



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 27 October 2016** at the **Council Chambers Jurien Bay** commencing at **4.00pm**.

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

The format for the day is as follows:

12.00 noon	Citizenship Ceremony – James Deaker
12.30pm	LUNCH
1.00pm	▪ Ward Boundary Review Report (includes Dr. Kirsten Martinus Presentation)
2.00pm	Wedge & Grey Presentation (Peter Sheppard)
3.00pm	Agenda Briefing Session
3.30pm	Councillor Discussion Session
4.00pm	Ordinary Meeting of Council
5.00pm	Public Forum

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

Tony Nottle
CHIEF EXECUTIVE OFFICER

20 October 2016



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING (PUBLIC)

to be held

AT THE COUNCIL CHAMBERS, JURIE BAY

on

27 OCTOBER 2016

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)



ORDINARY COUNCIL MEETING

27 OCTOBER 2016

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

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

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

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

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

BY ORDER OF THE COUNCIL

Tony Nottle
CHIEF EXECUTIVE OFFICER



DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

Please note:

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

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

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

Tony Nottle
CHIEF EXECUTIVE OFFICER



COUNCIL MEETING INFORMATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

NOTE:

10.3 Unopposed Business

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

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

SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

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

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

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

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

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

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

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

SHIRE OF DANDARAGAN

QUESTIONS FROM THE PUBLIC

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

Name: _____ Signature: _____

Address: _____

Contact No: _____ Meeting Date: _____

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

Name of Organisation
Representing: _____
(if applicable)

QUESTION:

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

Please see notes on Public Question Time overleaf...

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



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

NAME OF PERSON MAKING DISCLOSURE

Surname: _____

Christian Names: _____

Date of Disclosure: _____

Date of Meeting: _____

Council Meeting: Yes No (Please
Circle)

or

Committee Meeting: Yes No (Please
Circle)

Name of Committee: _____

Agenda Book Page No: _____ Item No: _____

Nature and Extent of Financial Interest:

Signature of Person Making Disclosure:

Signature of Staff Recording Financial Interest:

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

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**Members**

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

Staff

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

Apologies**Approved Leave of Absence**

Councillor K McGlew

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**4 PUBLIC QUESTION TIME**

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**

- 6 CONFIRMATION OF MINUTES**
 - 6.1 MINUTES OF THE ORDINARY MEETING HELD 22 SEPTEMBER 2016**

- 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

- 9 REPORTS OF COMMITTEES AND OFFICERS**

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 CERVANTES SAILING AND FIN FISHERS CLUB LEASE

Location: Reserve 47597 Cervantes
 Applicant: Cervantes Sailing and Fin Fishers Club
 Folder Path: Business Classification Scheme / Parks and Reserves / Usage / Leasing
 Disclosure of Interest: Nil
 Date: 12 October 2016
 Author: Tony O’Gorman, Club Development Officer

Signature of Author:
 Senior Officer:



Scott Clayton, Executive Manage Corporate and Community Services

Signature of Senior Officer:



PROPOSAL

To lease Reserve 47597 to the Cervantes Sailing and Fin Fishers Club

BACKGROUND

At the 25 August 2016 Council meeting the Council agreed in principle to the lease of Reserves 47597 and 47598.

Moved Cr Slyns, seconded Cr Richardson

That Council:

1. *agree in Principle to leasing reserves 47597 and 47958 to the Cervantes Sailing Fin Fishers Club for \$1.00 per annum.*
2. *advertise the proposed lease of Reserve to be entered into with the Cervantes Sailing Fin Fishers Club for comment from the public in accordance with Section 3.58 of the Local Government Act;*
3. *all costs associated with providing the Cervantes Sailing Fin Fishers Club is borne by the Club, including advertising, lease drafting any costs associated with surveying etc. Any costs associated with reconstruction of the facility.*

Advice Note:

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

CARRIED 8 / 0

COMMENT

The advertising to lease Reserve 47597 has now been completed in accordance with section 3.58 of the Local Government Act.

No submissions were received by the close date at 30 September 2016.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 OCTOBER 2016

Further investigation by the Department of Lands has revealed that the Shire does not have the power to lease Reserve 47598 because it is a beach access and can't be leased. The Shire does have the power to lease Reserve 47597.

CONSULTATION

- Cervantes Community
- Former Office Bearers of the Cervantes Sailing Club
- Department of Lands
- Advertisement in the West Australian and the Pinnacles Express

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

Policy 6.5 Reserves

OBJECTIVE

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	b) Manage club leases and other community leases

ATTACHMENTS

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

- Draft lease document prepared by McLeod's Barristers and Solicitors (74591)

(Marked 9.1.1)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION



That Council:

- **Agree to grant the Cervantes Sailing and Fin Fishers Club be granted a twenty one year lease on Reserve 47597 for an annual rental of \$1;**

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 OCTOBER 2016

- **Authorise the President and CEO to affix the common seal to the lease document.**

9.1.2 ACCOUNTS FOR PAYMENT – AUGUST 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	21 September 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

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

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for August 2016 totalled \$1,018,358.00 for the Municipal Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for August 2016 (Doc Id: 74784)

(Marked 9.1.2)

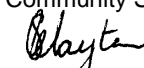
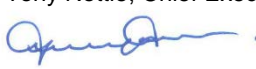
VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Municipal Fund cheque and EFT listing for the period ending 31 August 2016 totalling \$1,018,358.00 for the Municipal Fund be accepted.

9.1.3 ACCOUNTS FOR PAYMENT – SEPTEMBER 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	14 October 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Kottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

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

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for September 2016 totalled \$1,175,643.23 for the Municipal Fund and \$38,958.00 for the Trust Fund

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for September 2016 (Doc Id: 74783)

(Marked 9.1.3)



VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Municipal Fund cheque and EFT listing for the period ending 30 September 2016 totalling \$1,175,643.23 for the Municipal Fund and \$38958.00 for the Trust Fund be accepted.

9.1.4 TOURISM WA FUNDING CONTRIBUTION TO BLACK WASTE DUMP POINTS IN CERVANTES AND BADGINGARRA

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Legal Documents / Agreements / Financial
Disclosure of Interest:	Nil
Date:	14 October 2016
Author:	Alison Slyns, Tourism Marketing Coordinator
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to recognise the Tourism Western Australia funding contribution of \$7,000 towards the installation of public black-waste dump points in Cervantes and Badgingarra and authorise a budget amendment as income for that amount.

BACKGROUND

The 2016 / 2017 budget includes an allocation of \$19,542 ex GST for this project to fund the installation of public black-waste dump points in Jurien Bay, Cervantes and Badgingarra. Being that there is already a 24-hour accessible dump point in Dandaragan (at Pioneer Park) the installation of these new facilities will mean each of the four main townships within the Shire of Dandaragan will have a dump point for travellers.

COMMENT

As part of Tourism Western Australia's Caravan and Camping Action Plan, the installation of public black-waste dump points in strategic locations was identified as a priority. At the time of the Shire of Dandaragan's enquiry, the funding allocation for the 2015/2016 financial year was already exhausted so the application was held over for consideration in the 2016/2017 financial year funding.

Of the three sites the Shire selected for dump point installations, two of them qualified for funding from Tourism WA – Cervantes and Badgingarra. Jurien Bay did not qualify for funding due to the close proximity of a recently-installed dump point in Leeman.

The total cost of the project is \$21,178.39 ex GST, with Tourism Western Australia providing a contribution of \$7,000.00 ex GST, leaving the Shire a balance payment of \$14,178.39. This is being funded from the Caravan Park Reserve as included in the 2016/2017 budget.

CONSULTATION

- Tourism WA
- Executive Manager Corporate and Community Services

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

6.8 Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution; or
- (c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The 2016/2017 budget already contains an allocation for the purchase and installation of the assets to a total of \$19,542, with a corresponding transfer from the caravan park reserve to fully fund the project.

The partial funding of the project by Tourism WA and slightly higher supply and install costs will increase the project cost by \$1,636.39 and reduce the required transfer for the Caravan Park reserve by \$5,363.61.

STRATEGIC IMPLICATIONS

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5: Facilitate industry, population and visitor growth to expand and diversify the regional economy	Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife
<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.5 Provide environmental health and safety services	Camp ground management and control of illegal camping
<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.5 Implement integrated planning and reporting	(c) Maximise grant and alternative income sources to minimise burden on ratepayers

ATTACHMENTS

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

- Signed grant agreement (Doc Id: 74994)
(Marked 9.1.4)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION

That Council authorise a budget amendment to;

- 1. recognise income of \$7,000 ex GST from Tourism Western Australia through the Caravan and Camping Action Plan to contribute to the installation of public black-waste dump points in Cervantes and Badgingarra, and;**
- 2. Increase the Dump Points capital project costs by \$1,363.39 ex GST, and;**
- 3. Reduce the transfer from caravan park reserve as included in the 2016/17 budget by \$5,363.61 ex GST.**

9.1.5 BUDGET AMENDMENT CERVANTES COMMUNITY RECREATION CENTRE

Location:	Cervantes Community Recreation Centre
Applicant:	N/A
Folder Path:	Business Classification Scheme /
Disclosure of Interest:	Nil
Date:	12 October 2016
Author:	Tony O’Gorman, Club Development Officer
Signature of Author:	



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



PROPOSAL

To authorise a budget amendment to change the 2016/2017 budget to reflect the outcome of the grant received from the Department of Culture and the Arts, Regional Venues Improvement Fund for an amount of \$333,803, to confirm the community contribution for the amount of \$44,091, and to affix the Shire’s Common Seal retrospectively to the Funding Agreement to upgrade the Cervantes Sport and Recreation Centre to a Multipurpose Performing Arts and Arts Cultural Centre.

BACKGROUND

At the Council meeting held on 28 August 2014 the Council resolved:

“That Council form a Cervantes Recreation Reserve Working Group consisting of:

- *Cr Holmes*
- *Cr McGlew*
- *Chief Executive Officer*
- *Executive Manager Corporate and Community Services*
- *Manager Building Services*
- *Club Development Officer*
- *Up to five Cervantes community members made up from current user groups;*

With the purpose of the group to identify recreation facilities needs of the Cervantes community for the medium to long term being mindful of sound and sustainable asset management practices.”

The working party met a number of times during the latter part of 2014 and the first half of 2015. Extensive consultation took place with the community with a draft concept plan being put forward. The following motion was moved at the working party meeting.

The Cervantes Community Recreation Centre Working Party recommend the Concept Plan as presented to the 13 May 2015 Public Information session that was unanimously supported by

Cervantes community members present, be submitted to Council as the preferred CCRC Building Improvement Plan

That concept plan was then used as the basis for a National Stronger Regions Grant Application which was unsuccessful. Another grant application was submitted to the Wheatbelt Development Commission grants program but was also unsuccessful. A third application was submitted to the Regional Venues Improvement Fund, which is a Department of Culture and the Arts funding round. This application was successful and has received a grant amount of \$333,803.

Last week the Department of Culture and the Arts posted the Shire the original Letter of Offer to be signed under the Shire's Common Seal. Given that the Department stipulated a 7 day turnaround for the receipt of the signed Agreement the Shire's Common Seal was applied to the Letter of Offer retrospectively.

COMMENT

Upgrading of the Cervantes Community and Recreation Centre has been an ongoing issue for many years. The Shire has carried over renewal funds of \$50,000 to upgrade the kitchen, \$36,700 to refurbish the current change rooms and an amount of \$106,000 to renew parts of the building structure for several years awaiting the finalisation of project scope. The 2016/2017 annual budget contains a provision for the project based on the previously committed renewal funds mentioned above with the remaining costs to be funded in accordance with policy 6.6 Sport and Recreation Facility Funding (Capital Funding of Major Recreational Facilities). The President of the Cervantes Community and Recreation Centre Management Committee has confirmed that the Committee is happy to accept the Regional Venues Improvement Fund on the terms set out in the grant Agreement. It is the administrations understanding that any grant amount greater than the minimum required to comply with policy 6.6 Sport and Recreation first offsets the community contribution less any amounts already committed then goes to increase the overall project budget. Council funds already committed in the budget have not been altered.

Application of the Common Seal to the funding agreement in this instance is accompanied by the signature of the Shire President and the Chief Executive Officer.

A register is maintained to record all occasions on which the seal is applied and in this instance relates to Item 240 within the Shire of Dandaragan's Seal Register.

Generally, the common seal is only applied in circumstances where Council has specifically resolved to enter into an agreement

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or lease, or the disposal of or acquisition of land. There are however, occasions where the seal is required to be applied urgently and Council's endorsement in this instance is sought retrospectively.

CONSULTATION

Extensive consultation has taken place with the Cervantes Community through the working party.

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

6.8 Expenditure from municipal fund not included in annual budget

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

POLICY IMPLICATIONS

Policy 6.6 Sport and Recreation

Objective

To provide assistance to sporting and recreational groups for:

1. Replacement and improvement of capital infrastructure for sporting and recreational facilities;
2. Purchase or improvement of non-consumable sporting and recreational equipment.
3. Capital funding of major indoor recreation facilities.

FINANCIAL IMPLICATIONS

The 2016/2017 budget will need to be amended as follows;

	2016 / 2017 Budget	2016/2017 proposed amended budget	Amendment required
Outgoing Funds			
Previous Renewal Allocation	\$ 192,700.00	\$ 192,700.00	\$ -
Project per Policy 6.6	\$ 474,406.00	\$ 536,026.00	\$ 61,620.00
Total Project Cost	\$ 667,106.00	\$ 728,726.00	\$ 61,620.00
Incoming Funds			
Community Contribution	\$ 79,066.00	\$ 44,091.00	-\$ 34,975.00
Loan/Specified Area (proposed for 17/18 budget)	\$ 79,066.00	\$ -	-\$ 79,066.00

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Grant	\$ 158,132.00	\$ 333,803.00	\$ 175,671.00
	\$ 316,264.00	\$ 377,894.00	\$ 61,630.00

STRATEGIC IMPLICATIONS

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	<p>a) Maintain Civic buildings, community centres and public halls to provide facilities for a range of community activities (note the community centres are run by community organisations)</p> <p>g) Promote local ownership of projects and facilities for community groups</p>

ATTACHMENTS

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

- Grant agreement and application (Doc Id: 74717)
(Marked 9.1.5)

VOTING REQUIREMENT



Absolute Majority

OFFICER RECOMMENDATION

That Council accept the grant from the Department of Culture and the Arts, Regional Venues Improvement Fund for an amount of \$333,803 ex GST to upgrade the Cervantes Sport and Recreation Centre to a Multipurpose Performing Arts and Arts Cultural Centre, and authorise budget amendments to;

- 1. Increase the Cervantes Sport and Recreation Centre renewal project by \$61,620 ex GST;**
- 2. Reduce the communities cash contribution towards the Cervantes Sport and Recreation Centre renewal project by \$34,975 ex GST;**
- 3. Increase the non-operating grant towards the Cervantes Sport and Recreation Centre renewal project by \$175,671 ex GST; and**
- 4. Authorise the Shire President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal retrospectively to the Department of Culture and the Arts Letter of Offer.**

9.1.6 RECOGNISE REGIONAL VISITOR CENTRE SUSTAINABILITY GRANT AND AUTHORISE BUDGET AMENDMENT TO RECEIVE AND EXPEND FUNDS

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	Nil
Date:	6 October 2016
Author:	Alison Slyns, Economic Development Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To recognise the Turquoise Coast Visitor Centre's successful application through Regional Visitor Centre Sustainability Grant Program and to authorise a budget amendment for grant income of \$21,500 and corresponding expenditure.

BACKGROUND

The Regional Visitor Centre Sustainability Grant Program (RVCSGP) through Royalties for Regions and administered by Tourism Western Australia aims to improve the ongoing sustainability of accredited visitor centres. The grant is being implemented over three years with a total funding pool of \$4.2 million. The Shire of Dandaragan was successful in the first funding round 2015-16 with a grant of \$17,573 and matched funds. The 2016-17 funding pool was \$1.05 million and a 20% contribution of cash or in-kind funding is required for grants between \$5,000 and \$40,000.

COMMENT

In October 2016 the Shire of Dandaragan was successful in obtaining a \$21,500 grant from Tourism WA with the Regional Visitor Centre Sustainability Grant Program through Royalties for Regions.

This grant assists in enabling the Turquoise Coast Visitor Centre to transition to a more sustainable operating model through enhancing the visitor experience and improving operations, revenue and overall financial management. This round of funding focused on areas that could provide potential income streams for the visitor centre, as well as filling gaps in the tourism amenities provided to visitors. The items being funded include:

- Purchase and installation of a coin-operated water dispenser in Jurien Bay;
- Purchase and installation of a Tourism Touchscreen at the visitor centre;

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- Development of a visitor centre website with online booking integration;
- Purchase and installation of merchandise display furniture and fittings.

Projects that enhance the promotion of the region are funded by Shire's Tourism and Area Promotion Fund through the Turquoise Coast Visitor Centre.

From the total expenditure of \$27,823 the Shire will contribute \$1,000 of in-kind support for the use of Shire staff time in storing, collecting or project-managing installations of purchased items and there is a cash contribution of \$5,323 to pay for items above the grant funded amounts, to be funded from the existing Tourism and Area Promotion Fund

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Visitor Centre Association of Western Australia

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8 Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution; or
- (c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire was successful in obtaining a \$21,500 grant from Tourism WA under the Regional Visitor Centre Sustainability Grant Program.

A budget amendment to recognise grant income and corresponding expenditure of \$21,500 is required.

STRATEGIC IMPLICATIONS

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5 Facilitate population and visitor attraction and	(c) Expand and improve the visitor centres' network

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growth to expand and diversify the regional economy	
<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.4 Provide high standard of customer service	(a) Provide customer service to the community via front counter, telephone and email (b) Respond to service requests and issues
5.5 Implement integrated planning and reporting	(c) Maximise grant and alternative income sources to minimise burden on ratepayers

ATTACHMENTS

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

- Grant Agreement (Doc Id: 74838)
(Marked 9.1.6)

VOTING REQUIREMENT



Absolute majority

OFFICER RECOMMENDATION

That Council:

- 1. authorise a budget amendment to recognise a Grant from Tourism WA for the amount of \$21,500, and;**
- 2. authorise a budget amendment to expend \$21,500 (plus \$5,323 from the existing Tourism and Area Promotion budget) to complete the Regional Visitor Centre Sustainability Grants project as follows:**
 - a. The purchase and installation of a coin-operated water dispenser as an Infrastructure Other purchase to the amount of \$8,936;**
 - b. The purchase and installation of a Tourism Touchscreen as a Furniture and Equipment purchase to the amount of \$10,836;**
 - c. The development of a visitor centre website with online booking integration as part of Operating Expenses within the existing Tourism and Area Promotion Fund schedule to the amount of \$5,000; and**
 - d. The purchase and installation of merchandise display furniture and fittings as a Non-Capital Asset purchase to the amount of \$3,051.**

9.1.7 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 AUGUST 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	18 October 2016
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 August 2016.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 August 2016.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 August 2016 was \$8,651,671. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

General Purpose Funding

Expenditure is at 123% of Y-T-D budget and is due to legal fees being higher than budgeted. This amount is offset by addition income recouped from affected rating assessments.

Community Amenities

Income is at 66% of Y-T-D budget and is due to the Water Corporations contribution towards the sewer project. Payment is expected early in 2016/17 and will be carried over into that budget.

Recreation & Culture

Income is at 75% of Y-T-D budget and is due to budgeted income for the Cervantes Community Centre renovation not being received. The project will now be carried over into the 2016/17 budget.

Expenditure is at 83% and is due to less than budgeted salaries and materials and contracts within the public open space budget.

Economic Services

Income is at 114% and is due to unbudgeted grants for Regional Visitor Centres and Stronger Communities.

Expenditure is at 77% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Transport

Expenditure is at 93% and is due to a correction in depreciation. An investigation into depreciation of recently revalued Infrastructure assets shows depreciation calculating too high.

Other Property and Services

Expenditure is at 169% and is due to higher than budgeted expenditure on plant repairs. This is partially offset by insurance reimbursements.

Should Councillors wish to raise any issues relating to the 31 August 2016 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS**Business as usual**

5. Proactive and leading local government

k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 31 August 2016
(Doc Id: 74859)

(Marked 9.1.7)

VOTING REQUIREMENT

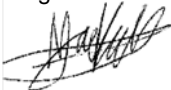
Simple majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 31 August 2016 be adopted.

9.2 INFRASTRUCTURE SERVICES

9.2.1 TENDER RTF 06/2015 DISPOSAL OF EXISTING SHIRE VEHICLES

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification / Plant Equipment and Stores / Tendering / Tender Evaluations
Disclosure of Interest:	None
Date:	17 October 2016
Author:	Angus Padfield, Infrastructure Asset Coordinator
Signature of Author:	

Senior Officer:	Garrick Yandle, Executive Manager Infrastructure
Signature of Senior Officer:	

PROPOSAL

That Council consider awarding the tender for the RFT 02/16 – Disposal of existing Shire vehicles.

BACKGROUND

The Tender was advertised in The West Australian on 17 September 2016 and was also advertised in the following publications;

- The West Australian on the 17 of September, 2016.
- Craytales on the 21 September, 2016.
- Redgum Reports on the 20 September, 2016.
- Pinnacles Express on the 23 September, 2016.
- Shire of Dandaragan Website and Facebook Page on the 16 September, 2016.

The Tender submissions closed on Friday 7 October 2016 at 2pm.

Various plant items were advertised with a summary of specifications as described by the tender documents as follows:

- Item 1 – Disposal of a 2009 Holden Colorado DX Tray Back Single Cab
- Item 2 - Disposal of a 2011 Ford Ranger XLT Super Cab
- Item 3 – Disposal of a 2009 Mitsubishi Triton Tray Back Ute
- Item 4 – Disposal of a Hino Ranger 10 medium truck
- Item 5 – Disposal of a 1991 Multipac VP200 Rubber Tyred Roller
- Item 6 – Disposal of a Hino Ranger Pro 4150 6 Wheeler
- Item 7 – Disposal of a Howard Porter Pig End Tipper
- Item 8 – Disposal of a Custom Made 1981 Tandem Axle End Tipper

COMMENT

The following provides a summary of Tenders received and also the Shire staff recommendation.

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The following table summarises the tendered prices received exclusive of GST:

Item and Tenderers	Tender Price (ex GST)
Item 1 – Holden Colorado Utility (DN052)	
▪ Countrywide Auto Wholesalers	\$6,272.73
▪ WA Machinery Brokers	\$ 6,000.00
▪ Redback Wholesale Cars	\$5,545.00
Item 2 - Ford Ranger Utility (DN013)	
▪ Countrywide Auto Wholesalers	\$5454.55
▪ WA Machinery Brokers	\$ 7,000.00
▪ Lowman Engineering	\$4,545.45
▪ Redback Wholesale Cars	\$8,909.09
Item 3 – Mitsubishi Triton Utility (1DAH324)	
▪ Countrywide Auto Wholesalers	\$5,636.36
▪ WA Machinery Brokers	\$ 4,000.00
▪ Redback Wholesale Cars	\$2,545.45
Item 4 – Hino Ranger 10 medium truck (1CXF976)	
▪ WA Machinery Brokers	\$10,000.00
▪ Redback Wholesale Cars	\$7090.90
Item 5 – Multipac VP200 Roller (DN042)	
▪ WA Machinery Brokers	\$ 1,000.00
Item 6 – Hino Ranger 6 Wheeler (DN055)	
▪ WA Machinery Brokers	\$40,000.00
Item 7 – Howard Porter End Tipper (DN5517)	
▪ N C McGillivray & Sons	\$6,159.09
▪ WA Machinery Brokers	\$ 8,000.00
Item 8 – Custom Made 1981 Tandem Axle End Tipper (DN5471)	
▪ WA Machinery Brokers	\$ 3,000.00

A procurement process was run concurrently with the Tender process for the changeover of the following Shire vehicles with quotes being sought through the WA CUA State Supply Panel

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Members for trade of the following vehicles as well as the purchase of an associated replacement vehicle:

- Item 1 – Disposal of a 2009 Holden Colorado DX Tray Back Single Cab
 - Indicative trade values \$6,300 - \$9,090 (ex GST)
- Item 2 - Disposal of a 2011 Ford Ranger XLT Super Cab
 - Indicative trade values \$9,090 - \$12,730 (ex GST)
- Item 3 – Disposal of a 2009 Mitsubishi Triton Tray Back Ute
 - Indicative trade values \$4,550 - \$6,800 (ex GST)
- Item 4 – Disposal of a Hino Ranger 10 medium truck
 - Indicative trade values \$4,500 - \$16,300 (ex GST)
- Item 6 – Disposal of a Hino Ranger Pro 4150 6 Wheeler
 - Indicative trade values \$40,000 - \$73,200 (ex GST)

Trade Quotes exclusive of GST were received as follows:

Based upon the analysis of the above information in relation to disposal price, Shire Officers recommend the following with regard to the award of tender RFT 02/16:

Item and Tenderers	Tender Price (ex GST)
Item 1 – Holden Colorado Utility (DN052)	
Budget Disposal Estimate	\$3,000
▪ Reject all tenders and dispose of via Trade Quote.	
▪ All Trade Quotes above Tender Prices and above Budget Disposal Estimate.	
Item 2 - Ford Ranger Utility (DN013)	
Budget Disposal Estimate	\$3,000
▪ Reject all tenders and dispose of via Trade Quote.	
▪ All Trade Quotes above Tender Prices and above Budget Disposal Estimate.	
Item 3 – Mitsubishi Triton Utility (1DAH324)	
Budget Disposal Estimate	\$3,000
▪ Reject all tenders and dispose of via Trade Quote.	
▪ All Trade Quotes above Tender Prices and above Budget Disposal Estimate.	
Item 4 – Hino Ranger 10 medium truck (1CXF976)	
Budget Disposal Estimate	\$10,000
▪ Reject all tenders and dispose of via Trade	

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Quote.	
▪ Suitable Trade Quote above Tender Prices and above Budget Disposal Estimate.	
Item 5 – Multipac VP200 Roller (DN042)	
Budget Disposal Estimate	\$5,000
▪ Award tender to WA Machinery Brokers.	\$ 1,000.00
▪ Tendered Price less than Budget Disposal Estimate by \$4,000, but total disposal prices across all vehicles considerably exceeds Budget Disposal Estimates.	
Item 6 – Hino Ranger 6 Wheeler (DN055)	
Budget Disposal Estimate	\$75,000
▪ Reject all tenders and dispose of via Trade Quote.	
▪ All Trade Quotes exceeds Tender Prices and are within 10% of Budget Disposal Estimate.	
Item 7 – Howard Porter End Tipper (DN5517)	
Budget Disposal Estimate	\$5,000
▪ Award tender to WA Machinery Brokers	\$ 8,000.00
▪ Tendered Price exceeds Budget Disposal Estimate by \$3,000.	
Item 8 – Custom Made 1981 Tandem Axle End Tipper (DN5471)	
Budget Disposal Estimate	\$1,000
▪ Award tender to WA Machinery Brokers	\$ 3,000.00
▪ Tendered Price exceeds Budget Disposal Estimate by \$2,000.00.	

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publically invited

Section 3.58 Local Government Act (1995) – 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.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15

- Limit of proposed Contract exceeds the limit under Delegated Authority 103 provided to the CEO for disposal of Shire property (\$50,000). The collective amount of disposal is over this amount. Therefore, a Council resolution is required.

FINANCIAL IMPLICATIONS

The following implications for this item have already been outline in the COMMENT section.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION



That Council award the tender RFT 02/16 for the Disposal of Existing Shire Vehicles as follows:

- 1. Item 1 – Disposal of a 2009 Holden Colorado DX Tray Back Single Cab, reject all tenders and dispose of via Trade Quote.**
- 2. Item 2 – Disposal of a 2011 Ford Ranger XLT Super Cab, reject all tenders and dispose of via Trade Quote.**
- 3. Item 3 – Disposal of a 2009 Mitsubishi Triton Tray Back Ute, reject all tenders and dispose of via Trade Quote.**
- 4. Item 4 – Disposal of a Hino Ranger 10 medium truck, reject all tenders and dispose of via Trade Quote.**
- 5. Item 5 – Disposal of a 1991 Multipac VP200 Rubber Tyred Roller to WA Machinery Brokers for \$1,000.00 excluding GST.**

6. **Item 6 – Disposal of a Hino Ranger Pro 4150 6 Wheeler, Reject all tenders and dispose of via Trade Quote.**
7. **Item 7 – Disposal of a Howard Porter Pig End Tipper to WA Machinery Brokers for \$8,000.00 excluding GST.**
8. **Item 8 Disposal of a Custom Made 1981 Tandem Axle End Tipper to WA Machinery Brokers for \$3,000.00 excluding GST.**

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 HERITAGE SURVEY OF RADAR STATION 48, NORTH HEAD, JURIEBAY

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Programs / Heritage Protection
Disclosure of Interest:	Nil
Date:	18 October 2016
Author:	Michelle Perkins, Community Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Senior Officer:	

PROPOSAL

To receive the *Report on a heritage survey of Radar Station 48, North Head, Jurie Bay for the Shire of Dandaragan (April 2016)* by Heritage Consultant/Archaeologist Heritage Detection Australia.

BACKGROUND

The North Head survey site is located approximately 9km North of Jurie Bay town site. The remains of two (2) World War 2 (WW2) radar station bunkers are situated on coastal Reserve 19206 vested in the Shire of Dandaragan. Reserve 19206 was created as part of the removal of squatting shacks with the long term intention of transferring to Department of Parks and Wildlife, but to date, this has not been progressed. In addition, WW2 buildings associated with the radar camp site, including foundations, drains, building pads, and an underground tank are within the boundaries of private land Lot 8836. Shire staff received written approval from the Planner acting on behalf of the private landholder to include it in the archaeology survey. The whole survey site (particularly the bunkers themselves) is a popular campsite with locals and some visitors who use the access tracks running through sand dunes.

Following a brief report carried out in 2014 on the North Head Radar Station site by archaeologist Bob Sheppard from Heritage Detection Australia, it was established that a more intense survey could be carried out to determine the heritage values to create a conservation plan utilising National Trust guidelines.

A budget submission of \$5,500 was accepted for the 2015 / 2016 Shire of Dandaragan budget to undertake a three day preliminary survey including a pedestrian survey of the site at approximately 5m transects with all potential radar station related material to be recorded, photographed and mapped; creating a plan of the site and an aerial photo overlay created; undertaking historical research; and preparing a brief report.

COMMENT

After consultation with both Shire Planning staff and the Department of Lands it is confirmed that rehabilitation of the bunkers at North Head is the Shire's responsibility. The bunkers are listed on the Shire's Municipal Heritage Inventory but are not State listed. The current state of the bunkers is very poor due to rubbish, erosion, graffiti, and 4WD use of nearby tracks and general lack of management of the area.

The local RSL group in Jurien Bay and Affiliate RSL Members from Cervantes have indicated to Shire staff of their desire to protect the site as it has important local WW2 heritage value.

The attached report to be received contains the outcome of the recent survey held in April 2016 and some recommendations for management and protection of the area.

CONSULTATION

- Deputy Chief Executive Officer
- Executive Manager Corporate & Community Services
- Heritage Detection Australia
- Dan Pearce – Principal, Roberts Day Planners
- Jurien Bay RSL Committee & Members
- Cervantes Affiliate RSL Member
- Erin Giuffre – Police Rangers Coordinator
- Shire of Dandaragan Facebook page
- Shire of Dandaragan Website
- Jurien Bay District High School

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

<i>GOAL 4: Healthy natural and built environment</i>	
Objectives	How the Shire will contribute
4.4 Maintain and conserve significant cultural and built heritage	Manage and protect significant heritage places with a focus on Wolba Wolba Cottage and Bunkers at North Head (subject to further assessment) and capturing oral histories

ATTACHMENTS

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

- Report on a Heritage Survey of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (Doc Id: 66326)
(Marked 9.3.1)

VOTING REQUIREMENT



Simple Majority

OFFICER RECOMMENDATION

That Council receive the *Report on a Heritage Survey of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (April 2016)* by Heritage Consultant / Archaeologist Heritage Detection Australia.

9.4 DEVELOPMENT SERVICES

9.4.1 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 1008 PROTON PLACE, JURIEN BAY

Location:	Lot 1008 Proton Place, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of W & D Gibson
Folder Path:	Development Services Apps / Development Application / 2016 / 62
Disclosure of Interest:	None
Date:	13 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 10m x 7.5m (75m²) with 0.4m side boundary setback for wall of height 2.7m (as measured at Natural Ground level - NGL on boundary). The proposal will be at a lower ground level than surrounding properties (0.9m).

BACKGROUND

The proponent has submitted a proposal to construct a 74m² outbuilding with a nil (0.4m) setback along one boundary of a corner lot. The proposed wall height on the nil setback boundary is 3.6m (2.7m when measured at NGL) and length 10m.

The other boundary is also 0.9m below natural ground level and has a setback varying from 1.0m to 2.0m and effective height of 2.7m.

COMMENT

Justification for the proposed reduced setback is that the effective height of the outbuilding is less than 3.0m and is only 1.0m longer than the 9m requirement along one boundary. This has been necessary due to the odd shape of the corner lot and positioning of the newly constructed dwelling.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 17 October 2016. One submission of not objection was received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *

* Note that total wall / ridge heights are measured from the ground level at the closest common boundary

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

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services

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

ATTACHMENTS

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

- Location plan / Plans(Doc Id:74952)
- Photos of site area and neighbour submission Doc Id: 74952)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 28 September 2016 on Lot 1008 Proton Place, Jurien Bay subject to:

Conditions:

- 1. All development shall be in accordance with the attached plans date stamped 28 September 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. the roof and wall material being of non reflective nature and colour; and**
- 3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

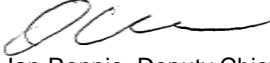

Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: Council has granted dispensation for this specific application due the odd shape of the corner lot, positioning of the dwelling due to being a corner lot and the effective height of the structure being 2.7m at the boundaries.

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

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

9.4.2 REQUEST FOR RECONSIDERATION OF PLANNING REFUSAL – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 439 BORONIA TURN, JURIE BAY

Location:	Lot 439 Boronia Turn, Jurie Bay
Applicant:	Swan Aussie Sheds on behalf of A Thomas
Folder Path:	Development Services App / Development Application / 2016 / 45
Disclosure of Interest:	None
Date:	13 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks reconsideration for an application for planning approval refused at the July 2016 Council meeting with amended plans for a proposed outbuilding.

BACKGROUND

The refused application comprised a total area of 10.7m x 7.5m (80.25m²) with nil side boundary setback for wall of height 3.6m and length of 10.7m exceeding Council's Policy for setbacks. The proposal also exceeded the maximum floor area under the policy which is 78.5m². Lot size is 785m².

An amended application provides a 500mm (up to 750mm if required) on the side boundary instead of the nil setback originally proposed. The proposed wall height on the side boundary is 3.6m and length 10.7m.

The rear setback is proposed to be 200mm which was originally 1.0m setback. The reduced rear setback is possible due to an existing outbuilding on the neighbour's property. The proposed wall height on the rear boundary is 3.6m and length 7.5m.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy) the total permitted area of outbuilding is 80m², or 10% of the site area, whichever is the lesser. The proposed lot size is 785m² resulting in a maximum outbuilding size of 78.5m². It exceeds the Policy requirements by 1.75m². Given the minor nature of the increase the proposed site area is not a significant factor when considering impact on amenity.

The required side boundary setback in accordance with table 2 of the R Codes is 1.5m.

The applicant has provided the following justification for the proposed reduced setback.

After discussions with Mark from Swan Aussie sheds and the usability for the size of my future boat required to fit I will need the height to stay at 3.6mtr high, so a 3mtr roller door can be put in to allow for boat to be out in shed.

Having 1.5mtr off the fence line is something I am having trouble trying to digest as it makes it near impossible to reverse a boat with a turning of 1.5mtr from the fence line before writing off the fence on the same side.

I am happy with the shed being back to the rear fence at 200mm off as we discussed. Due to there being a shed there already. This will make less evasive in the shed being so close to the house.

I really need a comprise on the shed off the fence line as 1.5mtr is ridiculous and would be more happier if we could get to 500mm, but would settle for 750mm.

There is no issues with providing a letter from my neighbours, as they are friends of mine. They would have no issues what so ever in okaying my shed 500mm off fence line.

This is now held me up for months now and I need to get other things in place before Christmas and everything is relying on positioning of shed. If you could look into this as soon as possible and let me know, it would be much my appreciated.

Thank you

In accordance with the Council's Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy), the applicant is seeking the following variations:

1. the permitted wall length within 750mm of a boundary and
2. the permitted wall height within 750mm of a boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 10.7m exceeding the Policy requirements of a maximum length of 9m. The proposed wall height is 3.6m also exceeding the permitted height of 3m.

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council's Policy. The Council at its discretion can approve variations to the Policy.

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

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If amended plans are submitted with the required setbacks, this application may be approved under delegation by the Manager of Planning.

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

Should Council decide to approve the application based any extenuating circumstances specific to this application, the following recommendation is suggested.

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 20 October 2016 on Lot 439 Boronia Turn, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 4 July 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. the roof and wall material being of non reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

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

Note 4: Council has granted dispensation for this specific application due to problems in accessing the proposed outbuilding down the side boundary, the presence of an adjoining outbuilding on the rear boundary and letter of no objection from the immediately impacted neighbour.

Note 5: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application

for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 20 July 2016. No submissions were received during the advertising period.

Two late submissions from the neighbours advising that they have no objection to the proposal were received two months after the application was considered by Council.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
* Note that total wall / ridge heights are measured from the ground level at the closest common boundary			

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements

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will require the submission of a Planning Application with adjoining property owner comment for a council decision.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 69915)
- Plans (Doc Id: 74947)
- Neighbours letters of support (Doc Id: 74947)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council refuse planning approval for the proposed Outbuilding on Lot 439 Boronia Turn, Jurien Bay for the following reasons;

- 1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;**
- 2. the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' for**

maintaining minimum rear/side setbacks and is over height for the applied for setback;

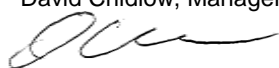

3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and
4. the proposed development does not comply with orderly and proper planning for the locality.

ADVICE NOTES:

Note 1: The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

9.4.3 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 666 BARCELONA DRIVE, CERVANTES

Location:	Lot 666 Barcelona Drive, Cervantes
Applicant:	A Ewen
Folder Path:	Development Services App / Development Application / 2016 / 56
Disclosure of Interest:	None
Date:	13 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 12m x 7m (84m²) with nil side boundary setback for wall of height 3.6m, ridge height of 4.6m and length of 12m exceeding Council's Policy for setbacks. The proposal also exceeds the maximum floor area under the policy which is 80m². Lot size is 883m².

BACKGROUND

The proponent has submitted a proposal to construct an 84m² outbuilding with a nil setback. The proposed wall height on the nil setback boundary is 3.6m and length 12m.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy) the total permitted area of outbuilding is 80m², or 10% of the site area, whichever is the lesser. The proposed lot size is 883m² resulting in a maximum outbuilding size of 80m². It exceeds the Policy requirements by 4m². Given the minor nature of the increase the proposed site area is not a significant factor when considering impact on amenity.

The required side boundary setback in accordance with table 2 of the R Codes is 1.5m.

The applicant has not provided any justification for the proposed nil setback apart from a verbal discussion advising that the height is required for a boat and the setbacks are due to an existing dwelling. The dwelling is proposed to be replaced in time and position of the outbuilding in relation to the new dwelling is intended to be on the southern boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 12m exceeding the Policy requirements of a maximum length of 9m.

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council's Policy. The Council at its discretion can approve variations to the Policy.

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

There is sufficient space to reposition the structure to comply with the setbacks.

If amended plans in compliance with the policy are submitted this application may be approved under delegation by the Manager of Planning.

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

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 17 October 2016. No submissions were received at the time of writing the report. If any objections are received they will be forwarded to Councillors one week prior to the meeting

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings 'Residential Areas

Outbuildings

5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
* Note that total wall / ridge heights are measured from the ground level at the closest common boundary			

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design

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Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan & Plans (Doc Id:74948)
(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

That Council refuse planning approval for the proposed Outbuilding on Lot 666 Barcelona Drive, Cervantes for the following reasons;

- 1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of**

Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;

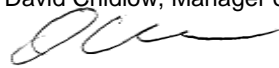

2. the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height for the applied for setback;
3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and
4. the proposed development does not comply with orderly and proper planning for the locality.

ADVICE NOTES:

Note 1: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

9.4.4 PLANNING APPLICATION – PROPOSED OVERHEIGHT OUTBUILDING – LOT 1003 BREMER PARADE, JURIEN BAY

Location:	Lot 1003 Bremer Parade, Jurien Bay
Applicant:	A Lippi
Folder Path:	Development Services App / Development Application / 2016 / 64
Disclosure of Interest:	None
Date:	13 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 11.5m x 5.0m (57.5m²) with 1.5m setbacks from boundaries with proposed wall of height 4.66m and ridge height of 5.09m exceeding Council's Policy for heights.

BACKGROUND

The proponent has submitted a proposal to construct a 57.5m² outbuilding that complies with the setback and maximum floor area of the outbuilding Policy, however the proposal does not comply with the maximum height requirements of the policy.

The proposed wall height is 4.66m (maximum permitted is 3.6m) and ridge height of 5.09m (maximum permitted is 4.5m).

The applicant has provided the following justification for the proposed over-height outbuilding.

My name is Adrian Lippi, I am currently building a house at 34 Bremer Parade Jurien Bay. I am wanting to build a shed to house my boat, which is on the enclosed site plan. The shed will be 5.0 m wide by 11.5 m long by 4.6 m high. I have enclosed photos of my boat in the shed doorway at my home in Perth where it is garaged. The reason I want to build this shed and bring my boat to Jurien is that my boat is a surveyed fishing charter boat, as can be seen in the photos. I have been operating this business out of Perth for 5 years now and I have built a great fishing reputation and a large clientele following. My clients are enthusiastic to come to Jurien for a weekend at a time to do charter fishing. This would be a great opportunity for the town to have another classy, reputable fishing charter boat available. It would involve 10-12 people arriving every weekend who will need fuel, accommodation, food, tackle and alcohol amongst other goods and services while they are in town fishing. I believe the town and small businesses could really benefit by having new customers coming through weekly. My family and I have fished commercially in Jurien Bay since the 1970's and we are currently still commercial fishing out of Jurien today. We have seen the impact

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fishing has had on the town over the years to where it is now with not much commercial fishing happening at all. I have looked at other storage options for my boat before I decided I wanted to build a shed on my block. Yes there is some outdoor (uncovered and insecure) storage options but my boat is a \$250,000 fibreglass boat on a trailer that is in immaculate condition, and it usually has up to \$15,000 worth of fishing equipment on it at any given time. For this reason, obviously I do not see this kind of storage as an option to be worth the risk. I have brought the height of the shed down to the absolute minimum where the boat would fit under. Thank you for your consideration in the matter, as you can see this is an absolute genuine reason for building this shed.

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

Should Council decide to approve the application based on any changes to Policy 8.5 Outbuildings – Residential Areas, the following recommendation is suggested.

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 4 October 2016 on Lot 1003 Bremer Parade, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 4 October 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. the roof and wall material being of non reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

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

Note 4: Council has granted dispensation for this specific application due to problems in accessing the proposed

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outbuilding down the side boundary, moving of the wall setback 0.5m and that there were letters of support from the neighbours.

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 21 October 2016. No submissions were received at the time of writing the report. If any objections are received they will be forwarded to Councillors prior to the meeting

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

Outbuilding External Appearance	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding	12m ²	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *

* Note that total wall / ridge heights are measured from the ground level at the closest common boundary

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the

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streetscape or the amenity of residents or neighbouring properties.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan / Plans & photo of boat (Doc Id: 74949)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council refuse planning approval for the proposed Outbuilding on Lot 1003 Bremer Parade, Jurien Bay for the following reasons;

1. **the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the maximum height for walls and ridge as set out in the policy;**

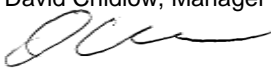

2. the proposed development detracts from the visual amenity of residents and neighbouring properties; and
3. the proposed development does not comply with orderly and proper planning for the locality.

ADVICE NOTES:

Note 1: The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

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

Location:	Lot 800(A) Indian Ocean Drive, Cooljarloo
Applicant:	Dykstra Planning for N & F Dawe
Folder Path:	Development Services App / Development Application / 2016 / 60
Disclosure of Interest:	None
Date:	14 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

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

BACKGROUND

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

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

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

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

A subdivision application was lodged with the Western Australian Planning Commission (WAPC) on 12 April 2016 (WAPC reference 153514) to create three (3) lots from Lot 800. This application has since been approved. A copy of the proposed Plan of Subdivision is attached to the applicants planning report at appendix A.

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

Regional Offices was obtained, as well as support from the Shire of Dandaragan for use of Meadows Road / Mimegarra Road.

Main Roads Heavy Vehicle Services are currently assessing the proposal. A copy of relevant correspondence from Main Roads WA is attached to the applicants planning report at appendix B.

The Site is zoned Rural under Local Planning Scheme No. 7 (the Scheme) and is located 25km south of the Cervantes town site.

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

The Site has previously been used for the extraction of limestone by Main Roads WA for the construction of Indian Ocean Drive, when approximately 160,00m³ of material was extracted.

COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSULTATION

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

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

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

The application is able to comply with the Planning considerations included in the Strategy, in that:

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

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

ATTACHMENTS

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

- Location plan / Plans & Development Application (Doc Id: 74950)

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

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

1. All development shall accord with the attached approved plan(s) and specifications dated 28 September 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. No development shall occur until the Shire has issued an Extractive Industry Licence with conditions to the satisfaction of the Shire of Dandaragan Executive Manager Infrastructure.
3. Screen planting shall be undertaken on the southern and western edge of the excavation site prior to the end of 2017.
4. Hours of operation shall be limited to 8.00am to 6.00pm weekdays and 8.00am to midday Saturdays.
5. Excavation depth shall not exceed 10 metres below natural ground level.
6. No sales by wholesale or retail shall be undertaken from the site.

Advice to applicant:

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

- c) notify Police of the circumstances / situation as quickly as possible; and
- d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

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

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

9.4.6 PROPOSED SIGNAGE – RESERVE 30838 LOT 229 ARAGON STREET, CERVANTES

Location:	Reserve 30838, Lot 229 Aragon Street, Cervantes
Applicant:	Turner Design on behalf RAC Tourism Assets Pty Ltd
Folder Path:	Business Classification Scheme / Land Use and Planning / Design and Construction / Caravan and Camping Parks
Disclosure of Interest:	None
Date:	12 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for signage which includes a pylon sign for the RAC Cervantes Holiday Park at Reserve 30838, Lot 229 Aragon Street, Cervantes.

BACKGROUND

A condition of approval (no.19) for redevelopment of the Cervantes Holiday Park granted by Council in December 2015 required separate approval for signage associated with the project.

Condition 19. Directional and other signage to international standards shall be installed around the facility to the satisfaction of the local government. All external signage and entry statements are the subject to a further application to the local government for approval and must comply with the Local Planning Policy 8.6 – Advertising Devices.

The applicant has submitted a signage strategy in accordance with Local Planning Policy 8.6 – Advertising Devices.

COMMENT

The pylon sign is proposed to be erected on the road reserve near the entrance to the park. Council can grant approval

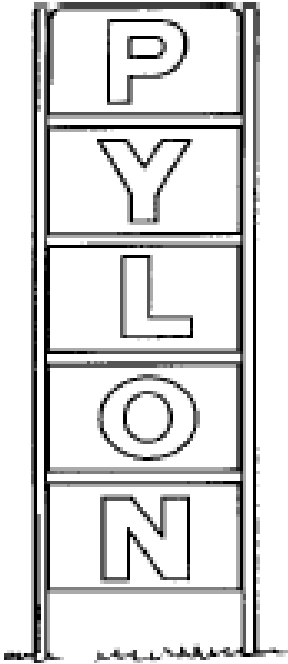
The proposal complies with Local Planning Policy 8.6 – Advertising Devices and satisfies condition 19 of the Planning approval for redevelopment of the Holiday park.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Law - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- LPP 8.6 Advertising Devices

POLICY IMPLICATIONS**Local Planning Policy 8.6 Advertising Devices****Pole or Pylon Sign****DEFINITION:**

A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infill's may be added.

REQUIREMENTS:

- a) Max 6m above the level of the ground immediately below it;
- b) Not exceed 4m² in area unless approved by the Shire;
- c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- d) Not within 2m of side boundaries of the lot on which it is erected unless the lot abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2m;
- e) Not be within 6m of another sign erected on the same lot;

Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all pylon signs to be incorporated into one sign in which case:

- a) All of the constituent or infill signs are of an equal size; and
- b) One constituent or infill sign is provided for each business, shop or unit on the lot.

APPLICATION:

Requires Planning Approval (Council Approval).

3.1 Signage within Road Reserves outside designated tourist precincts.

3.1.1 Council will consider approving a planning application for a development sign (given that the development is within close proximity to the sign), a sign advertising a tourist attraction, community association or not for profit organisation on properties, buildings or reserves that are not directly related to that sign outside the designated tourist precincts, in the following circumstances:

- i. Where the proponent can satisfy Council as to the community economic and/or social merits of erecting such signage or advertising;

- ii. Where the sign falls within the definition of ‘Special Events Sign’, and will be only placed on the property, buildings or reserves for the period that the special event is being run; and
 - iii. In any other situations that Council sees fit.
- 3.1.2 Applicants are advised that signage within Road Reserves may require the dual approval of Council and Main Roads WA. In most instances Main Roads WA require the approval of Council before an application for signage can be considered. The requirement for Main Roads WA approval is only a requirement on roads under the care, control and responsibility of Main Roads WA.
- 3.1.3 Council, in considering applications may have regard to Main Roads WA Guidelines ‘Guide to the Management of Roadside Advertising’.

3.2 Sign Liability

- 3.2.1 Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.
- 3.2.2 It is the applicant’s responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.
- 3.2.3 Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and / or land owner may be required by the Shire to –
- a) take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;
 - b) keep that insurance policy current for the duration of the approval;
 - c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;
 - d) include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;
 - e) on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.

“should the signage fall into disrepair or dilapidation or the liability insurance is no longer current, that the structure shall be removed”.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$147

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute

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1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
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<i>GOAL 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS.

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

- Applicants submission (Doc Id: 74951)
(Marked 9.4.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for signage to RAC Tourism Assets Pty Ltd on Reserve 30838, Lot 229 Aragon Street, Cervantes in accordance with the signage strategy submitted by Turner Design dated 4 October 2016 subject to the following conditions;

3. This approval is valid for a period of two years. If the development has not substantially commenced within this period the approval will lapse;
4. All development shall be in accordance with the attached approved plans submitted by Turner Design dated 4 October 2016 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
5. Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.
6. It is the applicant's responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.
7. Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or land owner may be required by the Shire to –
 - a) take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;
 - b) keep that insurance policy current for the duration of

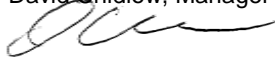

- the approval;
- c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;
 - d) include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;
 - e) on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.
8. should the signage fall into disrepair or dilapidation or the liability insurance is no longer current, that the structure shall be removed.

Advice:

1. The applicant be advised; Should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the *Planning and Development Act 2005*. An application for Review must be submitted in accordance with Part XIV of the *Planning and Development Act* within 30 days of the receipt of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845

9.4.7 PROPOSED SCHEME AMENDMENT NO 23 (REZONING WITHDRAWAL) – RURAL SMALLHOLDINGS – LOT 3713 NORTH-WEST ROAD, BADGINGARRA

Location:	Lot 3713 North-West Road, Badgingarra
Applicant:	Dykstra Planning on behalf of M & S Kenny Super Fund
Folder Path:	Development Services App / Land Use & Town Planning / Rezoning / Rezoning Applications
Disclosure of Interest:	None
Date:	17 October 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council decide not to proceed with Scheme Amendment No.23 being for Rural Smallholdings at Lot 3713 North-West Road, Badgingarra as the applicant does not at this stage wish to proceed with the amendment.

BACKGROUND

An application was received in 2012 a request to rezone a 189.72ha portion of Lot 3713 North-West Road, Badgingarra from Rural to 'Rural Smallholdings'. The rezoning was to facilitate subdivision and development of the land through the creation of a discrete precinct comprising of 18 lots with a minimum of 10ha in area.

Council resolved to advertise amendment No.23 on 22 November 2012 and forwarded the proposal to the Western Australian Planning Commission (WAPC). The WAPC advised that;

Department of Planning officers have reviewed the amendment documentation and suggest that Council may wish to include additional information in the documentation, prior to advertising, relating to:

- *provision of a sustainable potable Water supply;*
- *effluent disposal;*
- *and identification of the floodway and crossings supported by survey information.*

The amendment was advertised and the applicant was requested to provide the above information.

Due to other circumstances not related to the amendment the applicant decided not to continue with the amendment at the time, and it has remained in limbo since. The applicant has in the meantime subdivided one of the lots into a homestead lot.

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The WAPC have advised that due to the introduction of the new Planning regulations, all scheme amendments must be finalised or cancelled.

COMMENT

Under the previous legislation the following process applied:

“when passing a resolution on the amendment at final approval to have regard to regulations 17(2) and 25 of the Town Planning Regulations 1967 (as amended), and to word their resolution in accordance with either regulation 17(2)(a) or (b), i.e. either- (a) that the amendment be adopted with or without modification; or (b) that it does not wish to proceed with the amendment”.

The Department of planning have advised that Scheme Amendment No.23 is still recorded as being “open”. The new regulations require that all scheme amendments be finalised and as such the amendment is in conflict to the regulations.

Given the advice of the landowner that he does not wish at this stage to proceed with the amendment, it is recommended that the amendment be closed. There is nothing prohibiting the landowner from lodging a future new scheme amendment for the land.

CONSULTATION

The landowner has provided an email advising that at this time the amendment application not be proceeded with.

Should Council decide not to proceed with this amendment, all submitters will be notified.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

GOAL 5: Proactive and Leading local Government

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Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Location Plan (Doc Id: 8775)
(Marked 9.4.7)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council

- 1. not proceed with Scheme Amendment No.23 being for Rural Smallholdings at Lot 3713 North-West Road, Badgingarra due to the applicant not wishing to proceed with the amendment at this time, and;**
- 2. Advise the WAPC and all submitters of the decision not to proceed with Amendment No.23.**

9.4.8 PROPOSED EXTENSIONS/RENOVATION AND CHANGE OF USE FROM SENIOR CITIZENS CENTRE TO AGED CARE RESPITE CENTRE – LOT 1 CNR BASHFORD STREET AND NINETEENTH AVE, JURIEN BAY

Location: Lot 1 Cnr Bashford Street and Nineteenth Ave, Jurien Bay


Applicant: Gary Batt Architects on behalf of RSL Care WA

Folder Path: Development Services App / Development Application / 2016 / 57


Disclosure of Interest: None

Date: 14 October 2016

Author: David Chidlow, Manager of Planning

Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer: 

PROPOSAL

To consider an application for change of use from Senior Citizens Centre to Aged Care Respite Centre as well as extensions and renovations to the building at lot 1 Nineteenth Ave, Jurien Bay.

BACKGROUND

Council granted planning approval to RSL for the development of a retirement village on 26 June 2008.

Prior to that in November 2006 Council formed a retirement Village Working group to work through the issues around such a development. One of these issues related to the use of the existing Senior Citizens building located on the site. The Central West Coast Senior Citizens Group held a poll in 2007 which resulted in an agreement to surrender the lease subject to integration of the Senior Citizens group into the new community centre. Until the new community centre was built, the existing senior citizens facility would remain and be leased to the Senior Citizens Group. These events have occurred and RSL are progressing with their development including the Aged Care Respite Centre.

The current zoning for Lot 1 Nineteenth Ave is 'Special Use Zone - Community Purpose - Aged Persons Accommodation'. The use "Aged Care Respite Centre" is an extension of the Aged Persons Accommodation Use and fits with the current zoning.

COMMENT

The proposed change of use fits under the current land use approved on the site.

The proposal utilises the existing Senior Citizens building and comprises construction of additional rooms and ablution facilities to the rear and side. Once completed there will be a total of five respite bedrooms each with own ensuite as well as a new carers

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room and ensuite. The existing structure will be refitted with a main activity room, kitchen, admin room and office, new kitchen and store. Existing male and female toilets that were part of the main hall will remain. On the exterior a new verandah and portcochere will be constructed

The proposal is supported.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$2,933.60.

STRATEGIC IMPLICATIONS

2015 – 2025 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 74953)
- Elevations (Doc Id: 74954)
- Floor Plans (Doc Id: 74955)

(Marked 9.4.8)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for the proposed Aged Care Respite Centre in accordance with the attached approved plans date stamped 9 September 2016 on lot 1 Nineteenth Ave, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 9 September 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government; and
2. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

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

Note 4: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER 2016 COUNCIL STATUS REPORT

Document ID: 74536

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 September 2016. **(Marked 9.5.1)**

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

Document ID: 74082

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2016

Document ID: 74197

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

9.5.4 TOURISM WA – CERVANTES & BADGINGARRA BLACK WASTE DUMP POINT

Document ID: 74336

Tourism WA is pleased to offer the Shire of Dandaragan \$7,000 (GST exclusive) as a contribution towards the costs of installing public black waste dump point at the long vehicle parking bay, adjacent to the public toilets, Cadiz Street Cervantes and at the Badgingarra Community Centre, Meagher Drive, Badgingarra.

9.5.5 BADGINGARRA COMMUNITY ASSOCIATION INC – BADGINGARRA RESEARCH STATION

Document ID: 73263

Attached to the agenda is correspondence from BCA Inc. to Department of Agriculture and Food WA requesting an answer to why nothing has been finalised with the Badgingarra Research Station **(Marked 9.5.5)**.

9.5.6 WALGA – LOCAL GOVERNMENT NEWS – 23 SEPTEMBER 2016 – ISSUE 37

Document ID: 73935

In this issue:

- FINAL CALL – Professional Development Session: Cultural Planning
 - Workshops for Building Act Review
 - Training
 - Vacancies on Boards and Committees
 - Vision Van Seeks Parking Arrangement
 - Healthier Workplace WA Seminar
 - Workshop: Developing a Public Open Space Strategy
 - Cricket Facility Audit
- Mailbag
- Infopage: Seeking Feedback – Crash Location Report

9.5.7 YARLOOP FIRE: RURAL FIRE SERVICE SUPPORTED BUT 'SOME WAY OFF' SAYS WA PREMIER

Document ID: 74139

Bushfire management in Western Australia is set to be dramatically overhauled following January's devastating Yarloop-Waroona blaze, with the State Government backing the creation of a rural fire service.

Attached to the agenda is a copy of the media release and Recommendation 15 (**Marked 9.5.7**)

9.5.8 OFFICE OF THE AUDITOR GENERAL – LOCAL GOVERNMENT AMENDMENT (AUDITING) BILL 2016

Document ID: 73889

"You may be aware that the State Government introduced the Local Government Amendment (Auditing) Bill 2016 to Parliament on Thursday 25 August 2016."

Attached to the agenda is correspondence (**Marked 9.5.8**)

9.5.9 DEPARTMENT OF REGIONAL DEVELOPMENT

Document ID: 74110

"Thank you for your ongoing support and readership of the Department of Regional Development's (DRD) quarterly newsletter, In Your Region.

As of March 2017, DRD will send subscribers a link to the latest edition of In Your Region by email. Should you wish to subscribe contact communications@drd.wa.gov.au ."

9.5.10 HON COLIN BARNETT MLA – MEDIA STATEMENT - VISITOR CENTRE BOOST FOR REGIONAL COMMUNITIES

Document ID: 74501

- Liberal National Government investing \$4.2m in regional visitor centres projects
- Made possible by Tourism WA and the Royalties for Regions program

Attached to the agenda is entire media statement (**Marked 9.5.10**)

9.5.11 HON TERRY REDMAN MLA – MEDIA STATEMENT – REGIONAL RESIDENTS TO SHAPE THEIR FUTURE

Document ID: 74502

- State-wide survey to support future regional development
- Living in the Regions 2016 survey out now for public feedback

The full content of this Media Statement was emailed out to Councillors on 10 October 2016.

9.5.12 HON COLIN BARNETT MLA – MEDIA STATEMENT – ROLL UP FOR REGIONAL EVENTS FUNDING

Document ID: 74506

- Applications now open for Liberal National Government's 2017 – 18 Regional Events Scheme
- Up to \$850,000 of investment through Tourism WA and Royalties for Regions
- Since 2011, the scheme has supported 320 events, helping regional economies and communities

“Organisers of events that bring visitors and vibrancy to regional Western Australia are invited to apply for sponsorship through the Liberal National Government's Regional Events Scheme 2017 – 18”.

Attached to the agenda is entire Media Statement (**Marked 9.5.12**)

9.5.13 THE WEST AUSTRALIAN – WE WON'T GIVE A FRACK: LABOR

Document ID: 74470

Attached to the agenda is an article published in the West Australian on Friday 7 October 2016 (**Marked 9.5.13**)

9.5.14 WEST KOOJAN – GILLINGARRA LAND CONSERVATION DISTRICT – MINUTES OF AGM HELD 9 AUGUST 2016

Document ID: 74331

Attached to the agenda is a copy of the AGM Minutes of the West Koojan-Gillingarra Land Conservation (**Marked 9.5.14**)

9.5.15 MINISTER FOR AGRICULTURE AND FOOD – BADGINGARRA RESEARCH FACILITY

Document ID: 74587

Attached to the agenda is correspondence from Minister for Agriculture and Food regarding the current status of the DAFWA's Badgingarra Research Facility (**Marked 9.5.15**)

9.5.16 WALGA – INFOPAGE – REGIONAL SUBSIDIARIES CONSULTATION PAPER

Document ID: 73157

- Regional Subsidiary legislation passed through Parliament on 14 September 2016 as part of the *Local Government Legislation Amendment Bill 2014*
- The legislation allows two or more Local Governments to establish a subsidiary for the purposed of providing joint services and other collaborative projects.
- The Department of Local Government and Communities (DLGC) are currently considering what regulations may be necessary to ensure the successful introduction of regional subsidiaries in WA
- Consultation Paper and questionnaire attached to assist the Association prepare a submission to the DLGC.

9.5.17 WALGA MEDIA RELEASE – LOCAL KNOWLEDGE, FUNDING KEY TO FIRE IMPROVEMENTS

Document ID: 74115

Recognising the importance of local knowledge and adequate resourcing for local activity will help improve WA's response to bushfire events across Western Australia. Cr Craigie said *"there appeared to be sector support for the report's recommendations but Local Government would expect to be closely involved in exploring how they might be implemented."* She also said *"We support the intent of these recommendations, but the first hurdle will be to recognise that the current structures and processes will not be able to achieve them"*.

9.5.18 WALGA MEDIA RELEASE – COMMUNITY TO BENEFIT FROM SHARED SERVICE MODEL

Document ID: 73078

WA Local Government Association President Cr Lynne Craigie welcomed the Bill's passage, stating it would allow Councils to join together to deliver services across those areas where efficiencies had been identified and noted the model was a key recommendation of the 2008 sector-endorsed Systemic Sustainability Study. Cr Craigie said *"Local Governments have long wished to engage in shared service delivery with their neighbours but were hamstrung by the burdensome administrative requirements under previous legislation"*

9.5.19 WALGA MEDIA RELEASE – PERFORMANCE REPORT PROVIDES ERRONEOUS OUTLOOK

Document ID: 72945

"Claims Councils display poor performance of local planning are misleading and does not take into account the many activities Councils undertake that contribute to their strategic plans".

Attached to the agenda is the full content of the media release **(Marked 9.5.19)**

9.5.20 WALGA MEDIA RELEASE – CAMPAIGN SEEKS TO SOLVE SYSTEM INEFFICIENCIES

Document ID: 72944

A campaign to change the Development Assessment Panels (DAP) system has received the green light from WA Local Government Association State Council, allowing communities to have their voices heard on large scale developments.

The campaign will call for the following changes:

- A full and comprehensive cost-benefit analysis of Development Assessment Panels be conducted by an independent organisation.
- Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states.

- The Local Government sector be consulted prior to any amendments to the Development Assessment Panels system, to ensure that the operational efficiencies can be achieved.

9.5.21 WALGA – ENVIRO NEWS – SEPTEMBER 2016 – ISSUE 18

Document ID: 74037

In this issue:

- City of Joondalup Engaging With its Community on the Coastline
- Australasian Weeds Conference Coogee Beach Site Visit
- New RHDV Strain to Help Boost Rabbit Control
- Waterwise Benefits of Artificial Turf Flowing in City of Swan
- Clean Ocean Clean Catch
- Coast Adapt: Learn, Review and Win
- Refurbish Reuse Shop
- Perth Zoo Water Quality Information Exchange Site Visit
- Natural Area Management Network Forum on Urban Fauna Management
- New Water Ways – Release of Three New Fact Sheets
- Prickly Problem Resolved

9.5.22 WALGA – ROADWISE – ROAD SAFETY NEWSLETTER – SEPTEMBER 2016 - ISSUE 21

Document ID: 73389

In this issue:

- WA Road Safety Network Showcased at 2016 Australasian Road Safety Conference
- Child Car Restraint (CCR) Update
- Road Safety on Display at the ECU Open Day
- Bike Safety at Burringurrah in Upper Gascoyne
- Anyone for a Cuppa and a Chat?
- Novice Drivers Test their Road Safety Knowledge
- Design your own Seatbelt Project in the Kimberley
- Motorcycle Safety in Serpentine Jarrahdale
- Changing Road User Behaviour for Safer Communities
- Thanks for Making a Contribution in the Kimberley

9.5.23 WALGA LOCAL GOVERNMENT NEWS – 9 SEPTEMBER 2016 – ISSUE 35

Document ID: 72884

In this issue:

- Training
- Workshops for Building Act Review
- Professional Development Session: Cultural Planning
- South West Focus Conference: Investing in a Region of Excellence
- PlanWA Interactive Planning Map

9.5.24 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – GOVERNANCE BULLETIN – ISSUE 12

Document ID: 72934

Attached to the agenda is Government Case Study – Purchasing and procurement policy (**Marked 9.5.24**)

9.5.25 WALGA – STATE COUNCIL MEETING SUMMARY MINUTES – SEPTEMBER 2016

Document ID: 73018

Summary Minutes for the State Council Meeting held 9 September 2016 at the Dalwallinu Discovery Centre are available for perusal if required.

9.5.26 WALGA LOCAL GOVERNMENT NEWS – 16 SEPTEMBER 2016 – ISSUE 36

Document ID: 73227

In this issue:

- Seeking Comments: Regional Subsidiary Legislation
- WA Procurement Congress
- Traffic Management for Events Code of Practice
- Changing Places Construction Briefing Session
- Training
- Professional Development Session: Cultural Planning
- Children’s Week Grants
- Transforming Partnerships Between Early Years Network and Local Government
- Review of State Planning Policy 4.2 – Activity Centres for Perth and Peel
- CoastAdapt: Learn, Review and Participate

Mailbag:

- Infopage: Regional Subsidiaries Legislation
- Infopage: Agency Expenditure Review – Impact on Parenting Services
- Infopage: Community Living and Participation Grant Funding

Media Releases:

- Community to Benefit From Shared Service Model
- Campaign Seeks to Solve System Inefficiencies
- Performance Report Provides Erroneous Outlook

9.5.27 WALGA LOCAL GOVERNMENT NEWS – 20 SEPTEMBER 2016 – ISSUE 38

Document ID: 74094

In this issue:

- Road Visual Conditions Assessment Manual
- Public Consultation: WA Health Promotion Strategic Framework 2017 – 2021
- Training
- Energy Services Preferred Supplier Arrangement
- 2017 Deskpads Calendar – Order Form
- Vacancies on Boards and Committees
- Heritage Workshop for Local Government: Municipal Inventories and Heritage Lists
- CoastAdapt Workshops
- Mental Health Week – Suicide Prevention

9.5.28 WALGA – LOCAL GOVERNMENT NEWS – 7 OCTOBER 2016 – ISSUE 39

Document ID: 74464

In this issue:

- Training
- Civic Sunday
- Town Planning Preferred Supplier Arrangement Retender
- Vacancies on Boards and Committees
- Free Leadership Skills Workshops
- Contract Alert – Vegetation Control Near Powerlines
- Local Government Tourism Research
- Workshop – Integrating Sports and Recreation into Public Health Plans
- Nutrition Facts and Fairytales
- New Resources to Get Families Ready for NDIS

Mailbag:

- Infopage: Review of State Planning Policy 3.6

9.5.29 LAWRIE SHORT – VARIOUS COMMITTEE REPORTS

Document ID: 74720

Reports from the following committees are available for perusal should you require

- Report to the Rural Water Council on the Water Corporation Customer Advisory Council held 20 July 2016
- Report on the West Koojan-Gillingarra LCDC Meeting held 9 August 2016
- Report to the Moore Catchment Council Committee held 12 August 2016
- Report to the Water Corporation Customer Advisory Council held 21 September 2016
- Report on the West Koojan-Gillingarra LCDC Meeting held 4 October 2016

9.5.30 WESTERN AUSTRALIAN YOUNG ACHIEVER AWARDS

Document ID: 74728

Attached to the agenda is correspondence from the Western Australian Young Achiever Awards seeking support to help promote the “call for nominations”. **(Marked 9.5.35)**

9.5.31 DEPARTMENT OF EDUCATION – EARLY CHILDHOOD DEVELOPMENT IN WESTERN AUSTRALIA – CENSUS STATE REPORT 2015

Document ID: 74735

“The publication provides a comprehensive analysis of the 2015 AEDC results for Western Australia and complements the community profiles and maps which are available online. An electronic version of this publication is available on the Department’s website at www.education.wa.edu.au”.

9.5.32 WALGA – PLASTIC BAG BAN

Document ID: 74738

A number of Local Governments have expressed an interest in putting in place Local Laws to ban plastic bags. In response, the Association, through the Municipal Waste Advisory Council (MWAC) has undertaken research on options for plastic bag bans and the range of issues associated with plastic pollution.

Attached to the agenda is The Background Paper on these issues.
(Marked 9.5.37)

9.5.33 WALGA WASTENEWS – 14 OCTOBER 2016 – ISSUE 18

Document ID: 74812

In this issue:

- CDS in the Works
- Thank You Alex and Ruth
- Pique Your Plastic Interest
- Rural Landfill Survey Summary
- Beach Trip this Weekend

9.5.34 WALGA – LOCAL GOVERNMENT NEWS – 14 OCTOBER 2016 – ISSUE 40

Document ID: 74767

In this issue:

- Meeting with Minister for local Government
- Training
- Heritage Workshop for Local Governments: Municipal Inventories and Heritage Lists
- Road Ribbon for Road Safety Campaign
- Political Signage Guideline
- Town Planning Preferred Supplier Arrangement Retender
- Personal Assistant to President and CEO Moving On
- Obituary: Joe North
- Free Youth Development Program
- Industry Night – the New Drainage for Liveability Program
- ALGWA Event: Declaring Gifts

Mailbag:

- InfoPage: Road Ribbon for Road Safety Campaign

Media Release:

- DAPs Changes Superficial

9.5.35 WALGA MEDIA RELEASE – DAPS CHANGES SUPERFICIAL

Document ID: 74716

WA Local Government Association President Cr Lynne Craigie said the changes did not go far enough to redress Local Government concerns surrounding the system's effectiveness and increased rather than reduced red tape burden on Councils.

Attached to the agenda is the full media release **(Marked 9.5.40)**

9.5.36 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES) - STRATEGIC PLAN 2016-2028

Document ID: 74804

“As our valued stakeholder, I would like to take this opportunity to provide you with our updated Strategic Plan 2016-2028, launched on 12 September 2016. The purpose of this document is to assist internal and external stakeholders to understand DFES’ strategies for achieving our long term goals and objectives”.

9.5.37 WALGA ROADWISE ROAD SAFETY NEWSLETTER – OCTOBER 2016 – ISSUE 22

Document ID: 74848

In this issue:

- Obituary: Joe North
- Road Ribbon for Road Safety® Campaign 2016
- Child Car Restraint (CCR) Update
- The Toll Group Partners with Driver Reviver to Fight Fatigue
- City of Melville Issues Reminder: Drink Driving is Never Okay
- Horns and Hooves on the Highway Reaches Another Milestone
- Pilbara Heavy Haulage Girls Deliver Road Safety Message at WA Show and Shine
- Road Safety at Wanderlust in Scarborough
- Show Season is Here
- Road Safety Workshops Heading for the Gascoyne
- Toodyay RoadWise Committee Jumps Ship to Raise Awareness of Fatigue
- These Students are Worth Holding onto
- Geraldton Hosts WA Combined Chapters Motorhome Rally

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

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

Local Government Act 1995

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 OCTOBER 2016

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

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

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


11.1 CORPORATE & COMMUNITY SERVICES

OFFICER RECOMMENDATION

That the meeting be closed to members of the public at __:__pm in accordance with Section 5.23 (2) (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration)

Regulations 1996 to allow Council to discuss Item 11.1.1 Proposed Sale of Lot 96 (No. 74) Bashford Street, Jurien Bay.

11.1.1 PROPOSED SALE OF LOT 96 (NO.74) BASHFORD STREET, JURIEN BAY

Location:	Lot 96 (No. 74) Bashford Street, Jurien Bay
Applicant:	Ray White Real Estate Jurien Bay, on behalf of BPG Pty Ltd
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Land Developments
Disclosure of Interest:	Nil
Date:	17 October 2016
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

The report has been abridged due to the confidential nature of the content that is contained within this report.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING