



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 25 May 2017** at the **Council Chambers Jurien Bay** commencing at **4.00pm**.

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

The format for the day is as follows:

3.00pm	Agenda Briefing Session
3.30pm	Councillor Discussion Session
4.00pm	Ordinary Meeting of Council
5.00pm	Public Forum

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

Tony Nottle
CHIEF EXECUTIVE OFFICER

18 May 2017



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING

to be held

AT THE COUNCIL CHAMBERS, JURIE BAY

on

25 MAY 2017

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)



ORDINARY COUNCIL MEETING

25 MAY 2017

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

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

DAY	DATE	TIME	MEETING VENUE
Thurs	25 May 2017	4.00pm	Jurien Bay
Thurs	22 June 2017	4.00pm	Jurien Bay
Thurs	27 July 2017	4.00pm	Jurien Bay
Thurs	24 August 2017	11.00am	Jurien Bay(School Visit)
Thurs	28 September 2017	4.00pm	Dandaragan
Thurs	26 October 2017	4.00pm	Jurien Bay
Thurs	23 November 2017	4.00pm	Jurien Bay
Thurs	21 December 2017	4.00pm	Jurien Bay
Thurs	25 January 2018	4.00pm	Jurien Bay (AGM of Electors 6.00pm)
Thurs	22 February 2018	4.00pm	Jurien Bay
Thurs	22 March 2018	4.00pm	Badgingarra
Thurs	26 April 2018	4.00pm	Jurien Bay
Thurs	24 May 2018	4.00pm	Cervantes
Thurs	28 June 2018	4.00pm	Jurien Bay

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

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

BY ORDER OF THE COUNCIL

Tony Nottle
CHIEF EXECUTIVE OFFICER



DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

Please note:

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

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

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

Tony Nottle
CHIEF EXECUTIVE OFFICER



COUNCIL MEETING INFORMATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

NOTE:

10.3 Unopposed Business

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

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

SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

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

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

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

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

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

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

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

SHIRE OF DANDARAGAN

QUESTIONS FROM THE PUBLIC

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

Name: _____ Signature: _____

Address: _____

Contact No: _____ Meeting Date: _____

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

Name of Organisation Representing: _____
(if applicable)

QUESTION:

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

Please see notes on Public Question Time overleaf...

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



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

NAME OF PERSON MAKING DISCLOSURE

Surname: _____

Christian Names: _____

Date of Disclosure: _____

Date of Meeting: _____

Council Meeting: Yes No (Please
Circle)

or

Committee Meeting: Yes No (Please
Circle)

Name of Committee: _____

Agenda Book Page No: _____ Item No: _____

Nature and Extent of Financial Interest:

Signature of Person Making Disclosure:

Signature of Staff Recording Financial Interest:

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

1.2 DISCLAIMER READING

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor D Slyn	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	

Staff

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

Apologies

Approved Leave of Absence

Councillor J Kulisa
 Councillor M Sheppard
 Councillor P Scharf

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 27 APRIL 2017.

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 AMENDMENT TO POLICY 1.15 – SHIRE OF DANDARAGAN PURCHASING POLICY AND TENDER GUIDE

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	None
Date:	16 May 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 amend the Shire of Dandaragan Purchasing Policy and Tender Guide to account for recent changes to Regulation 11 of the Local Government (Functions and General) Regulations 1996

BACKGROUND

Amendments were made to the Local Government (Functions and General) Regulations 1996 that took effect on 1 October 2015.

The amendment increased the tender threshold from \$100,000 to \$150,000.

COMMENT

While the amendment has been in effect since 2015, the required changes have not been made to the Shire's own policy.

The proposed changes to the policy now reference the relevant section of the Regulation rather than restating a figure that may later be changed.

This will ensure that the policy always aligns with the relevant regulation.

CONSULTATION

- Chief Executive Officer
- Executive Management Team
- Department of Local Government and Communities

STATUTORY ENVIRONMENT

Regulation 11A of the Local Government (Functions and General) Regulations 1996 Purchasing policies for local governments applies as per the below:

11A . Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of
- (a) the form of quotations acceptable; and
 - (b) the minimum number of oral quotations and written quotations that must be obtained; and
 - (c) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

POLICY IMPLICATIONS

Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

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	c) Compliance in all legislative requirements and functions

ATTACHMENTS

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

- Revised Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide (Doc Id: 90635)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council amend policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide as follows;

- a) **Point 6 Purchasing Thresholds – row 5 of the Amount of Purchase table to be revised from “\$40,000 - \$99,999” to “\$40,000 and above”.**
- b) **Row 6 of the Amount of Purchase table to be removed completely.**
- c) **Point 6.5 heading to be changed from “\$40,000 - \$99,999” to “\$40,000 and above”**
- d) **Paragraph 1 of point 6.5 have the wording “...but less than \$99,999,” removed.**
- e) **A new paragraph at the bottom of Point 6.5 to be added with the following wording “Where the value of the goods or services exceeds the threshold set within Regulation 11 of the Local Government (Functions and General) Regulations 1996 a public tender process is required.”**

9.1.2 ACCOUNTS FOR PAYMENT – APRIL 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	9 May 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 cheque, EFT and direct debit listing for the month of April 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 April 2017 totalled \$1,103,826.79 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the April 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

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017
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<i>Goal 5: Proactive and leading local government</i>	
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BUSINESS AS USUAL	k) Finance
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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for April 2017 (Doc Id: 90463)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Municipal Fund cheque and EFT listing for the period ending 30 April 2017 totalling \$1,103,826.79 for the Municipal Fund be accepted.

9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 APRIL 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	15 May 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 April 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 April 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 April 2017 was \$2,109,481. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

General Purpose Funding

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

Expenditure is at 72% of Y-T-D budget and is due to less than budgeted expenditure on legal and valuation expenses.

Economic Services

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

Other Property and Services

Expenditure is at 196% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non-cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 30 April 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 Strategic Community 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 April 2017 (90525)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 30 April 2017 be adopted.

9.2 INFRASTRUCTURE SERVICES

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	28 April 2017
Officer:	Julie Rouse, Executive Secretary

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

PROPOSAL

To seek Council's endorsement for the retrospective use of the Shire of Dandaragan's Common Seal on four separate occasions – Withdrawal of Caveat on Lot 3333 on Deposited Plan 152860 for Caveat Number 1354268, on a Replacement Agreement for Ceding of Land and Road Construction Lot 8836 Indian Ocean Drive, Dandaragan, on a Replacement Agreement for the Management of Landscape Protection Zone Lot 8836 Indian Ocean Drive, Dandaragan, and on the implementation of a Restrictive Covenant on Lot 3555 on DP206191 Volume 1446 Folio 298.

BACKGROUND

The Shire of Dandaragan's Common Seal has been applied on four separate occasions as follows:

- Withdrawal of Caveat on Lot 3333 on Deposited Plan 152860 for Caveat Number 1354268,
- Replacement Agreement for Ceding of Land and Road Construction for Lot 8836 Indian Ocean Drive Dandaragan between the Shire of Dandaragan, Manuela, Ester and Luigi Cavallari, and North Head Jurien Pty Ltd;
- Replacement Agreement for Management of Landscape Protection Zone for Lot 8836 Indian Ocean Drive, Dandaragan between the Shire of Dandaragan, Manuela, Ester and Luigi Cavallari, and North Head Jurien Pty Ltd; and
- The implementation of a Restrictive Covenant for Land Burdened on Lot 3555 on DP206191 being the whole of the land comprised in Certificate of Title Volume 1446 Folio 298 and encumbrances stating that no development is to take place outside of the defined building envelope(s) unless otherwise approved by the local Council. This Restrictive Covenant has been executed by all parties involved; the Shire of Dandaragan and Warralee (Broomehill) Pty Ltd (CAN 008 697 989) and Alf Barrett Pty Ltd (008 697 907), both care of A W Barrett and Co. from Moora.

COMMENT

Application of the Shire's Common Seal in these four instances is accompanied by the signature of the President and the Chief Executive Officer.

A register is maintained to record all occasions on which the seal is applied and in this instance relates to Items 248, 249, 250 and 251 within the Shire of Dandaragan's Seal Register.

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

CONSULTATION

- Deputy Chief Executive Officer
- Manager Planning
- Executive Secretary

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

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	c) Compliance in all legislative requirements and functions

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal retrospectively on four separate occasions as follows:

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

- a) Withdrawal of Caveat on Lot 3333 on Deposited Plan 152860 for Caveat Number 1354268.**
- b) Replacement Agreement for Ceding of Land and Road Construction Lot 8836 Indian Ocean Drive, Dandaragan.**
- c) Replacement Agreement for the Management of Landscape Protection Zone Lot 8836 Indian Ocean Drive, Dandaragan, and**
- d) Restrictive Covenant for Land Burdened and Encumbrances on Lot 3555 on DP206191 Volume 1446 Folio 298.**

9.3.2 TURQUOISE WAY PATH – DETERMINATION UNDER THE SHIRE OF DANDARAGAN LOCAL GOVERNMENT PROPERTY LOCAL LAW

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Traffic and Transport / Design and Construction / Cycleways
Disclosure of Interest:	Nil
Date:	9 May 2017
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council consider making a determination under Clause 2.1 of the Shire of Dandaragan Local Government Property Local Law. Further that the determination is to provide that a person is prohibited in accordance with Clause 2.8(1)(c), from taking, riding or driving a vehicle on the property or a particular class of vehicle, on the path and that area of land immediately adjacent to the Turquoise Way Path within Reserve 19206, Reserves 49751 and 51200 and within the adjacent freehold land Lot 9016 covered by an easement granted by Council against the freehold property.

BACKGROUND

At the Council meeting held 25 February 2016, the Jurien Bay Chamber of Commerce (JBCC) presented to Council for the continuation of the Turquoise Way Path in order to connect Jurien Bay to Cervantes. The proposal was presented in a staged process with Stage 1 being a further 2.7km section from the end of the existing path to Booka Valley and for Stage 2 from Booka Valley to the Hill River. At present the Turquoise Way Path is a 6.5km sealed track from the Jurien Bay Marina along the coast to the southern end of town.

The purpose of the Shire of Dandaragan Local Government Property Local Law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district as well to establish the requirements with which any person using or being on local government and public property must comply. Attached to the agenda is a copy of this Local Law.

COMMENT

The JBCC proposed that the path would:

- Extend the activities available to tourists who stay at Cervantes to visit the Pinnacles at Nambung National Park.
- Provide for linked adventure tourism at Jurien Bay adding informal cycling and running to skydiving and the snorkel trail.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

- Offer a new venue in Western Australia for formal runs, bike rides and swim events for all ages including marathons, triathlons and similar.
- Provide a family-friendly opportunity to explore the Turquoise Coast and Jurien Bay Marine Park with regular access to coastal picnic locations.

The JBCC proposed to fund the project for Stages 1 & 2 via grants from the following sources:

Grant Source	Amount
Lotteries West	\$ 100,000
Ardross Estates via the Jurien Bay - Chamber of Commerce	\$ 487,500
Wheatbelt Development Commission	\$ 200,000
Department of Transport - (State Government & R4R)	\$1,180,000
TOTAL	\$1,967,500

The total estimated cost of the project from the existing path to Cervantes is as follows:

Stage	Kms	Cost
Stage 1 - South of Jurien Bay to Booka Valley	2.7km	\$ 786,000
Stage 2 - Booka Valley to Hill River	3.9km	\$1,118,400
Stages 3 & 4 - Hill River to Black Peak / Black Peak to Cervantes	13.1km	\$3,932,400
TOTAL	19.7km	\$5,836,800

The project has been under construction since late 2016 and is now completed.

Already while construction had been taking place, numerous vehicles and pedestrians had used the path even though it was still under the control of the building contractor. Currently there is no means of controlling this use.

Of the total length of Stages 1 & 2 of 6.6km, approximately half of this length is within a Reserve under the control of Council and half is on freehold land owned by Ardross Estates.

It is the intention of Ardross Estates and Council to negotiate an easement over a corridor 10m wide to cover the path within the freehold land in order to allow control and maintenance of the path by Council.

Ardross Estates, Council staff and Council's Lawyers have been pursuing means by which the use of vehicles on the path could be controlled both in Council's Reserve and within the area covered by the easement, being the freehold land.

It would appear that the only means of restricting vehicles using the path within Councils Reserve in the short term is by adopting a determination under the Shire of Dandaragan Local Government Property Local Law. It is also proposed to control the area which will be covered by an easement under this same process. It is necessary for this restriction to apply to a limited area within Councils reserve and within the area proposed to be covered by an easement and not the total area of the reserve nor the total area of freehold land. Council currently allows the use of vehicles on the beach area of the reserve and this is likely to continue.

Ardross Estates has provided a survey of the completed path as it traverses their freehold land and this is the subject of the easement. They have also provided an aerial photograph indicating the path as it traverses the Shire Reserve.

The implementation of a determination under the Shire of Dandaragan Local Government Property Local Law is a process that will take several months to be finalised and entails Council adopting the determination, publically advertising the proposal and calling for submissions and Council considering submissions and adopting a final determination. It is not until this process is completed that staff can enforce the restriction.

Other options in the longer term will necessitate amendments to Council's Local Laws and this will need to be discussed further with Council's Local Law Consultant and the Council. Hopefully this can be progressed while the review of Local Laws is being undertaken.

CONSULTATION

- Ardross Estates Pty Ltd
- Evan Jones acting on behalf of Ardross Estates
- McLeod's – Council Solicitors
- Philip Swain Consulting – Local Law Consultant
- Chief Executive Officer

STATUTORY ENVIRONMENT

Shire of Dandaragan Local Government Property Local Law

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Council will be responsible for any advertising and consultation that will take place as part of the implementation of the determination under the Local Law.

Long term financial implications will be in regard to maintenance and renewal of the Turquoise Way Path.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	d) plan for future recreation needs, including feasibility assessments in accordance with the Major Recreation Facilities Fund, and review of cycleway and dual use pathway plans

ATTACHMENTS

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

- Presentation by Jurien Bay Chamber of Commerce (Doc Id: 64258)
- Correspondence from McLeod's in regard to the Local Law (Doc Id: 88873)
- Shire of Dandaragan Local Government Property Local Law (Doc Id: 90250)
- Survey of Turquoise Way Path through Ardross Estates freehold land (Doc Id: 90245)
- Aerial Photograph indicating the alignment of the path through Shire reserve and the freehold land (Doc Id: 90246, Doc Id: 90247)
- Management Order for Reserve 19206 being Lot 12008 (Doc Id: 90251)
- Management Order for Reserve 51200 being Lot 793 (Doc Id: 90400)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council declare its intention to make a determination, in accordance with Clause 2.1 of the Shire of Dandaragan Local Government Property Local Law. Further that in accordance with Clause 2.8(1)(c) that Council prohibit the taking, riding and driving a vehicle on the alignment of the Turquoise Way Path and 5m each side of the centre line of the path, through Shire Reserves 28541, 51200, 49751 and 19206 and Lot 290 on Deposited Plan 31863 (C/T 2503-694).

9.3.3 JURIEB BAY AIRSTRIP – ASSIGNMENT OF HANGAR LEASE HARDSUITS PTY LTD (DONALDSON) TO NAJARA ENTERPRISES PTY LTD (MYERS / FORRESTER)

Location:	Reserve 35408 – Jurien Bay
Applicant:	Ray White Jurien Bay on behalf of both parties
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Reserves and Public Land
Disclosure of Interest:	None
Date:	9 May 2017
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider a request from Hardsuits Pty Ltd (Donaldson) for the assignment of the lease of a hangar site to Najara Enterprises Pty Ltd (Myers / Forrester).

BACKGROUND

Mr Donaldson (Hardsuits Pty Ltd) has leased a hangar at the Jurien Bay Airstrip since 2010. The term of the lease is ten (10) years.

COMMENT

Ray White Jurien Bay advise of the request by Hardsuits Pty Ltd to assign the lease of their hangar at the Jurien Bay Airstrip to Najara Enterprises Pty Ltd.

Because the hangar site is on a Reserve with Council holding a Management Order over the Reserve, it is necessary for Council and the Hon. Minister for Lands to agree to the assignment of the lease. All costs associated with the assignment of the lease will be at the expense of the parties involved.

Council's Solicitor has prepared a draft Assignment of Lease document, and if approved by Council it will also be required to be approved by Hon. Minister for Lands in order for the assignment to occur.

CONSULTATION

- Ray White Jurien Bay
- McLeod's, Council Solicitor

STATUTORY ENVIRONMENT

Land Administration Act 1997 – S46.3

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The parties to the assignment of the lease of the Hangar Site will be responsible for all costs associated with the assignment.

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	d) Provide and operate the Jurien Bay and Cervantes Airstrips

ATTACHMENTS

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

- Correspondence from Ray White Jurien Bay (Doc Id: 90116)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That approval be granted for the assignment of the lease of portion of Reserve 35408, Lot 502 from Hardsuits Pty Ltd to Najara Enterprises Pty Ltd subject to the following conditions:

- 1. all costs associated with the assignment of the lease be met by the parties involved.**
- 2. that the Hon. Minister for Lands approval be granted to the Assignment of the Lease.**
- 3. subject to payment of any outstanding debts against the property and**
- 4. that the President and Chief Executive Officer be authorised to sign and utilise the Common Seal on the Assignment of Lease document, following the satisfaction of all conditions relating to the assignment.**

9.3.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2017 ANNUAL GENERAL MEETING VOTING DELEGATES – COUNCILLOR NOMINATIONS

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / Local and Regional Liaison / WALGA
Disclosure of Interest:	Nil
Date:	8 May 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

To consider nominating two elected members and two proxies as Council's voting delegates at the 2017 Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA).

BACKGROUND

Correspondence has been received from WALGA requesting two voting delegates and two proxies for the AGM of WALGA. The AGM is scheduled to be held on Wednesday 2 August 2017 with a response due in by Monday 5 June 2017.

COMMENT

Council can nominate either Councillors or the Chief Executive Officer to act as their voting delegates. It is normal practice to nominate the President and Deputy President as the voting delegates and call for nominations for two proxies. If the President and or the Deputy President are unable to attend, then nominations for the voting delegates will be called.

This year is not the year that the whole of Council attends Local Government Week as it is the year that Council has its bi-annual study tour therefore, the nominated representatives will only be attending the AGM.

If more than three nominations are received, a vote by Council will be carried out.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

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STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will Contribute
5.1 High performing Council	b) Nominate Council delegates to key Associations

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council resolves to advise the Western Australian Local Government Association that it nominates Cr _____ and Cr _____ as its Annual General Meeting voting delegates, and Cr _____ and Cr _____ as its Annual General Meeting proxy voting delegates.

9.4 DEVELOPMENT SERVICES

9.4.1 PROPOSED ADDITIONAL GRAIN STORAGE BINS – LOT 10 DANDARAGAN ROAD – REGANS FORD

Location:	Lot 10 Dandaragan Road, Regans Ford
Applicant:	Cooperative Bulk Handling
Folder Path:	Development Services Apps / Development Applications / 2017 / 15
Disclosure of Interest:	None
Date:	9 May 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for additional grain storage bins (Industry - rural) at Lot 10 Dandaragan Road, Regans Ford.

BACKGROUND

This applicant is seeking approval to construct an additional two grain storage open bulkheads at the Regans Ford Grain Receival Depot.

The zoning of Lot 10 Dandaragan Road under Local Planning Scheme No.7 is "Rural"

The objective of the rural zone in the Scheme is;

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

The land use class that most closely aligns with the proposed development is "Industry- rural". Which is an "A" use under the Rural Zone in the Scheme.

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with the Scheme.

There are no specific development requirements for this land use under the Scheme.

COMMENT

The proposal is for additional grain storage bins at the subject site and will be constructed adjoining an existing similar open bulkhead.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

The proposed additional bins are complimentary to the existing land use on this site.

There is however likely to be additional heavy (grain) truck and road train movements along Dandaragan Road as a result of the increased grain storage potential. Whilst there is a deceleration lane on the entry (north) side of Dandaragan Road for vehicles travelling down the hill, there is no similar acceleration lane at the exit on Dandaragan Road for vehicles heading either south or north. This section of road has limited passing opportunities for cars with double white lines.

CONSULTATION

The proposal was advertised to the surrounding landowner until 22 May 2017. Should any submissions be received after the writing of this report, these will be forwarded to Councillors for consideration. It is noted that there is only one surrounding land owner on both sides of Dandaragan Road.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$3,520.

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:

- Plans (Doc Id: 90591)
- Location Plan (Doc Id:90590)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning approval to Cooperative Bulk Handling for additional Grain Storage Bins at Lot 10 Dandaragan Road, Regans Ford subject to the following condition:

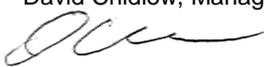
1. All development shall be in accordance with the attached approved plans dated 26 April 2017 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Prior to commencement of site works, the Applicant shall to the reasonable satisfaction of the Shire of Dandaragan quantify the impact of the additional (heavy vehicle) traffic on Dandaragan Road and any road upgrading / widening and / or maintenance that is required as a result of the increased traffic, then contribute towards the cost of that upgrading / widening and / or maintenance to the satisfaction of the Shire of Dandaragan.

Advice Notes:

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

9.4.2 PLANNING APPLICATION – PROPOSED RELOCATED DWELLING – LOT 14 CATALONIA STREET, CERVANTES

Location: Lot 14 Catalonia Street, Cervantes
 Applicant: George Mostert on behalf of B Thompson
 Folder Path: Development Services App / Development Application / 2017 / 18
 Disclosure of Interest: None
 Date: 15 May 2017
 Author: David Chidlow, Manager of Planning
 Signature of Author: 
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

The applicant seeks approval to relocate an existing dwelling from Lot 10 Catalonia Street to Lot 14 Catalonia Street.

BACKGROUND

The applicant has submitted a proposal to relocate an existing weatherboard clad dwelling from Lot 10 Catalonia Street (Indian Ocean Rock Lobster) to Lot 14 Catalonia Street.

The existing two (2) bedroom dwelling is clad with hardi-plank and a custom orb metal roof. The dwelling is in good condition.

The proposal is exempt from planning approval as the definitions for repurposed and second hand dwellings was removed from the Scheme by way of planning regulations. These land uses and definitions have now been reintroduced into the Model Scheme text, however they do not become statutory until a scheme amendment to reintroduce these provisions is approved.

However Council's Local Planning Policy 8.1 for Relocated Dwellings deals with the process for a relocated dwellings.

The proposal meets all of the setback and other provisions of the Residential Design Codes.

COMMENT

The proposed structure is in good overall condition. On the adjoining lot to the north is an industrial type shed. On the adjoining southern lot is a single storey dwelling. The standard of dwellings further south along Catalonia Street is substantially higher given the ocean frontage. On the eastern side of Catalonia Street there is a mix of dwelling types, some of which are similar to the proposed development.

Given the mix of dwelling types in the area, the proposal is not out of keeping with surrounding dwellings. However it would be appropriate for the dwelling to have a verandah on the Catalonia Street frontage to improve the streetscape. This was discussed

with the applicant and there was no objection to such a condition.

CONSULTATION

There is no statutory requirement to advertise as the proposal is exempt from requiring planning approval.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.1 – Relocatable Dwellings

Clause 3. Relocation of Conventionally Constructed Homes

There may be occasions when approval is sought from Council to relocate a conventionally constructed house.

All such applications are to be judged on their merits by Council.

The below matters will be taken into account when determining such applications.

- a. the age of the structure and general overall condition;
- b. the impact such a structure may have on the surrounding areas where these relate to the local character and the amenity of the area generally;
- c. it may be desirable with some applications to require the construction of front and/or rear verandahs to the dwelling to enhance the overall finished appearance; and
- d. that all asbestos must be removed externally from the dwelling in accordance with legislative requirements and disposed of at a designated landfill site, prior to the building being removed from its existing location.

A bond of \$2,000 is applicable for relocated dwellings in all town-sites and Special Rural Zones and is also applicable to applications in Rural areas that abut Residential Zoning. The bond money is to be refunded when the applicant has complied with Council's requirements and the dwelling inspected by Council's Building Surveyor (Manager Building Services).

FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$147.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 90620)
- Plans (Doc Id: 90621)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant approval for the proposed relocated dwelling on Lot 14 Catalonia Street Cervantes in accordance with the attached approved plans date stamped 8 May 2017 subject to:

Conditions:

- 1. All development shall be in accordance with the attached plans date stamped 8 May 2017 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**
- 2. Certificate from a practising Structural Engineer, stating that the house is in sound condition and when relocated and set in place, will comply with all relevant requirements of the Building Code of Australia.**
- 3. Construction of a front verandah to the dwelling to enhance the overall finished appearance to the satisfaction of the Chief Executive Officer or his delegate.**
- 4. All asbestos must be removed externally from the dwelling in accordance with legislative requirements and disposed of at a designated landfill site, prior to the building being removed from its existing location.**
- 5. A bond of \$2,000 is paid to the Shire of Dandaragan prior to granting of a building permit. The bond money is to be refunded when the applicant has complied with Council's requirements and the dwelling inspected by Council's Building Surveyor (Manager Building Services).**

6. 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.

ADVICE NOTES:

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

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

9.4.3 APPLICATION FOR ALFRESCO DINING ON VERGE WITH WEATHER BLINDS AND LIQUOR LICENCE– LOT 915 CNR SANDPIPER AND MURRAY STREETS, JURIEN BAY

Location:	Lot 915 Cnr Sandpiper and Murray Streets, Jurien Bay
Applicant:	Natalie Sumpton
File Ref:	Development Services Apps/ Development Applications/ 2017/22
Disclosure of Interest:	None
Date:	15 May 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant is seeking approval to use portion of the Sandpiper Street Road Reserve for alfresco dining and to construct associated weather blinds. In addition the applicant is applying to the Department of Racing, Gaming and Liquor for a liquor licence to serve alcohol with meals consumed in the café and the proposed alfresco area.

BACKGROUND

The applicant proposes to construct a wind screen from the edge of the existing canopy to ground level and operate an alfresco dining area associated with the new café.

The proposed area comprises an existing canopy and concrete base and is 3.05m in width and 9.5m in length. The canopy is an extension of the existing roof of the commercial development which intrudes into the road reserve. This canopy was constructed at the time of the original buildings. The proposed alfresco area is not part of a footpath.

In February 2017 Council granted a similar approval for weather blinds and associated alfresco area on the road reserve (footpath) to Pt Lot 1 Roberts Street.

Application is being sought for a liquor licence to serve alcohol with meals consumed in the alfresco area from the Department of Racing, Gaming and Liquor as part of the premises approval to serve alcohol.

COMMENT

It is noted that the shop has a canopy that extends over the footpath which can be used by virtue of having a built structure overhead.

Given that there will be no impediment to pedestrians from the proposal, it is recommended for approval.

CONSULTATION

The addition is considered to be a minor addition to an existing canopy that does not warrant public advertising.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Building Act 2011
 - 76. No encroachment without consent, court order or other authority
 - (1) A person responsible for work must ensure that no part of a building or an incidental structure is placed beyond the boundaries of the works land —
 - (c) unless the encroachment is prescribed as a minor encroachment; or
 - (e) except in prescribed circumstances.
- Building Regulations 2012
 - 45B. Circumstances prescribed for purposes of section 76(1)(e)
 - For the purposes of sub-regulation (1)(c) an awning, verandah or thing attached to an awning or verandah is constructed in an approved manner if —
 - (a) the construction —
 - (i) is development as defined in the Planning and Development Act 2005 section 4(1); and
 - (ii) is in accordance with the requirements of that Act that applied to the construction at the time of the construction;
 - or
 - (b) the construction is in accordance with a local law made under the Local Government Act 1995 section 9.60 that applied to the construction at the time of the construction.

The proposal can be defined as development under the Planning and Development Act and the existing canopy has been in place since the building was constructed. The purpose of the above regulation is to avoid referring minor applications to the Department of Lands that can be determined by the Local Government.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

<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:

- Elevation and Floor Plans (Doc Id: 90623)
(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grants planning approval for the use of portion of the Sandpiper Road Reserve (verge) and alfresco dining with weather blinds in accordance with the plans date stamped 18 May 2017 immediately adjacent to Lot 915 Sandpiper Street Jurien Bay, subject to;

- 1. The public shall be free to use the tables and chairs at all times, whether paying customers or not.**
- 2. No umbrellas or sunshades shall be erected.**
- 3. The tables and chairs shall not be fixed to the public paving material unless otherwise approved by Council.**
- 4. The tables and chairs shall be removed from the verge area outside normal trading hours.**
- 5. The lessee / shop owners shall, to the satisfaction of the Shire, cleanse daily and keep clean at all times the pavement of the eating area, the tables, chairs and umbrellas and also shall keep the verge and roadway in the vicinity of the eating area free of litter and waste materials and remove all sweepings and washdown waste from the verge.**
- 6. Council shall be indemnified against any damage which may arise, with the indemnity being Public Liability Insurance cover of \$10 million minimum.**
- 7. Council shall be advised directly by the Insurance Company of the Policy and any changes to that Policy, a copy of which is required to be kept at Council.**
- 8. The applicant shall ensure that rubbish shall be regularly removed from the premises in order to ensure high public amenity.**

9. The service of alcohol shall not commence unless the relevant approval has been obtained from the Liquor Licensing Division of the Office of Racing and Gaming.
10. All electrical wiring connected to lights, devices or appliances which are situated on or above the eating area shall not be placed in any place or in any manner which may be prejudicial to public safety.
11. All persons, equipment and activities associated with the operation of the outdoor eating area shall remain wholly within the defined area, except for the conveying of food, drink, tableware and furniture across the verge.
12. The eating area or any part thereof shall be cleared of obstructions as required by the Council for maintenance and repair work, except in emergencies, at least 72 hours' notice shall be given to this requirement.
13. The shop owners shall bear the cost of all pavement repairs carried out by the Council within the eating area or part thereof, which in the opinion of the Council have been rendered necessary by the existence or use of the eating area.

Advice Notes:

- Note 1. The applicants are advised that this approval may be supplemented by either a Planning Policy or Local Law on verge outdoor eating areas with associated fees in the future.
- Note 2. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – APRIL 2017 COUNCIL STATUS REPORT

Document ID: 90104

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 April 2017. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – MAY 2017

Document ID: 90530

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for May 2017. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – APRIL 2017

Document ID: 89857

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

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – APRIL 2017

Document ID: 89778

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

9.5.5 HON RITA SAFFIOTI MLA – MEDIA STATEMENT – GRANTS TO RAMP UP WA BOATING FACILITIES

Document ID: 89575

- \$1.5 million in funding towards improving recreational boating facilities across Western Australia
- Nine Recreational Boating Facilities Scheme (RBFS) grants will help develop new facilities and improve existing infrastructure benefiting nearly 100,000 boat owners and others.

Boat owners across WA will soon enjoy the benefits of nine projects that were successful in securing funding in the latest round of Recreational Boating Facilities Scheme.

9.5.6 LOCAL GOVERNMENT NEWS – 21 APRIL 2017 – ISSUE 15

Document ID: 89531

In this issue:

- Strategic Purpose Permit (Native Vegetation Clearing) for Local Governments
- Emergency Management Training
- WALGA/LGIS Human Resource Forum – Change of Venue
- Planning Excellence Breakfast
- Boards and Committees Update
- Accredited Mass Management Scheme Review
- Innovative Weed Control Seminar and Site Tour
- Bushfire Awareness Course Subsidy Scheme
- Perth Airport Tourism Awards

- RSL / WALGA ANZAC Day Award

Mailbag:

- INFOPAGE: Strategic Purpose Permit for Local Governments

9.5.7 ENVIRONEWS – APRIL 2017 – ISSUE 4

Document ID: 89605

In this issue:

- Super Fun at Salty Fest
- Bullsbrook Recycling Centre Opening Soon
- Strategic Purpose Permit (Native Vegetation Clearing)
- City of Mandurah Helps Create Water Wise Verges
- Habitat for Homes Program
- Seeking Creative Youth to Re-Invent Waste!
- City of South Perth's Banksia Woodland Protection
- South West Group Addresses Fire Risk Management
- The Mid West Possum Watch
- Innovative Weed Control – Seminar and Bus Tour
- Bush Medicine Workshop Causes a Stir

Events and funding opportunities

- Upcoming Events
- Funding Opportunities

9.5.8 NATIONAL AUSTRALIA DAY COUNCIL – AUSTRALIAN DAY NATIONAL CONFERENCE 2017

Document ID: 89561

The National Australia Day Network would like to invite you and members of your team to attend the fifth Australia Day National Conference at the National Wine Centre of Australia, Adelaide from 25 – 26 July 2017.

9.5.9 DEPARTMENT OF MINES AND PETROLEUM – MIGRATION OF LIMESAND DUNES IN WESTERN AUSTRALIA AND THEIR IMPACTS

Document ID: 89560

As you will recall, Mike Freeman of the Department of Mines and Petroleum (DMP) recently held an information session with your organisation based on a study of migrating sand dunes along the Midwest Coast of Western Australia. The report can be accessed on DMP's website <http://www.dmp.wa.gov.au/MigratingDunes>.

9.5.10 LOCAL GOVERNMENT NEWS – 28 APRIL 2017 – ISSUE 16

Document ID: 89674

In this issue:

- 2017 WA Local Government Convention
- Training
- Local Government NDIS Roundtable Discussion
- Planning Excellence Breakfast
- Parking in Planning Schemes Workshop
- Local Government Honours Awards 2017
- Obituary: Cr John Jakobson
- Smart Cities Program Funding
- WA State Heritage and History Conference Bursary

- Nature Play WA Forum

9.5.11 FUNDRAISERS DANDARAGAN

Document ID: 89641

Correspondence from Fundraisers Dandaragan advising of the final figure raised from the CSBP Dandaragan Midsummer ball, and they are pleased to announce the princely sum of \$11,373.80 of which \$5,950 goes to their chosen charity Camp Kulin, a further \$2,900 was also donated to the Moora Outdoor Education programme and the remaining funds have been deposited in trust until a new worthy youth venture arises. Fundraisers Dandaragan would also like to thank Council for their generous donation and essentially helping to host a very successful fundraising event.

9.5.12 WALGA – 2017 WA LOCAL GOVERNMENT CONVENTION

Document ID: 89636

The 2017 annual WA Local Government Convention and Trade Exhibition will be held at the Perth Convention and Exhibition Centre, commencing on Wednesday 2 August – Friday 4 August 2017. Registrations for the Convention are to be made online by going to www.walga.asn.au/LGC17

9.5.13 MIDWEST TIMES – JURIEN ENJOYS TOURISM BOON

Document ID: 89682

Attached to the agenda is a newspaper article “*Jurien Enjoys Tourism Boon*” from Midwest Times, Wednesday 26 April, 2017. **(Marked 9.5.13)**

9.5.14 PROCUREMENT NEWS – APRIL 2017 – ISSUE 34

Document ID: 89735

In this issue:

- Procurement Network Forum
- Preferred Supplier Update
- Procuring Architectural Services for Government Projects
- NPN Update
- Data Data Data

9.5.15 RDA WHEATBELT - ENEWSLETTER APRIL 2017

Document ID: 89737

In this issue:

- Call for Wheatbelt Leaders with Vision
- Wheatbelt Digital Action Plan Survey
- Review into Regional, Rural & Remote Education
- Government and Community News
- Grants and Funding Opportunities

9.5.16 WALGA – MEDIA RELEASE – CLAIMS NOT SUPPORTED IN EVIDENCE

Document ID: 90024

Local Governments have rejected suggestions of widespread mismanagement and even corruption in regional Councils. In media statements the Corruption and Crime Commission has

extrapolated misconduct at the Shire of Exmouth to “structural weakness in the sector”. WA Local Government Association President Cr Lynne Craigie said any presumption that all regional Councils were mismanaged was unfair and inaccurate.

Attached to the agenda is the full content of the media release.
(Marked 9.5.16)

9.5.17 RANGER SERVICE REPORT FOR JANUARY – APRIL 2017

Document ID: 90225

Attached to the agenda is the Ranger Service Report for the period January 2017 – April 2017. **(Marked 9.5.17)**

9.5.18 WALGA – SUMMARY MINUTES STATE COUNCIL MEETING – MAY 2017

Document ID: 90356

The Full Minutes will be available on the WALGA website by the end of the week - <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>

9.5.19 DEPARTMENT OF SPORT AND RECREATION – AMALGAMATION OF NUMEROUS GOVERNMENT DEPARTMENTS

Document ID: 90347

“As you will no doubt be aware, last week Premier Mark McGowan announced the first round of public sector reform, which included the amalgamation of numerous government departments.

This announcement includes the Department of Sport and Recreation. We will be joining with local government, culture and the arts, racing, gaming and liquor to become the Department of Local Government, Sport and Cultural Industries. We are in the process of finding out what exactly this means for the Department”.

9.5.20 AUSTRALIA DAY WA – INAUGURAL AUSDAYWA BEING AUSTRALIAN INCLUSION SYMPOSIUM – 16 JUNE 2017

Document ID: 90349

“On behalf of AusdayWA, I invite you to secure your place at this vitally relevant community forum, where we’ll seek to explore and support new ways of working toward social inclusion within our communities. Over half a day, on Friday 16 June from 8.30am – 1.30pm, speakers will present case studies, insights and perspectives with interactive Q & As, followed by an expert panel discussion and buffet lunch at the University Club of Western Australia, UWA Crawley”.

9.5.21 HON RICK MAZZA MLC – MEDIA RELEASE – MAZZA FIGHTS FOR LOCAL GOVERNMENT LICENSING CONCESSIONS

Document ID: 90366

Shooters, Fisheries and Farmers Party MLC Rick Mazza will move to disallow the Road Traffic (Vehicles) Amendment Regulations

(No. 2) 2017 that removes existing concessions for vehicle license fees and duties for local government authorities.

Attached to the agenda is the full content of the media release **(Marked 9.5.21)**

9.5.22 WALGA – SUPPORT FOR MINISTER ON POSITIVE PROGRESS

Document ID: 90375

A new era of positive progress is emerging for Local Government as a result of the direct intervention of new Minister David Templeman. The WA Local Government Association has congratulated Minister Templeman for calling a meeting of agencies and groups associated with the sector that focussed on positive change.

9.5.23 HON MARK MCGOWAN MLA – MEDIA STATEMENT – NEW WAGES POLICY ANOTHER CRITICAL BUDGET REPAIR MEASURE

Document ID: 90393

- McGowan Government implements new public sector wages policy
- New policy ensures everyone in the public sector is treated fairly, with a \$1,000 per annum increase limit for full time employees
- Politicians, judges, magistrates, councillors and WA's highest paid bureaucrats to have their pay frozen for the next four years
- New wages policy and wage freeze for positions determined by the Salaries and Allowances Tribunal will save an estimated \$518 million in the State Budget.

9.5.24 RDA WHEATBELT INC – FEDERAL BUDGET – RDA COMMITTEES AND REGIONAL INITIATIVES

Document ID: 90420

Attached to the agenda is a media release advising Regional Development Australia Committees receive endorsement with ongoing funding confirmed for the next four years within the Federal Budget **(Marked 9.5.24)**

9.5.25 ROADWISE ROAD SAFETY NEWSLETTER – MAY 2017 – ISSUE 29

Document ID: 90556

In this issue:

- Road Safety Week 2017: Promoting the #SlowDown Message
- Child Car Restraints Update
- Safety Improvements on Dampier Highway
- Turn It Off, Bag It Up! Will You Take The Pledge?
- Driver Reviver Operations Help Combat Fatigue
- The Cities of Stirling, Swan and Wanneroo Help Drivers Stay Safe
- Consulting the Stars at Angelo Street Markets
- Met Kal, the Kalbarri RoadWise Road Safety Mascot

- 'Avon Locals Drive Change' Campaign Engages Wheatbelt Community
- Changing of the Guard at Toodyay RoadWise Committee
- Albany Easter Road Stop
- *Horns and Hooves* Campaign Helps International Visitors
- Cranbrook on Show

9.5.26 HON DAVIS TEMPLEMAN MLA – MEDIA STATEMENT – INDEPENDENT OVERSIGHT TO IMPORVE LOCAL GOVERNMENT STANDARDS

Document ID: 90586

- McGowan Labor Government introduces priority legislation to improve accountability, performance and standards in local government sector
- Legislation will allow the Auditor General to audit council finances and performance
- Independent oversight of the local government sector will give ratepayers the information to hold their councils to greater account.

Attached to the agenda is the full content of the Media Release.
(Marked 9.5.26)

9.5.27 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – INVITATION TO ATTEND WORKSHOP FOR ELECTED MEMBERS

Document ID: 90580

Attached to the agenda is an Invitation to attend DLGC half day workshop for elected members Building strong and successful communities. **(Marked 9.5.27)**

9.5.28 HON ROGER COOK MLA – TURQUOISE COAST HEALTH INITIATIVE

Document ID: 90659

Attached to the agenda is correspondence from Hon Roger Cook MLA regarding future of the Turquoise Coast Health Initiative.
(Marked 9.5.28)

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

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 25 MAY 2017

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING