



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

**MINUTES (PUBLIC)**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS, JURIEN BAY**

**on**

**THURSDAY 21 DECEMBER 2017**

**COMMENCING AT 4.07PM**

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.07pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 10 members of the public present.

*“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 P Scharf	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanhun	
Councillor A Eyre	
Councillor J Clarke	
Councillor D Slyns	

### Staff

Mr T Nottle	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & PA)
Mr Rory Mackay	(Planning Officer)
Mrs Alison Slyns	(Economic Development Coordinator)
Ms M Perkins	(Community Development Officer)
Mr F Neuweiler	(Principal Environmental Health Officer)

### Apologies

### Approved Leave of Absence

Nil

**Observers**

**Mr Clinton Strugnell, Mr Mike Sheppard, Mr Tim Bailey, Mrs Christine Davis, Mrs Norma Crommelin, Mr Trevor Stoney, Mr Matt Stoney, Mr Andrew McBain, Mr Anthony Fitzgerald, Jurien Bay Outside Crew**

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

**Nil**

**4 PUBLIC QUESTION TIME**

**Norma Crommelin commented on the amount of Burr grass on the verge along Zendora Road.**

*The Executive Manager of Infrastructure responded by saying that Shire staff would investigate the issue.*

**Christine Davies questioned as to why she had not received a response to correspondence she had written some months previously.**

*The Chief Executive Officer responded by saying that correspondence in relation to this matter would be forwarded tomorrow.*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**Nil**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 23 NOVEMBER 2017****COUNCIL DECISION**

**Moved Cr Clarke, seconded Cr Eyre**

**That the minutes of the Ordinary Meeting of Council held 23 November 2017 be confirmed.**

**CARRIED 9 / 0**

**6.2 MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD 7 DECEMBER 2017****COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Richardson**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017**

**That the minutes of the Special Meeting of Council held 7 December 2017 be confirmed.**

**CARRIED 9 / 0**

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

*The President announced that this was Tony's last meeting and thanked him for the last 7 years as the Chief Executive Officer and wished him and his family all the best in his new endeavour in Busselton.*



**8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

*Mr Andrew McBain spoke on behalf Alterra Pty Ltd and Yathroo owners Trevor & Matt Stoney in relation to the Yandin Wind Farm saying that they were not against the proposal, but wanted to protect development rights on their properties.*

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 AUDIT COMMITTEE MINUTES – 7 DECEMBER 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	8 December 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 7 December 2017.

#### BACKGROUND

The Local Government Act (1995) requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

#### COMMENT

The purpose of the Audit Committee Meeting held 7 December 2017 was to consider the annual financial statements inclusive of the audit report for the year ended 30 June 2017 and the review of systems and procedure.

#### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017</b>
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<i>Goal 5 Proactive and Leading Local Government</i>	
Objectives	How the Shire will Contribute
5.2 High Performing Administration	c) Compliance in all legislative requirements and functions

**ATTACHMENTS**

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

- Minutes of the Audit Committee Meeting (unconfirmed) held on 7 December 2017 (Doc Id: 103142)

**(Marked 9.1.1)**

**VOTING REQUIREMENT**

Simple majority


**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Scharf**

**That the unconfirmed minutes of the Audit Committee Meeting held 7 December 2017 be received.**

**CARRIED 9 / 0**

**9.1.2 FINANCIAL MANAGEMENT REVIEW 2017**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Financial Reporting / Reviews
Disclosure of Interest:	None
Date:	28 August 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**PROPOSAL**

To adopt the Financial Management Review conducted in June 2017.

**BACKGROUND**

The Local Government (Financial Management) Regulations 1996 Section 5 (2,c) states the *“CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.”*

A review of the Shire of Dandaragan’s financial management was undertaken in June 2017 to assess it has sufficient policies, procedures and controls in place to maintain the current standard.

A report on the findings and recommendations has been compiled.



COMMENT

The report identifies areas for improvement, which will ultimately ensure a more robust and accountable process for the management of our finances, and day to day financial controls particularly around purchasing/procurement.

In recent times, procurement by local government officers has been a focus of not only the Department of Local Government, Sport & Recreation (DLGSR) but also with recent Corruption and Crime Commission (CCC) inquiries.

Generally the report has recommended a number of changes to procedures to tighten up processes to ensure compliance, even in circumstances where there have been no issues found, however there is a heightened risk attached.

The report summarises that:

*“The financial management of the Shire of Dandaragan is sound, there are sufficient policies, procedures and controls in place to maintain the current standard. The recommendations will strengthen these controls and reduce the financial risk management.”*

The recommendations within the report will form part of the KPI's to be achieved in a given time period for the organisation and the staff within the finance and administration areas of the Shire.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services

STATUTORY ENVIRONMENT

This Financial Management Review has been undertaken to ensure compliance with Local Government (Financial Management) Regulations 1996 Section 5(2)(c) which states:

**5. CEO's duties as to financial management**

(2) *The CEO is to —*

- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

POLICY IMPLICATIONS

While there are no policy implications relevant to this item, the recommendations will form the basis of changes to internal procedures and controls for the Shire.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017**

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High Performing Administration	a) Ensure the workforce is appropriately skilled, provided with the tools to do the job and high performing b) Provide robust financial management and guardianship of the community's assets c) Compliance in all legislative requirements and functions

Goal 5.2 (c) of the Shire's Strategic Community Plan applies with the Shire performing at a high level of administration, with compliance in all legislative requirements and functions.

**ATTACHMENTS**

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

- Financial Management Review June 2017 (Doc Id: 97229)  
**(Marked 9.1.2)**

**VOTING REQUIREMENT**

Simple majority

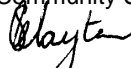

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Clarke**

**That Council receive the Financial Management Review 2017 undertaken by the CEO in accordance with Regulation 5 (2)(c) of the Local Government (Financial Management) Regulations 1996 and acknowledge the result of this review.**

**CARRIED 9 / 0**

**9.1.3 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENT INCLUSIVE OF AUDITORS REPORT**

Location:	Shire of Dandaragan
Applicant:	N / A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	5 December 2017
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 2016/2017 Annual Report and the 2016 / 2017 Annual Financial Statements including the Auditors Report for the Shire of Dandaragan and to receive the Auditors Management Letter.

BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

COMMENT

The Shire of Dandaragan finished 2016 / 2017 with a surplus of \$2,845,406. However, the majority of this surplus is as a result of large unspent grants and incomplete capital works projects. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus, rather reflects outstanding commitments that will be reprogrammed into the 2017 / 2018 budget.

Details of the financial income for 2016 / 2017 include:

- A total of \$5,772,983 in rate income was raised. By 30 June 2017, 95% of rates had been collected.
- A total of \$6,710,858 in grants were secured.

The Auditors report stated the following;

*“Statutory Compliance*

*During the course of our audit we become [sic] aware of the following matter which did not comply with the Local Government (Financial Management) Regulations 1996 (as amended) or the Local Government Act 1995.*

*Financial Management Review*

*As required under Part 2, Section 5 (2) of the Local Government (Financial Management Regulations) 1996, the CEO must undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once every 4 financial years) and report to the local government the results of the reviews. As at balance date a financial management review had not been presented to council.*

*Auditor’s Opinion**In our opinion:*

*The financial report of the Shire of Dandaragan is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended) including:*

- i) giving a true and fair view of the Shire’s financial position as at 30 June 2017 and of their performance for the year ended on that date; and*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017**

- ii) *complying with Australian Accounting Standards (including the Australian Accounting Interpretations) the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended)."*

In relation to the issue of non-compliance, a financial management review was undertaken in June 2017. However, the findings of the review have not yet been presented to Council. The review will be presented to Council at the December ordinary meeting.

The audit report highlighted no issues that would affect the accuracy of the annual financial statements for the year ended 30 June 2017, and therefore, the Financial Statements are a true reflection of the financial position and performance for the Shire of Dandaragan in the 2016 / 2017 financial year.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

**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**

2016 – 2026 Strategic Community Plan

<i>Goal 5 – Proactive and Leading Local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.2 High Performing Administration	b) provide robust financial management and guardianship of the communities assets c) compliance in all legislative requirements and functions

**ATTACHMENTS**

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



- Annual Report 2016 / 2017 (Doc Id: 103134)
- Annual Financial Statements 2016 / 2017 (Doc Id:102819)
- Management Report 2016 / 2017 (Doc Id: 102820)

**(Marked 9.1.3)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1****Moved Cr McGlew, seconded Cr Eyre****That the Shire of Dandaragan's 2016 / 2017 Annual Report and the 2016 / 2017 Annual Financial Statements inclusive of the Auditors Report be accepted.****CARRIED 9 / 0****OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2****Moved Cr Richardson, seconded Cr Shanhun****That the Management Letter be received.****CARRIED 9 / 0****9.1.4 RECOGNISE REGIONAL VISITOR CENTRE SUSTAINABILITY GRANT AND AUTHORISE BUDGET AMENDMENT**

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	Nil
Date:	18 October 2017
Author:	Alison Slyns, Economic Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Senior Officer:	

**PROPOSAL**

To recognise the Turquoise Coast Visitor Centre's successful application through the Regional Visitor Centre Sustainability Grant program and to authorise a budget amendment for grant income of \$8,006.06 and expenditure of \$2,001.52.

**BACKGROUND**

The Regional Visitor Centre Sustainability Grant Program (RVCSGP) through Royalties for Regions is administered by Tourism Western Australia and is a series of three competitive annual grant rounds with a total funding pool of \$4.2 million. The Shire of Dandaragan was successful in the first two rounds of the grant process, being awarded \$17,573 in 2015-16 and \$21,500 in 2016-17. The 2017-18 funding pool was \$1.05 million and a 20% contribution of cash or in-kind funding required for grants between \$5,000 and \$40,000.

**COMMENT**

In October 2017 the Shire of Dandaragan was successful in obtaining a \$8,006.06 grant from Tourism WA with the Regional Visitor Centre Sustainability Grant Program through Royalties for Regions.

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The purpose of the grants is to promote the future sustainability of regional visitor centres through enhancing visitor experiences, improving operations, increasing revenues and promoting professional management practices.

The items being funded include:

- Purchase and installation of gondolas, shelving and merchandise displays;
- Upgrades to visitor centre website including search engine optimisation and booking capabilities;
- Purchase of staff uniforms.

The Shire of Dandaragan will contribute \$2,001.52 as a cash contribution to the above mentioned projects. This will be funded through the existing Tourism and Area Promotion Fund.

#### CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate & Community Services

#### 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 \$8,006.06 grant from Tourism WA under the Regional Visitor Centre Sustainability Grant Program.

A budget amendment to recognise grant income of \$8,006.06 and corresponding expenditure of \$2,001.52 is required.

#### STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017</b>
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<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 growth to expand and diversify the regional economy	(c) Expand and improve the visitor centres' network
<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
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:

- 20171018 RVCSG Agreement unsigned (Doc ID: 99985)  
**(Marked 9.1.4)**

### VOTING REQUIREMENT

Absolute majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Shanhun, seconded Cr McGlew**

**That Council:**

- 1. authorise a budget amendment to account for a Tourism WA grant to the amount of \$8,006.06, and;**
- 2. authorise a budget amendment to expend \$8,006.06 (plus \$2,001.52 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 gondola shelving and merchandise displays \$3,287.58;**
  - b. Upgrades to website functionality including search engine optimisation and booking capability \$5,000.00;**
  - c. Purchase of Staff Uniforms \$1,720.00.**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

### **9.1.5 ACCOUNTS FOR PAYMENT – NOVEMBER 2017**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	7 December 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

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PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of November 2017.

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 November 2017 totalled \$814,551.71 for the Municipal Fund and \$480.00 for the Trust Fund

Should Councillors wish to raise any issues relating to the November 2017 Accounts for payment, 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 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

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for November 2017  
(Doc Id: 103170)

**(Marked 9.1.5)**

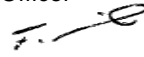

VOTING REQUIREMENT

Simple majority



MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 21 DECEMBER 2017
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**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Gibson, seconded Cr Richardson****That the Municipal Fund cheque and EFT listing for the period ending 30 November 2017 totalling \$1,202,506.41 for the Municipal Fund and \$480.00 for the Trust Fund be accepted.****CARRIED 9 / 0****9.1.6 BUDGET AMENDMENT – ADDITIONAL CLEANING**

Location:	Roberts Street Arcade, Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Economic Development / Service Provision/ Facilities
Disclosure of Interest:	None
Date:	12 December 2017
Author:	Felix Neuweiler, Principal Environmental Health Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

**PROPOSAL**

For Council to consider authorising a budget amendment for additional cleaning whilst utilising the privately owned Roberts Street Arcade toilets as public ablution facilities.

**BACKGROUND**

The Roberts Street Arcade toilets are currently reserved for staff and client's use only. To improve availability of ablutions in the Pioneer Park area, particularly on market days, the owners of the arcade were approached by Council representatives to explore the option to use these facilities as public toilets. The owners agreed to this use subject to certain conditions, such as Council paying for the cleaning of the facilities, repair of vandalism and excessive water use.

The managing agents, Ray White, have already a cleaning contract in place with a local cleaner. To ensure Council obtains value for money and in order to comply with Council's purchasing policy three quotes were sought and subsequently two obtained.

**COMMENT**

In addition to the cleaning cost the Shire will also need to pay for vandalism and any water use that is above the current consumption levels.

Ray White is currently using a contractor to clean these toilets; this contractor submitted a lower quote. It is recommended to accept Quote No 1 of 1,285.00 per month for the cleaning and supply of consumables. It is also recommended that a budget amendment

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of \$1,500.00 per month be approved to include water use and other additional costs.

CONSULTATION

- This matter was discussed during a Council Forum earlier this year.
- The shopping arcade's Managing Agents, Ray White.

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

*Local Government Act 1995 Section 5.23: Council 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 —*

- (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; and
- (e) a matter that if disclosed, would reveal —
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person.

*Local Government (Functions and General) Regulations 1996.*

POLICY IMPLICATIONS

Policy 1.15 - Shire of Dandaragan Purchasing Policy and Tender Guide.

Two quotes were obtained in accordance with this policy.

FINANCIAL IMPLICATIONS

The following two quotes were received:

- Quote No. 1 - \$1,285.00 per month
- Quote No. 2 - \$2,596.00 per month during peak season and \$1,596.00 during the quite time of year.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	l) Provide and manage public toilets.

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ATTACHMENTS

Nil



VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Scharf, seconded Cr Eyre**

1. That Council authorise budget amendments to the value of **\$1,500.00** per month to facilitate the use of the Roberts Street Arcade toilets as public ablution facilities for a 12 month period to the end of December 2018.

**CARRIED BY ABSOLUTE MAJORITY 7 / 2****9.1.7 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2017**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	12 December 2017
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 November 2017

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2017.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 November 2017 was \$7,655,921. 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.

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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.

Note 14 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 30 November 2017 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

2016 – 2026 Community Strategic Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

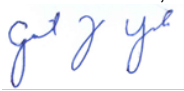
Circulated with the agenda is the following item relevant to this report:


- Financial statements for the period ending 30 November 2017 (103612)  
**(Marked 9.1.7)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Shanhun, seconded Eyre****That the monthly financial statements for the period 30 November 2017 be adopted.****CARRIED 9 / 0****9.2 INFRASTRUCTURE SERVICES****9.2.1 JURIEB BAY TOWN CENTRE REVITALISATION PROJECT – BUILDING BETTER REGIONS FUND SUBMISSION – BUDGET AMENDMENT**

Location:	Bashford Street, Jurien Bay
Applicant:	Garrick Yandle, Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Grants and Subsidies / Applications
Disclosure of Interest:	Nil
Date:	8 December 2017
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	

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

**PROPOSAL**

That Council support the Building Better Regions Fund (BBRF) submission for the *Jurien Bay Town Centre Revitalisation Project* and endorse a budget amendment to undertake the necessary planning work for the round 3 submission.

**BACKGROUND**

Planning and design works for the Jurien Bay Town Centre Revitalisation Project have been allocated in the 2017/18 Council Budget to update design documentation sufficient for funding submissions. These works included the following:

- Finalise Preliminary Design
- Finalise Design report
- Refine Project Cost Estimate
- Liaison with regulatory authorities
- Identify potential funding sources
- Develop Business Case
- Develop Funding Submission.

Shire officers, mainly CEO and EMI, have had ongoing discussions with the Wheatbelt Development Commission (WDC) regarding potential funding sources for large scale components of this project and were successful in obtaining further funding to develop a Business Case for this project. This entailed \$30,000 of income via WDC, which has enabled Shire officers to undertake further activities specifically associated with the development of

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the project's Business Case. This was approved by Council at the General Council Meeting of 27 April 2017 (Minute Extract - attachment 1),

*That Council authorise a budget amendment for additional income from the Wheatbelt Development Commission, with details as follows:*

1. *\$30,000 ex GST added to the 2016/17 Council Budget for the development of the Jurien Bay Town Centre Revitalisation Project Business Case.*
2. *Additional income is proposed to be utilised the following tasks associated with Business Case development:*
  - a. *Cost Estimate and Budget Development from WALGA Preferred Civil Contractor (estimated to be \$15,000).*
  - b. *Review of Underground Power Scope, Costs and Budget Development from Western Power (estimated to be \$15,000).*

This funding is part of wider funding obtained by WDC to assist the Shire of Dandaragan, and another four Shires, as part of the *Revitalising Regional Centres Program*. The wider funding has enabled WDC to assist these Shires and contribute towards tasks such as project management, legal advice, research, provision of external expertise, planning, economic analysis and reporting. An overview of funding and costs include:

- Funds for WDC to compile and coordinate Business Case activities.
- A specific funding amount of \$30,000 (ex GST) has been allocated for each Shire to undertake design and planning activities.
- In-kind works from each Shire associated with coordinating design and planning activities, as well as collation of previous documentation and development of supporting documentation for the Business Case.

#### COMMENT

Since February 2017, Shire Officers have been working with Wheatbelt Development Commission (WDC) in developing a Business Case with associated documentation suitable for funding submission as an appropriate opportunity becomes available.

Following on the Shire's success with Supertowns projects and other Royalties for Regions funding of significant projects the main target of this work, at the advice of WDC, was for further Royalties for Regions through the *Growing Our South Initiative*. However documentation was to be developed in a manner that it was suitable to be adapted to suit the most appropriate stream of funding available at the time.

Shire of Dandaragan officers continued to work closely with WDC in the development of the Business Case since early 2017. These works have been undertaken by the CEO, EMI and Executive

Secretary. This entailed the development of the following documents:

- Project Management Plan
- Project Procurement Plan
- Project Communication Plan
- Stakeholder Engagement List
- Alignment to Local Policies and Strategies Document
- Project Risk Assessment and Risk Management Plan
- Project Budget Development

The initial endeavour was to build the Business Case to a level where it is suitable to be submitted to various funding bodies, such as Royalties for Regions (RFR) in an endeavour to gain further funding associated with the major capital works of the projects. The change of WA State Government, in the early stages of this process in March 2017, has resulted in opportunities for funding through RFR being significantly reduced, as the new State Government works through processes to identify their priorities amid their endeavours to reduce the overall State Budget. As such the Shire will be required to investigate and identify additional funding sources to assist with the delivery of *Jurien Bay Town Centre Revitalisation* project.

On Tuesday 7 November 2017 the Federal Government announced that Round 2 of the Building Better Regions Funds grants was open for submissions. These are due on Tuesday 19 December 2017. Shire officers have investigated the requirements and suitability for undertaking a BBRF Round 2 submission for the Jurien Bay Town Centre Revitalisation project. This has included discussions with and seeking advice from RDA Wheatbelt, who are the key agency in the region providing advice on Federal Government funding submissions. Shire staff also attended a briefing seminar in Northam on 15 November 2017 run by RDA Wheatbelt regarding BBRF submission requirements.

Key feedback from RDA Wheatbelt included:

- Cost Benefit Analysis (CBA)
  - A strong CBA is required to achieve maximum point scoring criteria and this must be target towards BBRF criteria.
  - Currently the CBA produced is not adequate enough for BBRF requirements and requires significant review and revision.
- Co-contributions
  - Co-contributions and additional sources of funding significantly contribute towards achieving maximum point scoring criteria and must be confirmed prior to finalisation of the submission,
  - Council must underwrite all additional unconfirmed funding requirements.
  - Currently Council does not have any confirmed co-contributions or additional sources of funding.

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- Project Timeframes
  - Projects must be “shovel ready” and ready for commencement within 3 months of funding confirmation.
  - Design documentation should be ready for immediate tender.
  - Currently the Shire’s documentation is at Preliminary Design stage and would require Detailed Design to be undertaken prior to being ready for tender.
- Future BBRF Rounds
  - RDA Wheatbelt envisages that the following round of BBRF (Round 3) will likely be in July 2018.
  - Targeting Round 3 may allow the Shire a little bit more time to compile the necessary documentation that will enable a stronger BBRF submission.

At Council Forum on 24 November 2017, CEO briefed Council on the latest developments of the project and requirements for BBRF submissions going forward. This included the following:

- Update on status of design.
- Update on cost estimate of project.
- Overview of BBRF submission criteria and funding requirements.
- Indicative cost to Council with minimal co-contribution or additional funding sources.
- Potential opportunities for co-contribution and additional funding sources.
- Indicative timeframes for BBRF Rounds 2 and 3 submissions.
- Outline of potential process going forward to ensure best available BBRF submission with firmer commitments for co-contribution and additional funding sources.

A summary of the project cost and co-contribution requirements that the Council will be required to put in to sufficient address the merit criteria is outlined below:

Total Project Budget Estimate	\$ 9,614,195	
Total Shire Cash Co-contribution + Inkind	\$ 5,778,131	60.10%
Inkind	\$ 96,900	Shire's Project Management Costs
Total Eligible Project Costs	\$ 9,517,295	
BBRF	\$ 3,836,064	40%
Shire Cash	\$ 4,315,969	45%
Contingency	\$ 865,263	9%
External	\$ 500,000	5%
<b>Total Shire Cash Co-contribution Required</b>	<b>\$ 5,681,231</b>	<b>59%</b>

Council’s own cash contribution can be reduced if additional funding sources are obtained between now and when the project commences. In order to have these potential additional co-contributions included in the submission, Council will need to identify these potential additional sources of funding, outline that



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we are in the process arranging funding, provide a written statement outlining that Council will underwrite the additional sources of funding should Council be unsuccessful in obtaining these sources. By underwriting the additional funds in the submissions will exempt the additional funds removed from the BBRF total.

Feedback from Council was they were not comfortable with the Council having to underwrite unconfirmed funding requirements for the project and would like staff to investigate further potential co-contribution and additional funding sources. This would include Council and staff undertaking lobbying of relevant State Government Departments to gather additional funding for key specific components of the project. Consensus was that more work needed to be undertaken on the Business Case and the specific components outlined by RDA Wheatbelt to ensure that the BBRF submission was of suitable quality to give it the best opportunity for success.

Council deemed that delaying a submission to Round 3 would be a better option than rushing a submission for Round 2. This would also enable Councillors and officers to secure additional funding and ensure all documentation for the submission was finalised.

A summary of the additional work required to update the Business Case and Design Documentation to a suitable standard for BBRF Round 3 submission with the identified responsible organisation and the estimated cost is:

Organisation	Task	Estimated Cost (ex GST)
Economist (Pracsys)	Review original CBA	\$3,500
	Revise and Update CBA	\$13,200
	Review and Update Business Case document	\$8,800
Design Consultant (Cardno)	Develop Tender Package (excluding drawings)	\$10,000
Submission Writer (Grants Empire)	Completed BBRF submission Develop Benefit Realisation Plan.	\$4,500
		\$40,000

### CONSULTATION

- Chief Executive Officer – Tony Nottle
- Wheatbelt Development Commission
- RDA Wheatbelt – Juliet Grist

### Community and Council Consultation

- Foreshore Management Plan (1999)
- Jurien Bay Foreshore Development Plan (2008) - UDLA
- Strategic Community Plan 2011-2021
- Town Centre Strategy Workshops (2011)

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- Supertowns Growth Plan & Workshops (2011 & 2012)
- Bashford Street; Streetscape Upgrade Concept (Cardno, February 2014)
- Bashford Street; Streetscape Upgrade Concept Design (Cardno, 2015)
- Strategic Community Plan 2016 – 2026

#### STATUTORY ENVIRONMENT

- Section 6.8 Local Government Act – 1995.

#### POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

#### FINANCIAL IMPLICATIONS

As part of the Preliminary Design process and Business Case Development, Shire staff developed a comprehensive cost estimate and project budget for the BBRF submission. The budget was developed across six key technical areas to be staged over a three year implementation period subject to details of the funding.

Key technical budget areas are:

1. Project Administration
2. Underground Power
3. Civil Works
4. Street Lighting
5. Landscaping
6. Contingency

The proposed staging plan is over 3 financial year's dependent upon confirmation of funding:

- 2018/2019
- 2019/2020
- 2020/2021.

The total project cost estimate and budget is \$9,614,195 + GST, which is summarised as follows.

<b>Revitalising Regional Centres Project Budget Summary</b>				
<b>Description of Service</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total Cost</b>
	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	
1. Project Management	\$ 33,300	\$ 33,300	\$ 33,300	\$ 99,900
2. Underground Power	\$ 1,969,359	\$ -	\$ -	\$ 1,969,359
3. Civil Works	\$ 116,453	\$ 4,774,564	\$ -	\$ 4,891,017
4. Street Lighting	\$ 34,000	\$ 731,000	\$ -	\$ 765,000
5. Landscaping	\$ 33,658	\$ 16,829	\$ 973,169	\$ 1,023,657
6. Contingency	\$ 218,818	\$ 550,811	\$ 95,634	\$ 865,263
<b>Total</b>	<b>\$ 2,405,588</b>	<b>\$ 6,106,504</b>	<b>\$ 1,102,103</b>	<b>\$ 9,614,195</b>

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A summary of the additional work required to update the Business Case and Design Documentation to a suitable standard for BBRF Round 3 submission with the identified responsible organisation and the estimated cost is:

Organisation	Task	Estimated Cost (ex GST)
Economist (Pracsys)	Review original CBA	\$3,500
	Revise and Update CBA	\$13,200
	Review and Update Business Case document	\$8,800
Design Consultant (Cardno)	Develop Tender Package (excluding drawings)	\$10,000
Submission Writer (Grants Empire)	Completed BBRF submission Develop Benefit Realisation Plan.	\$4,500
		\$40,000

**STRATEGIC IMPLICATIONS**

2016 – 2026 Community Strategic Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	a) Provide and manage a network of roads and bridges for safe and efficient vehicle movement

**ATTACHMENTS**

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

- Minute Extract Ordinary Council Meeting 27 April 2017 – Item 9.2.1 (Doc Id: 90115)

***(Marked 9.2.1)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1**

**Moved Cr Gibson, seconded Cr Richardson**

**That Council:**

- 1. Support the Building Better Regions Fund (BBRF) submission for the *Jurien Bay Town Centre Revitalisation Project*;**
- 2. Instruct the CEO to investigate and lobby for potential co-contributions and additional sources of funding for inclusion with the submission.**

CARRIED 9 / 0



Absolute Majority

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2**

**Moved Cr Richardson, seconded Cr Eyre  
That Council Endorse a budget amendment of \$40,000  
+ GST to develop relevant documentation suitable for  
submission to Building Better Regions Fund (BBRF)  
Round 3.**

CARRIED BY ABSOLUTE MAJORITY 9 / 0

**9.3 GOVERNANCE & ADMINISTRATION****9.3.1 VISITOR CENTRE WORKING GROUP RECOMMENDATION**

Location:	N/A
Applicant:	Turquoise Coast Visitor Centre Working Group
Folder Path:	Business Classification Scheme / Economic Development / Programs / Tourism
Disclosure of Interest:	Nil
Date:	7 December 2017
Author:	Alison Slyns, Economic Development Coordinator
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

For Council to receive the minutes of the Turquoise Coast Visitor Centre Working Group's meeting on Friday 17 November and endorse the recommendation of the working group that the trading name of the visitor centre be changed to 'Jurien Bay Visitor Centre'

**BACKGROUND**

Following the establishment of the visitor centre working group in mid-2017, the first meeting of the group was held on Friday 13 October 2017. The minutes from this meeting were received and the amended terms of reference were endorsed by Council at the meeting on 26 October 2017, as follows:

***COUNCIL DECISION***

*Moved Cr Scharf, seconded Cr McGlew*

*That Council:*

*Receive the Turquoise Coast Visitor Centre meeting minutes from 13 October 2017.*

CARRIED 9 / 0

***COUNCIL DECISION***

*Moved Cr McGlew, seconded Cr Slyns*

*That Council:*

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*Endorse the Turquoise Coast Visitor Centre Working Group Terms of Reference to enable TCVCWG to provide recommendation to Council regarding the Turquoise Coast Visitors Centre Business Plan (TCVCBP) with the following changes:*

*Role/Purpose to read:*

*“The Visitor Centre Working Group, as a working party of Council, will review and develop the Business Plan and provide recommendations to Council on the future direction of tourism services at the Turquoise Coast Visitor Centre.”*

*Roles and Responsibilities to read:*

*“The Working Group is responsible for:*

- *Reviewing the Key Recommendations from the Turquoise Coast Visitor Centre Business Plan (5 Year Plan) 2016-2021;*
- *Providing recommendations based on the review of the Key Recommendations for the future of the Turquoise Coast Visitor Centre in line with best-practice visitor centre management models including but not limited to:*
  - *Introduction of a membership program;*
  - *Provision of sub-let opportunities;*
  - *Implementation of an overarching governance structure;*
  - *Changing the name of the visitor centre;*
  - *Introduction of technology*
- *Maintaining focus on the role and purpose of the group.”*

*Meetings to read:*

- *Meetings will be chaired by either one of the Council representatives to be agreed upon from time to time;*
- *Meeting agendas and minutes will be provided by the Shire of Dandaragan;*
- *Meetings will be held no less than quarterly;*
- *All members of the Working group shall have one vote when considering recommendations to Council;*
- *The quorum for the meeting shall be at least 50% of the number of members.”*

**CARRIED 9 / 0**

The amended Terms of Reference with above referenced changes were emailed to Councillors on 23 November 2017.

### COMMENT

A meeting of the Visitor Centre Working Group was held on Friday 17 November 2017 to further discuss the Key Recommendations from the business plan, which are:

- Introduction of a membership program
- Provision of sub-let opportunities
- Implementation of an overarching governance structure
- Change of name for the visitor centre
- Introduction of technology

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The introduction of technology recommendation has already been addressed with the implementation of a booking software package, Bookeasy, and point of sale software for merchandise sale, both of which were funded through the Regional Visitor Centre Sustainability Grants.

The working group recognised that there needs to be members before an entity can establish an incorporated association so the group will work towards the development of a membership prospectus for the visitor centre. This will be discussed at the next meeting of the working group.

The change of name of the visitor centre from 'Turquoise Coast' to 'Jurien Bay' was recommended in the business plan and has been concurred through the working group. As the business plan outlines there are many other regional marketing brands that are supported by visitor centres with town names. The motivating factor behind this recommendation is to drive footfall through the visitor centre doors by anchoring the centre to its physical location. There has been a lot of emphasis on marketing the 'Turquoise Coast' brand for the region and this is not expected to change.

#### CONSULTATION

- Turquoise Coast Visitor Centre Working Group

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this report.

#### POLICY IMPLICATIONS

There are no policy implications in relation to this item. However, the Plan may suggest a direction that Council may wish to consider in a policy at a future time.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report.

#### STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife  c) Expand and improve the visitors' centres network

#### ATTACHMENTS

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

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- 20171120 Visitor Centre Working Group minutes 17 November (Doc Id: 101933)  
**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

**WORKING GROUP RECOMMENDATION / COUNCIL DECISION****Moved Cr Scharf, seconded Cr Shanhun****That Council:****Receive the Turquoise Coast Visitor Centre meeting minutes from 17 November 2017.****CARRIED 9 / 0**

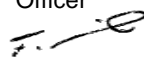

*Endorse the Working Group recommendation to change the name of the Turquoise Coast Visitor Centre to the Jurien Bay Visitor Centre.*

**COUNCIL DECISION****Moved Cr Scharf, seconded Cr Eyre****That the recommendation to change the name of the Turquoise Coast Visitor Centre to the Jurien Bay Visitor Centre be referred back to the Visitors centre working group for further consideration.****CARRIED 7 / 2**

*Reason: Further consultation is required with the Chambers of Commerce and the broader business and Shire communities.*

*Mr Clinton Strugnell left the Council Chambers at 5.02pm.*

**9.4 DEVELOPMENT SERVICES****9.4.1 PRIVATE SWIMMING POOL ENCLOSURES**

Location:	Whole Shire
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Financial Management / Fees and Charges / Fee Structure
Disclosure of Interest:	Nil
Date:	1 December 2017
Author:	Felix Neuweiler, Principal Environmental Health Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

**PROPOSAL****For Council to consider requesting the Building Commission to extend the requirement to inspect swimming pool enclosures**

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throughout the Shire of Dandaragan district by way of amendment to the Building Regulations.

#### BACKGROUND

The *Building Regulations 2012* provide that local governments have an obligation to undertake private swimming pool enclosure inspections at least one time in any four year period. Legislation allows local government to raise a fee to cover associated costs, such as staff overheads, vehicle costs and administrative expenses.

Currently the Building Regulations do not require pools to be inspected outside the townsite boundaries.

The Shire of Dandaragan Pool Inspection Fee is presently \$30 per annum. As the Shire of Dandaragan is not listed in Schedule 5 of the *Building Regulations 2012* the requirement to inspect pool enclosures and raise fees is restricted to pools located within town sites.

#### COMMENT

Although the Building Commission changed the Building Regulations to require pool enclosures in all districts, Schedule 5 wasn't changed to provide consistency in terms of the inspection of these enclosures. It is recommended that Council request the Building Commission to change Schedule 5 to include the Shire of Dandaragan in Column 1; and list the 'Whole District' in Column 2. The reason for this request is to ensure that the compulsory pool enclosures are maintained and to reduce the risk of small children from drowning in private pools.

#### CONSULTATION

- Chief Executive Officer
- Executive Manager Development Services
- Manager Building Services
- Building Commission

#### STATUTORY ENVIRONMENT

*Local Government Act 1995; Building Act 2011*

*Building Regulations 2012; -*

31C - barriers are required in all areas.

Part 8, Division 2, Regulation 49: "This Division applies in respect of a private swimming pool that is located in a local government district specified in column 1 of the Table in Schedule 5 in the area specified for that district in column 2 of that Table."

The Shire of Dandaragan is not listed under Column 1 of Schedule 5; hence 'All other districts - all townsites' applies. This signifies that Shire staff has no authority to inspect barriers outside townsites and Council is unable to raise an inspection fee for these areas.



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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The current annual inspection fee per pool is \$30; this covers Council's inspection expenses.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**


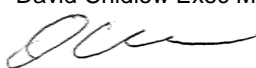
**Moved Cr Gibson, seconded Cr Shanhun**

**That Council requests the Building Commission to insert 'Shire of Dandaragan' in Column 1 of Schedule 5 of the *Building Regulations 2012* and insert 'Whole district' in Column 2 of the same Schedule.**

**CARRIED 9 / 0**

*Mr Garrick Yandle declared an impartiality interest in Item 9.4.2 due to parents in-law owning the adjoining property at Lot 297 (18) Dalton Street, Jurien Bay.*

**9.4.2 APPLICATION FOR PLANNING APPROVAL – REVISED PLANS FOR CARPORT - LOT 298 DALTON STREET, JURIE BAY**

Location:	Lot 298 Dalton Street, Jurien Bay
Applicant:	Outdoor World Wangara
Folder Path:	Development Services Apps / Development Applications / 2017 / 51
Disclosure of Interest:	None
Date:	30 November 2017
Author:	David Lodwick, Acting Manager of Planning
Signature of Author:	
Senior Officer:	David Chidlow Exec Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval to construct a 'carport' on the subject land. The structure is essentially proposed for storage of a large boat.

BACKGROUND

The property contains an existing approved dwelling and an approved outbuilding (48m<sup>2</sup>) located behind the main dwelling. The subject land is R12.5 and located within a built up residential area of the Jurien Bay townsite.

Council at its meeting of 26 October 2017 resolved to refuse the application for a carport for the following reasons:

1. *the proposed development does not comply with Table 2a 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 carport does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the specified floor area and wall height maximums for a carport;*
3. *the proposed development would detract from the visual amenity of neighbouring properties;*
4. *the proposed development does not comply with orderly and proper planning for the locality;*
5. *Approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted Policy."*

COMMENT

The proponent has now submitted revised plans.

Letter from the landowner accompanying application states:

*"Dear David Lodwick*

*I refer to recent refusal to Carport Application (20 Dalton Street Jurien Bay), Document ID: 101229.*

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*I have reviewed your letter in relation to the design code variations and have since instructed Outdoor World to revise the drawings (attached) to ensure all possible changes are made to comply with the Residential Design Codes.*

*To assist with explanation of the changes I have attached a photo here and summary of changes to carport design that now best accommodate the design code requirements. Unfortunately it is our opinion no further change can be made to the carport design due to the physical size of the boat and rigidity of its trailer. Summary of changes:*

- Floor area reduced from 50.82m<sup>2</sup> to 45.1m<sup>2</sup>.
- Parapet wall (south boundary) height reduced from 4.04mtres to 3.6m.
- Rear boundary setback increased from 1mtr to 3m.

*A zero setback is required on south boundary fence line to allow direct reversing of boat from the front of the property to rear of property, any deviation to the reverse line will cause vehicle impact with boundary fencing. For information the neighbour has no objection to the boundary wall and has signed the adjoining property form attached.*

*Thank you for your time and consideration. I look forward to hearing from you."*



Under the Residential Design Codes a 'Carport' is defined as:

*"A roofed structure designed to accommodate one or more motor vehicles unenclosed except that to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."*

The proposed carport on submitted drawings is shown of dimension 11m x 4.1m = 45.1m<sup>2</sup> with wall height (3.600m) and ridge height (4.350m) to the colorbond surfmest dome roof. It is identified as open on the north side facing the existing shed and

supported by 4 columns with a parapet wall along the boundary of the adjoining land on the southern side (lot 297). A 3m rear boundary setback is proposed.

In accordance with Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ *“All garages and carports shall not exceed a floor area of 40m<sup>2</sup>, a wall height of 3.0m or a ridge height of 4.5m.”*

The new plans still marginally exceeds the maximum floor area specified by the Policy and still exceeds wall height, but does comply with ridge height.

The Council may consider applications for carports and garages that exceed the size limitations defined above, where certain criteria are met. However in this case, the application does not meet criteria a) and b) of the Policy.

The application also does not comply with the side setback requirement of the Residential Design Codes which requires that a wall without major opening with wall height of 4m or less and length of 11m or less to be setback a minimum of 1.5m from a side boundary.

The Acting Manager of Planning met the owner on site and the rationale for the proposed nil setback is supported.

The Council could refuse the application for previous reasons stated at its October meeting as listed in the background report or grant conditional approval.

#### CONSULTATION

The original application was referred to the adjoining neighbours with a two week comment period until 16 October 2017. No objections were received.

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’

#### *“POLICY STATEMENT*

#### **Carports and Garages**

1. *All garages and carports shall not exceed a floor area of 40m<sup>2</sup>, a wall height of 3.0m or a ridge height of 4.5m.*
2. *The Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the*

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following criteria are, in the opinion of Council, satisfactorily addressed;

- a) the garage or carport is attached to and forms part of the adjoining dwelling;
  - b) the garage or carport is situated under the roof line of the adjoining dwelling;
  - c) the garage or carport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);
  - d) the garage or carport will not have an impact on the streetscape or amenity of the area; and
  - e) the garage or carport complies with any design guidelines adopted by Council.
3. All carports and garages shall be constructed of materials that match or complement the dwelling on the site.
4. The use of zincalume wall cladding in garages and carports will not be permitted.”

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

2016 - 2026 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:

- Applicant submitted plans (Doc Id: 102866)  
**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER RECOMMENDATION

That Council grant planning approval for the proposed carport on Lot 298 Dalton Street, Jurien Bay subject to the following conditions:

1. All development shall be in accordance with the attached revised plans received 23 November 2017 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.
2. Stormwater retention of runoff from roof and or other paved/impervious areas shall be provided on site. Design overflow from soakwells and site drainage shall ensure no discharge onto or through adjoining properties.

#### Advice Notes:

Note 1: A grant of planning consent is not a building permit. A building permit must also 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"

Comment – The Executive Manager Development Services has made a differing recommendation to the Acting Manager Planning Services as the proposal would set an undesirable precedence of allowing an 11m long wall at 3.6m high along a boundary contrary to the policy. Council in the past has refused similar applications.

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

**Moved Cr Gibson, seconded Cr Shanhun**

**That Council refuse planning approval for the proposed carport on Lot 298 Dalton Street, Jurien Bay for the following reasons:**

1. **the proposed development does not comply with Table 2a 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 carport does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the specified floor area and wall height maximums for a carport;
  3. the proposed development would detract from the visual amenity of neighbouring properties;
  4. the proposed development does not comply with orderly and proper planning for the locality;
  5. Approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted Policy.



**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"

**CARRIED 9 / 0**

**9.4.3 JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED SOLAR PHOTO VOLTAIC POWER FACILITY – LOT 54 CNR BIBBY AND YERRAMULLAH ROADS, NAMBUNG**

Location:	Lot 54 Cnr Bibby and Yerramullah Roads, Nambung
Applicant:	Masterplan acting on behalf of the APA Group
Folder Path:	Development Services Apps / Development Application / 2017 / 42
Disclosure of Interest:	None
Date:	4 December 2017
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The applicants (owners and operators of the existing Emu Downs Wind and Solar energy facilities and the proposed Badgingarra Wind Farm facility) are seeking planning approval for up to 50 megawatt photovoltaic (PV) solar power generating facility at the Badgingarra Wind Farm facility within the Yerramullah Park Farm.

The application is required to be determined by the Midwest/Wheatbelt (central) Joint Development Assessment Panel (JDAP).

### BACKGROUND

The proposed solar power facility is to be located at the south-east corner of Lot 54 Yerramullah Road fronting Bibby Road and Yerramullah Road, approximately 28 kilometres directly east of Cervantes and approximately 46 kilometres northwest of Dandaragan within the locality of Nambung. The proposal borders the locality of Badgingarra and is part of the proposed wind farm which is located within the localities of Hill River, Badgingarra and Nambung.

An underground cable will link the facility through lot 54, traversing Cadda Road and connect to the Badgingarra Wind Farm substation within Lot 50 Yeramullah Road to the north

The subject area generally comprises clear paddock although an area of approximately 1.2ha of poor quality remnant vegetation remains within the proposed development site.

While the subject area is south-west of the Badgingarra National Park it is adjacent to a vegetation corridor on the eastern side of Yerramullah Road which links directly to the National Park. The balance of the land to the west is cleared while the southern boundary of the proposed development area is formed by Bibby Road and the eastern edge by Yerramullah Road. The subject area is bordered to the north and the majority of its western edge by a creek line and associated remnant vegetation.

The major component will be the installation of sufficient solar panels to generate up to approximately 50MW of power. This will incorporate blocks of solar panels each equivalent to around 10MW, arranged in rows occupying an area of around 350m – 380m in width by 700 to 800m in length in total, covering approximately 145 hectares overall.

The whole facility will be enclosed in a perimeter fence and surrounded by an internal access road. PV Panels will be setback a minimum of 25m from the property boundaries. The minimum distance from the creek to the perimeter fence will be 30m with the PV arrays a minimum 60m from the creek.

A Traffic Shipping and Access Plan will be completed to confirm proposed transport routes along which the majority of traffic from relevant ports and local manufacturers will travel. A road condition survey will form part of this and any maintenance work required to public roads as a result of transport activity will be undertaken by the project contractor.

### COMMENT

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



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

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

The objective for the Rural zone is follows;

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

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

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

*Table 4: Actions – service infrastructure*

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

*5.4.3 Alternative Energy*

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

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

In addition, the Rural Planning Strategy 2012 which will be

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superseded by the draft Local Planning Strategy supported such proposals as stated in Objective 4 of section 7.4.2.1 of the Strategy:

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

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

As the proposed solar facility is adjacent to areas identified as bushfire prone the requirements of SPP3.7 will apply. A bush fire plan has been prepared and is provided in the attachments.

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

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

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

Given the above information, it is the Planning Officers recommendation that Council endorse the proposal with recommended conditions as set out in the Responsible Authority Report (in attachments) to be presented to the Joint Midwest/Wheatbelt (Central) Joint Development Assessment Panel for this application.

#### CONSULTATION

Advertising to nearby landowners commenced on 9 November until 8 December 2017. No submissions were received

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

- Wheatbelt Development Commission
- Western Power
- Western Australian Planning Commission
- Main Roads Western Australia
- Landgate
- Department of Fire and Emergency Services
- Environmental Protection Authority
- Department of Water Environment Regulation
- Department of Lands, Planning and Heritage
- Department of Industries and Resources
- Department of Health
- Department of Biodiversity Conservation and Attractions
- Department of Mines and Petroleum
- Department of Agriculture and Food
- Shire Officers

There were no public submissions received. There were no issues raised from government agencies.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$34,196 and \$8,511 allocated to the Development Assessment Panel

#### STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic 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
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

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

ATTACHMENTS

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

- Responsible Authority Report (Doc Id: 103550)
- Application (Doc Id: 103547)
- Flora and Fauna Report (Doc Id: 103545)
- Bushfire Management Plan (Doc Id: 103546)
- Site Plan (Doc Id: 103548)
- Consultation Map (Doc Id: 103549)
- Conditions of Approval 2015 (Doc Id: 83549)

**(Marked 9.4.3)**

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Richardson, seconded Cr Scharf**

**That Council ENDORSES the Responsible Authority Report (Doc Id: 103550) to the Wheatbelt Joint Development Assessment Panel, which recommends approval of a solar farm facility development at Lot 54 Yerramullah Road, Nambung which is recommended for approval.**

**CARRIED 9 / 0**

#### **9.4.4 REQUEST FOR AMENDMENTS TO PLANNING APPROVAL – YANDIN WINDFARM**

Location:	Various locations within the locality of Dandaragan
Applicant:	Wind Prospect WA Pty Ltd on behalf of Yandin Wind Farms Pty Ltd.
File Ref:	Development Services App / Development Application / 2011 / 14 & 15
Disclosure of Interest:	None
Date:	13 December 2017
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

This application is to amend the Yandin Wind Farm planning permit submitted by Wind Prospect Pty Ltd (WPPL) on behalf of the proponent, Yandin Wind Farm Pty Ltd.

BACKGROUND

The proposed Yandin Wind Farm is located approximately 3.3km south of the township of Dandaragan within the Shire of Dandaragan, Western Australia and 170km north of Perth. The site covers an area of approximately 15,000 hectares.

A planning permit for the Yandin Wind Farm was issued by the Shire of Dandaragan in January 2012. In April 2015 the Shire approved an application to extend the Yandin Wind Farm planning permit until January 2020. In September 2017 the Shire approved the relocation of the transmission line route to the west of Brand Highway, in accordance with the wind farm planning permit advice note.

This application comprises a request to approve the following amendments to the current planning permit for the Yandin Wind Farm:

1. Amendment to the dimensions of wind turbines including an increase to the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152 metres to 180 metres and increasing the maximum hub height of the wind turbines (the height from ground level to the central point of blade rotation) from 100 metres to up to 112 metres.
2. Minor amendments to the wording of existing planning permit conditions.
3. Increase the number of permanent wind monitoring masts from three to six and their height from 100 metres to up to 112 metres.

This application for the proposed amendments to the planning permit is to be assessed in line with the provisions of:

- Shire of Dandaragan Local Planning Scheme No. 7 (LPS7);
- Shire of Dandaragan Local Planning Strategy - Rural Land Use and Rural Settlement;
- Planning Bulletin 67 – Guidelines for Wind Farm Development;
- Environment Protection Bulletin no.21 – Guidance for wind farm developments; and

The original planning permit application lodged in 2011 was referred to the Environmental Protection Agency (EPA) for assessment with a decision of “Not Assessed – Public Advice Given”.

#### COMMENT

The applicant has submitted the following comments and details in support of the amendments;

#### **Amendment to the dimensions of wind turbines**

Wind turbine technology has been continually advancing since the original planning permit was issued for the Yandin Wind Farm in 2012. The latest generation of wind turbines available are increasingly exceeding the dimensions provided for in the original planning permit approval being a tip height of 152 metres (the height from ground level to the highest point of the blade tip of each wind turbine) and a hub height of 100 metres (the height from ground level to the central point of blade rotation). Raising the maximum allowable tip height of the wind turbines from 152

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metres to 180 metres and the maximum allowable hub height of the wind turbines from 100 metres to up to 112 metres at the Yandin Wind Farm will allow for more modern wind turbine models to be installed which are generally more efficient, quieter and cost-effective. In addition, the additional clean electricity generated by the larger wind turbines would allow the generation from the site to be maximised.

The original planning permit application and the original planning permit conditions did not specify a maximum wind turbine capacity and confirmation is sought that no such maximum wind turbine capacity therefore applies to the permit.

**Updates to the wording of the existing planning conditions**

Proposed amendments to the wording of existing planning permit conditions with an explanation for the proposed amendment are detailed in the **Table** below. The existing planning permit conditions are provided in full in the attachments.

**Table**

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

Approval condition no.	Proposed amendment	Explanation
8	The proponent shall notify property owners with land within 5km of approved wind turbine locations of the potential for interference to TV reception from the wind farm and offer residents with a dwelling located within 5km of a wind turbine a pre-construction and post-construction assessment of television reception. The proponent shall remedy any reception problems attributable to the presence of the wind farm at dwellings located within 5km of approved wind turbine locations as at January 2012.	The term 'nearby' in the current Condition 8 is imprecise and open to interpretation.
12	Reference to WA EPA noise guidance 2007; replace 'dated' with 'as at'? Reference to the SA EPA Noise Guidelines 'July 2009'.	To align with the updated Guidelines that have been applied in the updated attached noise report.
13	Add "or background +5dB whichever is the higher" after the words "exceed 45dB(A)".	Depending on the level of background noise, the limit could otherwise be less for noise sensitive premises located within the wind farm boundary compared with those located outside the wind farm boundary.
14	Replace reference to '10 minutes LAeq' with 'LA <sub>90</sub> '.	This reflects the relevant reference from the 2009 SA EPA Noise Guidelines, consistent with the proposed amendment to Condition12.

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18	Remove this condition in its entirety	This is a requirement by law and is therefore not required as a planning permit condition.
20	Replace 'Department of Environment Conservation' with 'Department of Biodiversity, Conservation and Attractions'	Department of Environment Conservation (DEC) no longer exists. Department of Biodiversity, Conservation and Attractions (DBCA) has taken over the relevant functions of DEC.
24	Replace the current condition with "The proponent shall provide an appropriate viewing area and/or information display at appropriate location(s) agreed with Council."	The amendment provides greater flexibility for the Shire to determine what is most appropriate at the time of construction.
25	Add "except where higher security fencing is required for safety and security purposes" after the words "post and wire".	Rural construction fencing is not appropriate for all applications and could lead to unacceptable OHS and security risks at locations such as the on-site substation, operations and maintenance compound and temporary construction compounds.

### **Increase the number of permanent wind monitoring masts from three to six**

The original planning permit allowed for the construction of three permanent wind monitoring masts. An amendment to the number of permanent monitoring masts is sought that increases the number from three to six. An amendment is also sought for an increase to the height of the masts from 100 metres to up to 112 metres to align the masts with the proposed increase to the wind turbine hub height. The field of wind monitoring, wind forecasting and the terms and conditions of wind turbine warranties are evolving and these amendments will ensure that the wind resource monitored at the project site post construction can adequately meet its required functions.

Proposed deletion of Condition 18 has been raised as an issue in discussions with neighbours. The current condition states;

*18. In relation to the concerns raised in the letter from the Western Australian Department of Environment and Conservation dated 02 June 2011, the proponent shall, prior to commencement of construction, implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm.*

This matter was discussed extensively in the Council Minutes 15 December 2011. The following is part of that discussion. A copy of the full minuted comments are provided in the attachments.

*With respect to the possibility of one of the neighbouring landowners seeking to construct an additional dwelling in the area*

*potentially exposed to non-compliant noise levels, while there are approximately 3532ha around the Yandin wind farm, it is questionable whether landowners would choose to locate an additional dwelling within these portions of their property. If they did, the additional dwelling would be a permitted use under Local Planning Scheme No.7 (i.e. a use not requiring planning approval). There are some smaller lots north of the Yandin Wind Farm that are entirely within the modelled 35dB(A) contour line, a couple having frontage to a public road. All of these lots form part of larger landholdings. There is a possibility that the small lots with existing road frontage could be sold and application made to construct a dwelling. There is also a possibility that application could be made to rationalize boundaries of existing landlocked lots to create lots within the 35dB(A) contour line with road frontage, thereby creating the same potential situation.*

*The Shire of Dandaragan draft Local Planning Strategy - Rural Land Use and Rural Settlement indicates planning approval should be required for any additional dwellings on lots in the Rural zone. The local planning scheme could be amended to give Council discretion to approve applications for planning approval within the modelled 35dB(A) noise contour and to factor consideration of noise buffer requirements for the wind farms into the assessment of those proposals, as recommended by the Office of the EPA. This would, however, transfer responsibility for resolving the problem of land use conflict to the local government via its local planning scheme. It would be preferred if the matter could be appropriately addressed by Wind Prospect as part of gaining approval. To this end, recommended Condition 18 requires the proponent to implement necessary strategies to mitigate any future noise non-compliance that may arise from the construction or operation of the Wind Farm prior to commencement of construction.*

*Wind Prospect is in the process of preparing legal agreements to send to affected surrounding landowners hoping to get their agreement to not do anything to cause new dwellings to be located in the potentially noise affected area. If landowners refuse to sign the agreement, then there is a possibility of a dwelling being placed on lots owned by them in the affected area. In the absence of a planning or legal mechanism to prevent this from occurring, there is a risk for Wind Prospect and/or the future developer in leaving this possibility open because if noise levels as a result of the adjoining wind farm are found to not comply with noise regulations, the wind farm operator could be required to take such remedial actions as required to ensure compliance. Recommended Condition 18 requires the potential for this situation to arise to be addressed prior to construction and Wind Prospects is already working towards achieving that.*

## **Noise Assessment**



ViPAC prepared a Noise Impact Assessment for the Yandin Wind Farm in December 2010 to support the Environmental Statement that comprised the original planning permit application. ViPAC has reviewed this assessment and produced a revised assessment of the potential impacts of the proposed amendments to the planning permit for the Yandin Wind Farm, modelling a worst case wind turbine model compared to other potential candidate wind turbine models. Their report is provided in Attachment 10 (in the report sent by DropBox link). A summary of their findings is provided below.

- Given the proposed amendment of increasing the maximum hub height, the predicted noise levels are assessed against the SA EPA “Environmental Noise Guidelines: Wind Farms 2009” (using hub height wind speeds); this would also provide for compliance with the 2003 guidelines used in the original assessment;
- The predicted noise levels for the wind turbine layout satisfies the criteria and requirements of the SA EPA “Environmental Noise Guidelines: Wind Farms, 2009” at all relevant (not involved in the wind farm) receivers. The noise levels also comply with the criteria for the receivers that are involved with the wind farm;
- Due to the absence of noise characteristics (such as tonality, impulsiveness, modulation or low frequency components), no penalty adjustments are required to be applied to the levels;
- A noise assessment of the proposed substations and transmission lines has shown that there are likely to be no noise impacts;
- Even though noise levels may meet the criteria, people residing near wind farms may experience or be aware of the noise generated by the wind farm. This new type of noise source may have a character with which people may be initially unfamiliar and, even though wind farm noise is typically steady and broadband in nature, people may notice features at times, usually barely or faintly.

Conditions 12 to 18 of the current planning permit relate to noise and require that the final wind farm design meets applicable noise standards and that a post-construction monitoring program be implemented to verify compliance. Variations to some of these conditions have been proposed.

#### Avifauna and Fauna Assessment

RPS Australia completed the following assessment reports for the Yandin Wind Farm to support the Environmental Statement that comprised the original planning permit application.

- Fauna Assessment in October 2010;
- Avifauna Assessment in November 2010;
- Flora and Vegetation – Environmental Impacts and Management in March 2010 (prepared by Outback Ecology for RPS Australia); and

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- Targeted Level 1 Vegetation and Flora Assessment in March 2010 (prepared by Outback Ecology for RPS Australia).

RPS Australia has reviewed the assessment reports prepared in 2010 with regard to the original proposed infrastructure layout and considered any potential impacts associated with the proposed increase in wind turbine tip height from 152 metres to 180 metres. Their findings are reported in a statement, a copy of which is provided in Attachment 12. A summary of their findings is provided below.

- The proposed increase in tip height from 152m to 180m increases the potential rotor swept area of the wind turbines, which previously ranged between 40 metres to 152 metres above the ground level, to range from 12 metres to 180 metres above the ground level;
- The open country (cleared) locations selected for wind turbine sitings are of relatively low habitat value for birds, with greatest species diversity associated with areas of structurally diverse native vegetation;
- RPS (2010a) identified that the conservation significant fauna species that may be potentially impacted by Yandin Wind Farm were Carnaby's Black Cockatoo and the Peregrine Falcon;
- Carnaby's Black Cockatoo were recorded flying through the lower lying areas and valleys and not at the higher topographies on which the wind turbines are located by RPS (2010a), indicating that the wind turbines are located outside of existing flight paths of this species. The presence of Peregrine Falcons at the Yandin Wind Farm is only known from one recording of the species (RPS 2010a), indicating that the wind farm site does not represent significant habitat for this species;
- Informed by the findings of RPS (2010a) and RPS (2010b), the risk to these conservation significant bird species from the proposed 28 metre increase to the size of the minimum and maximum wind turbine tip height is not expected to significantly increase;
- The approved wind turbine locations within the Yandin Wind Farm have been placed to avoid areas that may be used extensively by flying bats and insects in order to minimise the hazards and potential impacts to local bat species;
- RPS (2010b) considered that the potential adverse effects on terrestrial fauna from the wind turbines would be limited to collisions of bats with wind turbine blades and assessed the level of risk to terrestrial fauna to be low. This is because the species likely to be present on site and that may fly at rotor swept area of the wind turbines are common and widespread.

Condition 19 of the current planning permit requires that a clearing permit is obtained in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. A clearing permit was obtained from the Department of Conservation in February 2012 in relation to the original proposed infrastructure layout. This clearing permit has

expired and a new application will be made to the Department of Environment Regulation. Condition 20 requires the development and implementation of an Avian Fauna Collision Risk Monitoring Program.

#### Landscape and Visual Impact Assessment

GHD prepared a Report for Landscape and Visual Impact Assessment for the Yandin Wind Farm in September 2010 to support the Environmental Statement that comprised the original planning application. GHD has reviewed this assessment and assessed the potential impacts of the proposed amendments to the planning permit for the Yandin Wind Farm and reported their findings in an addendum report, a copy of which is provided in Attachment 9. A summary of their findings is provided below. Photomontage images and Zone of Visual Influence (ZVI) diagrams to inform the GHD assessment are included in the GHD report in Attachment 9 (in the report sent by DropBox link).

- There would be a marginal to imperceptible increase in impacts associated with the increase of tip height of the turbines from 152 metres to 180 metres even when taking the marginal increase in hub height from 100 metres to up to 112 metres into account. Much of the change to the updated view-sheds relates to the middle ground and middle-distance views where the increased height may result in more turbines being visible;
- The nature of the study area landscape is such that it has an inherently large capacity to absorb a land use with pronounced structures, such as a wind farm. The wind turbines can be regarded as an 'additional' man-made element within a broad landscape that contains many other man-made structures, including power lines, transmission towers, farm buildings, roads, fence-lines, etc;
- Within the Dandaragan township the visibility of wind turbines will be moderated and obstructed by street and residential landscaping, buildings and other township structures. The most northerly wind turbines are likely to be more visible from the southernmost point of the Dandaragan township when travelling south, with the closest turbine being 3.3 km away. Substantial roadside vegetation on the west side of this road will obstruct views of the western side of the wind farm. The proposed increased height will have an imperceptible impact on the overall visibility from this location;
- While the western edge of the proposed Yandin Wind Farm site will be visible from sections of the Brand Highway for both north bound and south bound traffic, this visibility is in fact very limited in extent and duration. There would be a marginal to imperceptible increase in visibility due to the increase of the height of the turbines;
- As previously assessed, the Yandin Road Lookout is orientated toward the more distant westerly views, although it was acknowledged that the western end of the wind farm will encroach on this view, to some extent, on the north and south

margins of this panorama. The proposed height increase will have a limited overall impact on visibility at this location;

- Concurrent with the previous assessment, the addendum report concludes that there would be marginal visual impacts on the regional or local landscape quality;
- The proposed increase to the wind turbine tip height and hub height will also be marginal with an imperceptible difference between the current approved and proposed amended wind farm envelope.

#### Shadow Flicker Assessment

Wind Prospect Pty Ltd prepared a shadow flicker analysis to inform the Environmental Statement that comprised the original planning application in 2011. This shadow flicker analysis was recently repeated by Wind Prospect to assess any potential increased impact of shadow flicker at sensitive receptors, such as dwellings, resulting from the proposed increase to wind turbine tip height from 152 metres to 180 metres. Wind Prospect's findings are reported in Attachment 13, which includes an image showing predicted shadow flicker with a wind turbine tip height of 180 metres. The results are summarised below.

- In the absence of specific guidelines relating to shadow flicker in WA, the most restrictive limits from relevant German and Australian guidelines were used as a benchmark. These guidelines set a limit of 30 hours of shadow flicker per year within 50 metres of a residence and 30 minutes of shadow flicker in any one day at a given shadow flicker receptor;
- Calculations have been made based on worst case conditions which exclude the effects of clouds, obstacles, and the variability of wind speed and direction, all of which would reduce the amount of shadow flicker experienced in reality relative to the levels predicted in the Shadow Flicker Assessment;
- Two proposed dwellings and one existing dwelling are predicted to experience more than 30 hours of shadow flicker within 50 metres of the dwelling. All three dwellings are owned by landowners involved in the project;
- Of the nine residences which might expect to receive some shadow flicker, eight belong to landowners involved in the project, with the other dwelling being unoccupied;
- The Shadow Flicker Assessment will be repeated prior to construction once a wind turbine model has been determined for construction. Mitigation strategies will be implemented if necessary to reduce shadow flicker at residences, with the agreement of the relevant landowner.

#### Electromagnetic Interference Assessment

Electromagnetic interference (EMI) can affect radio and TV communication services. Laurie Derrick & Associates completed the following assessments in June 2009 and September 2010 respectively to support the Environmental Statement that comprised the original planning permit application:

- Investigation of Possible Impacts on Radio communication Services; and
- Investigation of Possible Impacts on TV Broadcasting Services. Laurie Derrick & Associates has reviewed these previous assessments and assessed the potential impacts of the proposed amendments to the planning permit for the Yandin Wind Farm and reported their findings in a statement, a copy of which is provided in Attachment 14. A summary of their findings is provided below.
- New radio link and site mapping was generated from data from the latest ACMA Licencing Database (RRL) to ensure that any new radio or decommissioned links or sites were taken into account for determining if adequate clearance from turbines exists.
- The analysis demonstrated that all current links have sufficient clearance to the turbine blade tips. It also showed that radio sites have sufficient buffer distances to wind turbines.
- No impact on FM or AM radio reception has been reported in Australia or overseas due to wind turbines and is not expected at this wind farm.
- The proposed larger diameter wind turbines could cause slightly greater interference potential with dwellings close to the turbines however the VAST service is available as an alternative source of TV from this satellite service which is not likely to be impacted by turbines due to the high angle of elevation to the satellite.
- The proposed wind farm amendments are predicted to have negligible impact on broadcasting and radio communications services.

Condition 8 of the current planning permit relates to EMI and requires that nearby residents are offered pre- and post-construction assessment of television reception and the remedy of any problems attributable to the wind farm.

#### CONSULTATION

The Shire undertook advertising by way of letters to all affected and surrounding landowners, government agencies and aviation authorities as well as advertisements in the Redgum Reports and Sandpaper newspapers and on the Shire website. There were no submissions received during the advertising period. However notice was given of a late response from one landowner that had not been received at the time this report was prepared.

*The applicant undertook the following consultation;*

*Key stakeholders were sent notification of the proposed amendments to the wind farm planning permit inviting comments and further engagement. The consultation process commenced in April 2017 and is ongoing.*

*This notification and consultation has consisted of:*

- *Letters addressed to specific stakeholders advising of the proposed amendments distributed by email and/or mail;*
- *Newsletter, including invitation to the Information Days, distributed by email and to mailboxes at the Dandaragan post office;*
- *Face-to-face meetings and discussions with interested neighbouring residents;*
- *Advertising of the Information Days in two local publications (Mid West Times and Craytales) leading up to the Information Days with the Newsletter issued to the Shire of Dandaragan for distribution;*
- *The Information Days held at the Dandaragan Community Recreation Centre on 31st August and 1st September; and,*
- *Launching of the updated [www.yandinwindfarm.com.au](http://www.yandinwindfarm.com.au) website in August 2017, which contains information about the Yandin Wind Farm and the proposed amendments to the planning permit.*

*Copies of the newsletter and advertisement as well as responses from stakeholders are summarised in the attachments*

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

#### STATUTORY ENVIRONMENT

- Shire of Dandaragan Local Planning Scheme No. 7 (LPS7);
- Shire of Dandaragan Local Planning Strategy - Rural Land Use and Rural Settlement;
- Planning Bulletin 67 – Guidelines for Wind Farm Development;
- Environment Protection Bulletin no.21 – Guidance for wind farm developments; and

The original planning permit application lodged in 2011 was referred to the Environmental Protection Agency (EPA) for assessment with a decision of “Not Assessed – Public Advice Given”

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

A planning application fee to the value of \$1,000 shall be paid by the applicant, being an estimate of the costs of advertising and offer time preparing report.

#### STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

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<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
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

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

### ATTACHMENTS

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

- Yandin Wind Farm Project report part 1 (Doc Id: 103551)
- Yandin Wind Farm Project report Part 2 is available via dropbox link (Doc Id: 103607)
- Map showing properties consulted (Doc Id: 103554)
- Copy of Extract from Council Minutes 15 December 2011 – Condition 18 (Doc Id: 103553)

**(Marked 9.4.4)**

### VOTING REQUIREMENT

Simple majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

~~Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_~~

~~That Council grant the following amendments to the current planning approval for wind farm to Yandin Wind Farm Pty Ltd;~~

- ~~1. Amendment to the dimensions of wind turbines including an increase to the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152 metres to 180 metres and increasing the maximum hub height of the wind turbines (the height from ground level to the central point of blade rotation) from 100 metres to up to 112 metres.~~
- ~~2. Minor amendments to the wording of existing planning permit conditions as detailed in the table below;~~

Approval condition no.	Proposed amendment
8	<del>The proponent shall notify property owners with land within 5km of approved wind turbine locations of the potential for interference to TV reception from the wind farm and offer residents with a dwelling located within 5km of a wind</del>

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	<del>turbine a pre-construction and post-construction assessment of television reception. The proponent shall remedy any reception problems attributable to the presence of the wind farm at dwellings located within 5km of approved wind turbine locations as at January 2012.</del>
12	<del>Reference to WA EPA noise guidance 2007; replace 'dated' with 'as at'?</del> <del>Reference to the SA EPA Noise Guidelines 'July 2009'.</del>
13	<del>Add "or background +5dB whichever is the higher" after the words "exceed 45dB(A)".</del>
14	<del>Replace reference to '10 minutes LAeq' with 'LA90'.</del>
18	<del>Remove this condition in its entirety</del>
20	<del>Replace 'Department of Environment Conservation' with 'Department of Biodiversity, Conservation and Attractions'</del>
24	<del>Replace the current condition with "The proponent shall provide an appropriate viewing area and/or information display at appropriate location(s) agreed with Council."</del>
25	<del>Add "except where higher security fencing is required for safety and security purposes" after the words "post and wire".</del>

**3. ~~Increase the number of permanent wind monitoring masts from three to six and their height from 100 metres to up to 112 metres.~~**

**OFFICER RECOMMENDATION**

Moved Cr Eyre, seconded Cr Gibson

That Council grant the following amendments to the current planning approval for wind farm to Yandin Wind Farm Pty Ltd;

1. Amendment to the dimensions of wind turbines including an increase to the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152 metres to 180 metres and increasing the maximum hub height of the wind turbines (the height from ground level to the central point of blade rotation) from 100 metres to up to 112 metres.
2. Minor amendments to the wording of existing planning permit conditions as detailed in the table below;

Approval condition no.	Proposed amendment
8	The proponent shall notify property owners with land within 5km of approved wind turbine locations of the potential for interference to TV reception from the wind farm and offer residents with a dwelling located within 5km of a wind turbine a pre-construction and post-construction assessment of television reception. The proponent shall remedy any reception problems attributable to the presence



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	of the wind farm at dwellings located within 5km of approved wind turbine locations <b>as at the commencement of construction of the Yandin Wind Farm</b>
12	Reference to WA EPA noise guidance 2007; replace 'dated' with 'as at'? Reference to the SA EPA Noise Guidelines 'July 2009'.
13	Add "or background +5dB whichever is the higher" after the words "exceed 45dB(A)". <b>Replace reference to '10 minutes LAeq' with 'LA<sub>90</sub>'.</b>
14	Replace reference to '10 minutes LAeq' with 'LA <sub>90</sub> '.
20	Replace 'Department of Environment Conservation' with 'Department of Biodiversity, Conservation and Attractions'
24	Replace the current condition with "The proponent shall provide an appropriate viewing area and/or information display at appropriate location(s) agreed with Council."
25	Add "except where higher security fencing is required for safety and security purposes" after the words "post and wire".

3. Increase the number of permanent wind monitoring masts from three to six and their height from 100 metres to up to 112 metres

LOST 3 / 6

### COUNCIL DECISION

**Moved Cr Shanhun, seconded Cr McGlew**

**That Council defer this item until such time as the applicant submits a photomontage from Dandaragan Road and the Yathroo Homestead to provide a visual representation of the impact of the installations.**

**CARRIED 9 / 0**

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – NOVEMBER 2017 COUNCIL STATUS REPORT

Document ID: 102720

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 23 November 2017. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2017

Document ID: 103286

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for November 2017. **(Marked 9.5.3)**

**9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2017**

Document ID: 102865

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for November 2017. **(Marked 9.5.4)**

**9.5.4 DFES WA CYCLONE AND SOUTHERN BUSHFIRE SEASON SYNOPSIS 17-18 NEWSLETTER**

Document ID: 101861

Following the success of previous years, the Department of Fire and Emergency Services (DFES) has again developed a dedicated webpage to deliver seasonal outlook information to support those involved in emergency management and response across the State.

Attached to the agenda is the newsletter **(Marked 9.5.5)**

**9.5.5 HON DARREN CHESTER MP – STATEMENT OF EXPECTATIONS FOR THE ROADS TO RECOVERY (R2R) PROGRAM**

Document ID: 101746

I am writing to advise you that I have issued a Statement of Expectations for the Roads to Recovery (R2R) Program. This statement is to bring R2R in line with other Australian Government programs where funding is issued with a set of expectations. This statement is the first one for the R2R Program and it aims to improve road safety for all Australians.

Attached to the agenda is correspondence in relation to the above. **(Marked 9.5.6)**

**9.5.6 CURTIN UNIVERSITY – HEALTH IN ALL COUNCILS**

Document ID: 102695

Attached to the agenda is Curtin University Research Survey 2016 on Health in all Councils. **(Marked 9.5.7)**

**9.5.7 NATIONAL AUSTRALIA DAY COUNCIL – AUSTRALIAN CITIZENSHIP AFFIRMATION**

Document ID: 102751

Attached to the agenda is correspondence from National Australia Day Council in relation to holding an official Australian Citizenship Affirmation at Australia Day Events 2018 **(Marked 9.5.7)**

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

*Mr Scott Clayton, Mr David Chidlow, Mr Garrick Yandle, Mrs Alison Slyns, Ms Michelle Perkins, Mrs Robyn Headland, Mr Rory Mackay, Mr Felix Neuweiler and 9 members of the public left the room.*

**10.1 ADMINISTRATION**

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

For Council to discuss the confidential item 11.1.2 'Staff Housing Allowance'.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

**Moved Cr Eyre, seconded Cr Gibson**

**That the following new business of an urgent nature be considered by Council:**

**For Council to discuss the confidential item 11.1.2 'Staff Housing Allowance'.**

**CARRIED 9 / 0**

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

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

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

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

Local Government Act 1995

### 5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —

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- (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 GOVERNANCE & ADMINISTRATION


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

Moved Cr Eyre, seconded Cr Shanhun

That the meeting be closed to members of the public at 5:17pm in accordance with Section 5.23 (2) (a) and (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Sale of Council Vehicle by Private Treaty and 11.1.2 Staff Housing Allowance.

**CARRIED 9 / 0**

#### 11.1.1 SALE OF COUNCIL VEHICLE BY PRIVATE TREATY

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Plant Equipment and Stores / Fleet Management / Allocations
Disclosure of Interest:	NII
Date:	13 December 2017
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

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


**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr McGlew, seconded Cr Shanhun

That Council agree after meeting its requirements in accordance with Section 3.58 of the Local Government Act 1995, to sell the DCEO vehicle being a 2014 silver Toyota Prado (VIN JTEBH3FJ30K149280 and engine number 1KD2460364) to Mr Ian Rennie for the amount of \$36,363.63 excluding GST.

CARRIED 9 / 0

**11.1.2 CONFIDENTIAL - STAFF HOUSING ALLOWANCE**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Personnel / Employment Conditions / Allowances
Disclosure of Interest:	Nil
Date:	19 December 2017
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

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

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

Moved Cr Richardson, seconded Cr McGlew

That Council agrees to no longer provide a housing / relocation allowance to Shire staff as of 23 January 2018 in relation to its resolution made on the 12 September 2002 (Item 9.4.4) and requests the Chief Executive Officer to absorb the existing allowance amounts into the hourly rate of the staff affected by this decision.

CARRIED 9 / 0

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Richardson, seconded Cr Gibson

That the Chief Executive Officer review all staff housing, housing allowances and Policy 5.1 Staff Housing with the view of reporting back all findings and recommendations to be discussed by Council in the 2018 / 2019 financial year.

CARRIED 9 / 0

**COUNCIL DECISION**

Moved Cr Scharf, seconded Cr McGlew

That the Meeting be reopened to the public at 5.24pm.

CARRIED 9 / 0

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*Mr David Chidlow, Mrs Alison Slynys, Ms Michelle Perkins, Mrs Robyn Headland, and 7 members of the public re-entered the Council Chambers at 5.24pm and the President read the motions aloud.*

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

**Nil**

**13 CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5.26pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....