



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 28 September 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:

- | | |
|----------------|--|
| 11.30am | Councillors & Anne Lake Discussion |
| 12.30pm | LUNCH |
| 1.00pm | CEO, Council and Anne Lake |
| 1.30pm | Agenda Briefing Session |
| 2.30pm | Councillor Discussion Session |
| 3.00pm | Council Forum <ul style="list-style-type: none">▪ Alex Forbes-Smith & Mark Adams “The Jurien Lounge”▪ Biosolids Use at Sutherlands Farm▪ Jurien Bay Town Hall▪ Corporate Branding▪ Jurien Bay CRC Outgoings |
| 4.00pm | Ordinary Meeting of Council |
| 5.00pm | Public Forum |

Tony Nottle
CHIEF EXECUTIVE OFFICER

21 September 2017



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS - PUBLIC

for the

ORDINARY COUNCIL MEETING

to be held

AT THE COUNCIL CHAMBERS, JURIE BAY

on

28 SEPTEMBER 2017

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)



ORDINARY COUNCIL MEETING

28 SEPTEMBER 2017

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

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

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

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

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

BY ORDER OF THE COUNCIL

Tony Nottle
CHIEF EXECUTIVE OFFICER



DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

Please note:

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

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

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

Tony Nottle
CHIEF EXECUTIVE OFFICER



COUNCIL MEETING INFORMATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

NOTE:

10.3 Unopposed Business

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

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

SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

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

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

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

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

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

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

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

SHIRE OF DANDARAGAN

QUESTIONS FROM THE PUBLIC

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

Name: _____ Signature: _____

Address: _____

Contact No: _____ Meeting Date: _____

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

Name of Organisation Representing: _____
(if applicable)

QUESTION:

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

Please see notes on Public Question Time overleaf...

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



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

NAME OF PERSON MAKING DISCLOSURE

Surname: _____

Christian Names: _____

Date of Disclosure: _____

Date of Meeting: _____

Council Meeting: Yes No (Please Circle)

or

Committee Meeting: Yes No (Please Circle)

Name of Committee: _____

Agenda Book Page No: _____ Item No: _____

Nature and Extent of Financial Interest:

Signature of Person Making Disclosure:

Signature of Staff Recording Financial Interest:

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

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

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

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

Councillor L Holmes	(President)
Councillor D 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)
Mr D Lodwick	(Acting Manager Planning)
Ms R Headland	(Council Secretary)

Apologies**Approved Leave of Absence****3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 PUBLIC QUESTION TIME**

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**

- 6 CONFIRMATION OF MINUTES**
 - 6.1 MINUTES OF THE ORDINARY MEETING HELD 24 AUGUST 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 ACCOUNTS FOR PAYMENT – AUGUST 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	8 September 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 August 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 August 2017 totalled 645,454.08 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the August 2017 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for August 2017
(Doc Id: 98026)

(Marked 9.1.1)


VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Municipal Fund cheque and EFT listing for the period ending 31 August 2017 totalling \$645,454.08 for the Municipal Fund be accepted.

9.1.2 BUDGET AMENDMENT – TURQUOISE WAY PATH EXTENSION FUNDS

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Capital Works
Disclosure of Interest:	Nil
Date:	11 September 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

That Council consider a budget amendment to recognise the receiving of remaining funds from the Jurien Bay Chamber of Commerce following the completion and opening of the Turquoise Way Path (TWP) extension.

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. The constructed Turquoise Way Path now extends from the Jurien Bay Harbour to the banks of the Hill River (13.5km).

The Turquoise Way Path extension was officially opened on Friday 23 June 2017 with a surplus of \$97,000 remaining with the Jurien Bay Chamber of Commerce. All grant monies were expended on the project (see attachment 98099) and it was indicated that remaining funds would be made available for the Shire for any follow up access issues and maintenance of the path into the future.

Following clarification from Project Manager Evan Jones, the CEO was advised that an amount of \$50,000 + GST would be made available to assist with the access issues and maintenance requirements along the path.

A further \$15,000 was set aside from the remaining funds in the JBCC Budget to contribute to the Clouds 2 Coast Triathlon to further activate the path. This decision was made by the TWP Working Committee.

This means that there will be \$47,000 remaining with the JBCC to assist with future planning, lobbying and design of the next stage of the TWP.

COMMENT

While it is prudent for funds generated by private interests to lobby and apply for further funding for the completion of the TWP to Cervantes, there still remains a vehicle access issue at Hill River, Booka Valley and at the southern end of Beachridge Drive.

There are also further drainage concerns towards Hill River that may require further expenditure to correct pooling of water in certain areas.

It is suggested that Council establish a particular Reserve Account for the TWP as follows:

RESERVE	USE
Turquoise Way Path Reserve	To be used for the renewal, major maintenance, improvements, promotion, inspection equipment / surveillance, extension or relocation of the Turquoise Way Path and associated infrastructure within the Turquoise Way Path corridor.

The use of the TWP Reserve is proposed to be kept broad to allow Council to consider expenditure on an assortment of issues or opportunities that may arise with the construction maintenance and management of the TWP.

The JBCC still has access to funding to assist them with further applications and lobbying to extend the path to Cervantes.

CONSULTATION

- Ardross Developments
- Jurien Bay Chamber of Commerce
- Department of Transport

STATUTORY ENVIRONMENT

Council is able to establish Reserve Accounts in accordance with the Local Government Act 1995.

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

In order to establish a Reserve Account, Council must consider the Local Government (Financial Management) Regulations 1996 whereby:

17. Reserve accounts, title of etc.

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
 - (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.

Regulation 38 requires the Council to list the Reserve Accounts established within the Annual Financial Report each year.

POLICY IMPLICATIONS

There are no policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Council would receive an extra \$50,000 ex GST in unbudgeted income in the 2017/18 Annual Budget. However it is proposed that this \$50,000 be placed into a newly created reserve as indicated earlier within the report.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	b) Provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation

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

ATTACHMENTS

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

- TWP reconciliation of funds (Doc Id: 98099)
- TWP Committee Minutes 6 October 2016 (Doc Id: 98101)
- TWP Committee Minutes 9 August 2017 (Doc Id: 98102)
- Correspondence from Evan Jones re: remaining funds (Doc Id: 98116)
- Map of TWP (Doc Id: 98117)

(Marked 9.1.2)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION



That Council:

1. Agree to establish the following Reserve Fund:

RESERVE	USE
Turquoise Way Path Reserve	To be used for the renewal, major maintenance, improvements, promotion, inspection equipment / surveillance, extension or relocation of the Turquoise Way Path and associated infrastructure within the Turquoise Way Path corridor.

2. Amend the 2017/18 Budget to include \$50,000 income for the remaining funds of the Turquoise Way Path Project to be transferred into the newly created Turquoise Way Path Reserve.

9.1.3 CLOUDS 2 COAST TRIATHLON SPONSORSHIP

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Event Management / Community Events
Disclosure of Interest:	Nil
Date:	30 August 2017
Author:	Alison Slyn, Economic Development Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider a Budget allocation of \$10,000 excluding GST to Jurien Bay Chamber of Commerce for co-naming rights sponsorship of the Clouds 2 Coast Triathlon being held in Jurien Bay over the weekend of Saturday 28 and Sunday 29 October 2017.

BACKGROUND

At the Council forum on Thursday 24 August 2017, David Lantzke and Danielle Stahl from the Jurien Bay Chamber of Commerce (JBCC) conducted a presentation regarding the proposed Clouds 2 Coast triathlon to be held over the weekend of Saturday 28 and Sunday 29 October 2017, weather permitting.

The event is an elite triathlon event sanctioned by Triathlon WA and managed by experienced adventure sports company, Tri-Events. There are three teams of two triathletes competing in the event, with one male and one female competitor per team. The team with the lowest combined finish time will be the winners.

The unique aspect of this event is that it commences with a tandem skydive being completed by each competitor. After the competitors land on an island off-shore from Jurien Bay, the ocean swim component of the event is completed as they swim to the mainland. The cycle and run legs of the event are then carried out on the Turquoise Way path, ending at the Dobbyn Park finish line.

COMMENT

The Clouds 2 Coast triathlon has a proposed budget of \$50,000 and has confirmed sponsorship from the Jurien Bay Chamber of Commerce as co-naming rights sponsor, team sponsorship from Skydive Jurien Bay, Ray White and WA Country Builders and activation sponsorship from the remaining Turquoise Way path Stage 1 and 2 funds. \$15,000 has already been allocated to this event via the TWP Working Group. The Jurien Bay Chamber of Commerce has requested that the Shire of Dandaragan take up the opportunity to join the Chamber as co-naming rights sponsor.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 SEPTEMBER 2017

The event is also producing high-quality video footage of the event from which all event sponsors will have access to both raw and finished components of the vision. As well as this it is proposed that the footage be provided to paid and free-to-air television networks to increase publicity of the event. Increased publicity by using the video footage is to highlight the activation of the newly extended Turquoise Way path, encourage other adventure sports and events to Jurien Bay and ultimately, for the Jurien Bay Chamber of Commerce to secure funding towards Stage 3 of the path project and connect the current path to the Cervantes township.

CONSULTATION

- Jurien Bay Chamber of Commerce
- Council via Council Forum

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Allocation of \$10,000 ex GST from the Tourism and Area Promotion Fund 2017-18. There is already an amount of \$40,000 within this section of the budget.

STRATEGIC IMPLICATIONS

2016 -2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3: Ensure timely provision of essential and strategic infrastructure	b) Provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation
1.4: Ensure the Shire is "open for business" and supports industry and business development	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 2: Healthy, Safe and Active Community</i>	
2.3: Enhance vibrancy and community identity through culture and the arts	a) Deliver or support the delivery of selected arts, culture and community events

ATTACHMENTS

- Clouds 2 Coast Presentation (Doc Id: 97078)
(Marked 9.1.3)


VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council agree to allocate \$10,000 ex GST from the Tourism and Area Promotion line within the 2017-2018 Shire of Dandaragan Budget to the Jurien Bay Chamber of Commerce for its contribution as the co-naming rights sponsor for the Clouds 2 Coast triathlon in Jurien Bay on the weekend of 28 and 29 October 2017.

9.1.4 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 AUGUST 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	19 September 2017
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 August 2017

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 August 2017.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 August 2017 was \$9,028,353. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 SEPTEMBER 2017

Note 14 of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 31 August 2017 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Financial statements for the period ending 31 August 2017 (Doc Id: 98452)
(Marked 9.1.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 31 August 2017 be adopted.

9.2 INFRASTRUCTURE SERVICES

9.2.1 CBH MOBILE SAMPLING UNIT RELOCATION

Location:	Reserve 45274 Meagher Drive, Badgingarra Town-site
Applicant:	CBH Group
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Reserves and Public Land
Disclosure of Interest:	Nil
Date:	18 September 2017
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Council to consider authorisation to relocate the CBH mobile sampling unit from the initial location at Old Badgingarra town-site on the corner of North West Road and McNamara Road to the Information Bay located on Reserve 45724, in the current Badgingarra town-site on Meagher Drive opposite the Badgingarra Roadhouse, as a trial for the 2017/18 grain harvest.

BACKGROUND

A request was received from local growers and CBH Group, through West Midlands Group, to authorise the location of a mobile sampling unit for a period of six weeks from mid-November to December 2013 during the 2013 harvest.

CBH previously approved the facility to be housed at the old Badgingarra town-site, which is on the corner of North West Road and McNamara Road, Badgingarra. This was initially set up for a successful trial period of six weeks from mid-November to December 2013. This request for further extend by Council for the 2014 harvest and has continued to operate in this location each harvest since 2013.

The installation of the facility included the following requirements:

- Signs warning road users of the trucks entering and exiting this area be installed.
- The Badgingarra Primary School be advised of the activity and information be provided to all parents of school children in regards to the mobile testing unit and the movement of trucks in this area.
- CBH has a full time officer based at the site during its operation who will be responsible to ensure signs are up and any issues with truck movements are managed on the spot.
- The Shire assessed and investigated existing gravel tracks onsite and undertook minor maintenance works required to provide safe and effective access for the trucks.

In 2017 local growers of the Badgingarra community have expressed a desire to relocate the CBH Sampling Facility to within the Badgingarra town-site in the Information Bay (Reserve 45724) on Meagher Drive opposite the Badgingarra Roadhouse. The key reasons for this are:

- Provide truck drivers better access to Brand Highway once their trucks have been sampled.
- Provide increased opportunities for commercial premises in Badgingarra through increased traffic within the town-site.

COMMENT

Upon request from the local grower groups regarding the possible relocation of the CBH Sampling Unit, information was presented to Councillors for discussion at Council Forum on Thursday 24 August 2017 (Attachment 1). Following Council Forum, Shire Officers met with representatives of local grower and community groups onsite to further discuss key challenges regarding the possible relocation of the CBH Sampling Unit.

Key challenges discussed onsite included:

- Information Bay Footprint
 - Location of sampling point relative to the Information Bay footprint.
 - Traffic flow and turning movements specific to the Information Bay.
- Badgingarra Traffic Management
 - Traffic flow and turning movements throughout the town of Badgingarra.
 - Vegetation management to improve visibility for traffic.
- Restricted Access Vehicles (RAV) on Meagher Drive
 - Currently Meagher Drive is not RAV rated by Main Roads Heavy Vehicles Operations (HVO)
 - Main Roads HVO deemed the street and associated intersections not suitable for either 27.5m vehicle combinations or 36.5m vehicle combinations.
 - Issues with swept paths at intersections with both Brand Highway and North West Road.

- Sampling Unit Relocation
 - Site works required to adequately relocate the sampling hut.
 - Responsibilities for ongoing maintenance and storage of the Sampling Unit.

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The following table identifies and summarises the options for the relocation of the sampling unit within the Information Bay, as well as outlining the key advantages and challenges of each option. Sketches for each option have been outlined in Attachment 2 – CBH Relocation Options.

Option	Advantages	Challenges
<p>Preferred Option</p> <ul style="list-style-type: none"> ▪ Enter Meagher Drive from North West Road ▪ Traffic flow to be clockwise around Meagher Drive ▪ Turn right when entering Information Bay opposite Badgingarra Landmark ▪ Sampling Unit located in area immediately north of Information Bay. ▪ Trucks line up for Sampling Unit on right hand (north) side of Information Bay (remaining traffic to congregate and flow on left hand (southern) side of information bay) ▪ Turn right exiting Information Bay into Meagher Drive opposite roadhouse. ▪ Option to turn either left or right into Brand Highway when existing from Meagher Drive 	<ul style="list-style-type: none"> ▪ Preferred option of local growers ▪ Offers best location for sampling hut in terms of sampling from right hand side. ▪ Sampling Unit located external to Information Bay footprint. ▪ Better visibility for heavy vehicles entering Brand Highway from Meagher Drive, as opposed to poor sight distance when entering from North West Road. ▪ Stacking distance within Information Bay allows for approximately 3 road trains (1 waiting, 1 sampling, 1 waiting to be sampled) 	<ul style="list-style-type: none"> ▪ Heavy vehicles turning on Meagher Drive that was resurfaced in 2015, but the surface is not designed for such significant heavy vehicle turning movements and loads. ▪ Long term RAV access to Meagher Drive ▪ Traffic flow through the information bay requires trucks to park on the right hand side of the bay for sampling, which is unnatural to normal traffic flow. ▪ Heavy vehicles making right hand turns across Meagher Drive, as opposed to left hand turn in and left hand turn out.
<p>Preferred Option - B</p> <ul style="list-style-type: none"> ▪ Enter Meagher Drive from North West Road ▪ Traffic flow to be clockwise around Meagher Drive ▪ Turn right when entering Information Bay opposite Badgingarra Landmark ▪ Sampling Unit located in area immediately south of Information Bay between Information Bay and Meagher Drive. ▪ Trucks line up for Sampling Unit on left hand (north) side of Information Bay (remaining traffic to congregate and flow on right hand 	<ul style="list-style-type: none"> ▪ Similar to preferred option of local growers ▪ Offers location for sampling hut in terms of sampling from left hand side which is best for overall natural traffic flow. ▪ Offers location for sampling hut to be outside of information bay footprint. ▪ Better visibility for heavy vehicles entering Brand Highway from Meagher Drive, as opposed to poor sight distance when entering from North West Road. ▪ Traffic flow through the information bay 	<ul style="list-style-type: none"> ▪ Heavy vehicles turning on Meagher Drive that was resurfaced in 2015, but the surface is not designed for such significant heavy vehicle turning movements and loads. ▪ Long term RAV access to Meagher Drive ▪ Preferred parking for trucks is on right hand side of Information with Sampling Unit located on the immediate right hand side as well. ▪ Heavy vehicles making right hand turns across Meagher Drive, as opposed to left

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<p>(southern) side of information bay)</p> <ul style="list-style-type: none"> ▪ Turn right exiting Information Bay into Meagher Drive opposite roadhouse. ▪ Option to turn either left or right into Brand Highway when existing from Meagher Drive 	<p>requires trucks to park on the left hand side of the bay for sampling, which is a more natural traffic flow.</p> <ul style="list-style-type: none"> ▪ Stacking distance within Information Bay allows for approximately 2 road trains (1 sampling, 1 waiting to be sampled) 	<p>hand turn in and left hand turn out.</p> <ul style="list-style-type: none"> ▪ Limited visibility to the left for trucks exiting Information Bay into Meagher Drive. ▪ Sampling Unit located external to Information Bay footprint, but in a drainage swale.
<p>Alternative Option</p>		
<ul style="list-style-type: none"> ▪ Turn left from North West Road into Brand Highway ▪ Enter Meagher Drive from North West Road ▪ Traffic flow to be anti-clockwise around Meagher Drive ▪ Turn left when entering Information Bay opposite Badgingarra Roadhouse. ▪ Sampling Unit located in area immediately north of Information Bay. ▪ Trucks line up for Sampling Unit on left hand (north) side of Information Bay (remaining traffic to congregate and flow on right hand (southern) side of information bay) ▪ Turn left exiting Information Bay into Meagher Drive opposite Badgingarra Landmark. ▪ Option to turn either left or right into North West Road when existing from Meagher Drive. ▪ Option to turn either left or right into Brand Highway when existing from North West Road. 	<ul style="list-style-type: none"> ▪ Traffic flow entering and existing information Bay on Meagher Drive is left hand in and out, which is a more natural traffic flow. ▪ Traffic flow through the information bay requires trucks to park on the left hand side of the bay for sampling, which is a more natural traffic flow. ▪ Stacking distance within Information Bay allows for approximately 3 road trains (1 waiting, 1 sampling, 1 waiting to be sampled) 	<ul style="list-style-type: none"> ▪ Heavy vehicles turning on Meagher Drive that was resurfaced in 2015, but the surface is not designed for such significant heavy vehicle turning movements and loads. ▪ Long term RAV access to Meagher Drive ▪ Preferred parking for trucks is on right hand side of Information with Sampling Unit located on the immediate right hand side as well. ▪ Heavy vehicles entering Brand Highway from North West Road have limited sight distance in 110km/h speed zone. ▪ Increased heavy vehicle movements along Brand Highway between the intersections of North West Road and Meagher Drive.

There are considerable challenges associated with Restricted Access Vehicles (RAV) along Meagher Drive and its intersections with Brand Highway and North West Road.

- Currently Meagher Drive is not RAV rated by Main Roads Heavy Vehicles Services (HVS).
- Previously transport operators delivering goods to Badgingarra Landmark had requested upgrading of the RAV rating to Network 6,
- This was rejected by Main Roads HVS due access at the intersections of Meagher Drive with both Brand Highway and Northwest Road being deemed not suitable for either 27.5m vehicle combinations or 36.5m vehicle combinations.
- Any vehicles using Meagher Drive that are RAV rated are doing so illegally.

Shire Officers have made enquiries with Main Roads HVS as to whether Meagher Drive is exempt from requiring RAV rating under the *Harvest Mass Management Scheme Business Rules* (Attachment 3) which was introduced for the 2016 harvest and is intended to provide improved flexibility with movement of grains from paddock to receival facilities. This stipulates the following:

“During the 2017-18 harvest season period detailed on the HMMS Order, a RAV may be driven on any road, provided:

- a) The road/s are being used to transport grain from a paddock to a participating Grain Receiver, or used to return to a paddock after delivering grain to a participating Grain Receiver;*
- b) The road/s are the most direct route from the paddock to the nearest road approved for RAV Network access;*
- c) The RAV combination is not a higher RAV Category than the nearest RAV Network; and*
- d) The driver complies with the conditions specified in subclauses 6.2 to 6.7.*

Current North West Road is RAV Network 6 rated and Brand Highway is RAV Network 7 rated. Shire Officers are of the understanding that allowing RAV access up to Network 6 (as per North West Road) on Meagher Drive is within the above outlined *HMMS Business Rules*, however they are seeking further clarification from Main Roads HVS on this issue.

Should Council be conducive to the idea of relocating the existing facility to the Information on Meagher Drive, a number of key items will need to be addressed prior to the site becoming operational. Specific items are to be addressed by either: the Shire or the CBH / Local Grower / Community Group and are outlined in the table below:

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 SEPTEMBER 2017

Responsible Organisation	Items
Shire	<ul style="list-style-type: none"> ▪ Nominate single point of contact for communication ▪ Removal of vegetation on Meagher Drive to improve visibility at entrance and exit of Information Bay. ▪ Monitoring of road surface conditions. ▪ Review and approval of traffic management plans. ▪ Discussions with Main Roads HVO regarding long term RAV access to Meagher Drive. ▪ Investigation and review of onsite incidents.
CBH Local Grower Group Community Groups	<ul style="list-style-type: none"> ▪ Nominate single point of contact for communication ▪ Clearing of site, importation of base pad materials and development of base pad for sampling. ▪ Relocation of Sampling Unit. ▪ Installation of Sampling Unit in line with Building Code. ▪ Services and communication to site. ▪ Provide Shire officers with traffic management and signage plan. ▪ Daily implementation of traffic management and signage plan. ▪ Keep a record of traffic incidents on site. ▪ Removal and storage of Sampling Unit post-harvest to Shire depot in Badgingarra.

On-going Challenges

Shire Officers have identified a number of on-going challenges and risks associated with the site, no matter which option is determined. These will require on-going observation throughout the course of the trial period in order to minimise on-going risks and fine tune the process and benefits for all parties going forward. These challenges include:

- Heavy vehicles turning on Meagher Drive
 - The street was resurfaced in 2015,
 - The pavement and surface is not designed for such significant heavy vehicle turning movements and loads.
 - There is concern that the proposed truck movements will cause considerable damage to the street surface which may require expensive rectification works.

- Long term RAV access to Meagher Drive.

- Heavy traffic flow through the Information Bay;
 - The interaction of heavy vehicles and general traffic.
 - The pavement and surface not being designed for such significant heavy vehicle turning movements and loads.
 - There is concern that the proposed truck movements will cause considerable damage to the Information Bay surface which may require expensive rectification works.

Shire Officers have reviewed the key information and characteristics associated with the site and proposed relocation of the CBH Sampling Unit to the Badgingarra Information. They acknowledge that the proposed site poses challenges and risks that need to be monitored and suggest that the relocation is undertaken as trial for the 2017 harvest. It is recommended that Shire Officers further meet with local representatives to further discuss and finalise key items associated with the relocation of the CBH Sampling Unit.

CONSULTATION

- Acting Executive Manager Regulatory Services
- Operations Supervisor - Dandaragan
- Badgingarra Community Association
- Badgingarra Chamber of Commerce
- Local growers
- West Midlands Group
- Main Roads Heavy Vehicle Services

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Shire of Dandaragan Policy 7.5 *Restricted Access Vehicle Routes*.

FINANCIAL IMPLICATIONS

Considerable preparation works will be required by CBH to ensure the site is suitable for the relocation of the Sampling Unit. These entail earthworks associated with the clearing and development of the base pad for the proposed relocated unit. Shire Officers are of the opinion that these works and associated costs should be borne by CBH as part of the relocation process.

Should the works be required to be undertaken by the Shire these would need to be undertaken as “private works”, with costs on-charged to CBH. Shire Officers estimate that the costs to undertake these works could be up to \$10,000 (ex GST).

There may be some minor in-kind works that the Shire can assist with which would be charged to the road maintenance budget location “Badgingarra Town-site Verges”.

Shire staff have flagged that there could be ongoing risks with the maintenance of Meagher Drive road pavement surface as a result of increase heavy vehicle turning movements on this road. At this point in time an indicative cost cannot be provided for such maintenance activities, but should the trial proceed for longer than a year it is likely that the road surface will need to be upgrade to asphalt.

STRATEGIC IMPLICATIONS**2016 – 2026 Community Strategic Plan**

<i>Goal 1: Great Place for residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

<i>Goal 3: Strong and connected community</i>	
Objectives	How the Shire will contribute
3.4 Support community-led initiatives e.g. community owned assets and visual art	b) Support community self-management or resources where appropriate

ATTACHMENTS

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

- Council Forum Item August 2017 (Doc Id: 96564)
- CBH Relocation (Doc Id: 98313)
- Main Roads WA Harvest Mass Management Scheme Business Rules (Doc Id: 98314)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council authorise the CBH Group to re-locate the CBH Mobile Sampling Unit from old Badgingarra town-site to the Information Bay on Reserve 45724, on Meagher Drive, within the current Badgingarra town-site for a one year trial over the 2017 harvest period subject to:

- a. Main Roads HVS approval for Restricted Access Vehicles Network 6; and**
- b. The CEO further meet with CBH and local grower group representatives, onsite to further discuss and finalise key items associated with the relocation and determine final Sampling Unit location option.**

Conditions:

CBH to be responsible for:

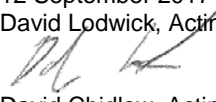

- 1. All works and costs associated with preparation and relocation of the sampling unit to an acceptable standard approved by Shire Officers.**
- 2. Undertaking a dilapidation inspection and survey, with Shire Officers, of relevant Shire infrastructure on Meagher Drive and the Information Bay prior to the commencement and at the end of the trial period;**
- 3. Reporting any immediate damage of Shire Infrastructure to Shire Officers; and**

4. **Costs associated with remedial repairs that may be required to Shire infrastructure during and following the trial period.**

9.3 GOVERNANCE & ADMINISTRATION

9.4 DEVELOPMENT SERVICES

9.4.1 PROPOSED SCHEME AMENDMENT NO. 32 – RESERVE 39056 - LOT 11503 HERSCHELL ROAD, BOOTHENDARRA

Location:	Reserve 39056 - Lot 11503 Herschell Road, Boothendarra
Applicant:	Town Planning Innovations on behalf LandCorp
Folder Path:	Business Classification Scheme / Land Use and Town Planning / Planning / Planning Scheme / Amendment 7.32
Disclosure of Interest:	None
Date:	12 September 2017
Author:	David Lodwick, Acting Manager Planning
Signature of Author:	
Senior Officer:	David Chidlow, Acting Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of a request to amend Town Planning Scheme No.7 by rezoning Lot 11503 Herschell Road (known as Reserve 39056) which has been identified as surplus to government requirements, from Local Scheme Reserve for 'Public Purposes' to 'Rural' zone and listing the land with Restricted Uses with land use and development controls in Schedule 3 including restricting habitable buildings.



The amendment ensures that no habitable buildings are able to constructed on the lot due to poor access, and the bushfire

management considerations, with the lot being within a bush fire prone area and having only single road access.

BACKGROUND

Reserve 39056 is designated for the purpose of an 'Agricultural Research Station' and has been identified for sale by the State Government under the Land Assets Sales Program. The property has an area of approximately 885.63 hectares. The developed portion of the lot has historically been utilised by the previously named Department of Agriculture and Food WA for cropping. The submitted application states that the land was re-classified to 'decontaminated' by the Department of Environment Regulation on 22 November 2016.

Note: Council should note that this proposal (subject of this agenda item) is a separate proposal to another crown reserve (Lot 3712) under the management and control of Department of Agriculture and Food Western Australia which was also surplus to requirements and which is currently being rezoned from 'Public Purpose' to 'Rural' zone under Amendment No.7.

COMMENT

The amendment area is located to the north east of the Badgingarra town-site. The central portion of the lot has been cleared. The large cleared hexagonal area in the central portion of the site is approximately 250ha in size. This area is fenced. In the south-western corner of the hexagonal area is a fenced compound approximately 60m x 60m. This has a concrete ramp/loading area and there are several water tanks still remaining on the site. The balance of the property contains shrubland and scrub vegetation which appears to be in good condition including both pine trees and planted eucalypts up to 20m in height functioning as windbreaks.

Informal access is via a gravel track through adjacent Reserve 27827 (Boothendarra Nature Reserve) and it has road frontage to Herschell Road (unconstructed).

In regards to access, the proposed amendment is accompanied by a Bushfire Management Plan prepared by Lush Fire and Planning.

Section 4.1 of the Bushfire Management Plan states:

"The relationship of the subject land to the surrounding district is shown in Figure 5.

The subject land is in an elevated position with large areas of remnant vegetation both within the subject land and on the adjoining properties. In particular, the site adjoins the

Boothendarra Nature Reserve which is managed by the Department of Parks and Wildlife.

There is only an access to the property from a single direction. Secondary access is potentially available through the nature reserve, but there is no obligation for this to remain open. It also appears to be a 4WD access and unsuitable for conventional vehicles.

The access to the subject land does not follow the Herschell Road reserve and if the proposal proceeds then it would be necessary to have some form of agreement with DPaW to recognise the current alignment of the access road. In addition, the access road is generally a single lane access with no passing bays or turn around areas.”

In light of the above, the amendment request was referred to the Department of Biodiversity, Conservation and Attractions for comment (DBCA) in the first instance. A copy of the advice is attached. No objection is offered. The DBCA raised no concern with current access arrangements. DBCA supports the amendment's conclusion that the land is not suitable for any future habitable purposes. Clearing limitations would apply given the likely presence of Carnaby's Black Cockatoo which is a species listed for protection under the Federal Government's *Environment Protection and Biodiversity Conservation Act 1999*. The DBCA would support being listed as a referral agency, as a requirement listed in Schedule 3 (Restricted Uses) for the subject land for any future development application. This suggestion has now been added to the amendment. Clearing restrictions form part of the proposed amendment.

It is recommended that Council support this standard amendment for public advertising.

CONSULTATION

Advice was sought from the new Department of Biodiversity, Conservation and Attractions (previously Department of Parks and Wildlife prior to July 1st) due to identified access impacts. A mandatory consultation process will apply should the proposal to rezone the land be supported.

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<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:

- Amendment Proposal (Doc Id: 95421)
- DBCA response letter (Doc Id: 96965)
- Location Map (Doc Id: 98243)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

A. In pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend Shire of Dandaragan Local Planning Scheme No.7 by;

- 1. Re-classifying Lot 11503 Herschell Road, Boothendarra (known as Reserve 39056) from Local Scheme Reserve for Public Purposes to Rural zone, as depicted on the Scheme Amendment map.**
- 2. Listing Lot 11503 Herschell Road, Boothendarra (known as Reserve 39056) in Schedule 3 – Restricted Uses with landuse and development controls as follows:**

No	Description of Land	Restricted use	Conditions
R2	Lot 11503 Herschell Road Boothendarra (known as Reserve 39056)	Agriculture – Extensive – P The local government has discretion to consider the following land uses: Agriculture Intensive – D Agroforestry – D Animal husbandry Intensive –D	(a) In considering any planning application the Shire will take into consideration matters such as bushfire risk, clearing of vegetation, access arrangements and land use buffers. (b) Where development

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		<p>Community Purpose – A Extractive Industry – A Rural Industry – A Rural Pursuit - D</p>	<p>relies on access from an unconstructed dedicated road the local government may grant approval to the application subject to a condition requiring the applicant to pay a contribution towards the cost of constructing the road to a rural trafficable standard.</p> <p>(c) In order to conserve the environment, existing native vegetation shall be retained unless:</p> <ul style="list-style-type: none"> (i) Required for firebreaks and clearing associated with bushfire management as deemed necessary by the local government and/or other authority; (ii) For access if the lot is amalgamated with another land parcel; (iii) The vegetation is dead, diseased or dangerous requiring removal for safety reasons; or (iv) Removal is approved in writing by the local government. <p>(d) Any future planning application(s) on the land be referred to the Department of Biodiversity, Conservation and Attractions for comment</p>
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B. Resolves, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations

2015 (the Regulations), that Amendment No.32 is a standard amendment for the following reasons:

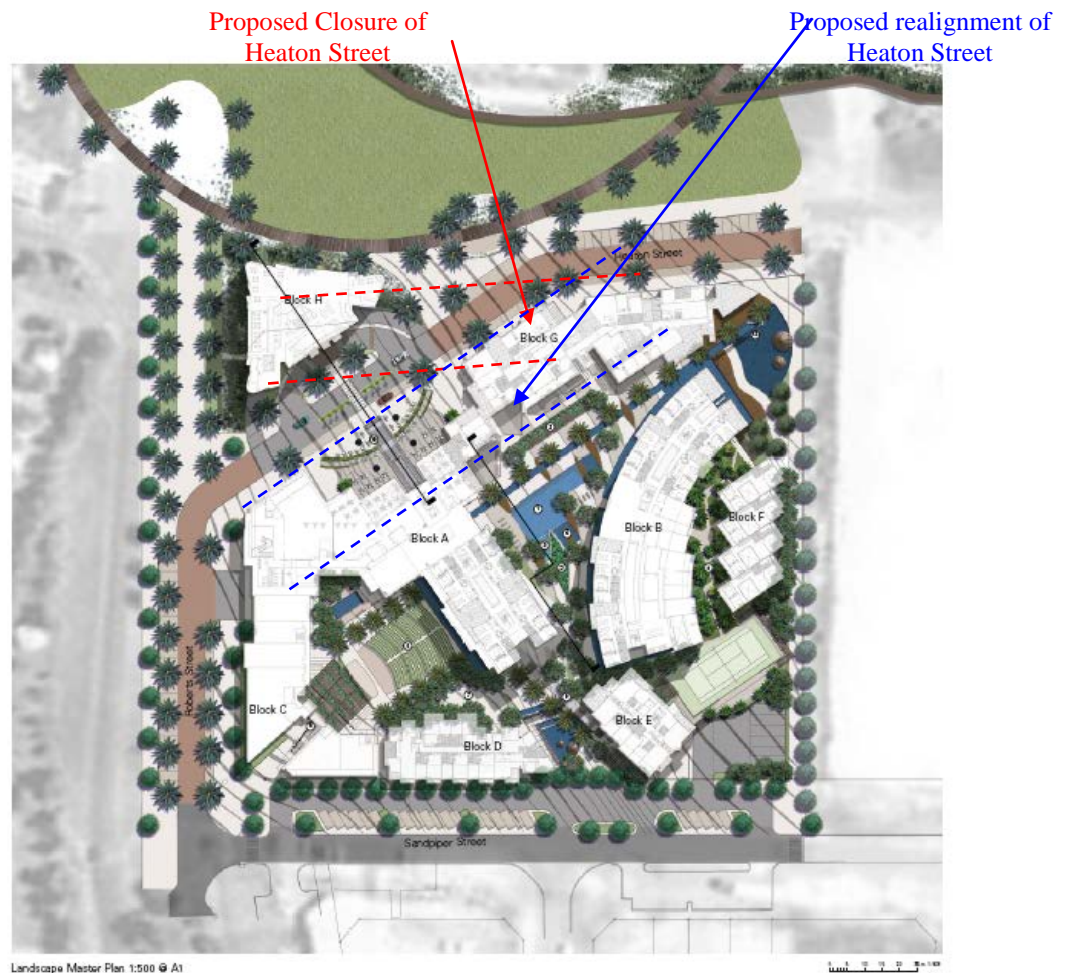
- a) The proposed Scheme Amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - b) The proposed Scheme Amendment does not result in any significant environmental, social, economic or governance impacts on the land within the scheme area;
- C. Advise the applicant of its resolution and request applicant preparation of a satisfactory number of copies of Scheme Amendment documents in accordance with requirements of the Town Planning Regulations 1967;
 - D. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
 - E. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment No.32 to the Environmental Protection Authority;
 - F. Pursuant to regulation.37 (2) of the Regulations, provides two copies of Amendment No.32 to the Western Australian Planning Commission;
 - G. Subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended).

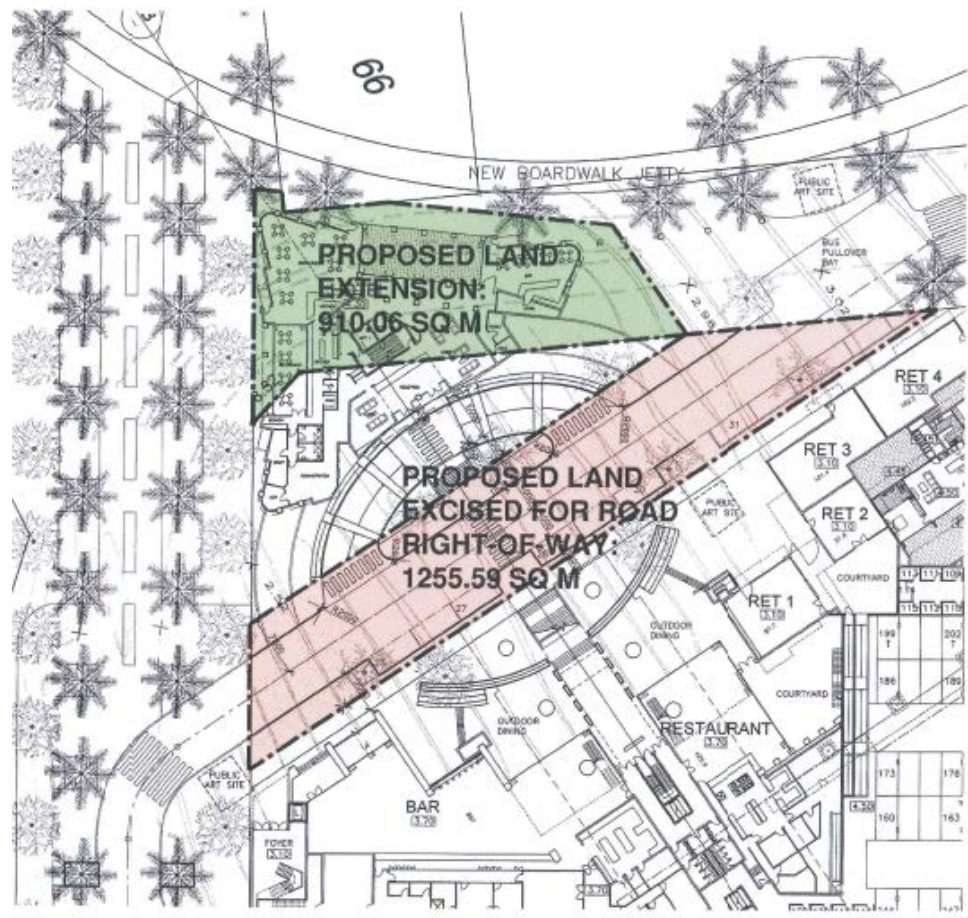
9.4.2 PROPOSED ROAD CLOSURE - PORTION OF HEATON STREET ROAD RESERVE, JURIE BAY

Location: Portion of Heaton Street Road Reserve
 Applicant: Burgess Design Group
 Folder Path: Business Classification Scheme / Roads / Road Closures / Permanent
 Disclosure of Interest: None
 Date: 5 September 2017
 Author: David Lodwick, Acting Manager Planning
 Signature of Author: 
 Senior Officer: David Chidlow Acting Executive Manager Development Services
 Signature of Senior Officer: 

PROPOSAL

Council to consider closing a portion of Heaton Street road reserve.





BACKGROUND

The closure is required to facilitate the future development of a tourist resort/mixed use development on adjoining Lot 62 Roberts Street, Jurien Bay which is zoned for such purpose with special development conditions listed under Schedule 4, Special Use Zone 4 of the Shire of Dandaragan's Town Planning Scheme No.7.

Scheme Condition 10 for the subject land states:

"Prior to the approval of any development on Lot 62, the closure realignment and land transfers of a portion of the Heaton Street road reserve must be finalised to the satisfaction of the local government."

The development proposes to excise a 15 metre wide road reserve (approximate area: 1255.59m²) for the purpose of realignment of Heaton Street. This will be to the leeward side of the hotel to be developed on land subdivided from Council land (approximate area: 910.06m²) then combined with the balance of the existing block to the west of the proposed new road reserve.

COMMENT

Should the proposed closure of portion of Heaton Street Road Reserve be supported, a request will then need to be made to the Minister for Lands under Section 58 of the Land Administration Act 1997.

This is the first part of a two-part process. If Council resolves to initiate the road closure it will be the subject of a public advertising period as per the provisions of the Land Administration Act 1997. After the advertising period has been completed, a further report will be prepared for Council consideration, such that the comments received during the advertising period can be taken into consideration and for a formal recommendation to be made accordingly. Should Council then determine to proceed with the closure, a formal request would be lodged with the Minister for Lands under Section 58(1) of the Land Administration Act 1997 to close the affected portion of road and amalgamate into Lot 62.

CONSULTATION

The road closure process operates under Section 58 of the Land Administration Act 1997, which requires a minimum 35 day public comment/referral period to all affected landowners and government agencies are to be consulted. A notice is also required to be published in a newspaper circulating in the district.

STATUTORY ENVIRONMENT

- Local Government Act 1995
- Land Administration Act 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Once the proposal has been formally adopted by Council, the costs of the road closure process, surveying and dedication of road realignment should be borne by the applicant. The Shire will need to indemnify the Minister of all costs and charges in association with the closure.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
Business as usual	a) Strategic land use planning and projects b) Development Applications

ATTACHMENTS

Nil

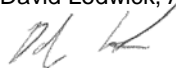
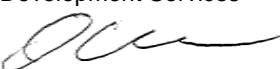
VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council resolve to commence the road closure process for a portion of Heaton Street, Jurien Bay in accordance with Section 58 of the Land Administration Act 1997.

9.4.3 PROPOSED SCHEME AMENDMENT NO. 33 – SCHEDULE 4 SPECIAL USE ZONE 4, CONDITION 5 - LOT 62 ROBERTS STREET, JURIEN BAY & PART OF HEATON ROAD RESERVE

Location:	Lot 62 Roberts Street, Jurien Bay
Applicant:	Burgess Design Group
Folder Path:	Business Classification Scheme / Land Use and Town Planning / Planning / Planning Scheme / Amendment 7.33
Disclosure of Interest:	None
Date:	12 September 2017
Author:	David Lodwick, Acting Manager Planning
Signature of Author:	
Senior Officer:	David Chidlow, Acting Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of a request to amend Condition 5 in Schedule 4 – Special Use zone 4 so as to read as follows:

'Prior to the commencement of development, the site is to be remediated to ensure that it is suitable for the form of development proposed.'

BACKGROUND

The scheme conditions were the subsequent result of Council consideration of the original development application for a mixed use tourist resort at its meetings of February and December 2011.

Condition 5 in Schedule 4 - Special Use Zone 4 currently reads:

'Prior to the approval of development the site is to be remediated, in accordance with the Contaminated Sites Act 2003. Validation of remediation of any contamination identified on the site is to be to the satisfaction of the local government and the Department of Environment Regulation.'

COMMENT

The current wording restricts the ability to obtain 'approval' of any development of the site. The amendment will allow for the condition to be fulfilled at a later stage in the planning process and reflect the intended use, but still 'prior' to commencement of development of the site.

The Department of Water and Environmental Regulation (DWER) has provided advice on the amendment request following referral by the Shire.

It is recommended that the wording suggested by DWER form the basis of a scheme amendment.

CONSULTATION

The new Department of Water Environmental Regulation was referred the proposal and requested to provide comment.

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Applicant amendment request (Doc Id: 96984).
- Advice from Department of Water and Environmental Regulation (Doc Id: 97289)
- 17 February 2011 Minute Extract Item 9.4.3 (Doc Id: 98433)
- 15 December 2011 Minute Extract Item 9.4.1 (Doc Id: 98439)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

- A. In pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend Shire of Dandaragan Local Planning Scheme No.7 by;**

Amending Schedule 4 – Special Use Zone 4, Condition 5 to read as follows:

“Prior to the commencement of development the site is to be remediated to the extent required for its intended use.”



Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation Contaminated Sites Guidelines.”

Advice:

“In relation to Condition 5 and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor’s Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 5. *A current list of accredited auditors is available from www.dwer.wa.gov.au.*”

- B. Resolves, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment No.33 is a basic amendment as it proposes to amend the scheme text to correct an administrative error to reflect the timing of the requirement and the current Department of Water and Environmental Regulation Contaminated Sites Guidelines;**
- C. Advise the applicant of its resolution and request applicant preparation of a satisfactory number of copies of Scheme Amendment documents in accordance with requirements of the Town Planning Regulations 1967;**
- D. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.**
- E. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment No.33 to the Environmental Protection Authority;**
- F. Pursuant to r.58 of the Regulations, provides Amendment No.33 to the Western Australian Planning Commission.**

9.4.4 PROPOSED SCHEME AMENDMENT NO. 34 – SCHEDULE 4 SPECIAL USE ZONE 4, CONDITIONS 6, 8, 10 & 11 - LOT 62 ROBERTS STREET, JURIE BAY & PART OF HEATON ROAD RESERVE

Location:	Lot 62 Roberts Street, Jurie Bay
Applicant:	Burgess Design Group
Folder Path:	Business Classification Scheme / Land Use and Town Planning / Planning / Planning Scheme / Amendment 7.34
Disclosure of Interest:	None
Date:	5 September 2017
Author:	David Lodwick, Acting Manager Planning
Signature of Author:	
Senior Officer:	David Chidlow, Acting Executive Manager Development Services
Signature of Senior Officer	

PROPOSAL

A scheme amendment is proposed to address the 'timing' of actions relating to existing scheme conditions 6, 10 and 11 for the proposed mixed use tourist resort development application recently lodged with Council.

The wording of Condition 8 is also proposed to be changed as part of this amendment to address an ambiguity and inconsistency between Conditions 8 and Condition 2(xiv) as it affects the above development proposal.

BACKGROUND

Scheme conditions for the subject land were gazetted on 18/9/15.

The scheme conditions were the subsequent result of Council consideration of the original development application for a mixed use tourist resort at its meetings of February and December 2011.

A fresh development application has now been lodged and as part of the assessment of this new application it has become apparent that some of the gazetted conditions require further amending to allow some outstanding issues to be resolved later in the planning process. This is the purpose behind the suggested change to the wording of conditions 6, 10 and 11.

The ambiguity between Condition 8 and Condition 2 (xiv) relates to the issue of proportion of permanent residential units to short stay units. It is understood that the intent has always been to calculate the totals across the site – to include any hotel and motel units as part of the short-stay calculation. However, the final wording of gazetted Condition 8 in the scheme now appears ambiguous and inconsistent when considered in the context of Condition 2(xiv).

COMMENT

Existing Scheme Conditions 6, 10 and 11 for the subject land currently require the following actions to be undertaken 'prior to approval of development.'

- The preparation of the required Coastal Hazard Risk Management and Adaptation Plan;
- The closure, realignment and land transfers of a portion of the Heaton Street road reserve; and
- Completion of the ceding of a minimum 11 metre wide street along the north east boundary of the land, providing a connection between Heaton and Sandpiper Streets.

The above matters have not yet been completed. The proposed amendment will enable these issues to continue to be progressed while the current development application for the mixed use tourist development is considered, assessed, and if satisfactory conditionally approved.

These outstanding issues will still be undertaken as required, but are proposed by the amendment to be resolved 'prior to commencement of development', rather than the current 'prior to approval of development.'

The proposed scheme amendment also recommends deletion of the word "other" in Condition 8. In reading the existing text below it would seem that the current wording effectively excludes Hotel and Motel Use in the calculation of the permanent/short stay ratio. From previous reporting as discussed above, the ratio totals were to be applied across the whole site.

Condition 8 currently reads:

"8. Any proposed 'Hotel' or 'Motel' on the land shall provide 100% short-stay accommodation. For all other accommodation units proposed on the land, the maximum proportion of permanent residential units relative to the total number of short stay units on the site shall be equal to or less than 45%"

With the suggested amendment, the matter of proportion of permanent residential to short stay accommodation will be clear and not in conflict with Condition 2 (xiv) relating to the Local Development Plan requirements for the proposal which reads:

"2(xiv). Evidence that the proportion of permanent residential accommodation units relative to the total number of accommodation units on the site will be equal to or less than 45%."

The new development application currently being assessed and similar to the original proposal previously supported by Council

would comply in respect of permanent/short stay percentage ratio with suggested amendment correction to the administrative error in the final wording of existing gazetted Condition 8 above.

CONSULTATION

Not required for a Basic Amendment.

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<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)

There are no strategic implications relevant to this item as the proposal is simply a text amendment to address and make clear the 'timing' of requirements for the individual site and to address an ambiguity between Condition 8 and Condition 2(xiv) of the Scheme conditions for the subject land.

ATTACHMENTS

Refer to previous item for relevant Minute Extracts

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

A. In pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend Shire of Dandaragan Local Planning Scheme No.7 by;

Amending Schedule 4 – Special Use Zone 4, Conditions 6, 8, 10 and 11 to read as follows:

“6. Prior to the commencement of development on the site, a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is to be prepared in accordance with *State Planning Policy 2.6 State Coastal Planning Policy* and approved by the local government. The CHRMAP should include but not be limited to consideration of inundation, erosion, finished floor levels, setbacks and drainage. Relevant adaptation measures are to be implemented at the time of development.”

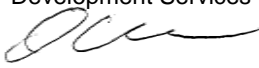
“8. Any proposed ‘Hotel’ or ‘Motel’ on the land shall provide 100% short-stay accommodation. For all accommodation units proposed on the land, the maximum proportion of permanent residential units relative to the total number of short stay units on the site shall be equal to or less than 45%.”

“10. Prior to the commencement of development on Lot 62, the closure, realignment and land transfers of a portion of the Heaton Street road reserve must be finalised to the satisfaction of the local government.”

“11. Prior to the commencement of development, the ceding of a minimum 11 metre wide street along the north east boundary of the land, providing a connection between Heaton and Sandpiper Streets, is to be completed to the satisfaction of the local government.”

- B. Resolves, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment No.34 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the scheme text to correct an administrative error in the wording of Condition 8 and in the timing of actions in relation to Conditions 6, 10 and 11;**
- C. Advise the applicant of its resolution and request applicant preparation of a satisfactory number of copies of Scheme Amendment documents in accordance with requirements of the Town Planning Regulations 1967;**
- D. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.**
- E. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment No.34 to the Environmental Protection Authority;**
- F. Pursuant to r.58 of the Regulations, provides Amendment No.34 to the Western Australian Planning Commission.**

9.4.5 PROPOSED SERVICE STATION AND ASSOCIATED SHOP – LOT 104 CNR MURRAY AND ANDREWS STREETS - JURIE BAY

Location: Lot 104 Cnr Murray and Andrews Streets Jurien Bay
 Applicant: Anita Jaffari
 Folder Path: Development Services Apps / Development
 Applications / 2017 / 13
 Disclosure of Interest: None
 Date: 19 September 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 a service station and associated shop located on Lot 104 Cnr Murray and Andrews Streets, Jurien Bay.

BACKGROUND

This application was considered at the 27 April 2017 Council meeting. The item was deferred pending additional information.

This application is for a Service Station and shop at Lot 104 Murray Street comprising 3 bowser under canopy, each bowser will have six hose capacity. Associated with the service station is a retail area of 136m² in floor area, with a gross floor area of 314m².

Under the Shire of Dandaragan Local Planning Scheme No.7 (the Scheme) zoning is "Commercial". Both "service station" and "shop" uses are permitted "P" uses in this zone.

The Scheme states:

Note: 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

COMMENT

The Council cannot refuse this application, however it may set conditions of approval. The commercial zone in Jurien Bay has no specific development requirements apart from one parking bay per 20m² nett lettable area. All other development requirements are to be determined by the Council in each case as per the below table 2 from Local planning Scheme No.7.

TABLE 2: SITE AND DEVELOPMENT REQUIREMENTS TABLE **

Controls	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Commercial Zone Jurien	*	*	*	*	*	1 bay for every 20 sqm (nla). Ø

** This table is intended as a guideline and may be varied at the discretion of the local government

* Means 'to be determined by the local government in each particular case.'

Land uses are defined in the Scheme as follows;

“service station” means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

A legal opinion was sought as to whether the above definition required a service station to also include (b) as part of a development. Taking several factors into account including previous court cases where the above definition has been challenged, it was concluded that part (b) may be ancillary to a service station but not a requirement for approval.

The Model Scheme Text Regulations use the word “or” rather than “and” in the above definition.

Parking

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

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LAND USE	CAR BAYS	BICYCLE RACKS	Required
Service Station	1 bay for every service unit plus 1 car bay for every employee - minimum of 4 bays		4
Shop	1 bay for 20m ² nla	1 rack for 200m ² GFA	16

The primary use is as a service station and the shop is ancillary to that use.

The scheme requirement of 1 bay for every 20sqm (nla) is more appropriate to an office development rather than a service station and associated shop. Parking is often for short periods and there is space around the bowlers that is generally utilised more than separate designated parking bays.

Given the small scale of this service station development, the provision of 13 bays plus 1 accessible bay in addition to bowser parking is reasonable.

Traffic Movement

The applicant has provided the following amended drawings:

1. *The earlier plan was very "concept" and has been revised following shire discussions regarding parking, road setbacks, disabled and ambulant toilets, access etc.*
2. *Canopy layout reposition for better access*
3. *Truck swept path for tanker fuel delivery included*
4. *Shop layout details added (retail area and shop gross areas added to drawing plan)*
5. *Shop opening hours advised at 6am to 9pm (no plan for 24 hours)*

CONSULTATION

The proposal was previously advertised to surrounding landowners until 26 April 2017. The amended plan will only impact directly on the adjoining landowner. A copy of the amended plan was emailed to the adjoining property owners for comments.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$3500.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Development Plans (Doc Id: 98453, 98454)
- Location Plan (Doc Id: 89359)

(Marked 9.4.5)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning approval to Anita Jaffari for a Service Station and Shop at Lot 104 Cnr Murray and Andrews Streets, Jurien Bay subject to the following conditions:

- 1. All development shall be in accordance with the attached approved plans dated 11 September 2017 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. A finalised Landscape Master Plan and the list of plant species as endorsed by the Chief Executive Officer or his designated representative (prior to development commencing).**
- 3. All landscaping within the site and along the Road Reserves shall be implemented and maintained to a high standard for a period of four (4) years by the proponent in accordance with the approved Landscape Master Plan and the list of plant species as endorsed by the Chief Executive Officer or his designated representative.**
- 4. Provision of 13 new car bays and 1 accessible car bays on-site constructed to a sealed, drained and line marked standard to the satisfaction of the Chief Executive Officer or his designated representative. All new car parking bays will comply with AS2890 Part 1 Parking Facilities - Off**

Street Car Parking.

5. All internal access roads, driveways and service bays shall be fit for purpose and constructed to a sealed and drained standard to the satisfaction of the Chief Executive Officer or his designated representative.
6. Driveway crossovers will not be permitted within 25 metres of a median break or a road intersection and shall be located in accordance with the Main Roads WA standards for sight distances.
7. Any vehicle crossovers are to be designed, constructed and drained to the satisfaction of the Chief Executive Officer or his designated representative prior to commencement of development.
8. Applicants are required to provide a traffic impact assessment prepared by a suitable qualified traffic consultant, which addresses on-site traffic management and road design
9. Prior to commencing any clearing or earthworks onsite, the proponent must submit and have approved a dust management plan in accordance with Shire policy 7.9 Dust management requirements for development works within the Shire of Dandaragan.
10. Directional and other signage to international standards shall be installed around the facility to the satisfaction of the local government. All external signage and entry statements are the subject to a further application to the local government for approval and must comply with the Local Planning Policy 8.6 – Advertising Devices.
11. Any external lighting proposed on the subject property must be installed as to not have a detrimental impact upon traffic in the vicinity or upon the general amenity of neighbouring properties.
12. Applicants are required to demonstrate compliance with noise regulations and State Planning Policy 4.1; State Industrial Buffer Policy.
13. Approval of the Department of Mines and Petroleum.
14. Compliance with the *Environmental Protection (Noise) Regulations 1997*. The applicant is to provide a Noise Management Plan to the satisfaction of the Shire of Dandaragan Chief Executive Officer.
15. All development to comply with the following guidelines;
 - A. Department of Mines and Petroleum (WA) publication, for online information see <www.dmp.wa.gov.au> select *resources safety > dangerous goods .storage and handling Design, installation and operation of UG petroleum storage.*
 - B. *Department of Water - Water quality protection notes (WQPN),*
Water quality protection note 49 - September 2013 Service

stations

- *WQPN 10 Contaminant spills - emergency response*
- *WQPN 62 Tanks for underground chemical storage*
- *WQPN 64 Tanks - closure of underground chemical storage*
- *WQPN 65 Toxic and hazardous substances - storage and use*
- *WQPN 68 Wash-down of mechanical equipment.*

C. Standards Australia -

- *AS 4360 Risk management*
- *AS 4897 The design, installation and operation of underground petroleum storage systems*

D. Standards and best practice guidelines for vapour recovery at petrol service stations (NSW DECCW 2009).



Advice Notes:

1. With reference to drainage conditions, all stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Stormwater retention of run-off from roof and or other paved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the preparation of a building application.
2. Noise levels from any compressors or other mechanical equipment is to not disturb the amenity of nearby sensitive land uses.
3. Grant of planning consent is not a building permit. A building permit must also be obtained for this development.
4. This approval shall expire if the development hereby approved has not been substantially commenced within two years of the date hereof - or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Any extension of approval that may be granted would be for a maximum 12 months and also subject to the receipt of a 'renewal fee' in accordance with the 'Planning Services Fees and Charges Schedule' adopted each year by Council.
5. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development

Act within 28 days of the date of this decision to:

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

9.4.6 PARKLET AND ALFRESCO DINING GUIDELINES

Location:	Whole of Shire (generally commercial areas)
Applicant:	N/A
Folder Path:	Business Classification Scheme / Laws and Enforcements / Local Laws / Thoroughfares
Disclosure of Interest:	None
Date:	14 August 2017
Author:	David Chidlow, Acting Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Council to consider endorsement of “Parklet Guidelines” and “Alfresco Dining Guidelines”.

BACKGROUND

Council received a presentation from an applicant for a proposed “Parklet” in Jurien Bay at the 10 August 2017 Council Forum. An application has since been received and is currently being advertised to adjoining businesses. It is expected that the application will be presented to the September Council meeting for decision.

Definition of “Parklet” from online dictionary - is a small seating area or green space created as a public amenity on or alongside a pavement, especially in a former roadside parking space.

Parklets are a relatively new development that are being rapidly adopted in commercial/entertainment areas in Western Australia and worldwide. The City of Greater Geraldton is currently trialling a Parklet in the Geraldton CBD. Several metropolitan Councils have policies or guidelines that have recently been introduced to manage this type of activity.

The purpose of this report is for Council to endorse “Parklet guidelines” that will assist the Council and staff when considering applications.

Associated with this business is a temporary Alfresco dining area that Council approved in 2014. One of the issues raised at the time was a lack of policy or guidelines relating to alfresco dining on the footpath/verge. A draft “Alfresco Dining Guideline” is also provided for Council to consider.

Both the alfresco area and parklet area are directly linked and of relevance to each other.

COMMENT

Staff initially considered the development of a planning or local government Policy to deal with parklet and alfresco applications.

However the following factors were taken into account before recommending that a guideline be endorsed rather than and prior to a formal policy being drafted.

Planning and Development regulations require that any planning policy be initiated by Council, advertised, and then adopted by the Council. This process can take three months or longer.

Once adopted, any business that complies with the policy can be expected to receive approval irrespective of the suitability of the site. Council may wish to take into account the impact on parking for each proposed development as well as any cumulative effect.

Guidelines provide more flexibility in that there is an expectation that policy will be enforced. As these are a relatively new form of development, a too rigid approach may stifle innovation. In addition, these "Parklets" are temporary structures that are usually granted time limited approvals.

Policy is usually only required where there are a number of similar and routine applications that can be dealt with under delegation. At this stage Council has only received one application, and in the event that we receive three or four similar applications, these can be managed without the need for policy at this stage. In the event that there are more numerous applications, the guidelines can be adopted as formal policy after advertising.

The attached proposed "Parklet guidelines" are based on the City of Bayswater Guidelines as well as the Cities of Fremantle and Vincent Policies. These documents are provided in the attachments.

The proposed Alfresco Dining Guideline is based on the current City of Greater Geraldton Alfresco Dining Policy.

Conditions within the guidelines can be used as planning conditions of approval.

CONSULTATION

Individual applications will be advertised to surrounding businesses at time of application.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Land Administration Act
- Local Government Act

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 SEPTEMBER 2017

FINANCIAL IMPLICATIONS

The following fees and charges are not in the current budget and will be required to be advertised before Council can impose the fee. The below fees are similar to other Local Government charges for Parklets.

- Planning Application Fee \$147.00
- Approval Fee (one off payment) \$1,000.00
- Annual Renewal Fee \$500.00

City of Vincent

PARKLET FEES (16/17)

Preliminary Application Fee \$200.00

Approval Fee (one off payment) \$1,000.00

Annual Renewal Fee \$500.00

City of Fremantle

No fee is payable for an application for approval to install a parklet, however any fee associated with other approvals that may be required, as referred to in 2.5 below, will be payable at the normal rate as specified in the City of Fremantle Schedule of Fees and Charges.

Additional permits and approvals may be applicable and required under relevant local laws or other legislation where a parklet is proposed to be used for a certain purpose, for example an outdoor eating area licence.

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:

- Draft Guidelines for Parklets (Doc Id: 96624)
- Draft Guidelines for Alfresco Dining (Doc Id: 96623)

(Marked 9.4.6)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council

1. receive the “Guidelines for Parklets” (Doc ID 96624) & “Guidelines for Alfresco Dining” (Doc Id: 96623) and advertise these to the community for a period of 28 days.
2. Advertise proposed fees and charges applicable to Parklets as follows:
Planning Application Fee \$147.00
Approval Fee (one off payment) \$1,000.00
Annual Renewal Fee \$500.00

9.4.7 RECONSIDERATION PROPOSED COMMUNITY CHURCH AMENDED PLANS – LOT 217 WHITFIELD ROAD – JURIEN 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: 19 September 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 reconsideration of the Council decision to refuse planning approval for use and development of a non-denominational community church at Lot 217 Whitfield Road, Jurien Bay based on amendments to the plans showing additional parking.

BACKGROUND

Council at its meeting held on 27 July 2017 refused planning approval for a community church at Lot 217 Whitfield Road, Jurien Bay as follows;

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.*

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 89m². The lot size is 924m².

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.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 SEPTEMBER 2017

'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	

The amended application provides details of the proposed seating for a maximum of 60 persons. This equates to a requirement for 15 car bays as per the above table.

A total of 15 (incl 1 disabled) parking bays are detailed on the submitted plans which meets the Scheme requirements. However 4 bays are shown as provided in the road verge adjoining the subject property. The Scheme states;

4.8.1.8 Where a developer can satisfy the Local government that the minimum car parking requirements cannot be provided on the site the Local government may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:

- (i) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing the land and constructing the parking spaces required by the Scheme. The value of that area of his land which would have been occupied by the parking spaces may be stated by the Valuer General or by a licensed valuer appointed by Local government.*
- (ii) Before the Local government agrees to accept a cash payment in lieu of the provision of parking spaces the Local government must have already provided a public car park nearby, or must have firm Shire of Dandaragan LPS 7 Page No.24 proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.*
- (iii) Payments made under this clause shall be paid into a special fund to be used to provide public car parks.*

The proposed parking out the front could during the week be used for public parking to the medical facilities. Submitters to the proposal have advised that the area gets quite busy with parking of vehicles on their verge from visitors to the medical facilities.

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 relating to parking have been addressed by the applicant.

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;*
- (zb) any other planning consideration the local government considers appropriate.*

Should Council determine that the use of Church is not appropriate for this location and refuse the application, the following draft conditions of approval are provided.

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 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.*
2. *the proposed development does not comply with orderly and proper planning for the locality.*

ADVICE NOTES:

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

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

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.

Emails were sent to those that made submissions advising of the proposed amended plans seeking comments. One reply was received and is included in the attachments.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

- Local Planning Policy 8.7 Planning 'Car Parking'

FINANCIAL IMPLICATIONS

The applicant will be required to pay a development application fee of \$147, being a religious organisation the subject property will be exempt from rates.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Site Plan and elevations (Doc Id: 98456)
- Location Plan (Doc Id: 95074)
- Submissions received on amended development (Doc Id: 98501)

(Marked 9.4.7)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning approval for the proposed Church “Place of Worship” on Lot 217 Whitfield Road, Jurien Bay subject to the following conditions of approval;

- 1. All development shall be in accordance with the attached plans marked 17/WP/1,2,&3 REV 3 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 60 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.
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.
12. The payment of cash in lieu for a shortfall in the car parking to the local government in accordance with the following requirements;
 - a. The land value component for each car bay, as determined in accordance with statement 3.6 of the Parking Policy and based on an area of 27.5m² per car bay inclusive of manoeuvring area, but excluding standard crossovers, and
 - b. The estimated construction cost as determined in accordance with statement 3.7 of the Parking Policy, unless the applicant accepts responsibility to construct the said bays to the local government's parking and engineering specifications.
 - c. Reimbursement for the costs incurred by the local government in engaging a licensed valuer and engineer, if applicable; and

- d. All payments being made to the local government prior to first occupation of the building or by alternative arrangement as agreed to by the Chief Executive Officer.

Advice:

- A. 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.

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – AUGUST 2017 COUNCIL STATUS REPORT

Document ID: 97382

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 24 August 2017. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – AUGUST 2017

Document ID: 97875

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for August 2017. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – AUGUST 2017

Document ID: 97672

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

9.5.4 THE WEST AUSTRALIAN – KOYU BACK IN THE BEEF TRADE

Document ID: 97479

Attached to the agenda is newspaper article on Koyu back in the beef trade. **(Marked 9.5.4)**

9.5.5 DEPARTMENT OF LANDS & HERITAGE – MANAGEMENT ORDER RESERVE 40739 – CERVANTES MEN'S SHED

Document ID: 97288

Attached to the agenda is a copy of Management Order Reserve 40739 – Cervantes Men's Shed. **(Marked 9.5.5)**

9.5.6 THE WEST AUSTRALIAN – THE STATE NEEDS TO GET CRACKING WITH FRACKING

Document ID: 98286

Attached to the agenda is newspaper article on the State needs to get cracking with fracking. **(Marked 9.5.6)**

9.5.7 WHEATBELT DEVELOPMENT COMMISSION – SMALL TOWNS LOCAL TRANSPORT SOLUTIONS REPORT

Document ID: 98288

WDC's Creating Age-Friendly Communities in Small Towns Local Transport Solutions Report was released.

There's a background story -

<http://www.wheatbelt.wa.gov.au/news/wheatbelt-transport-pilot-successful/>

And the report itself -

http://www.wheatbelt.wa.gov.au/files/3915/0293/5149/CAFC_Local_Transport_Plan_Final_170817.pdf

9.5.8 HON ALEX HAWKE MP – AUSTRALIAN CITIZENSHIP CEREMONIES

Document ID: 97048

Attached to the agenda is correspondence with regard to Australian citizenship ceremonies which are conducted by Councils such as ours under an authorisation by the Minister responsible for citizenship matters, and in accordance with the Australian Citizenship Ceremonies Code ('the Code'). **(Marked 9.5.8)**

9.5.9 KEY PROJECTS UPDATE – SEPTEMBER 2017

Document ID: 98329

Attached to the agenda is Key Projects Update **(Marked 9.5.9)**

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;
 - (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) (h)** of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Appointment of Senior Employee – Executive Manager Development Services’.

11.1.1 APPOINTMENT OF SENIOR EMPLOYEE - EXECUTIVE MANAGER DEVELOPMENT SERVICES

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Human Resources/P.File
Disclosure of Interest:	Nil
Date:	21 September 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

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

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING