	Joanne Foster	Australia Day Breakfast - Singer	MUNI	250.00
42385	25/11/2011	Lions Club of Eaton Incorporated	Eaton Australia Day Breakfast - Contribution	MUNI	1,000.00
42386	25/11/2011	Louise Maher	Reimbursement For 4 Months Direct Debit Membership Payments	MUNI	216.00
42387	25/11/2011	Moody Cow Brewery	Refund Of Planning Application - 791 Ferguson Road, Ferguson	MUNI	139.00
42388	25/11/2011	Peter Black	Phone Account	MUNI	72.75
42389	25/11/2011	REST Superannuation	Superannuation Contributions	MUNI	169.50
42390	25/11/2011	Shire of Dardanup	Employee Deductions	MUNI	180.00
42391	25/11/2011	Shire of Dardanup	Payroll Deductions	MUNI	763.00
42392	25/11/2011	Shire of Dardanup	Employee Payroll Deduction	MUNI	820.00
42393	25/11/2011	Shire of Dardanup;	Employee Recoups - Gym Membership	MUNI	260.00
42394	25/11/2011	St John Ambulance Australia (WA) Inc	St John 1st Aid Course - M Raymer	MUNI	124.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
42395	25/11/2011	Super Directions Personal Super Plan	Superannuation Contributions	MUNI	125.78
42396	25/11/2011	Synergy	Electricity - Wellington Mills Bfb - 546 Wellington Mill Road	MUNI	567.10
42397	25/11/2011	Telstra	Other Charges Paid By Council	MUNI	666.24
42398	25/11/2011	Telstra Super Pty Limited	Superannuation Contributions	MUNI	164.62
42399	25/11/2011	The Finn Catering Co	Catering For Lunch For South West Regional Librarians Meeting	MUNI	430.00
42400	25/11/2011	Vincent-Rowe Family Super Fund	Superannuation Contributions	MUNI	129.57
42401	25/11/2011	WA Local Government Superannuation	Superannuation Contributions	MUNI	24,543.46
42402	02/12/2011	A Adcock & S Lymbery-Jones	Crossover Rebate Lot 1448 Millbridge, A10541	MUNI	300.00
42403	02/12/2011	Alinta	Electricity - Eaton Recreation Centre	MUNI	3,300.60
42404	02/12/2011	B Billington & J Crosby	Crossover Rebate Lot 614, Millbridge A9857	MUNI	217.00
42405	02/12/2011	Bunbury Army Surplus	Purchase Of Rechargeable LED Lensertorch For Fire Vehicle	MUNI	120.00
42406	02/12/2011	Colin Worthington	Refund For Colin Worthington For Pre Employment Police Clearance	MUNI	55.50
42407	02/12/2011	FESA	Second Quarter, Fire And Emergency Services Authority	MUNI	97,344.23
42408	02/12/2011	Martin McMaster	Crossover Rebate Lot 1433 Millbridge A10524	MUNI	207.00
301103	18/11/2011	Content Living Pty Limited	Refund Of Kerb Deposit - B/L 2010110171	TRUST	800.00
301104	18/11/2011	Leigh Cresswell	Refund Of Kerb Deposit B/L 2010110185	TRUST	800.00
301105	18/11/2011	Vanessa Bocchetti	Millbridge Reserve Bond Refund	TRUST	500.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
301106	18/11/2011	Ventura Homes Group Pty Ltd	Refund Of Kerb Deposit - B/L 2010110338	TRUST	800.00
301107	25/11/2011	Bunbury Woodturners	Reimbursement For Hall Bond, Dardanup Hall	TRUST	200.00
301108	25/11/2011	Mr G & T Hobson	Refund Of Kerb Deposit - B/L 2010110224	TRUST	1,600.00
301109	02/12/2011	Content Living Pty Limited	Refund Of Kerb Deposit - B/L 2010110117	TRUST	1,600.00
301110	02/12/2011	David Bryant	Animal Control Cage Hire Refund	TRUST	20.00
301111	02/12/2011	Holly Armstrong	Refund Of Bond For Millbridge Reserve Booking	TRUST	500.00
301112	02/12/2011	Jarvis Innovations	Refund Of Kerb Deposit - B/L 2010110012	TRUST	800.00
301113	02/12/2011	Shire of Dardanup	Ref - David Bryant. Animal Control Cage Hire	TRUST	30.00
301114	02/12/2011	Simon O'Leary	Refund Of Hall Hire Bond At Recreation Centre	TRUST	500.00
301115	02/12/2011	Ventura Homes Group Pty Ltd	Refund Of Kerb Deposit - B/L 2010110303, Millbridge A10525	TRUST	800.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT

REPORT TOTALS	**TOTAL**
MUNI	
42347-42408	171,230.07
EFT	
720-863	214,541.47
TRUST	
301103-301115	8,950.00
TOTAL	**394,721.54**

CERTIFICATE OF Chief Executive Officer

This Schedule of Accounts to be passed for payment, covering vouchers as above which was submitted to each member of Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings and the amounts shown are due for payment.

MR MARK L CHESTER
Chief Executive Officer

CARRIED
10/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

None.

14 PUBLIC QUESTION TIME

None.

ADJOURNMENT

COUNCIL RESOLUTION

MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT Council adjourn the meeting [6.28pm] to hold the Annual Elector's meeting; and that the Ordinary meeting be resumed following the close of the AGM.

CARRIED
10/0

COUNCIL RESOLUTION

MOVED - Cr. C N Boyce SECONDED - Cr. P A Bass

THAT Council Resume the meeting [6.35pm]. All Councillors and the following staff were present following the adjournment:

- **Chief Executive Officer, Mr Mark Chester**
- **Executive Assistant, Ms Cathy Parkinson**
- **Manager Technical Services, Mr Luke Botica**
- **Manager Health Services, Mr Tim Batt**
- **Manager Building Services, Mr Peter Black**
- **Manager Financial Services, Mr Stuart Eaton**

CARRIED
10/0

RESUMPTION OF MEETING

15 MATTERS BEHIND CLOSED DOORS

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) (c) & (h) - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

S 5.23 (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
(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.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

383/11 MOVED - Cr. M T Bennett SECONDED - Cr. B G Day

THAT in accordance with the Local Government Act 1995, S 5.23 (2) (a) & (c) & (h), the Committee go Behind Closed Doors to discuss:

1. A matter regarding 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 being the sale or purchase of property by the local government; and

2. A matter affecting an employee or employees.

CARRIED
10/0

Note: Manager Building Services, Mr Peter Black left the meeting [6.36pm].

15.1 Minutes of the Shire of Dardanup - Waste Management Committee Meeting Held on 25th November 2011

MINUTES OF THE SHIRE OF DARDANUP - WASTE MANAGEMENT COMMITTEE MEETING HELD ON 25TH NOVEMBER 2011, AT SHIRE OF DARDANUP – ADMINISTRATION CENTRE EATON, COMMENCING AT 2.30PM.

RECEIVED

Chief Executive Officer Comment

Staff recommend that the Sale of Lot 1 3003 Banksia Road be contingent upon the Shire of Dardanup accepting and adopting the Business Plan.

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "A"
& COUNCIL RESOLUTION

384/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT Council:

1. Sell Part Lot 1, 3003 Banksia Road Dardanup to a regional grouping of Councils with the following conditions:-

i) Subject to the adoption of the Regional Council Business Plan.

ii) The Shire of Dardanup retain an equal share of the property.

iii) The regional grouping of Councils accepts the offer within 90 days of the offer being made.

iii) The sale price is $4,250,000.

iv) The sale price should remain confidential and not be included in the minutes until the sale of the property is finalised.

2. Acknowledge that the sale of land is exempt from section 3.58 of the Local Government Act 1995 as the property is being sold to local governments

CARRIED
10/0

By Absolute Majority

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "B"
& COUNCIL RESOLUTION

385/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT Council authorise the Chief Executive Officer to investigate the removal of gravel reserves from Part Lot 1, 3003 Banksia Road Dardanup prior to the sale of the property.

CARRIED
10/0

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "C"
& COUNCIL RESOLUTION

386/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT:

1. **Council supports the actions of the working group to prepare a Business Plan for the formation of a Regional Council for Waste.**

2. **A Business Plan be presented to the Waste Management Committee once completed.**

3. **Council support the Shire staff in developing regional based projects which support the goal of reducing waste to landfill.**

CARRIED
10/0

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "D"
& COUNCIL RESOLUTION

387/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT Council:

1. **Invite the Bunbury Harvey Regional Council to submit a formal request to lease part of Lot 1 Banksia Road, Dardanup for use as an Organics Processing Facility.**

2. **Request the Chief Executive Officer, to commence a community engagement and consultation process advising the community of the proposal.**

3. **Request the Chief Executive Officer, in partnership with representatives from the Bunbury Harvey Regional Council and Shire of Capel, to commence negotiations with the Department of Environment and Conservations with a view to establishing an organics processing facility at Lot 1 Banksia Road, Dardanup.**

CARRIED
10/0

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "E"
& COUNCIL RESOLUTION

388/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT Council:

1. **Support the concept of organics processing through the introduction of a third organics bin; and**

2. **Informs the Bunbury Harvey Regional Council that the Shire of Dardanup intended to review the proposal once the process has been proven and the full costs are understood.**

CARRIED
10/0

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "F"
& COUNCIL RESOLUTION

389/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT the Waste Management Committee recommend to Council that Council delegate authority to the Chief Executive Officer to negotiate:-

1. **An extension to the existing Waste Collection and Recycling Collection Contracts if required.**

2. **With the relevant contractors to obtain a purchase price of all existing waste and recycling containers.**

CARRIED
10/0

WASTE MANAGEMENT COMMITTEE
RECOMMENDED RESOLUTION "G"
& COUNCIL RESOLUTION

390/11 MOVED - Cr. M T Bennett SECONDED - Cr. J Lee

THAT the Waste Management Committee recommend to Council that:-

1. **A community survey (Rural Waste & Recycling Services Survey) be initiated to inform rural property owners of the proposal to introduce rural waste and recycling services and measure the level of support for the proposal.**

2. **The results of the Rural Waste & Recycling Services Survey be returned to the Waste Management Committee in 2012 for consideration.**

CARRIED
10/0

Note: All staff left the meeting [6.37pm], with the exception of the Chief Executive Officer, Mr Mark Chester.

15.2 *Title: Behind Closed Doors - 2011 Organisation Review*

Reporting Department:	*Executive*
Reporting Officer:	*Mr Mark L Chester – Chief Executive Officer*
Legislation:	*Local Government Act 1995* *Local Government Industry Award 2010*
File Number:	*HR01 0004*

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) (a) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council on HR01 0004.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

391/11 MOVED - Cr. B G Day SECONDED - Cr. J Lee

THAT Council:

1. **Approve the new organisation structure as per the Organisation Chart at (Appendix ORD: 15.2B) dated 14 December 2011.**

2. **Endorse the commencement of the new structure being from the 1st of January 2012.**

3. **Approve of the transfer of $132,624 from the Employee Entitlements Reserve Fund for entitlements paid out.**

4. **Approve the transfer of $30,000 from the Swimming Pool Inspection Reserve.**

5. **Endorse the redundancy of Mr Peter Black Manager Building Services effective from the 1st February 2012 and thank Mr Black for his 16 years service with the Shire of Dardanup.**

6. **Approve the creation of the new Manager Operations position.**

7. Require the Chief Executive Officer to investigate the office accommodation needs and report to Council by the 31st of May 2012 (following the adoption of the 2012 Workforce Plan) with a recommendation for projected needs for the next ten years.

CARRIED
10/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

392/11 MOVED - Cr. M T Bennett SECONDED - Cr. P S Robinson

THAT Council return from behind closed doors [7.24pm].

Note: In accordance with Standing Order 12.7 (3) the Presiding Officer, unless the Council decides otherwise, is to cause the motions passed by Council whilst behind closed doors to be read out.

16 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday 19th January 2012, commencing at 4.30pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 7.25pm.