



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 27 July 2017** at the **Council Chambers Jurien Bay** commencing at **4.00pm**.

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

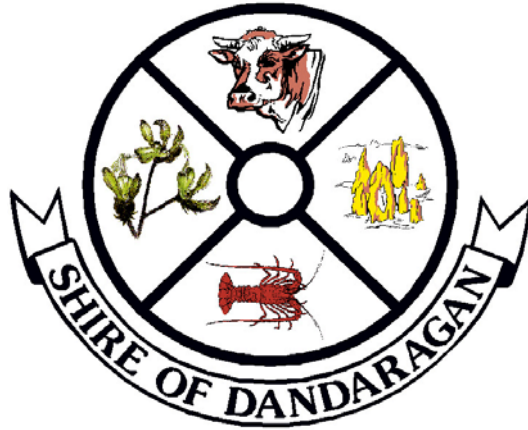
***The format for the day is as follows:***

- |               |  |
|---------------|--|
| <b>1.30pm</b> | <b>Agenda Briefing Session</b>   |
| <b>2.00pm</b> | <b>Councillor Discussion Session</b>   |
| <b>2.30pm</b> | <b>Council Forum</b> <ul style="list-style-type: none"><li>▪ Wheatbelt Development Commission - Carol Redford</li><li>▪ Draft Subdivision proposal Lot 62 Cambewarra Drive, Alta Mare</li><li>▪ Request from Men's Shed Snakes &amp; Ladders Game at Dobbyn Park</li></ul> |
| <b>4.00pm</b> | <b>Ordinary Meeting of Council</b>   |
| <b>5.00pm</b> | <b>Public Forum</b>  |

A handwritten signature in blue ink, appearing to read "Tony Nottle".

**Tony Nottle**  
**CHIEF EXECUTIVE OFFICER**

21 July 2017



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

**AGENDA AND BUSINESS PAPERS (PUBLIC)**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIE BAY**

on

**27 JULY 2017**

**COMMENCING AT 4.00PM**

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



## ORDINARY COUNCIL MEETING

**27 JULY 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:

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>MEETING VENUE</b>
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](http://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](http://www.dandaragan.wa.gov.au) within ten (10) working days after the Meeting.

### **NOTE:**

### 10.3 Unopposed Business

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

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

## SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

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

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

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

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

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

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

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

## SHIRE OF DANDARAGAN

### QUESTIONS FROM THE PUBLIC

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

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

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

Name of Organisation Representing: \_\_\_\_\_  
(if applicable)

#### **QUESTION:**

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

**Please see notes on Public Question Time overleaf...**

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





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

**NAME OF PERSON MAKING DISCLOSURE**

Surname: \_\_\_\_\_

Christian Names: \_\_\_\_\_

Date of Disclosure: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Council Meeting:                      Yes                      No                      (Please  
Circle)

or

Committee Meeting:                      Yes                      No                      (Please  
Circle)

Name of Committee: \_\_\_\_\_

Agenda Book Page No: \_\_\_\_\_ Item No: \_\_\_\_\_

Nature and Extent of Financial Interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Person Making Disclosure:

\_\_\_\_\_

Signature of Staff Recording Financial Interest:

\_\_\_\_\_

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## **1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

### **1.1 DECLARATION OF OPENING**

### **1.2 DISCLAIMER READING**

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

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

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

### **Members**

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

### **Staff**

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

### **Apologies**

### **Approved Leave of Absence**

Cr Richardson – 31 July 2017 – 18 August 2017

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

## **4 PUBLIC QUESTION TIME**

## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

**6 CONFIRMATION OF MINUTES**

**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 22 JUNE 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 SHIRE OF DANDARAGAN 2017 / 2018 ANNUAL MUNICIPAL BUDGET

Location:	N/A
Applicant:	None
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Adopted Budgets
Disclosure of Interest:	None
Date:	17 July 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 consider and adopt the Shire of Dandaragan's Budget for the 2017/2018 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

#### BACKGROUND

The 2017/2018 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshops held between May and July 2017.

#### COMMENT

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 5.0% overall rate increase.
- A capital works program totalling approximately \$8m for investment in infrastructure and buildings is planned.
- An estimated surplus of \$2.8m is anticipated to be brought forward from 30 June 2016. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

#### CONSULTATION

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Manager Infrastructure

#### STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and

adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2017/2018 budget as presented is considered to meet statutory requirements.

Section 6.2 of the Local Government Act 1995 deals with the waiving of debts.

#### POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Community Plan.

#### FINANCIAL IMPLICATIONS

Specific financial implications are itemised in the draft 2017 / 18 budget attached for adoption.

#### STRATEGIC IMPLICATIONS

The draft 2017 / 2018 budget has been developed based on the Strategic Community Plan.

#### ATTACHMENTS

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

- Shire of Dandaragan Draft 2017 / 2018 Annual Municipal Budget (Doc Id: 94906)  
**(Marked 9.1.1)**

#### VOTING REQUIREMENT

OFFICER RECOMMENDATION 1 Absolute Majority  
 OFFICER RECOMMENDATION 2 Absolute Majority  
 OFFICER RECOMMENDATION 3 Simple Majority  
 OFFICER RECOMMENDATION 4 Absolute Majority

#### **OFFICER RECOMMENDATION 1**

#### **PART A – MUNICIPAL FUND BUDGET FOR 2017/2018**

Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Budget as contained in Attachment 9.1.1 (Doc Id: 94906) of this agenda and the minutes, for the Shire of Dandaragan for the 2017 / 2018 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type showing a net loss result for that year of \$3,375,544.**



- **Statement of Comprehensive Income by Department showing a net loss result for that year of \$3,375,544.**
- **Statement of Cash Flows.**
- **Rate Setting Statement showing an amount required to be raised from rates of \$6,071,507.**
- **Notes to and Forming Part of the Budget.**
- **Budget Program Schedules.**
- **Transfers to / from Reserve Accounts.**

**PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

**1. For the purpose of yielding the deficiency disclosed by the Budget at Part A above, council pursuant to sections 6.3, 6.34 and 6.35 of the Local Government Act 1995 uniformly impose the general and minimum rates on Gross Rental Values and general and minimum rates on Unimproved Values.**

**1.1 General Rates**

- **General (GRV) 8.43 cents in the dollar.**
- **General (UV) 0.7737 cents in the dollar.**

**1.2 Minimum Rates**

- **General (GRV) \$916.**
- **Lesser (GRV) (Dandaragan & Badgingarra) \$691.**
- **General (UV) \$865.**
- **Lesser (UV) (Non Mining) \$691.**

**2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full or by instalments:**

- **Full payment and 1<sup>st</sup> instalment due date 22 September 2017.**
- **2<sup>nd</sup> instalment due date 22 November 2017.**
- **3<sup>rd</sup> instalment due date 22 January 2018.**
- **4<sup>th</sup> and final instalment due date 22 March 2018.**

**3. Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears and service charges, on or before 22 September 2017 or 35 days after the date of service appearing on the rate notice, whichever is the later.**

4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$6.67 (\$20 total) for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 10% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

#### **PART C – FEES AND CHARGES FOR 2017/2018**

1. Pursuant to section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included in the draft 2017/2018 budget included as Attachment 9.1.1 of this agenda and minutes.
2. Pursuant to section 6.16 of the Local Government Act 1995, council cap the maximum any one customer, as individually identified by the “customer ID” held by Avdata, will pay for the 2016- 2017 financial year towards landing fees at \$20,000 ex GST
3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, council adopt the following charges for the removal and deposit of domestic and commercial waste:

Service Type	Description of Service	Rubbish Rate	Pensioner
Rubbish Service Level 1	Collection of one rubbish bin weekly and one recycling bin fortnightly	\$358.00	\$310.00
Rubbish Service Level 2	Collection of one rubbish bin weekly and two recycling bin fortnightly	\$434.00	\$386.00
Rubbish Service Level 3	Collection of one rubbish bin weekly and three recycling bin fortnightly	\$510.00	\$462.00
Rubbish Service Level 4	Collection of one rubbish bin weekly and four recycling bin fortnightly	\$586.00	\$538.00

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Rubbish Service Level 5	Collection of one rubbish bin weekly and five recycling bin fortnightly	\$662.00	\$614.00
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**4. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:**

General refuse	\$ 28.00	per cubic metre
Separated recyclables	Free	
Clean fill	Free	
Scrap metal	Free	
Motorcycle Tyres	\$ 2.50	each
Car Tyres without rims	\$ 3.60	each
4x4 Tyres without rims	\$ 6.50	each
Truck Tyres without rims	\$ 14.00	each
4x4 & Car tyres with rims	\$ 12.00	each
Truck Tyres with rims	\$ 33.00	each
Car tyres contaminated	\$ 10.00	each
Light truck contaminated	\$ 15.00	each
Truck tyre contaminated	\$ 37.00	each
Super single tyre	\$ 28.00	each
Bobcat tyre	\$ 11.00	each
Bobcat tyre contaminated	\$ 40.00	each
Tractor tyre 0m – 1m	\$ 80.00	each
Tractor tyre Large 1m to 2m	\$ 130.00	each
Earth mover tyre small 0m – 1m		Not Accepted
Earth mover tyre medium 1m – 1.5m		Not Accepted
Earth mover tyre large 1.5m – 2m		Not Accepted
Asbestos	\$ 75.00	per cubic metre
Asbestos – Minimum Charge	\$ 75.00	
Freezers, Fridges, Air conditioners	\$ 15.00	each
Used Oil	Free	
Oil Filters	Free	
Uncontaminated green waste i.e. No weeds	Free	
Large tree stumps	\$ 28.00	per cubic metre
Power Poles	\$ 28.00	per cubic metre
Problematic wastes*	\$ 75.00	per cubic metre
Emergency opening fee	\$ 100.00	per hour

**PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2017 / 2018**

**1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, council adopts the following annual fees**

for payment of elected members in lieu of individual meeting attendance fees:

President	\$ 24,720
Councillors	\$ 15,965

2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

ICT Allowance	\$ 3,500
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3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting fee:

President	\$ 12,000
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4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President	\$ 3,000
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#### **PART F – MATERIAL VARIANCE REPORTING FOR 2017/18**

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2017 / 2018 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

#### **OFFICER RECOMMENDATION 2**

In accordance with Section 6.12 of the Local Government Act 1995, Council:

1. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for the first four landings each calendar month for each customer as individually identified by the “customer ID” held by Avdata;
2. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for landings undertaken by the Royal Flying Doctors Service and student pilots.

**OFFICER RECOMMENDATION 3**

That Council authorises the Shire of Dandaragan to pay identified landholders a gravel royalty of \$2.50 per cubic metre for the procurement of gravel for the 2017 / 2018 financial year.



**OFFICER RECOMMENDATION 4**

That Council, in accordance with section 6.12 of the Local Government Act 1995, 2017/2018 rates (excluding rubbish and ESL charges) totalling \$3,372 at 3 Madrid Street, Cervantes be written off based on the following reasons;

- i. the tenure of the land being crown land would be otherwise exempt from rating had the Central West Men's Shed not taken up tenancy;
- ii. the Central West Men's Shed is a non for profit community group with limited income earning potential; and
- iii. the purpose of a Men's Shed aligns with the Shire of Dandaragan's strategic plan,

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**9.1.2 ACCOUNTS FOR PAYMENT – JUNE 2017**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	14 July 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 June 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 June 2017 totalled \$2,197,164.33 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the June 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

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017</b>
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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 June 2017 (Doc Id: 94824)

***(Marked 9.1.2)***

**VOTING REQUIREMENT**

Simple majority



**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 June 2017 totalling \$2,197,164.33 for the Municipal Fund be accepted.**

## 9.2 INFRASTRUCTURE SERVICES

### 9.3 GOVERNANCE & ADMINISTRATION

#### 9.3.1 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:	14 July 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 290 covered by an easement granted by Council against the freehold property, following advertising of the proposal.

#### 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.



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At the Ordinary Meeting of Council held 25 May 2017, Council adopted the proposal to make a Determination under the Local Government Property Local Law to prohibit the use of vehicles on the Turquoise Way Path.

**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.
- 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
<b>TOTAL</b>	<b>\$1,967,500</b>

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
<b>TOTAL</b>	<b>19.7km</b>	<b>\$5,836,800</b>

Stages 1 & 2 of the project have been under construction since late 2016 and are 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.

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Ardross Estates and Council have negotiated 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 Council's 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 Council's reserve and within the area proposed to be covered by the 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 certain beach areas of the reserves 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.

The proposal has been advertised in the Geraldton Guardian, as well as in Shire Matters, on Council's Website and Facebook page. Advertising closed on 13 July, 2017.

#### 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

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- Public via advertising

**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>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
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) (Previously distributed – Item 9.3.2 – 25 May 2017)
- Correspondence from McLeod's in regard to the Local Law (Doc Id: 88873) (Previously distributed - Item 9.3.2 – 25 May 2017)
- Shire of Dandaragan Local Government Property Local Law (Doc Id: 90250) (Previously distributed - Item 9.3.2 – 25 May 2017)
- Survey of Turquoise Way Path through Ardross Estates freehold land (Doc Id: 90245) (Previously distributed - Item 9.3.2 – 25 May 2017)
- Aerial Photograph indicating the alignment of the path through Shire reserve and the freehold land (Doc Id: 90246, Doc Id: 90247) (Previously distributed - Item 9.3.2 – 25 May 2017)
- Management Order for Reserve 19206 being Lot 12008 (Doc Id: 90251) (Previously distributed - Item 9.3.2 – 25 May 2017)
- Management Order for Reserve 51200 being Lot 793 (Doc Id: 90400) (Previously distributed - Item 9.3.2 – 25 May 2017)

**(Marked 9.3.1)**

VOTING REQUIREMENT


Simple Majority

**OFFICER RECOMMENDATION**

That Council 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). Further that following advertising and given that no submissions were received, that Council in accordance with Clause 2.2.3(a) give Local Public Notice that the proposed determination has effect as a Determination on and from the date of publication.

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**9.3.2 POLICY AMENDMENT 1.6 COMMUNITY GRANTS PROGRAM**

Location: N/A  
 Applicant: Shire of Dandaragan  
 Folder Path: Business Classification Scheme / Grants and Subsidies / Programs / Community Funding  
 Disclosure of Interest: Nil  
 Date: 5 July 2017  
 Author: Michelle Perkins, Community Development Officer  
 Signature of Author: 

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

Signature of Senior Officer:



PROPOSAL

To amend the Community Grants Program Policy 1.6 to remove duplication and spelling errors and to bring the policy into line with the intent of the existing grant guidelines.

BACKGROUND

At the 23 March 2017 Ordinary Council Meeting, Shire of Dandaragan Policy 1.6 Community Grants Program was amended. Since then, it has come to the attention of staff that there was a repetition error in the policy which meant that the Conditions of Application distributed to the public were not aligned with the Policy, in addition to a spelling error.

COMMENT

Removing 3.d. "events delivered by structured sporting clubs, that are consistent within the primary purpose of that club" as it is a replication of 3.f. "for events delivered by structured sporting clubs and community organisations, that are consistent within the primary purpose of that club/organisation". Adding 3.d. "any activity or project already underway or completed", will align the conditions of application with the policy and represent the intent of the grant conditions. Under condition 3.h., 'none profit' should read 'non-profit'.

CONSULTATION

- Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

The following will be deleted from Policy 1.6 Community Grants Program:

3. *Funding will be deemed ineligible for the following:*
  - d) *events delivered by structured sporting clubs, that are consistent within the primary purpose of that club, and*
  - h) *none profit*

and replaced with:

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3. *Funding will be deemed ineligible for the following:*  
 d) *any activity or project already underway or completed.*  
 h) *non-profit.*

**FINANCIAL IMPLICATIONS**

There are no financial implications relevant to this item.

**STRATEGIC IMPLICATIONS**

2016 - 2026 Strategic Community Plan

<b><i>Goal 3: Strong and Connected Community</i></b>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
3.4 Support community-led initiatives e.g. Community owned assets and visual art	a) Provide community grant program, set at a percentage of rates and reviewed four yearly in the Corporate Business Plan

**ATTACHMENTS**

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

- Original Shire of Dandaragan Policy 1.6 Community Grants Program (Doc Id: 92763)
- Shire of Dandaragan Policy 1.6 Community Grants Program with changes highlighted (Doc Id: 92761)
- Shire of Dandaragan Community Grants Program Conditions of Application (Doc Id: 65456 )

***(Marked 9.3.2)***

**VOTING REQUIREMENT**

Simple Majority



**OFFICER RECOMMENDATION**

That Council amend Shire of Dandaragan Policy 1.6 Community Grants Program to reflect the following changes:

1. ***delete “3.d. events delivered by structured sporting clubs, that are consistent within the primary purpose of that club”;***
2. ***add “3.d. any activity or project already underway or completed”, and;***
3. ***delete “3.h. for applicants seeking to host an event for the specific purpose of raising funds for re-distribution to other none profit community groups/clubs or charitable causes”;***
4. ***add “3.h. for applicants seeking to host an event for the specific purpose of raising funds for re-distribution to other non-profit community groups/clubs or charitable causes”.***

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### 9.3.3 AGE FRIENDLY COASTAL BUS MODEL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Community Services / Service Provision / Transport
Disclosure of Interest:	Nil
Date:	10 July 2017
Author:	Michelle Perkins, Community Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Senior Officer:	

#### PROPOSAL

Not to proceed with an age-friendly bus service from Leeman to Joondalup and return each fortnight.

#### BACKGROUND

At the 17 November 2016 Council Forum, Staff presented an alternative coastal bus model which would involve hiring a 22 seater bus from Leeman and running a service each fortnight. This would provide a regular service to those community members who are at risk of isolation due to lack of their own vehicle, whilst also providing a service to families and visitors to the coast.

At the 8 June 2017 Council Forum, Staff presented further information providing information on questions posed in the previous forum identifying potential challenges to the service including disruption to Staff levels in the event of a vehicle breakdown, and the ongoing reliance on an already stretched budget if a secondary organisation did not commit to future management of the service.

Costings provided were based on pilot service demand, plus best and worst case scenarios, for example, if all tickets being sold each fortnight are at highest ticket price, and if only one ticket was sold each fortnight at lowest price. These figures are provided below:

<b>COASTAL BUS COSTINGS</b>						
Income	Best Case		Based on Pilot Service Demand		Worst Case	
	Tickets	\$	Tickets	\$	Tickets	\$
Ticket Sales						
- Jurien Bay / Cervantes \$30	572	17,160	43	4,290		
- Lancelin \$25			54.6	1,365		
- Woodridge \$20			54.6	1,092	26	520
		\$17,160		\$6,747		\$520

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Expenses	Best Case \$	Based on Pilot Service Demand \$	Worst Case \$
Bus Hire	4,550	4,550	4,550
Additional KM	2,964	2,964	2,964
Fuel	3,458	3,458	3,458
Maintenance / Operating costs	1,638	1,638	1,638
Printing (Flyers, brochures, tickets) **	550	520	260
Employee cost ** ◇	7,306.48	6,974	5,971.90
Replacement / Vehicle Breakdown cost ***	437	437	437
	\$20,903.48	\$20,541	\$18,278.90
Minus Income	\$17,160.00	\$6,747	\$520
<b>Budget amount</b>	<b>\$3,743.48</b>	<b>\$13,794</b>	<b>\$17,758</b>

\*\* Opportunity Cost \*\*\* Potential Emergency Cost

◇ Non variable cost \$5,968 / Variable cost \$3.90 per ticket

**COMMENT**

Council need to consider the options of:

- Running a fortnightly bus service using the model outlined whereby a 22-seater bus is hired from Leeman Country Club one day per fortnight and utilising volunteer drivers.
- Not running such a service despite transport being identified in the Shire of Dandaragan Age Friendly Community Plan

Ensuring seniors have access to safe and consistent transport options - Continuing to investigate and advocate on regional transport issues that impact on the ability of people to age in place were highlighted as a high priority Objective and Action within existing resources in the Shire of Dandaragan Age Friendly Community Plan adopted by Council in April 2016.

In a previous Forum, it was highlighted to Council that, rather than medical benefits and access to specialists who work only from Perth, outcomes of the initial WDC trial project were more social, focused around seniors being able to visit family in Perth; shop in stores not available to them in Jurien Bay; and make friendships and networks from the regular bus users. Staff considers that there are more cost effective ways of achieving social benefits of belonging and creation of networks than running the bus service.

Potential medical benefits originally identified in the age-friendly bus project trial are also identified as benefits of the Turquoise Coast Health Initiative. This includes benefits such as access to medical specialists in Perth, which will now be available at Jurien Bay Health Centre via Emergency Telehealth services delivered by WA Country Health Service's Southern Inland Health Initiative.



This means that medical specialists that seniors would previously have had to travel to Perth for, are now available via Telehealth appointments without leaving the Shire. Over time, more and more Specialists will utilise the service, allowing seniors to seek medical and specialist care without the need to travel to metropolitan centres. In addition, funding (dependent on commitment by new State Government) for Turquoise Coast 24/7 Respite Solutions for the upgrade of the original Central West Coast Senior Citizens Centre into a Respite Centre will mean that seniors are able to socialise as a group at this purpose-built centre in Jurien Bay providing a much needed building for social activities.

To run the bus service as demonstrated above, the budget allocation would range from \$3,743.48 up to a maximum of \$17,758 depending on ticket sales. Based on the previously presented demand figures, and the costings provided in the above table, council would need to determine not only if a budget item for \$17,758 (which includes budgeting for the possibility of one vehicle breakdown per year) is appropriate, but if the internal costs indicated represent the best way to utilise staff time and cost. The CEO has advised that the extra workload in relation to this service placed upon the Community Development area would need to be accounted for.

Despite the high level of community support for the service, there is a significant risk that the service would not be as well utilised as suggested. Given the cost / benefit analysis, the amount of time and money required and the service's heavy reliance on volunteers, Officers believe that it does not represent best use of time and money for staff for the long term.

#### CONSULTATION

- Age Friendly Reference Group members
- Attendees at a public community bus meeting in Cervantes (40 individual people attended)
- RSL Care WA
- HACC Jurien Bay
- Executive Manager Corporate & Community Services
- Chief Executive Officer

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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**FINANCIAL IMPLICATIONS**

Based on the abovementioned costings, to run the proposed service would require an ongoing annual budget allocation of between \$3,743 and \$17,758 depending on the success of ticket sales and demand.

There would be no asset management implications of running this model of service as the vehicle is owned, maintained and managed by Leeman Country Club.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
2.2 Ensure age friendly community	c) Activate Aged Care Plan

**ATTACHMENTS**

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

- Letter from Mrs Margaret Martin (Doc Id: 75476)
  - Age Friendly Community Plan Excerpt (Doc Id: 94471)
- (Marked 9.3.3)***

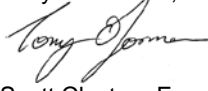
**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council after consideration of the impact, cost & demand associated with this service, not proceed with the proposal to run a coastal bus service.**

### 9.3.4 YOUTH-FRIENDLY COMMUNITY PLAN DEVELOPMENT REPORT

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Community Services / Service Provision / Youth Services
Disclosure of Interest:	Nil
Date:	12 July 2017
Author:	Tony O'Gorman, Community Services Coordinator
Signature of Author:	

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



#### PROPOSAL

To receive the Shire of Dandaragan Youth-Friendly Community Plan Development Report.

#### BACKGROUND

In February 2016 the Shire was successful in acquiring a grant from the Department of Local Government and Communities to undertake a consultation with the Shire's young people. A consultant was engaged to undertake the process and draft a report for the Council's consideration.

A survey (attachment 1) was developed with input from a small group of young people drawn from across the Shire. The survey was then distributed electronically and through hardcopies to the young people. The results of the survey have been collated and form the basis for the report (attachment 2).

A wide range of subjects were canvassed with the survey ranging from the Council's provision of services to young people to infrastructure needs and wants across the Shire.

#### COMMENT

This report is the first step in developing a Youth-Friendly Community Plan which will enable the Shire to engage proactively with young people across the Shire and fits in with the Federal Government initiative National Strategy for Young Australians and the State Government strategy Our Youth –Our Future.

Developing a Youth-Friendly Community Plan also fits with the vision of the Commissioner for Children and Young People WA.

*Vision: "That all children and young people are heard, are healthy and safe, reach their potential and are welcomed as valued members of the community and in doing so we build a brighter future for the whole community".*

Engaging the Young People across the Shire will ensure that

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resources are best utilised to develop infrastructure and to include young People in the decision making processes of the Council.

**CONSULTATION**

- Young People across the Shire between ten years old up to twenty five years old.
- CEO Shire of Dandaragan
- Executive Manager Corporate and Community Services Shire of Dandaragan
- YACWA
- Commissioner for Children and Young People
- Consultant Jane Forward
- Jurien Bay District High School
- Badgingarra Primary School
- Cervantes Primary School
- Dandaragan Primary School
- Community Development Officer Shire of Dandaragan

**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to this item.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINNANCIAL IMPLICATIONS**

There are no financial implications with receiving this report. A future Youth-Friendly Community Plan may involve allocating resources to implement the plan.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 3: Strong and Connected Community</i>	
Objectives	How the Shire will contribute
3.5 Support and Develop Youth	a) Develop a Youth Friendly Community Plan and activate where financially sustainable b) Develop a youth policy and strategy

**ATTACHMENTS**

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

- Youth engagement Survey (Doc ID 94670)
- Shire of Dandaragan Youth-Community Plan Development Report (Doc ID 93342)  
**(Marked 9.3.4)**

**VOTING REQUIREMENT**



Simple Majority

**OFFICER RECOMMENDATION**

**That Council receives the Shire of Dandaragan Youth-Friendly  
Community Plan Development Report.**

## 9.4 DEVELOPMENT SERVICES

### 9.4.1 PROPOSED EXTENSION OF TIME TO JDAP APPROVAL FOR MINING ACCOMMODATION CAMP - LOT 2065 CATABY ROAD, DANDARAGAN

Location: Lot 2080 & Lot 2065 Cataby Road, Dandaragan  
 Applicant: Bmprojects Collective Pty Ltd  
 Folder Path: Development Services App / Development Application / 2012 / 22  
 Disclosure of Interest: None  
 Date: 12 July 2017  
 Author: David Chidlow, Acting Executive Manager Development Services  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

An application has been received from Bmprojects to extend planning approval to commence development for the Tronox mining accommodation camp at Lot 2065 Cataby Road.

#### BACKGROUND

The Wheatbelt Joint Development Assessment Panel (JDAP) granted Planning Approval in August 2012 to Iluka Resources for a mining accommodation camp at Lot 2080 Cataby Road and relocation and redevelopment of the Tronox mining accommodation camp at Lot 2065 Cataby Road for a 2 year period expiring on 16 August 2014.

A request for extension of time for both camps was granted by the JDAP for a 3 year period expiring on 3 September 2017.

Council approved a new application for the Iluka campsite in February 2017 with an amended expiry date of 3 September 2020.

This leaves the Tronox campsite with an expiry date of 3 September 2017.

The applicant states:

*I refer to Development Approval for the Tronox Mining Accommodation Camps granted by the Wheatbelt JDAP in correspondence dated 8 September 2014.*

*I write to apply for an extension to substantially commence the development from 3 September 2017, to 3 September 2020, or a three year extension.*

*The accommodation camps are required to support the proposed Cataby Mineral Sands Project at Cataby. Since the time of the initial application, market conditions have deteriorated, which*

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*necessitated further feasibility assessment of mining options. This has impacted the previous proposed camp construction schedule, and consequently make the current requirement to substantially commence the development by 3 September 2017 not possible.*

*I have also enclosed amended drawings to reflect the road crossover design as discussed with the Shire's Engineering department.*

*Please note that we have a preferred contractor with Building Permit documentation ready for lodgement when the approval is granted.*

**COMMENT**

The Wheatbelt JDAP is the approving authority for this application. However delegation has been granted to Local Governments to approve minor amendments to a JDAP approval. The previous extension of time request for this development was accepted as a minor amendment by the Wheatbelt JDAP.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7
- Planning and Development (Local Planning Schemes) Regulations 2015

**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 1: Great Place for Residential and Business Development</i>	
Business as usual	b) Development Application

**ATTACHMENTS**

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

- Submission from Iluka Resources (Doc Id: 95062)
- Site plan (Doc Id:95063)

***(Marked 9.4.1)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION****That Council:**

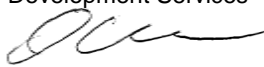
1. pursuant to Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 — Deemed provisions for local planning schemes grant a three year extension to the development for a mining accommodation camp at Lot 2080 Cataby Road commencing on 3 September 2017 and expiring on 3 September 2020; and
2. that the applicant be advised the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.



### 9.4.2 PROPOSED ADDITIONAL EGG LAYING SHEDS (TWO) - AAA FREE RANGE POULTRY FARM – LOT 25 MUNBINEA ROAD HILL RIVER

Location: Lot 25 Munbinea Road  
 Applicant: AAA Egg Co Pty Ltd  
 File Ref: Development Services Apps / Development Applications / 2014 / 79

Disclosure of Interest: None  
 Date: 12 July 2017  
 Author: David Chidlow, Acting Executive Manager Development Services

Signature of Author: 

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

#### PROPOSAL

The proponent is seeking planning approval for an additional two egg laying sheds approximately 132m x 19.7m and height of 5m at the AAA free range poultry farm located on Lot 25 Munbinea Road, Hill River. These will replace the proposed 2 pullet rearing sheds that were approved in the original application but did not proceed.

#### BACKGROUND

Council granted approval for the AAA Free range poultry farm in January 2015 for the following development.

- 8 egg laying sheds approximately 132m x 19.7m and height of 5m
- 2 pullet rearing sheds approximately 75m x 12m
- 8 silos approximately 8m high.
- Managers residence
- Office, Four Donga Workers accommodation and recreational facilities
- Coolroom / workshop

The applicant has stated

Further to the approval the maximum number of laying hens shall be 300,000.

#### CURRENT STATUS

- AAA has now completed the 8 egg laying sheds and all are in production.
- 2 pullet rearing sheds have not been built.
- Silos have been installed at the sheds.
- Manager's residence completed. A second manager's residence has now been completed (approved by Council)
- Office completed
- Four dongas and recreational facilities completed
- Coolroom / workshop completed

The current layer housing capacity is 240,000 laying birds, although in practice at times there is one 30,000 laying bird shed empty due to rotation of flocks.

Operationally the farm is running very well and has exceeded egg industry standards. Currently we are employing 15 full time employees and 5 casuals at the farm in Hill River.

The flock performance from this farm, since establishment, has been excellent in the areas of egg production, bird mortality and bird welfare standards.

### **PROPOSAL**

**REARING SHEDS NOT BUILT** - As indicated we have not progressed to the construction of the 2 pullet rearing sheds.

**VARIATION** - We are seeking approval for a variation to the approval to allow for the construction of 2 egg laying sheds to replace the approved 2 pullet rearing sheds.

**EFFICIENCIES** - The proposal to increase the egg production from this farm (rather than pullet rearing) will improve efficiencies and maintain a focus on egg production.

**PREVIOUS REARER SHED LOCATION** ~ The development plan approved for the 2 rearing sheds had these located close to the front boundary on Munbinea Rd.

**LAYER SHED LOCATION** - It is proposed that the 2 egg laying sheds would be built in the central area of the property, in line with the completed 8 sheds — (See site plan provided).

**RANGE AREA** — There is ample area to have available area for the birds to range.

### **PROPOSED CHANGES**

#### **BIRD NUMBERS ON SITE**

The maximum numbers of birds will not exceed the approved 300,000 birds

**REARING SHEDS** - The original sheds proposed for the 2 pullet rearing sheds were 75m x 12m. The smaller size in rearing is possible as the rearing equipment has extra levels which then allows for a smaller shed “footprint” size.

**LAYING SHEDS** -The completed egg laying sheds are 132m x 19.7m and we would plan to build the 2 new ones the same size.

**INFRASTRUCTURE** - The infrastructure currently in place is sufficient to service 2 more egg laying sheds.

WATER LICENCE — sufficient water is available from our existing water licence.

ELECTRICITY — The power supply installed from Western Power is of capacity for expansion.

COOLROOM & FACILITIES— No increase required

ROADS — The main driveways are already in place. The 2 new sheds would need the roadways extending to the ends of the shed.

### **TRAFFIC**

VEHICLE MOVEMENTS - There will only be a small increase in traffic with the change of shed use from rearing to laying:

FEED DELIVERIES —The net effect of changing the 2 sheds from rearing to laying will be equivalent to an extra 18 tonnes per week (2/3 of a semi).

MANURE REMOVAL— The net effect of changing 2 sheds from rearing to laying will be equivalent to ½ of a semi per week.

STAFF— 2 more laying sheds will require an extra 4.5 FTE employees rostered over 7 days per week. Rearing sheds would require half that amount.

EGGS — The extra eggs produced from 2 extra laying sheds is equivalent to 1 semi load of eggs per week.

The property comprises of approximately 657 acres or 265.8 hectares and is situated on the corner of Munbinea Road (1,614 metre frontage) and Eragilga Road (1,461 metre frontage). The property runs north from Eragilga Road along Munbinea Road, to west with north facing slope gently falling towards the northern boundary.

The site has been largely cleared of the original vegetation and there is an area of pine plantation in the northwest corner, which also houses the only buildings, a shearing shed, toilet block and utility shed. The slopes on the property range from two to sixteen percent. The land slopes downwards from Munbinea road to the east and then uphill to the East, with the lowest point being approximately 250 metres East of Munbinea Rd. The land also slopes gently to the North, and is part of the Hill River catchment.

The objective for 'Rural' zoned land in Local Planning Scheme No.7 is:

• *Rural Zone*

*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.*

A free range poultry farm fits under the land use “animal husbandry – intensive” Under the Scheme this is defined as;

*“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;*

Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are “D” uses (discretionary approval) in a Public Drinking Water Supply Area where Council will have due regard to the potential impact on groundwater quality. The proposed development is not within a public drinking water source reserve.

COMMENT

The proposal has previously been assessed against the Local Planning Strategy – Rural Land Use and Settlement 2012 (Appendix 2 intensive agriculture planning considerations when assessing a planning application for intensive agriculture) for the use of the land. As this application does not result in an increase in the total number of poultry as approved in the original proposal (300,000) it was not considered necessary to revisit the original assessment.

The conditions of approval granted to this development at the Council meeting held on 26 February 2015 are as follows;

Moved Cr Short, seconded Cr Sheppard

*That Council grant planning approval for a proposed Free Range Poultry (egg production) Farm on Lot 25 Munbinea Road, Hill River to AAA Egg Co. subject to the following conditions of approval:*

- 1. The land use and development shall be undertaken in accordance with the approved and stamped plans, including the approved Environmental Management Plan.*
- 2. This Approval is for an Animal Husbandry – Intensive (Free Range Poultry – Egg Production Farm) only;*
- 3. The use and development must be substantially commenced within 3 years of the date of this approval;*
- 4. Poultry shed design and management, management of stock feed, water, waste products and all other aspects of poultry farm operation are to comply with the management guidelines set out in the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004) (The Code).*
- 5. The maximum number of laying hens shall be 300.000.*

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6. *Crossovers, access and egress to the subject site from Munbinea Road and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent;*
7. *All internal roadway surfaces within the site are to be constructed of a suitable material such as paving, road base, limestone or course gravel and compacted to limit dust generation, to the satisfaction of the Shire's Chief Executive Officer;*
8. *Notices indicating the type of operation, hours of operation and potential impacts of the poultry farm operation are to be displayed adjacent to the Munbinea Road frontage of the site in accordance with the specifications contained in Statement of Planning Policy No 4.3 Poultry Farms Policy to the satisfaction of the Shire's Chief Executive Officer. The notices must state that development approval for the construction of the Development on the site has been granted;*
9. *The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of:*
  - i. *Transportation of materials, goods and commodities to and from the premises;*
  - ii. *Appearance of any buildings, works and materials; and*
  - iii. *The emission of odour, noise, vibration, dust, wastewater, waste products or reflected light;*
10. *Applicant is to carrying out of each of the elements of the Environmental Management Plan including the audit protocol set out within the Environmental Management Plan;*
11. *Applicant is to undertake regular (Monthly) monitoring for Stable Fly by an independent expert approved by the Shire and at the expense of the proponent both pre development and post development. Results of monitoring to be provided to the Shire's Manager Environmental Health;*
12. *Irrigation of pasture with nutrient rich wastewater is not permitted;*
13. *Applicant is to undertake regular (Monthly) nutrient monitoring onsite at monitoring bores to the specification of the Shire by an independent expert approved by the Shire and at the expense of the proponent both pre development and post development. Monthly results of monitoring to be provided to the Shire's Manager Environmental Health; and*
14. *In the event of any adverse environmental conditions caused by the proponent, the Chief Executive Officer may impose conditions to rectify and remediate the environment by and at the cost to the proponent.*

**ADVICE:**

- Note 1: Further to this approval, the Applicant may be required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and the Health Act 1911 which are to be approved by the Shire's Manager Building Services and / or Manager Environmental Health prior to issuing a Building Licence.*
- Note 2: The Department of Health advises that any form of pest control using pesticides must comply with the Health (Pesticides) Regulations 2011.*
- Note 3: It is advised that the proposal should at all times comply with the Biosecurity & Agriculture (Stable Fly) Management Plan 2013 in order to minimize the effects of stable flies on the community.*
- Note 4: It is advised that the proposal should at all times comply with the provisions of the Food Act 2008 and related regulations, codes and guidelines and in particular the Primary Production Standard in relation to Egg production.*

**Department of Water Advice Notes:**

- To be in accordance with the Code, with regard to minimising risks to water resources, the proponent should be required to demonstrate the following (Notes 5 – 11):*
- Note 5: Separation depth to groundwater for new free range sheds should be a minimum 3 metres above the maximum recorded groundwater level.*
- Note 6: An appropriate buffer width from wetlands, waterways and floodways. 200m is the recommended buffer (Table 1, p15 of Code).*
- Note 7: Stormwater management methods which include adequate retention area for contaminated stormwater and wash-down water, in line with the DoW's Water quality protection note 39 Ponds for stabilising organic matter, and the Stormwater Management Manual for Western Australia (2004+).*
- Note 8: A buffer distance of 50m between new sheds and water supply bores (measured 20m from perimeter of sheds).*
- Note 9: Drinking water supply bores located minimum 100m from wastewater disposal sites and preferably 'upstream'.*
- Note 10: Appropriate storage of fuel and chemicals in bunded compounds, and an emergency response plan to address any accidental spillage of fuel or other potential contaminants.*
- Note 11: In addition, the proposed use of manure to fertilise pasture on Lot 25 will need to be carefully regulated to ensure a low risk of nutrients contaminating groundwater and surface flow. Manure application rates should be based on site-specific conditions, such as the soil PRI*

*(Phosphorus Retention Index), and the crop requirements. In addition, the irrigation of pasture with nutrient-rich wastewater in this location is not supported by the DoW, given the location within the Hill River Catchment.*

*Mining Advice Notes:*

*Note12: Tronox request that the proximity of valuable mineral resources and future mining activities be accounted for in the assessment of this development and communicated to the proponent. If approved, the development must be undertaken with the knowledge of being located adjacent to future mining and mineral haulage activities, and the associated interactions that will arise.*

*CARRIED 9 / 0*

After discussion with our Principal Environmental Health Officer, it is recommended that condition 11 be amended such that regular monitoring for stable fly is undertaken 4 times a year rather than monthly. The reason for this is to align more with the breeding seasons for stable fly rather than wasting time monitoring in non-breeding seasons.

CONSULTATION

The application was previously advertised to;

- Department of Planning;
- Environmental Protection Authority;
- Department of Agriculture and Food (Geraldton);
- Department of Environment Regulation;
- Department of Parks and Wildlife (Jurien Bay and Geraldton)
- Department of Regional Development and Lands;
- Department of Health;
- Department of Water (Perth and Geraldton);
- Department of Fire and Emergency Services;
- Water Corporation;
- Western Power;
- Surrounding land owners and
- Shire Officers.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.
- Local Planning Strategy – Rural Land Use and Rural Settlement.

POLICY IMPLICATIONS

- SPP 2.5 Land Use Planning in Rural Areas.
- SPP 4.3 – Poultry Farms.
- Environmental Code of Practice for Poultry Farms in Western Australia.
- There are no local policy implications relevant to this item.

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**FINANCIAL IMPLICATIONS**

The applicant has paid a sum of \$147.00.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement.

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 is the following item relevant to this report:

- Application letter (Doc Id: 95064)
- Amended Site Plan (Doc Id: 95065)

***(Marked 9.4.2)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council grant planning approval for an additional two egg laying sheds approximately 132m x 19.7m and height of 5m at the free range Poultry Farm on Lot 25 Munbinea Road, Hill River to AAA Egg Co. subject to the following conditions of approval which are in addition to the conditions of approval granted by Council at the meeting held on 26 February 2015 – item 9.4.6 which are also construed to be part of this approval:

1. The land use and development shall be undertaken in accordance with the approved and stamped plans, including the approved Environmental Management Plan.
2. The development must be substantially commenced within 3 years of the date of this approval;
3. Amend condition 11 to now read  
***11. Applicant is to undertake regular (minimum of four times per year) monitoring for Stable Fly by an independent expert approved by the Shire and at the expense of the proponent both pre development and post***



*development. Results of monitoring to be provided to the Shire's Manager Environmental Health;*

**Advice Notes:**

- 11 Further to this approval, the Applicant may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Health Act 1911* which are to be approved by the Shire's Manager Building Services and/or Manager Environmental Health prior to issuing a Building Licence.
- 12 The Department of Health advises that any form of pest control using pesticides must comply with the Health (Pesticides) Regulations 2011.
- 13 It is advised that the proposal should at all times comply with the Biosecurity & Agriculture (Stable Fly) Management Plan 2013 in order to minimize the effects of stable flies on the community if Council is included in the scheme in the future.
- 14 It is advised that the proposal should at all times comply with the provisions of the Food Act 2008 and related regulations, codes and guidelines and in particular the Primary Production Standard in relation to Egg production.

**Department of Water Advice Notes;**

- 15 To be in accord with the Code, with regard to minimising risks to water resources, the proponent should be required to demonstrate the following:
  - (a) Separation depth to groundwater for new free range sheds should be a minimum 3 metres above the maximum recorded groundwater level.
  - (b) An appropriate buffer width from wetlands, waterways and floodways. 200m is the recommended buffer (Table 1, p15 of Code).
  - (c) Stormwater management methods which include adequate retention area for contaminated stormwater and wash-down water, in line with the DoW's Water quality protection note 39 Ponds for stabilising organic matter, and the Stormwater Management Manual for Western Australia (2004+).
  - (d) A buffer distance of 50m between new sheds and water supply bores (measured 20m from perimeter of sheds).
  - (e) Drinking water supply bores located minimum 100m from wastewater disposal sites and preferably 'upstream'. Drinking water to be sampled and analysed by an accredited laboratory on a monthly basis to ensure compliance with the Australian Drinking Water Guidelines.

- (f) Appropriate storage of fuel and chemicals in bunded compounds, and an emergency response plan to address any accidental spillage of fuel or other potential contaminants.**
- (g) In addition, the proposed use of manure to fertilise pasture on Lot 25 will need to be carefully regulated to ensure a low risk of nutrients contaminating groundwater and surface flow. Manure application rates should be based on site-specific conditions, such as the soil PRI (Phosphorus Retention Index), and the crop requirements. In addition, the irrigation of pasture with nutrient-rich wastewater in this location is not supported by the DoW, given the location within the Hill River Catchment.**

**Mining Advice Notes;**

- 16 Tronox request that the proximity of valuable mineral resources and future mining activities be accounted for in the assessment of this development and communicated to the proponent. If approved, the development must be undertaken with the knowledge of being located adjacent to future mining and mineral haulage activities, and the associated interactions that will arise.**

### 9.4.3 PROPOSED COMMUNITY CHURCH – LOT 217 WHITFIELD ROAD – JURIE BAY

Location: Lot 217 Whitfield Road  
 Applicant: Jim Rees (Church Secretary)  
 File Ref: Development Services Apps / Development Applications / 2017 / 28

Disclosure of Interest: None  
 Date: 13 July 2017  
 Author: David Chidlow, Acting Executive Manager  
 Development Services

Signature of Author: 

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

#### PROPOSAL

The applicant is seeking planning approval for use and development of a non- denominational community church at Lot 217 Whitfield Road, Jurie Bay.

#### BACKGROUND

The proposed church building will be 22m in length (includes porch) 7.24m in width with a wall height of 2.7m. The hall area will be approximately 89m<sup>2</sup>. The lot size is 924m<sup>2</sup>.

The zoning of the property under Local Planning Scheme No.7 is Residential R12.5. A "Place of Worship" land use under the zoning table (table 1 in the Scheme) is an "A" use in the Residential Zone.

'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.

Special notice is achieved by letters to neighbouring landowners and advertising on the Shire's webpage and social media.

There are no specific development requirements for this land use under Table 2 in the Scheme.

Local Planning Policy 8.7 Parking 'car parking' sets out the requirement for parking.

LAND USE	CAR BAYS	BICYCLE RACKS	BUS BAYS
Place of Worship / Public Assembly	1 bay for every 4 seats	1 rack for every 50 seats	

A total of 9 (incl. 1 disabled) parking bays are detailed on the submitted plans. Based on the above formula this would restrict the number of seats/people to 36. The applicant has verbally advised that there is parking available over the road at the medical

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facilities. However no agreement has been received that this arrangement is acceptable to the medical / wellness centre.

The hall floor area would have a maximum capacity of 89 persons / seats based formula for Public Buildings.

The objective for 'Residential' zoned land in Local Planning Scheme No.7 is

- *Residential Zone*

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

**COMMENT**

The two issues that arise from this development are parking and potential disturbance to neighbouring properties. The concerns raised by neighbours are summarised in the below statements:

*I am concerned about the impact of the inadequate parking proposed for 14 Whitfield Road. I have photographic evidence of the illegal and dangerous parking on roads and verges at the front of and adjacent to my property from traffic accessing the medical and wellness centres. Often vehicles are also parked across my driveway blocking access to and from my property. The additional traffic accessing the church will create further congestion, has the potential to further restrict access to and from my property and will pose increased risk to the safety of drivers, cyclists, pedestrians and children living adjacent, especially at times when both the health facilities and church facilities are in use simultaneously.*

*I am further concerned about the out-of-business-hours noise that may occur from both church and commercial uses. The houses surrounding 14 Whitfield Road are residential properties, often homes to young school-aged children and families. There is high likelihood of noise hazard impacting on the quality of life for surrounding neighbours.*

*We have made a substantial investment in this house in Jurien Bay based on future planning, if a church is built next to our residential house, we will lose a large amount of our investment as the resale value of the property will drop so this will be massive financial loss to us which we will not be able to sustain. We will not be able to recoup our investment and lose our retirement funds. Who will compensate us for this loss?*

The above concerns are valid. Based on these concerns and potential for increased impact on residential amenity over time as the proposed church potentially grows in patronage and usage of

the hall from population increases, the officer recommendation is for refusal.

These concerns were raised with the applicant by email.

The applicant has advised:

*“that the proposed church will only be used for church activities Sundays from around 8:30 to 12 noon and not for commercial or other community uses during other times without seeking further approvals from the Shire. The anticipated noise levels from church services are not expected to be above what is normally permitted in the Noise Abatement Regulations.*

*Normal attendance is around 20 to 25 which in the Shires parking policy be equivalent to 5-6 parking bays whereas 9 bays are to be provided. In the event that the church grows in numbers alternate parking arrangements will be sought to utilise either the verge area in front of the church or by arrangement at the medical facility over the road. Members and visitors will be directed not to park in front of nearby residential.”*

Guidance notes on planning decision making issued by the Department of Planning, Lands and Heritage state that in making a discretionary decision;

*The final question is qualitative. That is, it is the part of the decision that requires the decision-maker to exercise discretion as to whether approval should be given. Guidance as to how discretion is to be exercised is provided by the local planning scheme itself. Each local planning scheme sets out the matters to consider in determining an application. These matters range from the detailed to the general.*

*Relevant sections of Clause 67 of the Deemed Provisions:*

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (g) any local planning policy for the Scheme area;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on*

- adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
    - (ii) the character of the locality;*
    - (iii) social impacts of the development;*
  - (s) the adequacy of —*
    - (i) the proposed means of access to and egress from the site; and*
    - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
  - (t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
  - (y) any submissions received on the application;*
  - (z) any other planning consideration the local government considers appropriate.*

Should Council determine that the use of Church is appropriate for this location and approve the application, the following draft conditions of approval are provided.

1. All development shall be in accordance with the attached plans date stamped 20 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. The development must be substantially commenced within 2 years of the date of this approval;
3. Compliance with Local Planning Policy 8.7 Parking 'car parking'.
4. Parking is not permitted on the road reserve in front of adjoining residential properties.
5. Number of seats is limited to 34 unless additional parking is provided at a nearby carpark. A copy of any agreement for use of parking bays is required to be submitted to the Shire prior to the granting of any additional seating. If an approved agreement for parking is no longer operational, the number of seats shall be limited to comply with the Local Planning Policy – parking at the time of the agreement ceasing.
6. No commercial hiring/letting or use of the church shall be permitted without the approval of the Chief Executive Officer of the Shire of Dandaragan.
7. A drainage management plan shall be prepared for the site to the satisfaction of the Chief Executive Officer of the Shire and no water shall be discharged from the site at flow rates or with pollutant levels in excess of the pre- development condition.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

8. The vehicle parking area, access way(s), right of way and crossover shall be designed, sealed, constructed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Executive Manager Infrastructure prior to the occupation of the development for the use hereby permitted.
9. The Proponent shall provide and implement a landscaping plan to the satisfaction of the Chief Executive Officer of the Shire, prior to the occupation or use of any buildings in accordance with this approval.
10. Security and on-site lighting shall be installed and shaded to prevent light spill from the site or cause nuisance to nearby residential properties.
11. The applicant/occupier shall comply, at all times, with the Western Australian Environmental Protection Authority Environmental Protection (Noise) Regulations 1997.

**Advice:**

Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Health Act 1911* which are to be approved by the Shire's Manager Building Services and/or Manager Environmental Health prior to issuing a Building Licence.

**CONSULTATION**

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners (22 landowners). The advertising period closed on 30 June 2017. A total of three submissions were received objecting to the proposal (1 verbal and 2 email responses). These are provided as attachments. The two email responses are from neighbours that directly adjoin the proposed church.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7.

**POLICY IMPLICATIONS**

- Local Planning Policy 8.7 Planning 'Car Parking'

**FINANCIAL IMPLICATIONS**

The applicant has paid a sum 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	a) Process development applications and undertake building regulation functions and

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

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

### ATTACHMENTS

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

- Location Plan (Doc Id: 95074)
- Site Plan and elevations (Doc Id: 95073)
- Submissions received (Doc Id: 95066)

**(Marked 9.4.3)**

### VOTING REQUIREMENT

Simple Majority

### **OFFICER RECOMMENDATION**

**That Council exercise discretion and refuse planning approval for the proposed Church “Place of Worship” on Lot 217 Whitfield Road, Jurien Bay for the following reasons;**

- 1. the proposed development does not comply with Local Planning Policy 8.7 – Planning ‘Car Parking’ in that the number of car bays provided is less than required for the potential seating/persons capacity of the Church;**
- 2. the lack of parking available onsite may result in overflow parking in the adjoining residential area which may disturb the amenity to resident of the locality;**
- 3. the potential disturbance from any church related, commercial or community groups using the hall facility for functions or events to the detriment of neighbouring residential properties amenity.**
- 4. the proposed development does not comply with orderly and proper planning for the locality.**

### **ADVICE NOTE:**

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

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



#### 9.4.4 PROPOSED BED AND BREAKFAST – LOT 443 BETTONG STREET, JURIEBAY

Location:	Lot 443 Bettong Street, Jurie Bay
Applicant:	Paul and Victoria O'Donoghue
Folder Path:	Development Services Apps / Development Application / 2017 / 26
Disclosure of Interest:	None
Date:	14 July 2017
Author:	David Chidlow, Acting Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant is seeking planning approval for a Bed and Breakfast at Lot 443 Bettong Street, Jurie Bay.

#### BACKGROUND

The applicant proposes that two bedrooms with en-suites to each room under the main roof of the dwelling operate as a bed and breakfast establishment.

Lot 443 is zoned Residential R12.5 and has a lot area of 785m<sup>2</sup>.

The objective for 'Residential' zoned land in Local Planning Scheme No.7 is

- *Residential Zone*

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

Under the Local Planning Scheme No.7 a Bed and Breakfast is an "A" use in the Residential Zone.

'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.

The definition of "Bed and Breakfast" in the Policy is;

*"means a dwelling used by a resident of the dwelling to provide accommodation for persons away from their normal place of residence on a short-term commercial basis (maximum of 3 months in any 12 month period) and includes the provision of breakfast;*

Special notice is achieved by letters to neighbouring landowners.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

Local Planning Policy 8.10 Bed and Breakfast Establishment sets out the requirements for a B&B. The Manager Planning has delegation to approve a B&B that complies with the policy.

An objection to this proposal has been received. The reason why this application is presented to Council for decision is that an objection from a neighbour has been received.

**COMMENT**

One submission was received stating that:

*"We purchased our home to raise our children in a quiet residential area but seem to find ourselves more and more surrounded by businesses operating from homes. A few questions have arisen which are causing me to object to this bed and breakfast. These include but are not limited to the hours the business will be operating, amount of guests allowed to stay at any given time (we are concerned of the noise level and how many extra cars are coming and going right next to a park frequented by so many children) and where will all these extra cars be parking. We have already had people blocking our drive with the park across the road and do not want to find this a regular occurrence when there is the home owners, workers, guests, boats and visitors cars to be considered.*

*I have tried to find some information on bed and breakfast / home business regulations so we can be more aware of these and any other issues to the safety and privacy of our children but have been fairly unsuccessful (my internet is currently limited) so would like if you could please send me some more information. I am unable to contact you as stated in the letter to get any further information / clarification as you have given me one week to respond plus I work FIFO and am currently away.*

*My partner and I do not feel this is a good spot for a bed and breakfast and are also concerned about how it will impact on any future sale of our house, not only the value but also the extra time it will take to sell it."*

A copy of the B&B policy setting out the limitations and conditions applicable to a B&B as well as an additional 21 days to make comment was forwarded to the submitter on 13 June 2017. No response has been received.

Local Planning Policy 8.10 states that:

*2.2 Planning approval may be withheld or refused by the Council should:*

- a) the proposal not conform to the minimum requirements of this policy; or*

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

*b) the existing dwelling be considered (in the opinion of the local government) inappropriate from an amenity and / or tourism perspective for a Bed and Breakfast use.*

Given the small scale of the proposal and the propensity for holiday homes in the area, the existing dwelling will not cause any significant detrimental amenity in the area. A B&B has the advantage of managers (owners) living onsite.

*5.2 Guest rooms shall not be self-contained with separate cooking and laundry facilities, unless already retrospectively provided. En-suite bathroom facilities however may be provided for each room.*

The application complies with the Local Planning Policy 8.10 Bed and Breakfast Establishment excepting for showing on the plans kitchen facilities in each room. The proposal is recommended for approval subject to conditions including that the kitchen facilities are not permitted in any accommodation rooms.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 13 June 2017. One submission was received.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Planning and Development Act 2005
- Health Act
- Food Act 2008
- Subsidiary Regulations to relevant Acts.

#### POLICY IMPLICATIONS

- Local Planning Policy 8.10 Bed and Breakfast Establishment

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

economy	with the Department of Parks and Wildlife
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***Goal 1: Great Place for Residential and Business Development***

Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

***Goal 5: Proactive and Leading local Government***

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 & Floor Plan (Doc Id: 95076)  
**(Marked 9.4.4)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for a bed and breakfast establishment at Lot 443 Bettong Street, Jurien subject to the following conditions of approval:**

1. All development shall be in accordance with the attached plans date stamped 19 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. The development must be substantially commenced within 2 years of the date of this approval.
3. Compliance with Local Planning Policy 8.10 Bed and Breakfast Establishment.
4. Guest rooms shall not be self-contained with separate cooking and laundry facilities.
5. A bed and Breakfast establishment shall have provision of onsite parking based on one bay for per guest bedroom constructed to the following standards.  
Town site - impervious surface (i.e. concrete, bitumen, brick paving).
6. All rooms are to be clearly identified on a floor plan submitted with the application.
7. Signage for Bed and Breakfast establishments shall conform to limit of two business directional signs and one business sign to be erected at the front of the property. For residential properties the business sign shall not

exceed 0.2m<sup>2</sup> in area (i.e. 1.0m in length and 0.2m in height).

**Advice:**

- 1. For Bed and Breakfast Establishments the following works will need to be completed to the dwelling:**
  - a) Smoke detectors and evacuation lighting will need to be installed and configured in the dwelling to achieve compliance with part 3.7.2.5 of the Building Code of Australia for a change of building classification from a Class 1a 'single dwelling' to a Class 1b 'boarding house, guest house or hostel use' residence.**
  - b) A minimum of two RCDs will need to be fitted to protect all power point and lighting circuits as prescribed under regulation 12 of the Electricity Regulations, 1947.**
- 2. As a minimum a Bed and Breakfast establishment shall consist of:**
  - a dedicated bedroom and bathroom/toilet facility for exclusive use of the operator/s;**
  - separate guest bedrooms and at least bathroom and toilet facility for guest use;**
  - communal sitting and dining room areas.**
- 3. Guest rooms shall not be self-contained with separate cooking and laundry facilities, unless already retrospectively provided. En-suite bathroom facilities however may be provided for each room.**
- 4. Kitchen facilities used for the preparation of breakfasts will need to be registered with the Shire's Environmental Health Department and comply with the Food Act, 2008 and Australian New Zealand Food Standard Code (Australia Only).**
- 5. Where two or three guest rooms are provided an additional rubbish service may apply at the operator's expense. This may be by way of an additional collection service (wheeled bin) or an alternative arrangement as approved by the local government.**

### 9.4.5 PROPOSED BED AND BREAKFAST – LOT 34 WARD STREET, JURIE BAY

Location:	Lot 34 Ward Street, Jurien Bay
Applicant:	Annette Carter
Folder Path:	Development Services App / Development Application / 2017 / 17
Disclosure of Interest:	None
Date:	14 July 2017
Author:	David Chidlow, Acting Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant is seeking planning approval for a Bed and Breakfast at Lot 34 Ward Street, Jurien Bay.

#### BACKGROUND

The applicant proposes that two bedrooms and one bathroom / toilet facility under the main roof of the dwelling operate as a bed and breakfast establishment.

Lot 34 is zoned Residential R12.5 and has a lot area of 804m<sup>2</sup>.

The objective for 'Residential' zoned land in Local Planning Scheme No.7 is

- *Residential Zone*

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

Under the Local Planning Scheme No.7 a Bed and Breakfast is an "A" use in the Residential Zone.

'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.

The definition of "Bed and Breakfast" in the Policy is;

*"means a dwelling used by a resident of the dwelling to provide accommodation for persons away from their normal place of residence on a short-term commercial basis (maximum of 3 months in any 12 month period) and includes the provision of breakfast;*

Special notice is achieved by letters to neighbouring landowners.

Local Planning Policy 8.10 Bed and Breakfast Establishment sets out the requirements for a B&B. The Manager Planning has delegation to approve a B&B that complies with the policy. The reason why this application is presented to Council for decision is that a separate application for B&B in this agenda has received an objection from a neighbour. It would be inconsistent should Council refuse one application whilst the officer approves another similar application under delegation.

#### COMMENT

Local Planning Policy 8.10 states that:

*2.2 Planning approval may be withheld or refused by the Council should:*

- a) the proposal not conform to the minimum requirements of this policy; or*
- b) the existing dwelling be considered (in the opinion of the local government) inappropriate from an amenity and/or tourism perspective for a Bed and Breakfast use.*

Given the small scale of the proposal and the propensity for holiday homes in the area, the existing dwelling will not cause any significant detrimental amenity in the area. A B&B has the advantage of managers (owners) living onsite.

The application complies with the Local Planning Policy 8.10 Bed and Breakfast Establishment and is recommended for approval subject to standard conditions.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 24 May 2017. No submissions were received.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Planning and Development Act 2005
- Health Act
- Food Act 2008
- Subsidiary Regulations to relevant Acts.

#### POLICY IMPLICATIONS

- Local Planning Policy 8.10 Bed and Breakfast Establishment

#### FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

## 2016 – 2026 Strategic Community Plan

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

<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 & Floor Plan (Doc Id: 95079)  
**(Marked 9.4.5)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for a bed and breakfast establishment at Lot 34 Ward Street, Jurien subject to the following conditions of approval:**

- 1. All development shall be in accordance with the attached plans date stamped 1 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. The development must be substantially commenced within 2 years of the date of this approval;**
- 3. Compliance with Local Planning Policy 8.10 Bed and Breakfast Establishment.**
- 4. A bed and Breakfast establishment shall have provision of onsite parking based on one bay for per guest bedroom constructed to the following standards:**



Town site - impervious surface (i.e. concrete, bitumen, brick paving);

5. All rooms are to be clearly identified on a floor plan submitted with the application
6. Signage for Bed and Breakfast establishments shall conform to limit of two business directional signs and one business sign to be erected at the front of the property. For residential properties the business sign shall not exceed 0.2m<sup>2</sup> in area (i.e. 1.0m in length and 0.2m in height)

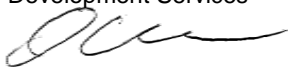
**Advice:**


1. For Bed and Breakfast Establishments the following works will need to be completed to the dwelling:
  - a) Smoke detectors and evacuation lighting will need to be installed and configured in the dwelling to achieve compliance with part 3.7.2.5 of the Building Code of Australia for a change of building classification from a Class 1a 'single dwelling' to a Class 1b 'boarding house, guest house or hostel use' residence.
  - b) A minimum of two RCDs will need to be fitted to protect all power point and lighting circuits as prescribed under regulation 12 of the Electricity Regulations, 1947.
2. As a minimum a Bed and Breakfast establishment shall consist of:
  - a dedicated bedroom and bathroom/toilet facility for exclusive use of the operator/s;
  - separate guest bedrooms and at least bathroom and toilet facility for guest use;
  - communal sitting and dining room areas.
3. Guest rooms shall not be self-contained with separate cooking and laundry facilities, unless already retrospectively provided. En-suite bathroom facilities however may be provided for each room.
4. Kitchen facilities used for the preparation of breakfasts will need to be registered with the Shire's Environmental Health Department and comply with the Food Act, 2008 and Australian New Zealand Food Standard Code (Australia Only).
5. Where two or three guest rooms are provided an additional rubbish service may apply at the operator's expense. This may be by way of an additional collection service (wheeled bin) or an alternative arrangement as approved by the local government.

#### 9.4.6 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PROPOSED SUBDIVISION OF LOC 3925 CERVANTES ROAD NAMBUNG

Location: Loc 3925 Cervantes Road, Nambung  
 Applicant: WAPC and Silversun Nominees Pty Ltd  
 File Ref: Business Classification Scheme / Land Use and Planning / Subdivision / Requests / WAPC 155381

Disclosure of Interest: None  
 Date: 14 July 2017  
 Author: David Chidlow, Acting Executive Manager Development Services

Signature of Author: 

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

#### PROPOSAL

To consider an application for the subdivision of Loc 3925 Cervantes Road and make recommendations to the Western Australian Planning Commission (WAPC).

#### BACKGROUND

This application is for subdivision of Loc 3925 Cervantes Road (1644.2Ha) into five lots of approximately 300+ Ha each.

The subject land is zoned “Rural”.

Subdivision of rural zoned land is guided by State and local government planning policies and controls. State Planning Policy 2.5 Rural Planning (SPP 2.5), seeks to protect rural land from incompatible uses

The SPP 2.5 does not provide a minimum lot size and requires this matter to be addressed in the Strategy but apart from specific circumstances, subdivision of broadscale agricultural land is not encouraged.

It is the view of the WAPC that there are sufficient, suitably sized and located rural lots to cater for intensive and emerging primary production land uses. Creation of new rural lots through ad-hoc, unplanned subdivision will not be permitted.

In contemplating subdivision proposals on rural land, WAPC policy is:

- (a) the creation of new or smaller rural lots will be by exception and in accordance with *Development Control Policy 3.4: Subdivision of rural land*;
- (b) the creation of new or smaller rural lots by exception may be provided for in other State Planning Policies and/or a local planning strategy or scheme;
- (c) no other planning instruments besides those listed at (a) or (b) can provide for the subdivision of rural land; and

- (d) the introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring.

### Local Planning Strategy 2012

#### 8.4.2.2 SUBDIVISION FOR AGRICULTURAL PURPOSES

In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, the LPS will only support the further subdivision of land in the Rural zone, where it can be clearly demonstrated that the subdivision will not be detrimental to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands or where the proposal is consistent with established criteria and State policy.

*Council supports the State's aims and objectives as outlined in this section but is not supportive on the overall restrictions on the subdivision of rural zoned land. Council feels that an acceptable balance can be achieved by allowing a minimum lot area which is large enough to:*

- *not attract rural lifestylers who would normally purchase rural-residential and rural smallholdings;*
- *not greatly influence land values so rural land values are maintained;*
- *not lead to a demand for additional services and infrastructure; and*
- *retain lots large enough to continue to be used for broadscale agriculture.*

*The minimum lot size in the 'Rural' zone will be 300ha for any property and any proposed smaller lots would only be supported when they are consistent with other relevant State policies and the approved LPS.*

### COMMENT

The subject land occurs within the Cervantes Water Reserve, which is a Public Drinking Water Source Area (PDWSA) where a water service provider (Water Corporation) abstracts groundwater for scheme water reticulation to the Cervantes Townsite. The Department of Water manages this PDWSA in accordance with the Cervantes Water Source Protection Plan (Water and Rivers Commission 1999).

Advice was provided on another application by the Department of Water (Midwest Region) that although planned for review within the next few years, the Water Source Protection Plan currently identifies Loc 3925 as part of a Priority 2 (P2) area approximately

7 km to the north east, and up - gradient from, the production bores.

Priority 2 (P2) classification areas are managed to ensure there is no increased risk of water source contamination/pollution. Further development is allowed in P2 classification areas for land uses that are defined as 'Compatible', and potentially also for uses that are defined as 'Restricted', under the relevant portion and column of the Land Use Compatibility Table from the Water Quality Protection Note: Land use Compatibility in Public Drinking Water Source Areas (Department of Environment 2004).

'Restricted' land uses may be considered compatible with the management objectives subject to appropriate site management practices. The Water Quality Protection Note advises that 'Restricted' developments /activities should be referred to the Department of Water for assessment on a case specific basis.

A previous subdivision application to divide the lot onto two lots was not supported by Council and refused on 30 December 2008 by the WAPC for the following reasons;

The WAPC's reason(s) for refusal are:

*The proposed subdivision is inconsistent with the Rural zoning of the land in Council's Local Planning Scheme No.7. The purpose and intent of this zoning 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. Subdivision in the manner proposed would create the potential for additional building development and the introduction of increased non-rural activity in conflict with the zoning objectives.*

*The land is zoned Rural and is therefore subject to the provisions of WAPC Policy DC 3.4 Subdivision of Rural Land and Statement of Planning Policy No. 2.5 – Agriculture and Rural Land Use Planning. The subdivision of the land in the manner proposed would be contrary to the abovementioned policies by reason that it represents the fragmentation of land holdings outside of an approved planning framework (such as an adopted Local Planning Strategy).*

*The lots proposed are smaller than the prevailing lot size in the locality and approval to the subdivision would set an undesirable precedent for other nearby and surrounding subdivisions.*

It is noted that since this decision Councils Rural Planning Strategy does support lots down to a minimum 300ha in size.

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The subject land is also identified as within extreme and moderate bushfire zones. Details of any bushfire management plan have not been provided.

Adjoining lot 3924 is the subject of a current proposed scheme amendment No.31 for Mixed use rural lifestyle lots. Details of how any potential Intensive Agricultural uses as suggested in the Agronomists Report March 2017 will impact on potential adjoining land has not been addressed.

Due to a lack of additional information, the officer's recommendation is that Council not support the proposed Subdivision without additional information being provided.

Comment is due to the WAPC by 10 August 2017.

CONSULTATION

Department of Planning, Lands and Heritage

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No 7
- State Planning Policy 2.5 - Rural Planning
- Development Control Policy 3.4 - Subdivision of rural land

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

- Local Rural Planning Strategy 2012
- Draft local planning strategy (advertised)
- 2016 – 2026 Strategic Community Plan

*Goal 1: Great Place for Residential and Business Development*

Business as usual	a) Strategic land use planning and projects
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ATTACHMENTS

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

- Plan of subdivision (Doc Id: 95068)
- Agronomist Report March 2017 (Doc Id 95067)

**(Marked 9.4.6)**

VOTING REQUIREMENT

Simple Majority

**OFFICE RECOMMENDATION**

**That the Western Australian Planning Commission be advised that Council does not support the proposed application for 5 lot subdivision at Loc 3925 Cervantes Road as there is insufficient information provided on bushfire management, potential impact on adjoining lot 3924 (proposed scheme amendment No.31 for mixed use rural lifestyle lots), environmental considerations such as groundwater and capacity of the land to support broadacre farming.**

## 9.5 COUNCILLOR INFORMATION BULLETIN

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

Document ID: 93797

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 June 2017. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JULY 2017

Document ID: 95039

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

### 9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2017

Document ID: 94178

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

### 9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2017

Document ID: 93405

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

### 9.5.5 WHEATBELT DEVELOPMENT COMMISSION – REFLECTING ON OUR ACHIEVEMENTS AS THE COMMISSION MOVES FORWARD

Document ID: 93049

As the Commission transitions to the sit with in the structure of the newly created Department of Primary Industries and Regional Development (DPIRD) as of 1 July 2017, I wanted to write to reflect on the great achievements arising from the partnership between local governments and the Commission and thank you for your contribution to driving the growth of the Wheatbelt.

Attached to the agenda is entire content of correspondence. **(Marked 9.5.5)**

### 9.5.6 LOGAL GOVERNMENT NEWS – 16 JUNE 2017 – ISSUE 23

Document ID: 93116

In this issue:

- Review of the Local Government Act
- Vehicle Licence Fee Concession
- 2016 – 2019 State Budget Submission
- Name Change for WALGA Team
- Training
- Recorded Webinar Available Now: Decision Making in Practice – Delegations
- Vacancies on Boards and Committees
- Bushfire Mitigation: Public Submissions Open

- A Talk on Growing WA Tourism  
Mailbag
- Infopage: Control of Off-road Vehicles

**9.5.7 WALGA – WASTENEWS – 16 JUNE 2017 – ISSUE 34**

Document ID: 93142

- LG Spotlight: Dumping Reduction all Wrapped Up
- Great Waste Management a Cert
- Spot the Difference
- New Tools to go Plastic Free

**9.5.8 REGIONAL DEVELOPMENT AUSTRALIA – WHEATBELT WA – SECOND FREIGHT NETWORK - BUILDING BETTER REGIONS FUND – JUNE UPDATE**

Document ID: 93184

Attached to the agenda is the Secondary Freight Network Building Better Regions Fund - June Update (**Marked 9.5.8**)

**9.5.9 WALGA – CLIMATE CHANGE, RISK AND LIABILITY – EXPRESSION OF INTEREST**

Document ID: 93117

WALGA will be hosting a half day event on Climate Change, Risk and Liability on Friday, 4 August at the Perth Convention and Exhibition Centre, timed to coincide with the annual WA Local Government Convention.

Information presented will include:

- Consideration of climate change in long-term strategic plans and corporate business plans
- Factoring climate change projections in risk assessments and insurance schemes, and
- Positive case studies from Local Governments that have put new policies and processes in place, and are implementing adaption action plans.

**9.5.10 DEPARTMENT OF SPORT AND RECREATION – CLUB DEVELOPMENT OFFICER SCHEME FUNDING**

Document ID: 93014

I am pleased to advise that the Minister for Sport and Recreation, the Hon Mick Murray MLA has approved a grant of \$20,000 to the Shire of Dandaragan for the period 1 July 2017 to 30 June 2018 for the Club Development Officer Scheme.

Attached to the agenda is the correspondence received. (**Marked 9.5.10**)

**9.5.11 ROADWISE ROAD SAFETY NEWSLETTER – JUNE 2017 – ISSUE 30**

Document ID: 93188

In this issue:

- Registrations Are Now Open for the Australasian Road Safety Conference (Perth)



- Targeting Travel Speeds and Encouraging Safe Driving in the City of Mandurah
- Kalbarri Road Trauma Prevention Day
- One Arm Point Basketball Tournament Urges Drivers to Belt Up
- *Blessing the Roads* and More at Tropicool
- Bringing Together Neighbourhood Watch and Safe Vehicles
- Councils Join Forces to Check and Fit Resident's Child Car Restraints
- Toodyay RoadWise Committee Targets Unsecure Loads at Moondyne 2017
- Hedland RoadWise Championing Community Road Safety in the Pilbara
- Northam Senior Citizen's Indoor Bowls Slows Down and Enjoys the Ride
- Shedders Revive Drivers on the WA Day Long Weekend
- Bindoon's 'Wear Ya Wellies' Event Reminds Visitors to Slow Down and Enjoy the Ride
- 2017 Western Australian Regional Achievement and Community Awards – Nominations Now Open
- Your Move Schools – More Ways to Get There
- ANCAP Unveils Car-to-Car Crash Test

**9.5.12 HON DAVID TEMPLEMAN MLA – AGILE, SMART, INCLUSIVE REVIEW TO TRANSFORM WA LOCAL GOVERNMENT**

Document ID: 93274

- Election commitment honoured with commencement of Local Government Act review
- Review to reduce red tape, modernise local governments and deliver for communities
- Election participation, online reporting and gift disclosures first to be targeted

**9.5.13 LOCAL GOVERNMENT NEWS – 23 JUNE 2017 – ISSUE 24**

Document ID: 93367

In this issue:

- 2017 WALGA Trade Exhibition and Breakfast
- Modelling Requirements for Traffic Signals (LINSIG)
- Procurement and Contract Management Training
- 2017 WA Local Government Convention
- Public Works Engineering Foundation Trustee
- Submissions on National Disability Insurance Scheme and Human Service Reforms
- Welcoming Cities
- Threats and Risks in Community Events Workshop

Mailbag

- INFOPAGE: The Finkel Review and Implications for Western Australia

**9.5.14 HON FRANCIS LOGAN MLA – MEDIA STATEMENT – BUSHFIRE MITIGATION SUMMIT HEARS FROM KEY STAKEHOLDERS ON WAY FORWARD**

Document ID: 93398

- Some of WA's leading voices on bushfire mitigation gathered in Mandurah
- First time many attendees had been in the same room to talk about the issues
- Multi-partisan approach with members of Parliament across political spectrum
- Issues ranged from rural fire service delivery and science of bushfire mitigation to prescribed burning targets and raising community awareness of bushfire risks

Attached to the agenda is the media statement in its entirety  
**(Marked 9.5.14)**

**9.5.15 HON PAUL PAPALIA – MEDIA STATEMENT – NEW APPOINTMENTS FOR TOURISM WA BOARD**

Document ID: 93776

- Nathan Harding appointed as new chairman
- Four new Tourism WA board members

The Governor of Western Australia has today appointed Nathan Harding as the new Tourism Western Australian Board Chairman.

Attached to the agenda is the full content of the Media Statement  
**(Marked 9.5.15)**

**9.5.16 DLGC CIRCULAR NO 09-2017 – AGILE, SMART, INCLUSIVE – A LOCAL GOVERNMENT ACT FOR THE FUTURE**

Document ID: 93775

On 20 June 2017, Minister Templeman announced that the Department of Local Government and Communities would commence a review of the *Local Government Act 1995* (the Act).

The review will propose to modernise the Act and identify ways to reduce red tape. It will be conducted in two phases. More information about the review is available at [www.dlgc.wa.gov.au/LGARReview](http://www.dlgc.wa.gov.au/LGARReview).

**9.5.17 WALGA MEDIA RELEASE – VEHICLE CONCESSION REVERSAL IS FAIR**

Document ID: 93822

Attempts to impose the costs of recovering the State's financial mess on local communities have been dealt a blow with the reinstatement of vehicle licencing concessions for Council vehicles.

Attached to the agenda is entire media release (previously emailed to Councillors on 28 June 2017)**(Marked 9.5.17)**

**9.5.18 ENVIRONEWS – JUNE 2017 – ISSUE 6**

Document ID: 93806

In this issue:

- Local Government Tour of White Gum Valley Sustainable Development Estate
  - The Finkel Review – InfoPage Available
  - 2017 WALGA Trade Exhibition and Breakfast
  - Peron Naturaliste Partnership Coastal Values Project
  - Cockburn Aquatic and Recreation Centre
  - Shaping the Future of Our Local Waterways
  - Updated Vegetation Complex Mapping
  - Sprinklers to be switched off During Winter
  - Invitation to Participate in the Recent Ecological Change in Australia Project
  - Mundarda Child Care Centre is Switched On
- Events and funding Opportunities
- Upcoming Events
  - Funding Opportunities

#### **9.5.19 DLGC – DEPARTMENTAL CHANGES**

Document ID: 93902

In April 2017, the Premier announced the first round of Machinery of Government changes in the public sector beginning with the amalgamation of a number of government departments. These structural changes are intended to enable services to be delivered more efficiently and effectively to benefit all Western Australians.

The DLGC would like to advise that on 1 July 2017, our functions will be transitioned to two new Departments.

- Local government and Office of Multicultural Interests' functions will form part of the new Department of Local Government, Sport and Cultural Industries.
- Community services' functions, including seniors, volunteering, youth, women'

#### **9.5.20 WALGA – CLIMATE CHANGE, RISK AND LIABILITY – FORUM FRIDAY 4 AUGUST 2017**

Document ID: 93925

Please join us for this fantastic opportunity to hear from businesses and Local Government that are preparing for climate change as part organisational governance. This Forum will provide information on how to actively prepare for climate change as a business priority, to enable capitalisation on opportunities, lower risk, and limit exposure to future liability. Expert speakers for the day include the Hon Cheryl Edwards MA, and representative from Insurance Group Australia, Curtin University and the Eastern Metropolitan Regional Council. The event will include a morning tea break where attendees can meet and network with others in their field, and question sessions with all presenters.

#### **9.5.21 WALGA – WASTENEWS – 30 JUNE 2017 – ISSUE 35**

Document ID: 93975

In this issue:

- Register Now for the Waste and Recycle Conference

- Draft Better Practice Guidelines for Charity Bin Management
- Breakfast of Champions
- Reminder: Sign up for Plastic Free July

**9.5.22 HON ALANNAH MACTIERNAN MLC – MEDIA STATEMENT – MID-WEST WELCOMES NEW DEVELOPMENT COMMISSION BOARD CHAIR**

Document ID: 93970

- Todd West appointed Chairperson of the Mid West Development Commission Board
- New board member Lara Dalton also welcomed

**9.5.23 LOCAL GOVERNMENT NEWS – 30 JUNE 2017 – ISSUE 25**

Document ID: 93961

In this issue:

- Vehicle Licence Fee Concessions Update
- Final Call – 2017 Local Government Convention
- Training
- Inquiry into Regional Airfares in Western Australia
- Local Government Community Safety Network Event
- Age-friendly WA Workshop
- Call for Nominations – Local Government Compliance Association
- Australia of the Year Awards

Mailbag:

- Infopage: Related Party Disclosures

Media Release:

- Vehicle Concession Reversal is Fair

**9.5.24 WALGA ANNUAL GENERAL MEETING 2017**

Document ID: 93960

2017 AGM Agenda for 2 August 2017.

You can also find the Agenda on the WALGA website - <http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Meetings-and-AGM/2017-AGM-Agenda.pdf.aspx?lang=en-AU>

**9.5.25 DEPARTMENT OF FINANCE – LOCAL GOVERNMENT RATES – WA SENIORS CARD CONCESSIONS FOR 2017-18**

Document ID: 93976

On 22 June 2017, the Government announced changes to the cap amount for local government rates, underground electricity connection charges and water rates for WA Seniors Card holder households. The Cap for each has been set at \$100.

Attached to the agenda is correspondence. **(Marked 9.5.25)**

**9.5.26 DEPARTMENT OF PARKS AND WILDLIFE**

Document ID: 93979

As part of the State Government's reform, from 1 July 2017 the Department of Parks and Wildlife will be renamed the Department of Biodiversity, Conservation and Attractions.

Attached to the agenda is correspondence advising of change **(Marked 9.5.26)**

**9.5.27 DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**

Document ID: 94117

"Council has been advised that the Western Australian Government's new Department of Water and Environmental Regulation has been launched on 1 July.

The new department combines the services of the Department of Environmental Regulation (DER), Department of Water and the Office of the Environmental Protection Authority. The new department is responsible for environment and water regulation, serving as a "one stop shop" for industry and developers, with the aim of streamlining and simplifying regulation.

The Department of Water and Environmental Regulation will also provide services to the independent Environmental Protection Authority, the Waste Authority or Western Australia, Keep Australia Beautiful Council WA, the Office of the Appeals Convenor, the Cockburn Sound Management Council, the Air Quality Coordinating Committee and the Contaminated Sites Committee.

Reception for the new Department of Water and Environmental Regulation is on Level 4, The Atrium, 168 St Georges Terrace, Perth, WA, 6000, the postal address is Locked Bag 33, Cloisters Square, Perth, WA, 6850. The telephone number is (08) 6364 7000 and all calls to our existing numbers will be automatically re-directed."

**9.5.28 DEPARTMENT OF AGRICULTURE AND FOOD – DEBTORS TO THE DEPARTMENT OF AGRICULTURE AND FOOD WA**

Document ID: 94128

On 28 April 2017 the Premier announced a number of Machinery of Government (MoG) changes in the public sector establishing a number of new departments to come into effect from 1 July 2017. Consistent with that announcement, the Department of Primary Industries and Regional Development will be formed through the amalgamation of the:

- Department of Agriculture and Food
- Department of Fisheries
- Department of Regional Development

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

**9.5.29 PUBLIC HEALTH – ADVOCACY INSTITUTE OF WESTERN AUSTRALIA – 2016 CHILDREN’S ENVIRONMENT & HEALTH REPORT CARD PROJECT SHOWCASE**

Document ID: 94130

PHAIWA is a driving force in promoting health through advocacy in Western Australia. It is well known that there are a variety of factors which influence health, including genetic and environmental factors, as well as social and mental wellbeing. Promoting health, and creating healthy opportunities in childhood, has a positive impact on the future health of an individual. Applications are currently open for the 2017 edition of the project. For details on how to make your local government a part of this successful project please contact the Report Card Team at PHAIWA at [lg-reportcard@curtin.edu.au](mailto:lg-reportcard@curtin.edu.au)

**9.5.30 DEPARTMENT OF FISHERIES – SUPPLYING TO THE DEPARTMENT FISHERIES**

Document ID: 94286

On 28 April 2017 the Premier announced a number of Machinery of Government (MoG) changes in the public sector establishing a number of new departments to come into effect from 1 July 2017. Consistent with that announcement, the Department of Primary Industries and Regional Development will be formed through the amalgamation of the:

- Department of Agriculture and Food
- Department of Fisheries
- Department of Regional Development

From 1 July 2017, The Department of Fisheries will be replaced by the Department of Primary Industries and Regional Development.

**9.5.31 LOCAL GOVERNMENT NEWS – 7 JULY 2017 – ISSUE 26**

Document ID: 94370

In this issue:

- Vehicle Licence fee Concessions – Transition Arrangements
- New Subscription Service – Decision Making in Practice Toolkit
- Public Consultation on Telecommunications Carrier Powers and Immunities
- Procurement and Contract Management Training
- Aboriginal Culture and Heritage Preservation Training
- Cultural Planning and Local Government Workshop
- Climate Change, Risk and Liability Forum
- Reminder – National Sports Plan – Consultation closes Monday, 31 July
- Boards and Committees Updates
- WA Bicycle Network Grants Program – Applications Opening
- Release of Report on the 5<sup>th</sup> Global Biodiversity Summit of Cities

Mailbag

- INFOPAGE: *Page Health Act 2016* Discussion Papers

**9.5.32 DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**

Document ID: 94403

As you may be aware, the Department of Water and Environmental Regulation (DWER) was established by the Government of Western Australian on 1 July 2017 as a result of the amalgamation of the Department of Environmental Regulation (DER), Department of Water (DoW), and the Office of the Environmental Protection Authority (OEPA). The new Department was established under Section 35 of the *Public Section Management Act 1994* and is responsible to the administration of the *Environmental Protection Act 1986* along with other legislation.

**9.5.33 HON ALANNAH MACTIERNAN MLC – MEDIA STATEMENT – REGIONAL DEVELOPMENT COMMISSION REFOCUS ON LOCAL JOBS**

Document ID: 94391

- Commissions to have dedicated Local Content Officers and online portals to maximise tender and job opportunities in their regions

New dedicated Local Content Officers in Regional Development Commissions will take the lead role in linking State Government regional contracts with local suppliers to create job opportunities in the regions. Training of these officers will begin this month.

**9.5.34 HON MICK MURRAY MLA – MEDIA STATEMENT – GRASSROOTS SPORTS CLUBS INVITED TO TAKE DIP IN FUNDING POOL**

Document ID: 94400

- New round of Community Sporting and Recreation Facilities Fund opens
- \$12 million of local sport projects to be delivered in 2017-18

Sport and Recreation Minister Mick Murray today asked community clubs to put their hat in the ring for the latest round of small grants, which opened on 1 July 2017 and close on 31 August 2017. The annual and forward planning round of CSRFF is also currently open and closed 29 September 2017.

**9.5.35 HON STEPHEN DAWSON MLC – MEDIA STATEMENT – BUSHFIRE MITIGATION SUMMIT SUMMARY NOW AVAILABLE**

Document ID: 94420

- Summary of the summit is now available at <https://oem.wa.gov.au>
- Topics discussed included effective use of human resources, funding, improving knowledge, local experience and prescribed burning targets.

Attached to the agenda is media statement and Bushfire Mitigation Summit Summary. **(Marked 9.5.35)**

**9.5.36 WALGA – MEDIA RELEASE - GREATER TRANSPARENCY FOR EMERGENCY SERVICES**

Document ID: 94420

Emergency services operations and expenditure should become more transparent with oversight from an independent agency, according to an Economic Regulation Authority (ERA) Report released 7 July 2017.

Cr Craigie said that we've been advocating for some time to get greater transparency and accountability around how money is spent on emergency services. This Report brings to light many of the concerns of the Local Government sector and supports our call for a clearer process on both expenditure and operational priorities.

**9.5.37 WALGA – SUMMARY MINUTES STATE COUNCIL MEETING – JULY 2017**

Document ID: 94428

The Full Minutes are available on the WALGA website - <http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agenda-and-Minutes/State-Council-Full-Minutes-5-July-2017.pdf.aspx>

**9.5.38 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES – CIRCULAR NO 10-2017 – LG ELECTIONS 2017 – BULLETIN 1**

Document ID: 94723

Local Government Elections will be held on Saturday 21 October 2017. Each local government needs to decide whether their election is being conducted by the WA Electoral Commission of in-house by 2 August 2017; and if it is to be a postal vote or in-person election. Candidate nominations open on Thursday 7 September 2017, closing a week later at 4.00pm on Thursday 14 September 2017.

**9.5.39 STATE EMERGENCY MANAGEMENT COMMITTEE – PROPOSED REVOCATION OF WESTPLAN DAMBREAK**

Document ID: 94744

"I write to advise you of the State Emergency Management Committee's (SEMC) intention to revoke Westplan Dambreak.

Attached to the agenda is a copy of the correspondence. **(Marked 9.5.39)**

**9.5.40 WHEATBELT DEVELOPMENT COMMISSION – DETERIORATING CONDITION OF MOBILE SERVICES IN THE SHIRE OF DANDARAGAN**

Document ID: 94908

"Jurien North-East – Jurien Road / Coomallo Nature Reserve including Alta Mare and Jurien Bay Heights and Jurien South-East – Badgingarra National Park and Nambung National Park have been recorded by the Commission and reported to the Department



of Commerce as priorities for future telecommunications improvements in the Shire.

Please visit <http://www.acma.gov.au/theACMA/mobile-phone-repeaters-information-for-consumers> for advice relating to mobile repeaters.”

**9.5.41 WEST AUSTRALIAN NEWSPAPER ARTICLE – JETTY PLAN REIGNITES DEBATE**

Document ID: 95046

Attached to the agenda published in the West Australian on Wednesday 19 July 2017 – Jetty plan reignites debate. **(Marked 9.5.41)**

**9.5.42 WALGA BOARD AND COMMITTEE VACANCIES**

Document ID: 94879

WALGA currently has four (4) vacancies on boards and committees - all closing on Friday 14 August 2017. These documents are available on the WALGA website <http://www.walga.asn.au/Policy-Advice-and-Advocacy/Governance-and-Strategy/Committee-Vacancies.aspx>

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

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

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

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

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

Local Government Act 1995

5.23. Meetings generally open to public

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

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 27 JULY 2017**

- (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**

**That the meeting be closed to members of the public at \_\_:\_\_pm in accordance with Section 5.23 (2)(e)(ii)and (iii) 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 RFT 04/2017 – Request for Medical Services to Jurien Bay.**

### **11.1.1 RFT 04/2017 PROVISION OF MEDICAL SERVICES TO JURIEB BAY**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Tenders / Tenders 2017 / RFT 04-2017 / Accepted
Disclosure of Interest:	The author of this report has made an impartiality interest declaration in relation to a staff member that works at one of the bidding organisations
Date:	14 July 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.*

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

## **13 CLOSURE OF MEETING**