

SHIRE
of
DANDARAGAN

MINUTES - PUBLIC

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 23 NOVEMBER 2017

COMMENCING AT 4.04PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The President declared the meeting open at 4.04pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 12 members of the public present.

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

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

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

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanhun	
Councillor A Eyre	
Councillor J Clarke	
Councillor D Slyn	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Miss T Taylor	(Development Services Administration Officer)

Apologies

Mr G Yandle	(Executive Manager Infrastructure)
Mr D Lodwick	(Acting Manager Planning)

Approved Leave of Absence**Observers**

Mr Kevin Hobbs, Ms Barbara Duncan, Mr Eddy Duncan, Mrs Margaret Stewart,

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Mrs Noelene Larkman, Mr Mike Sheppard, Mrs Irene Connor, Ms Jan O'Dwyer, Ms Sally Tsuipo, Mr Ian Durie, Hung-vinh Nguyen, Nessa Hall

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr. Kevin Hobbs, of Thrifty Link Hardware, Roberts Street, Jurien Bay

1. in relation to Item 9.4.3 and Item 9.4.4. "A parklet is intended to be a public space, not the property of the applicant nor for the sole use of the applicant's customers. If the application was approved, how will Council ensure that the public are aware it is a public facility when the awning erected at the front of House Blend Café is used as promotional signage? No one other than House Blend Café customers would feel welcome there."

Executive Manager Development Services responded by saying the Parklet guidelines adopted at this Council meeting have a clause stating that signage to the effect that the Parklet is available to anyone to use is required to be put on the Parklet to the Shire's satisfaction. Advertising will not be permitted on the Parklet itself.

2. "With regard to the potential loss of parking space that would be associated with the development of parklets at the front of business premises, does Council understand the potential impact of losing available parking of adjacent businesses, particularly those businesses that sell bulky and other heavy good? Customers want and need parking close by.

Executive Manager Development Services responded by saying the Parklet application being considered at this meeting is recommended for refusal. One of the reasons for refusal is the negative impact on the loss of parking bays for surrounding businesses. Council understands the impact.

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Clarke

The leave of absence be approved as follows:

Councillor W Gibson – Wednesday 29 November 2017 through to Tuesday 5 December 2017.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 26 OCTOBER 2017****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Scharf

That the minutes of the Ordinary Meeting of Council held 26 October 2017 be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil


8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – OCTOBER 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	13 November 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 October 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 October 2017 totalled \$1,202,506.41 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the October 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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017

<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 October 2017 (Doc Id: 101643)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Gibson

That the Municipal Fund cheque and EFT listing for the period ending 31 October 2017 totalling \$1,202,506.41 for the Municipal Fund be accepted.

CARRIED 9 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 OCTOBER 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	14 November 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 October 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 October 2017.

COMMENT

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017
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1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 October 2017 was \$7,280,766. 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.

Note 14 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 October 2017 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017
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ATTACHMENTS

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

- Financial statements for the period ending 31 October 2017
(Doc Id: 101680)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority


OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Shanhun

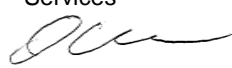
That the monthly financial statements for the period 31 October 2017 be adopted.

CARRIED 9 / 0

9.1.3 BUDGET AMENDMENT PURCHASE OF TRAILER

Location:	Shire of Dandaragan
Applicant:	N / A
Folder Path:	Business Classification Scheme / Plant Equipment & Stores / Acquisition / Purchasing
Disclosure of Interest:	None
Date:	16 November 2017
Author:	William George, Manager Building Services
Signature of Author:	

Senior Officer:	David Chidlow, Executive Manager Development Services
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Signature of Senior Officer:	
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PROPOSAL

Request Council approval to amend the 2017/18 budget to approve a purchase of a box trailer to improve logistics for the collection of goods and materials.

BACKGROUND

Council currently has 5 general purpose box trailers that are used to assist with operations from the Jurien Bay and Dandaragan Depots.

These trailers are in high demand and are used at both Cervantes and Jurien Bay sites. More recently, our Building Maintenance Officer (BMO) has required access to these trailers to assist with in-house building projects such as building materials, freight and other project related items. However trailers were not available.

With future projects such as the Cervantes Multi-Purpose Arts and Community Centre and public convenience upgrades access to such a trailer will be required.

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A definite need has been identified for the maintenance person to have access to a maintained and roadworthy trailer for the purposes described above due to the allocated maintenance van being limited in its carrying capacity.

A suitable second hand trailer has been sought from the local markets and the only one close to the specified requirements is not quite the size or specifications determined as meeting the needs for the maintenance work. Even with modifications to alter the second-hand unit to be suitable, the cost exceeds that of a custom built unit.

A local manufacturer can provide a fully galvanised tandem axle unit as per our specifications provided for the sum of \$4,040.00 plus \$404.00 GST.

COMMENT

The proposed trailer required would be a tandem axle load-sharing wheel set with a spare wheel, inertia braking with opening front and rear tailgates and removable 900high mesh gate sides. The internal dimensions are required to be 1500 width x 2500 length to allow finger space to load and unload materials.

Two local manufacturers have been approached with a written specification for such a custom built trailer.

CONSULTATION

- Local suppliers
- Building Maintenance Officer

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

* *Absolute majority required.*

POLICY IMPLICATIONS

There are no Policy Implications in relation to this item.

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FINANCIAL IMPLICATIONS

The quote of \$4,040 ex GST is reasonable for a trailer of these specifications. The officer recommendation would require a budget amendment of an extra \$4,040 ex GST to the 2017/18 budget.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High performing Administration	a) Ensure the workforce is appropriately skilled, provided with the tools to do the job and high performing

ATTACHMENTS

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

- Quote of tandem axle trailer (Doc Id: 101765)
(Marked 9.1.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McGlew

That Council approve a budget amendment to purchase a new tandem axle trailer for the amount of \$4,040 ex GST.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.2 INFRASTRUCTURE SERVICES**9.3 GOVERNANCE & ADMINISTRATION**

9.4 DEVELOPMENT SERVICES

9.4.1 APPLICATION FOR PLANNING APPROVAL – OUTBUILDING AND AWNING (LEAN-TO) - PROPOSED POLICY VARIATION - LOT 6 GRIGSON STREET, JURIEN BAY

Location:	Lot 6 Grigson Street, Jurien Bay
Applicant:	Leon Murdock
Folder Path:	Development Service Apps / Development Applications / 2017 / 59
Disclosure of Interest:	None
Date:	9 November 2017
Author:	David Lodwick, Acting Manager of Planning
Signature of Author:	
Senior Officer:	David Chidlow Exec Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval to construct an outbuilding with awning (Lean-to) on the subject land.



BACKGROUND

The property contains an existing dwelling and garage. The subject land is zoned R12.5 in a residential area of the Jurien Bay townsite.

COMMENT

The outbuilding is 12.240m x 8.060m = 98.65m².
 The attached lean-to is 12.240m x 3.800 = 46.51m².
 The outbuilding and lean-to combined = 145.16m².

The proposed outbuilding ridge height is 5.067m (wall height is 3.600m). The lean-to column is 2.880m angling up to attach the outbuilding at approximately 3.500m.

The proposed development is identified on submitted plans as located towards the rear of the property behind the existing residence and being a minimum 1.5m from both the northern side

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boundary and rear boundary. Both boundaries adjoin Old Church Lane. Proposed setbacks satisfy R-Code requirements.

The proposed outbuilding on its own (notwithstanding the awning/lean-to) exceeds the permitted floor area maximum (80m²) and the permitted ridge height maximum of 4.5m as outlined in Local Planning Policy 8.5 – Outbuildings ‘Residential Areas.’

The applicant advises that the reason for the oversized outbuilding is to store a boat. The outbuilding would replace the existing old garage which would need to be demolished and removed from the property if the application is approved.

The applicant seeks variation to Council Policy on the basis of the relatively large size of the residential zoned lot (The property is 1456.849m² in area). Also, that an oversized outbuilding (105m²) was previously approved on the corner of Casuarina Crescent and Aquilla Street. It is noted however, that in that instance, the application was approved by the State Administrative Tribunal on appeal.

Given that the application does not comply with Council adopted policy, it is recommended that the application be refused accordingly.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’

“POLICY STATEMENT

Outbuildings

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
9. This policy does not exempt compliance with all other requirements of the Residential Design Codes (2013) and any other policy of Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Applicant submitted plans (Doc Id: 101423)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council refuse planning approval for the proposed outbuilding and awning (Lean-to) on Lot 6 Grigson Street, Jurien Bay for the following reasons:

1. the proposed outbuilding and awning (Lean-to) does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the specified floor area and ridge height maximums for an outbuilding;
2. the proposed development would detract from the visual amenity of neighbouring properties;
3. the proposed development does not comply with orderly and proper planning for the locality;
4. approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted Policy.


Advice Note:

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

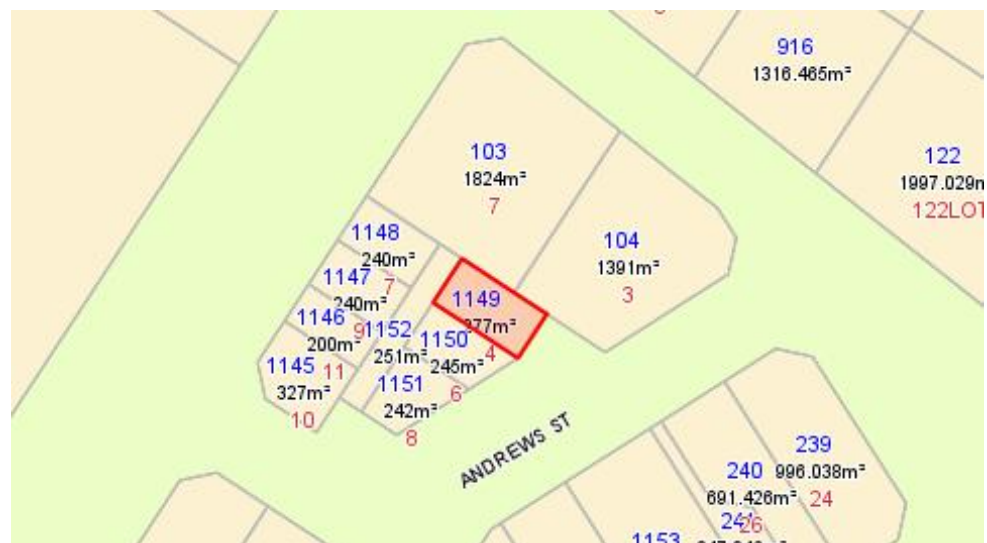
CARRIED 9 / 0

9.4.2 APPLICATION FOR PLANNING APPROVAL – 8 MOTEL UNITS – LOT 1149 ANDREWS STREET, JURIEN BAY

Location:	Lot 1149 Andrews Street, Jurien Bay
Applicant:	Trend Developments Pty Ltd
Folder Path:	Development Services Apps / Development Applications / 2017 / 52
Disclosure of Interest:	None
Date:	8 November 2017
Author:	David Lodwick, Acting Manager Planning
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of application for planning approval for eight motel units on the subject land. The proposal is essentially an extension of land use to the existing two storey motel development located on adjoining Lot 103 Cnr Murray and Sandpiper Street, Jurien Bay.



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BACKGROUND

Council previously granted planning approval at its meeting of August 2015 for a two storey 31 room brick motel development on adjoining lot 103.

Under the zoning table in Local Planning Scheme No. 7 the use "Motel" is a "P" Permitted use in the Commercial Zone.

The following note in the Scheme provides advice on the determination by Council of a "P" use.

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.

Local Planning Scheme No.7

Table 2: Site and Development Requirements Table

Use	Min Boundary Setbacks			Maximum Plot Ratio	Minimum Landscape Area %	Car parking
	Front	Rear Average	Sides			
Motel	9.0m	7.5m	3m per storey	1.0	30	Superseded by policy
Provided	1m	5.86m	Nil; and 5.5m	0.83	Approx. 20	See Below

Local Planning Policy 8.7 – Car Parking

Table B - Minimum Parking Requirements

LAND USE	CAR BAYS
Motel	1 bay for each unit plus 3 bays for 25 m ² of service area

Number of Units = 8

Service area = Nil

Required bays = 8 total

Number of bays provided = 4

COMMENT

Density

The Scheme controls the bulk and scale of development in the commercial and industrial zones by the use of the Plot Ratio. This is defined as;

The ratio of the gross area (all levels) of buildings on a development site to the area of land in the site boundaries.

The proposed Motel plot ratio of 0.83 meets the maximum plot ratio of 1.0 requirement of the Scheme.

Setbacks

The applicant is seeking a nil setback to the southern boundary (lot 1150) and reduced front setback (1m) to Andrews Street. The reduced front setback should have no adverse impact on streetscape given unusual indented frontage to the Street with directly adjacent existing bitumen car parking area.

Site Design

The proposed site design will integrate with the previously built Motel site car parking area, only separated by a low limestone retaining wall. Bitumen access through crown land behind the proposed rear carpark of the eight unit development proposal also provides linkage with the constructed Motel. Reduced setbacks are proposed given the small lot area, the need to provide for onsite car parking, and adequate separation with landscape screening buffer to the recently Council refused proposed service station development ('P' use) on adjoining Lot 104 now subject of a planning appeal.

Parking

There is insufficient parking to provide for the number of accommodation units (8) at the rate of 1 bay per unit. However, Clause 3.3 of Council's Car Parking Policy States:

"In light of the minimal lot areas and historical nature of subdivision the Council will waive, pursuant to Clause 5.5.1 of the Shire of Dandaragan Local Planning Scheme No.7, the car parking provision applicable to the ground level portion (net lettable area) of development on Lots 1145 to 1151 Sandpiper and Andrews Street, Jurien Bay."

The waiving of 4 car parking bays (attributed to the lower level units) in line with the above clause, results in 4 car parking bays proposed as deemed sufficient for this development application.

Landscaping

The Scheme requires a minimum of 30% of the site to be landscaped. Landscaping (approx. 20%) is proposed along the Andrews Street frontage of the property, adjacent to the pedestrian access in and out of the development site and most prominently provided as a buffer to adjoining Lot 104. Endorsement of a landscaping plan will be a requirement of any development approval that may be issued by Council.

It is noted that the Landcorp lots along Sandpiper Street have previously been granted dispensations for landscaping due to the small lot sizes and the requirement to provide fixed planter boxes across the frontage of the development to assist in the aesthetic presentation from the road.

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CONSULTATION

The proposal was referred to the Department of Water and Environmental Regulation for comment. No objection was offered.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

8.7 Planning – ‘Car Parking’

FINANCIAL IMPLICATIONS

The applicant has paid a planning application fee of \$1536.

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

ATTACHMENTS

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

- Advice from Department of Water and Environmental Regulation (Doc Id: 101437)
- Applicant Plans – site plans, proposed development plan and elevations (Doc Id: 101438)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for 8 Motel Units on Lot 1149 Andrews Street, Jurien Bay subject to the following Conditions;

1. This approval is valid for a period of three years. If the development has not substantially commenced within this period the approval will lapse;
2. All development shall be in accordance with the attached approved plans dated 26 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;
3. Additional information shall be submitted to the local government prior to or at the time of lodging an application for a Building Licence:

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- a) A schedule of external finishes and colours shall be submitted to the local government for endorsement prior to the issue of a building licence;
 - b) Written confirmation on the fencing style and colour/s to be endorsed by the local government;
 - c) A landscape master plan and list of plant species (including planter boxes) for internal and external landscaping shall be submitted and to be endorsed by the Chief Executive Officer or his designated representative prior to commencement of landscape planting for the approved development
4. Provision of four (4) parking bays on-site constructed to a sealed, drained and line marked standard to the satisfaction of the Shire's Chief Executive Officer or his designated representative.
 5. All internal access roads, driveways, parking and service bays shall be constructed to an impervious sealed, kerbed, drained and line marked standard to the specifications of the Shire of Dandaragan.
 6. Any vehicle crossovers are to be designed, constructed and drained to the satisfaction of the Shire's Chief Executive Officer or his designated representative prior to occupation of the approved development.
 7. All car parking shall be appropriately marked and/or signposted to the satisfaction of the Shire's Chief Executive Officer or his designated representative.
 8. All landscaping within the site and along the adjoining road verge shall be implemented and maintained to a high standard by the proponent in accordance with the approved Landscape Master Plan and the list of plant species as endorsed by the Shire's Chief Executive Officer or his designated representative.
 9. All proposed / endorsed landscaping works are to be completely installed prior to the occupation or use of any building in accordance with this planning approval. In certain circumstances (such as those brought about by adverse seasonal conditions, for example) such works (or their final completion) may be allowed to be deferred for up to a maximum six months.
 10. Such a deferral must be requested in writing and any approval thereto would be conditional upon a bond of 100% of the estimated cost of the proposed / endorsed landscaping works being deposited by the proponent, and held in trust by Council, until such time as the required works are installed and / or finalised.
 11. Should such required works not be installed and / or finalised by the end of the agreed (maximum six month) deferral period, Council reserves the right to undertake the necessary works immediately thereafter, with all and any attendant costs being charged to the proponent through a deduction from the deposited bond.

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12. The endorsed landscape plan for the development will be required to contain an implementation program inclusive of cost sharing arrangements for areas to be landscaped outside of the property.
13. Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped storm-water drainage system;
14. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
15. All plumbing pipes shall be ducted within the walls of the building;
16. 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.
17. 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.
18. 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.

Advice:

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. A grant of planning consent is not a building permit. A building permit must also be obtained for this development;
3. This approval shall expire if the development hereby approved has not been substantially commenced within three 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.

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McGlew

That Council grant planning approval for 8 Motel Units on Lot 1149 Andrews Street, Jurien Bay subject to the following Conditions;

- 1. This approval is valid for a period of three years. If the development has not substantially commenced within this period the approval will lapse;**
- 2. All development shall be in accordance with the attached approved plans dated 26 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;**
- 3. Additional information shall be submitted to the local government prior to or at the time of lodging an application for a Building Licence:**
 - a) A schedule of external finishes and colours shall be submitted to the local government for endorsement prior to the issue of a building licence;**
 - b) Written confirmation on the fencing style and colour/s to be endorsed by the local government;**
 - c) A landscape master plan and list of plant species (including planter boxes) for internal and external landscaping shall be submitted and to be endorsed by the Chief Executive Officer or his designated representative prior to commencement of landscape planting for the approved development**
- 4. Provision of four (4) parking bays on-site constructed to a sealed, drained and line marked standard to the satisfaction of the Shire’s Chief Executive Officer or his designated representative.**
- 5. All internal access roads, driveways, parking and service bays shall be constructed to an impervious sealed, kerbed, drained and line marked standard to the specifications of the Shire of Dandaragan.**
- 6. Any vehicle crossovers are to be designed, constructed and drained to the satisfaction of the Shire’s Chief Executive Officer or his designated representative prior to occupation of the approved development.**

7. All car parking shall be appropriately marked and/or signposted to the satisfaction of the Shire's Chief Executive Officer or his designated representative.
8. All landscaping within the site and along the adjoining road verge shall be implemented and maintained to a high standard by the proponent in accordance with the approved Landscape Master Plan and the list of plant species as endorsed by the Shire's Chief Executive Officer or his designated representative.
9. All proposed / endorsed landscaping works are to be completely installed prior to the occupation or use of any building in accordance with this planning approval. In certain circumstances (such as those brought about by adverse seasonal conditions, for example) such works (or their final completion) may be allowed to be deferred for up to a maximum six months.
10. Such a deferral must be requested in writing and any approval thereto would be conditional upon a bond of 100% of the estimated cost of the proposed / endorsed landscaping works being deposited by the proponent, and held in trust by Council, until such time as the required works are installed and / or finalised.
11. Should such required works not be installed and / or finalised by the end of the agreed (maximum six month) deferral period, Council reserves the right to undertake the necessary works immediately thereafter, with all and any attendant costs being charged to the proponent through a deduction from the deposited bond.
12. The endorsed landscape plan for the development will be required to contain an implementation program inclusive of cost sharing arrangements for areas to be landscaped outside of the property.
13. Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped storm-water drainage system;
14. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
15. All plumbing pipes shall be ducted within the walls of the building;
16. 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.
17. 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.

18. 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.
19. That the proponent be advised the adjoining Lot 104 is currently the subject of an application for a Service Station, with a decision in regard that application pending determination at the State Administrative Tribunal.

Advice:

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. A grant of planning consent is not a building permit. A building permit must also be obtained for this development;
3. This approval shall expire if the development hereby approved has not been substantially commenced within three 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.
4. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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



CARRIED 9 / 0

The Officers Recommendation was not adopted for the following reason that an additional condition (19) being added to ensure the Motel Developer is made aware that a business (which may have

some impact on his business may be developed on the adjoining property).

Cr Shanhun declared a financial interest in Item 9.4.3 and Item 9.4.4 due to spouse being an employee of an adjacent business who provided a written submission and left the Council Chambers at 4.15pm

9.4.3 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:	13 November 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 and raised at the Council discussions with Staff and Councillors of the City of Busselton on 14 September 2017.

After considering a report on the proposed guidelines Council resolved at the 28 September 2017 Council meeting to:

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*

An application has since been received and is the subject of a decision on this agenda.

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 relatively new developments 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 and drafting conditions of approval.

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.

Advertising for both the above guidelines and proposed fees closed on 30 October 2017. A number of submissions were received.

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 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 a policy instead of guidelines can be expected to receive approval if the matter goes to appeal. This is because the State Administrative Tribunal will take into account any policies of the Council. Guidelines are given a lower weighting in any appeal as they are not endorsed policy and provide more guidance on conditions of approval. Guidelines can also provide more flexibility, 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

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Vincent Policies. These documents are provided in the attachments.

The proposed Alfresco Dining Guideline are based on the current City of Greater Geraldton Alfresco Dining Policy as well as previous conditions of approval granted by Council. Conditions within the guidelines can be used as planning conditions of approval.

CONSULTATION

Following Councils resolution of 28 September 2017 the proposed Parklet, Alfresco guidelines and associated fees were advertised in all four local newspapers as well as on the Shires website and social media sites.

Submissions for this application and the proposed guidelines are provided in the attachments. Most people responded to both the parklet guidelines and this application in their submission.

Meetings were held with submitters that requested.

There were no submissions on the proposed fees.

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.

FINANCIAL IMPLICATIONS

The following fees and charges were advertised

Planning Application Fee \$147.00

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

Annual Renewal Fee \$500.00

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 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

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

<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)
- Summary of selected submissions (Doc Id: 101772)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Slyns

That Council

1. adopt the “Guidelines for Parklets” (Doc Id: 96624) and the following fees and charges applicable to Parklets:
 Planning Application Fee \$147.00
 Approval Fee (one off payment) \$1,000.00
 Annual Renewal Fee \$500.00 and;
2. adopt the “Guidelines for Alfresco Dining” (Doc Id: 96623).

CARRIED 8 / 0

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Gibson

That Council requests the CEO to investigate further potential parklet areas across the Shire and report back to Council for consideration.

CARRIED 8 / 0

9.4.4 APPLICATION FOR PARKLET IN CARPARK ADJOINING PT LOT 1 ROBERTS STREET, JURIEN BAY – HOUSE BLEND CAFÉ

Location:	Road Reserve adjoining Pt Lot 1 Roberts Street, Jurien Bay
Applicant:	Peter House
File Ref:	Development Services Apps / Development Applications / 2017 / 41
Disclosure of Interest:	None
Date:	10 November 2017
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant is seeking approval to install a “Parklet” on portion of the Road Reserve (carpark) adjoining the House Blend Café at Pt Lot 1 Roberts Street, Jurien Bay.

BACKGROUND

Council is in receipt of an application to install a parallelogram shaped Parklet measuring 10.5m x 6.6m taking three parking bays with a height of 1.0m.

Council received a presentation from the applicant for a proposed “Parklet” in Jurien Bay at the 10 August 2017 Council Forum.

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 relatively new developments that are being 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.

Included in this Council agenda is a draft guideline for Council to consider prior to determining this application. This guideline was discussed at the Council Forum on 24 August 2017 and raised at the Council discussions with Staff and Councillors of the City of Busselton on 14 September 2017.

Council resolved at the 28 September 2017 Council meeting to:

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:

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

Advertising for both the above closed on 30 October 2017. A number of submissions were received.

COMMENT

The Department of Planning, Lands and Heritage was consulted regarding the tenure of the proposed Parklet on the road reserve (carpark). The advice received was that if the proposal was temporary (2 years or thereabouts) then the Council may grant a temporary approval under the Land Act for a minor structure. If tenure is sought for a longer period, the applicant will be required to consult with Council and the Department of Planning, Lands and Heritage with the view to a lease of the subject land.

There are several significant issues raised by submitters that are discussed below. One of the requirements in the draft guidelines is to *“Provide the Shire with evidence of support of businesses and property owners immediately adjacent.”*

It is noted that there is overwhelming objection from neighbouring businesses based on the below issues.

Existing tables

There are picnic tables and benches in the grassed areas surrounding the businesses. More of these would be a better option for people to enjoy a meal under shady trees.

Loss of parking bays

This is the most significant issue raised. Businesses are concerned that during peak and busy times there is insufficient parking available close to their business and the loss of 3 bays will detrimentally impact their business.

The applicant has advised that he will ensure that his staff and seek the cooperation of adjoining businesses staff to park away from the public parking areas. Thus freeing up more than the 3 bays taken up by the proposed Parklet.

Businesses have responded that it is the proximity of the Parklet to their business that will most impact. People do not like to walk more than necessary to a shop and will favour opposition shops with closer parking nearby rather than compete for parking.

The option of limited (15mins) parking signage being installed to discourage diners from parking outside adjoining businesses (only at request of each business) was raised in the letter to businesses; however there was no support for this proposal. One idea raised in discussion with an adjoining business owner was for marked bays

signed “for Customers of X Business only Parking” as an alternate option.

Traffic hazard

There have been concerns raised that the structure will create a visibility hazard for vehicles reversing out of adjoining car bays to the Parklet. The height of the Parklet is 1.0m which should not present a visibility hazard. It is recognised that people seated may block some of the view, however the view will be less hazardous than a large vehicle parked in the same space. A condition of approval will require the applicant to ensure that plants in the planters are kept at a level that does not restrict visibility.

Support for the application

In support of the application, a parklet is a moveable structure, often placed in parking bays, which provide an extension of the footpath and provide public access seating and amenities for people using the street. The intent is to improve walkability, providing a place to stop, to sit, and to engage with activities along the street. “Town of Victoria Park”

The proposed parklet will be obvious from the street and provide an attraction to visitors as a place to sit and engage. There is opportunity for adjoining businesses to display goods and services to those using the parklet.

The proposed parklet is low at 1m in height which will be sufficient to allow vehicles visibility when reversing out of bays. It is noted that people will somewhat obstruct vision, however this will be less than a large 4wd vehicle parked in the same space.

The author of this report has previously supported this proposal as it will meet Council objectives to provide for tourist developments. However the number of objections and lack of support as required in the guidelines means that the proposal cannot be supported at officer level.

Should Council decide to approve application, the following draft conditions of approval are provided.

Grant temporary planning approval for a trial period of 24 months only to Mr. Peter House for use of portion of the carpark to be used as a Parklet immediately adjacent to Pt Lot 1 Roberts Street Jurien Bay in accordance with plans date stamped 11 August 2017, subject to;

- 1. At the end of a parklet’s approval period the parklet must be removed and the road reserve reinstated to the same condition as existed prior to the parklet’s installation, unless the Council have granted an extension to the planning approval prior to its expiry.*

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2. *All costs associated with the construction, maintenance and removal of a parklet must be borne by its proponent.*
3. *Public liability insurance cover of \$20 million indemnifying the Shire of Dandaragan is required to be provided prior to installation of the parklet.*
4. *The parklet will be made available for use by any member of the public regardless of whether or not they are customers of the business responsible for the parklet.*
5. *The parklet is required to display signage, to the satisfaction of the Shire, on or near the parklet indicating that the parklet is for public use.*
6. *The parklet proposal includes easily removable fixed structures and adequate lighting to Australian standards.*
7. *The parklet proposal demonstrates that it will be constructed in such a manner that it is capable of being removed and the road reserve being reinstated, to the same condition as it was previously to the parklet installation, within a 24 hour period.*
8. *The constructed parklet will not interfere with the functioning, or result in the damage or permanent removal, of existing infrastructure such as hardstand infrastructure (kerbing, paving, crossovers or road drainage), verge trees, lighting, underground services or other services.*
9. *The applicant will be responsible for ensuring that there is no set table service at the Parklet, including the placement of condiments or napkins.*
10. *The Parklet shall be kept clean of litter, grime and graffiti. The surfaces and area underneath the platform should be rinsed out on an as needs basis.*
11. *The applicant must keep plants in good health, including watering, weeding, and trimming when necessary.*
12. *Plants should be maintained at a height that does not obstruct the view for vehicles exiting the carpark*
13. *Any movable items, such as tables and chairs, must be either locked down at night or taken inside. All chairs and furniture placed on the Parklet must be different from the existing furniture of your business, including any existing outdoor eating area furniture. Umbrellas used for shading must be secured safely.*
14. *Smoking and the consumption of alcohol (without a permit) on the Parklet is not permitted.*
15. *No advertising is permitted anywhere on the parklet.*

Advice notes

The Council retains absolute discretion in determining whether to approve any subsequent application to renew the approval, and if an approval is renewed it may be for a shorter period than the original approval.

CONSULTATION

Initially letters and a copy of the plans were hand delivered to businesses in the vicinity seeking comments by the 19 September 2017. Following Councils resolution of 28 September 2017 the

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proposed Parklet guidelines were advertised in all four local newspapers as well as on the Shires website and social media sites.

Submissions for this application and the proposed guidelines are provided in the attachments. Most people responded to both the parklet guidelines and this application in their submission.

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. Draft Guidelines if approved in this agenda will provide guidance to conditions of approval.

FINANCIAL IMPLICATIONS

New fees and charges may be levied for the use of parking spaces for commercial gain.

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 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:

- Plans of Parklet (Doc Id: 96030)
- Summary of selected submissions (Doc Id: 101772)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council

- 1. refuse temporary planning approval for use of portion of the carpark to be used as a Parklet immediately adjacent to Pt Lot 1 Roberts Street Jurien Bay for the following reasons;**
 - a. The proposed Parklet will remove three parking bays which will reduce the amount of parking available to adjoining businesses and will detrimentally impact on their business.**
 - b. There is no support for the proposal from adjoining businesses as detailed in the guidelines; and**
- 2. advise the applicant that Council encourages tourism developments and will work with the applicant and surrounding businesses to come up with alternate solutions that meets the needs of all of the businesses impacted. One suggestion received from two submitters was to provide a thinner (one seat wide), longer parklet or series of parklets which would still allow the same parking bays.**

CARRIED 8 / 0

Cr Shanhun re-entered the Council Chambers at 4.21pm

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – OCTOBER 2017 COUNCIL STATUS REPORT

Document ID: 101083

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 26 October 2017. **(Marked 9.5.1)**

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

Document ID: 101799

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2017

Document ID: 101368

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

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2017

Document ID: 101322

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

9.5.5 LAWRIE SHORT – REPORT ON THE RURAL WATER COUNCIL

Document ID: 101015

Report for the Rural Water Council Meeting held 13 October 2017 is available should you require.

9.5.6 CERVANTES COUNTRY CLUB INC – TAVERN LICENCE

Document ID: 101025

Attached to the agenda is correspondence from Cervantes Country Club Inc. acknowledging the concerns of the Shire in granting a tavern license. *(Marked 9.5.6)*

9.5.7 HON DAVID TEMPLEMAN MLA – LOCAL GOVERNMENT RISK PROFILE

Document ID: 101369

Attached to the agenda is Circular 08-2017 regarding Local Government Risk Profile. *(Marked 9.5.7)*

9.5.8 JURIE BAY CLOUDS2COAST ELITE TRIATHLON INTERIM REPORT

Document ID: 101645

Attached to the agenda is Interim Report from Jurie Bay Clouds2Coast Elite Triathlon held 28 October 2017 *(Marked 9.5.8)*

9.5.9 HON ALANNAH MACTIERNAN MLC – DETERIORATING CONDITION OF MOBILE SERVICE

Document ID: 101589

Attached to the agenda is correspondence from Hon Alannah MacTeirnan, MLC in relation to the deteriorating condition of mobile service in the Shire of Dandaragan. *(Marked 9.5.9)*

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

10.1 DEVELOPMENT SERVICES

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

The following item requires urgent consideration by Council:

Legal Advice proposed Service Station and Associated Shop – Lot 104 Corner Murray and Andrews Streets, Jurien Bay - Appeal

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Scharf

That the following Confidential new business of an urgent nature be considered by Council - Legal Advice Proposed Service Station and Associated Shop – Lot 104 Corner Murray and Andrews Streets, Jurien Bay - Appeal

CARRIED 9 / 0

12 members of the public left the Council Chambers at 4.23pm



OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Richardson

That the meeting be closed to members of the public at 4:23pm in accordance with Section 5.23 (2) (d) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 10.1.1 Legal Advice proposed Service Station and Associated Shop – Lot 104 Corner Murray and Andrews Streets, Jurien Bay – Appeal.

CARRIED 9 / 0

10.1.1 LEGAL ADVICE PROPOSED SERVICE STATION AND ASSOCIATED SHOP – LOT 104 CNR MURRAY AND ANDREWS STREETS - JURIE BAY APPEAL

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:	10 November 2017
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

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

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

Moved Cr McGlew, seconded Cr Shanhun

That Council

1. Endorse the actions of the Chief Executive Officer in seeking legal advice on State Administrative Tribunal Appeal DR 322 / 2017, and;
2. Receive the confidential legal advice (Doc Id: 101998) and confidential draft statement of issues, facts and contentions from McLeods (Doc Id:102000) on State Administrative Tribunal Appeal DR 322 / 2017.

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2

Moved Cr Scharf, seconded Cr McGlew

That Council advise the State Administrative Tribunal that Council has considered legal advice in relation to appeal DR 322 / 2017 and that Council is prepared to modify its decision to now approve of the development by way of consent to the State Administrative Tribunal.

CARRIED 8 / 1

Moved Cr Scharf, seconded Cr Ayre that the Meeting be re-opened to the public at 4.39pm.

CARRIED 9 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017

- (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 DEVELOPMENT SERVICES / GOVERNANCE & ADMINISTRATION

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Ayre, seconded Cr Clarke

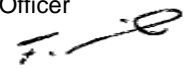

That the meeting be closed to members of the public at 4:39pm in accordance with Section 5.23 (2) (e)(iii) & 5.23 (2) (a) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss

- **Item 11.1.1 Three Year Cleaning Contract RFT 09 / 17 and**
- **Item 11.1.2 Sale of Council Vehicle by Private Treaty.**

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017
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11.1.1 THREE YEAR CLEANING CONTRACT – RFT 09 / 2017

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Tenders / RFT 09 / 2017
Disclosure of Interest:	None
Date:	10 November 2017
Author:	Felix Neuweiler, Principal Environmental Health Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

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

OFFICER RECOMMENDATION

That Council award the three (3) year Jurien Bay Cleaning Contract, including the service of sanitary bins to DMC Cleaning as per tender document at the price of \$53,592 per annum, subject to annual CPI increases.


COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McGlew
That Council award the cleaning contract to Nussy Cleaning Management Services for the price of \$63,058.60 per annum.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

The Officer Recommendation was not adopted as Council considered supporting local businesses and local employment are key elements of the Councils Strategic Objectives, within the Community Strategic Plan.

11.1.2 SALE OF COUNCIL VEHICLE BY PRIVATE TREATY

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Plant Equipment and Stores / Fleet Management / Allocations
Disclosure of Interest:	Nil
Date:	6 November 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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2017

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Shanhun

That Council agrees to advertise in accordance with Section 3.58 of the Local Government Act 1995, the sale of the DCEO vehicle being a 2014 silver Toyota Prado (VIN JTEBH3FJ30K149280 and engine number 1KD2460364) to Mr. Ian Rennie for the amount of \$36,363.63 ex GST.

CARRIED 9 / 0

Moved Cr Scharf, seconded Cr McGlew that the Meeting be reopened to the public at 4.49pm.

CARRIED 9 / 0

12 members of the public re-entered the Council Chambers at 4.50pm and the President read the motions aloud.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.52pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date