



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE VAY

on

THURSDAY 28 JUNE 2018

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.05pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 7 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

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

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Ms M Perkins	(Community Development Officer)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

Mr Mike Sheppard, Mr Dave Kent, Mr Paul Bakker, Mrs Carol Bakker, Ms Norma Crommelin, Mr Tim Bailey, Ms Brooke Hearle

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Ms Norma Crommelin asked a question about the Rural Road Numbers (RRN) that had recently been advertised on social media, she thought the cost of \$150 was too excessive and stated that people she had spoken to who did not currently have a number would not pay this amount. She also said that there was confusion for the ambulance services due to some RRN numbers being the same as Lot numbers in the area.

The Executive Manager of Development Services explained that \$150 was the cost outlaid by the Shire in obtaining the RRN and this in turn being recouped from the landowner. He also advised that the Shire only utilised the RRN system when referring to properties in these areas.

Mr Mike Sheppard asked the following questions:

1. Does the Shire still have the stencils for kerbside numbering as Beachridge does not have kerb street numbers making it difficult for emergency services personnel?

The Executive Manager Corporate and Community Services advised that the Shire does have the stencils for numbering the kerb, if a community organisation was willing to undertake the project the Shire could provide funding towards paint.

2. There is a lack of landscaping at the new motel site on the corner of Sandpiper Street and Murray Street, is this developer required to have implemented appropriate landscaping by now?

The Executive Manager of Development Services stated that he would follow up with the owner about the development conditions.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Richardson

That the following requests for leave of absence be approved:

Cr Scharf – 20 August 2018 – 31 August 2018

Cr Slyns - 30 June 2018 - 16 July 2018

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 24 MAY 2018****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr McGlew

That the minutes of the Ordinary Meeting of Council held 24 May 2018 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 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	12 June 2018
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 May 2018.

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 May 2018.

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 May 2018 was \$2,816,276. 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.

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Note 14 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 May 2018 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 May 2018 (Doc Id:113954)
(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Scharf

That the monthly financial statements for the period 31 May 2018 be adopted.

CARRIED 9 / 0

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9.1.2 ACCOUNTS FOR PAYMENT – MAY 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Managements / Creditors / Expenditure
Disclosure of Interest:	None
Date:	19 June 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of May 2018.

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 May 2018 totalled \$1,352,306.17 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the May 2018 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

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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for May 2018 (Doc Id: 113646)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Eyre

That the Municipal Fund cheque and EFT listing for the period ending 31 May 2018 totalling \$1,352,306.17 the Municipal Fund be accepted.

CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 AWARD OF REQUEST FOR TENDER 01-18 MOWING OF PUBLIC OPEN SPACE

Location:	Jurien Bay, Cervantes, Dandaragan, Badgingarra
Applicant:	N/A
Folder Path:	Business Classification Scheme / Parks and Reserves / Tendering / Tender Evaluation
Disclosure of Interest:	None
Date:	19 June 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

For Council to consider Request for Tender (RFT) 01-18 *Mowing of Public Open Space*.

BACKGROUND

Mowing of turfed areas of public open spaces across the Shire has been delivered in recent years by a combination of Shire internal operations resources and by a local Contractor (Vari-skilled).

Shire operations staff, currently deliver mowing services in the following locations:

- Dandaragan Oval
- Dandaragan Hockey Field
- Pioneer Park (Dandaragan)
- Dandaragan CRC
- Badgingarra Oval
- Jurien Bay Oval

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- Fauntleroy Park (Jurien Bay Foreshore Redevelopment area)

The remaining areas of POS in Jurien Bay and Cervantes are delivered by the Contractor.

In April **2013 RFT 02/2013 Mowing of Public Open Space** was advertised for the mowing of the following locations.

Jurien Bay	Cervantes	Dandaragan	Badgingarra
- Weld Park	- Ronsard Park	- Dandaragan Oval and surrounds	- Badgingarra Oval
- Federation (Memorial) Park	- Catalonia Street Reserve	- Dandaragan Hockey Field and surrounds	- Badgingarra Oval Surrounds
- Administration Centre including Family Resource Centre	- Weston Street Reserve		- Badgingarra Park
- Community Resource Centre	- Memorial Park		
- Dobbyn Park	- Recreation Ground –		
- Jurien Bay Sports Oval and Recreation Centre	- Recreation Ground – Car Park Area		
- Jurien Bay Sports Oval Surrounds	- Recreation Ground		
- Jurien Town Hall Surrounds			
- Fauntleroy Park			
- R E Snook Park			
- Pioneer Park			
- Passamani Park			
- Eric Collinson			
- Baudin Park			
- Marina			
- Seignor Park			
- POS 4B			
- POS 5A			

As part of the RFT02/2013 process a contract was awarded to Vari-skilled (the Contractor) for public open space areas at only the following locations outlined in the RFT:

- Jurien Bay
- Cervantes

For various reasons it was determined that the public open space at Dandaragan and Badgingarra would be undertaken internally via Shire operations staff.

The original RFT 02/2013 contract was in place for 4 years from 1 July 2013 to 30 June 2017.

Components of this contract have been extended and revised throughout the 2017/18 financial year. A summary of the contract time periods is as follows:

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Contract	Duration	Time Period
RFT02/2013 – Original Contract	4 years	1st July 2013 to 30th June 2017
Initial Contract Extension	3 months	1st July 2017 to 30th September 2017
Revised Interim Contract	9 months	1st October 2017 to 30th June 2018

In 2017/2018 Shire officers undertook a review of turf management within the Shire and the various turf management activities undertaken. This included a comprehensive review of the scope of services associated with mowing of public open space.

COMMENT

RFT01/18 *Mowing of Public Open Space* was advertised in The West Australian on Saturday 12 May 2018 and on the Shire website www.dandaragan.wa.gov.au/tenders. The Tender submissions closed on Friday 9 June 2018 at 2pm.

The qualitative assessment criteria for the tender submissions were as follows:

<p>A. Relevant Experience and Key Personnel Skills</p> <p>Tenderers must address the following information in an attachment and label it “Relevant Experience”:</p>	<p>Weighting</p> <p>30%</p>	
<p>a) <i>Provide details of similar Turf Mowing work. (10%)</i></p> <p style="margin-left: 20px;">a. <i>Scope of the Tenderer’s involvement including details of outcomes.</i></p> <p style="margin-left: 20px;">b. <i>Details of issues that arose during the project and how these were managed.</i></p> <p>b) <i>Provide details of Tenderer’s Key Staff (10%)</i></p> <p style="margin-left: 20px;">a. <i>Outline Key staff and their roles in the performance of the Contract.</i></p> <p style="margin-left: 20px;">b. <i>Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc.</i></p> <p>c) <i>Provide details of Turf Management skills (10%)</i></p> <p style="margin-left: 20px;">a. <i>Qualifications</i></p> <p style="margin-left: 20px;">b. <i>Training</i></p> <p style="margin-left: 20px;">c. <i>Experience.</i></p>		
<p>B. Tenderer’s Resources and Delivery</p> <p>Tenderers must address the following information in an attachment and label it “Tenderer’s Resources”:</p>	<p>Weighting</p> <p>20%</p>	
<p>a) <i>Plant, equipment, resources and materials. (10%)</i></p> <p style="margin-left: 20px;">a. <i>List proposed plant and equipment</i></p> <p style="margin-left: 20px;">b. <i>Contingency measures or backup of resources including personnel (where applicable).</i></p> <p>b) <i>Demonstrated understanding of the Scope of Work (10%)</i></p> <p style="margin-left: 20px;">a. <i>Specifically a Schedule for delivery</i></p> <p style="margin-left: 20px;">b. <i>OHS Procedures.</i></p>		
<p>C. Tendered Price</p>	<p>Weighting</p>	
<p>The Weighted Price method is used where price is considered to be crucial to the outcome of the contract.</p> <p>The price is then assessed with quality.</p>		<p>50%</p>

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The scope of the works advertised was to mow the public open space in the Shire of Dandaragan at the following locations:

- Item 1 – Jurien Bay townsite POS
 - Dobbyn Park
 - Pioneer Park
 - JCC Surrounds
 - Federation (Memorial) Park
 - Baudin Park
 - POS 5A - Middleton Boulevard
 - Weld Park
 - R E Snook Reserve
 - Eric Collinson
 - Passamani Park
 - POS 4B - Pacman Park
 - Seinor Park
- Item 2 – Jurien Bay Building Surrounds Lawns
 - Administration Centre
 - Civic Centre Precinct
 - JB Police Station Verge
 - Jurien Town Hall
- Item 3 – Cervantes townsite POS
 - Catalonia Street Reserve
 - Memorial Park
 - Cervantes Recreation Ground
 - Cervantes Recreation Ground Car Park
 - Cervantes Rec Ground Surrounds
 - Cervantes CBD
 - Ronsard Park
 - Weston Street Reserve
- Item 4 (Discretionary Item) – Jurien Bay additional nominated areas
 - Fauntleroy Park
 - JCC Oval
- Item 5 (Discretionary Item) – Dandaragan townsite POS
 - Dandaragan Pioneer Park
 - Dandaragan Oval
 - Dandaragan Hockey Oval
- Item 6 (Discretionary Item) – Badgingarra townsite POS
 - Badgingarra Oval

Discretionary services were also sought to provide turf management services within the Shire of Dandaragan:

- Item 7 (Discretionary Service) – Turf Renovations Program (including but not limited to the following activities):
 - Verti-mowing
 - Scarifying
 - Coring
 - Verti-draining
 - Top dressing

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- Item 8 (Discretionary Service) – Turf Pest Management Program (including but not limited to the following activities):
 - Weed management
 - Insect management

Two turf management options were proposed in order to assess the best value for money with regard to maintaining minimum levels of service associated with POS. For this contract, summer months are deemed to be September through to April and winter months are deemed to be May through to August.

Option 1 - Current Mowing Regime including Catching of Clippings

- Broad area mowing with frequency as outlined in the table below.
- This is the same regime that has been undertaken during 2017/18 financial year.
- Clippings to be caught and disposed of to landfill (or acceptable location agreed by Principal).
- Ancillary services to be undertaken every cut.

	Summer	Winter	Annual
Months	Sep – Apr 8	May – Aug 4	12
All Ovals and POS	Fortnightly 17 Commence first week of September	Monthly 4 First week of each month	21
Building Lawns	Weekly 34	Fortnightly 9	43
Clippings	Caught Disposed at Landfill	Caught Disposed at Landfill	

Option 2 – Alternative Mowing Regime with increased frequency and no catching of clippings

- Broad area mowing with frequency as outlined in the table below.
- This regime is focused on an increased frequency of cuts dependent upon the functional hierarchy of the POS location.
- Clippings not required to be caught.
- Ancillary services mowing to be undertaken every other cut.

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	Summer	Winter	Annual
Months	Sep – Apr 8	May – Aug 4	12
Hierarchy 1, 2 & 3	Weekly 34 Commence first week of September	Fortnightly 9 Commence first week of May	43
Hierarchy 4	Fortnightly 17 Commence first week of September	Monthly 4 First week of each month	21
Building Lawns	Weekly 34 Commence first week of September	Fortnightly 9 Commence first week of May	43
Clippings	Not Caught	Not Caught	

At 2pm on 9 June 2018 the tender period closed with tenders received from the following 3 contractors:

- Gro-Turf Pty Ltd
- Lawn Doctor Turf Solutions
- Vari-skilled

All tenders received were conforming.

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The following provides an assessment of tender submissions against the Qualitative Selection Criteria:

QUALITATIVE CRITERIA	Grow Turf	Lawn Doctor	Vari-skilled
A. Relevant Experience and Key Personnel Skills (30%) Tenderers must address the following information in an attachment and label it “ Relevant Experience ”:	a) 8 b) 9 c) 9 Total 26 / 30	a) 9 b) 9 c) 9 Total 27 / 30	a) 7 b) 7 c) 7 Total 21 / 30
a) Provide details of similar Turf Mowing work. (10%) a. Scope of the Tenderer’s involvement including details of outcomes. b. Details of issues that arose during the project and how these were managed.	<ul style="list-style-type: none"> ▪ Comprehensive list similar projects for multiple clients ▪ Similar or bigger magnitude of work <ul style="list-style-type: none"> - Shire of Gingin - Venueswest ▪ Similar services also provided to a variety of small scale clients. ▪ Comprehensive description of mowing services delivered. ▪ Comprehensive list and descriptions of additional turf management services. ▪ Comprehensive list of issues resolution process. 	<ul style="list-style-type: none"> ▪ Comprehensive list similar projects for multiple clients ▪ Similar or bigger magnitude of work <ul style="list-style-type: none"> - City of Wanneroo - City of Nedlands ▪ Department of Education ▪ Similar services also provided to a variety of small scale clients. ▪ Comprehensive description of mowing services delivered, including timeframes, staff and equipment allocation. ▪ Comprehensive list and descriptions of additional turf management services. ▪ Outline of previous services delivered for Shire of Dandaragan <ul style="list-style-type: none"> ▪ Dandaragan Oval turf ▪ Jurien Bay Oval refurbishment ▪ Jurien Bay Foreshore turf installation and establishment ▪ Various ovals coring, vertidrainning. ▪ Comprehensive list of issues resolution process. 	<ul style="list-style-type: none"> ▪ Solid list similar projects for multiple clients ▪ Incumbent contractor who has delivered a significant portion of this service for the past 10 years. ▪ Similar services also provided to a variety of small scale clients. ▪ Solid description of mowing services delivered, including timeframes and methodology. ▪ Comprehensive list and descriptions of additional turf management services. ▪ Outline of previous services delivered for Shire of Dandaragan and associated reporting processes. ▪ Basic list of issues resolution process, however the existing issues resolution process has not always resolved management’s concerns in the current contract period.
b) Provide details of Tenderer’s Key Staff (10%) a. Outline Key staff and their roles in the performance of the Contract. b. Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc.	<ul style="list-style-type: none"> ▪ Comprehensive outline of Key Staff, roles and responsibility. ▪ CVs included ▪ Multiple staff with accredited turf management qualifications. ▪ Comprehensive list of relevant professional licenses, training and memberships. 	<ul style="list-style-type: none"> ▪ Comprehensive outline of Key Staff, roles and responsibility. ▪ CVs included ▪ Multiple staff with accredited turf management qualifications. ▪ Comprehensive list of relevant professional licenses, training and memberships. 	<ul style="list-style-type: none"> ▪ Basic outline of Key Staff, roles and responsibility. ▪ CVs included ▪ Staff have minimal accredited turf management qualifications. ▪ Solid list of relevant professional licenses, training and memberships.
c) Provide details of Turf Management skills (10%) a. Qualifications b. Training c. Experience.	<ul style="list-style-type: none"> ▪ Multiple staff with > 20 years turf mowing and turf management experience. ▪ Multiple staff with accredited turf management qualifications. ▪ Additional licenses and training listed, including a training and qualifications register, machine training matrix. ▪ Professional Memberships listed. ▪ Comprehensive outline of key skills and services. ▪ Comprehensive outline of previous relevant experience and roles. 	<ul style="list-style-type: none"> ▪ Multiple staff with > 20 years turf mowing and turf management experience. ▪ Multiple staff with accredited turf management qualifications. ▪ Additional licenses and training listed, including a training and qualifications register, machine training matrix. ▪ Professional Memberships listed. ▪ Comprehensive outline of key skills and services. ▪ Comprehensive outline of previous relevant experience and roles. 	<ul style="list-style-type: none"> ▪ Staff with 10 years turf mowing experience, but comparatively limited turf management experience. ▪ Staff with minimal accredited turf management qualifications. ▪ Additional licenses and training listed, including a training and qualifications register, machine training matrix. ▪ Professional Memberships listed. ▪ Solid outline of key skills and services. ▪ Solid outline of previous relevant experience and roles.
B. Tenderer’s Resources and Delivery (20%) Tenderers must address the following information in an attachment and label it “ Tenderer’s Resources ”:	a) 9 b) 8 Total 17 / 20	a) 9 b) 10 Total 19 / 20	a) 7 b) 8 Total 15 / 20

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QUALITATIVE CRITERIA	Grow Turf	Lawn Doctor	Vari-skilled
<p>a) Plant, equipment, resources and materials. (10%)</p> <p>a. List proposed plant and equipment</p> <p>b. Contingency measures or backup of resources including personnel (where applicable).</p>	<ul style="list-style-type: none"> ▪ Clear outline of proposed equipment that meets requirements outlined in specification. ▪ Comprehensive list of additional equipment, as well as alternative options. ▪ Comprehensive list of additional equipment outlining flexibility and ability to provide contingency arrangements. ▪ Summary of potential issues requiring contingency measures and comprehensive outline how these would be dealt with. 	<ul style="list-style-type: none"> ▪ Clear outline of proposed equipment that meets requirements outlined in specification. ▪ Comprehensive list of additional equipment, as well as alternative options. ▪ Comprehensive list of additional equipment outlining flexibility and ability to provide contingency arrangements. ▪ Summary of potential issues requiring contingency measures and comprehensive outline how these would be dealt with. 	<ul style="list-style-type: none"> ▪ Contractor has outlined proposed equipment, based upon previous contract, <ul style="list-style-type: none"> - This does not address the requirements outlined in specification. - No discussion or clarification to justify. ▪ Solid list of additional equipment. ▪ Basic list of equipment outlining flexibility and ability to provide contingency arrangements. ▪ Summary of potential issues requiring contingency measures and comprehensive outline how these would be dealt with.
<p>b) Demonstrated understanding of the Scope of Work (10%)</p> <p>a. Specifically a Schedule for delivery</p> <p>b. OHS Procedures.</p>	<ul style="list-style-type: none"> ▪ Comprehensive methodology broken down for each type of service area and service requirement. ▪ Comprehensive methodology for additional services and overall turf management knowledge. ▪ Comprehensive delivery schedule, outline specific days each month for each location, including machinery servicing. ▪ Effective outline of OHS procedures. ▪ Comprehensive outline of machinery maintenance practices. 	<ul style="list-style-type: none"> ▪ Comprehensive methodology broken down for each type of service area and service requirement. ▪ Comprehensive methodology for additional services and overall turf management knowledge. ▪ Comprehensive delivery schedule, outline specific days each month for each location, including machinery servicing. ▪ Comprehensive outline of OHS procedures. ▪ Comprehensive outline of machinery maintenance practices. 	<ul style="list-style-type: none"> ▪ Comprehensive methodology broken down for each type of service area and service requirement. ▪ Effective methodology for additional services and overall turf management knowledge. ▪ Comprehensive delivery schedule, outline specific days each month for each location, including machinery servicing. ▪ Basic outline of OHS procedures. ▪ Effective outline of machinery maintenance practices.
TOTAL	43/50	46/50	36/50

The weight price assessment is considered in financial implications. The overall review and recommendation of preferred contractor will also be outlined in the financial implications section.

Qualitative Criteria Tender Ranking and Summary Notes

1. Lawn Doctor
 - a. Extensive experience with mowing.
 - b. Extensive turf management experience and qualifications.
 - c. Perth based, but would establish a Jurien Bay sub-base.
 - d. Comprehensive OHSE procedures.
 - e. Has successfully delivered turf management projects for the Shire.
2. Gro-Turf
 - a. Extensive experience with mowing.
 - b. Extensive turf management experience and qualifications.
 - c. Muchea based.
 - d. Solid OHSE procedures.
3. Vari-skilled
 - a. Incumbent contractor who has a good understanding of scope of services.
 - b. Locally based in Jurien Bay.
 - c. Limited turf management qualifications.
 - d. Queries regarding proposed plant and equipment.
 - e. Basic OHSE procedures

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Coordinator Infrastructure Operations
- Jurien Bay Operations Supervisor
- Dandaragan Operations Supervisor

Turf Management Review

During the 2017/18 extension period Shire officers have been undertaking an extensive review of Turf Management, including *Mowing of Public Open Space* services. This entailed:

- Turf management review undertaken by turf consultant Woodlands.
- Working with the incumbent turf mowing contractor (Vari-skilled) as well as operations staff to review and trial alternative mowing regimes.

The Shire commissioned a turf consultant, Woodlands, to provide an independent review and recommendations to the Shire on our current turf management practices. Information gathered as part of this review process contributed towards refining how turf mowing and turf management as a whole is to be undertaken from 1 July 2018 onwards.

The review process included a detailed assessment of the mowing frequency requirements for each park. Several observations were made in this assessment including:

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- Inconsistencies of frequency from location to location as outlined in the original contract.
- Recent renovation projects across a number of Shire owned locations.
- Issues regarding turf quality, weed contamination and wider turf management practices.

This Turf Management Report outlined a number of recommendations going forward that drove the specifications for RFT01-18. These key recommendations mainly relate to:

- Mowing Frequency
- Mower Types
- Fertilising
- Irrigation
- Pest Management

Details of the Turf Management Review were presented to Council at the April 2018 Council Forum prior to RFT01-18 being advertised.

Tender Briefing

A mandatory tender briefing was held on Tuesday, 22 May 2018 at 10am at the Shire of Dandaragan Administration Building, Jurien Bay. The tender briefing provided prospective tenderers with the opportunity to clarify any uncertainties with the contact person prior to the closing of the tender.

The following 3 contractors attended the mandatory Tender Briefing:

- Gro-Turf Pty Ltd
- Lawn Doctor Turf Solutions
- Vari-skilled

STATUTORY ENVIRONMENT

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publically invited.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

FINANCIAL IMPLICATIONS

The following section provides a financial summary of Tenders received and also the Shire Officers' recommendation.

This includes a comparison of costs against:

- 2016/17 Financial Year as per RFT 02-2013.
 - Reflective of actual budget costs over the course of 2016/17 financial year.
 - Items 5 and 6 delivered via Shire internal operations staff.

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- 2017/18 Interim Contract.
 - Reflective of actual budget costs over the course of 2017/18 financial year.
 - Includes changes to proposed scope of works and methodology.
 - Item 4 delivered by Shire internal operations staff, following turf renovation projects.
 - Items 5 and 6 delivered via Shire internal operations staff.
- Options 1 and 2 for each tender submitted.

Information includes costs “Per Cut” as well as “Indicative Annual Costs” for each option. All costs are exclusive of GST.

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OPTION 1 - Current Mowing Regime including Catching of Clippings					
Cost per Cut					
Item	16/17 Budget	17/18 Interim	Grow Turf	Lawn Doctor	Vari-skilled
1. Jurien Bay	\$ 4,310.81	\$ 4,310.81	\$ 4,987.00	\$ 5,704.92	\$ 3,795.89
2. Jurien Bay - Building Surrounds Lawn	\$ 598.79	\$ 598.79	\$ 1,155.00	\$ 224.64	\$ 839.08
3. Cervantes	\$ 1,966.98	\$ 1,966.98	\$ 2,405.00	\$ 2,953.08	\$ 1,957.63
	\$ 6,876.58	\$ 6,876.58	\$ 8,547.00	\$ 8,882.64	\$ 6,592.60
4. Jurien Bay - Additional Areas	\$ 625.39	\$ 566.67	\$ 1,565.00	\$ 1,322.92	\$ 844.36
5. Dandaragan	\$ 766.67	\$ 966.67	\$ 1,060.75	\$ 814.15	\$ 1,218.18
6. Badgingarra	\$ 200.00	\$ 200.00	\$ 620.00	\$ 386.92	\$ 422.18
	\$ 1,592.06	\$ 1,733.33	\$ 3,245.75	\$ 2,523.99	\$ 2,484.72
	\$ 8,468.64	\$ 8,609.92	\$ 11,792.75	\$ 11,406.63	\$ 9,077.32
Indicative Annual Cost					
Item	16/17 Budget	17/18 Interim	Grow Turf	Lawn Doctor	Vari-skilled
1. Jurien Bay	\$ 102,018.56	\$ 79,003.46	\$ 104,737.50	\$ 119,803.32	\$ 79,713.71
2. Jurien Bay - Building Surrounds Lawn	\$ 22,683.26	\$ 34,049.63	\$ 48,510.00	\$ 9,350.64	\$ 34,800.91
3. Cervantes	\$ 45,043.18	\$ 37,308.32	\$ 50,505.00	\$ 62,014.68	\$ 41,110.36
	\$ 169,745.00	\$ 150,361.41	\$ 203,752.50	\$ 191,168.64	\$ 155,624.98
4. Jurien Bay - Additional Areas	\$ 19,232.27	\$ 17,000.00	\$ 32,865.00	\$ 27,778.32	\$ 17,731.64
5. Dandaragan	\$ 23,000.00	\$ 29,000.00	\$ 22,275.50	\$ 17,097.15	\$ 25,581.82
6. Badgingarra	\$ 6,000.00	\$ 6,000.00	\$ 13,020.00	\$ 8,125.32	\$ 8,865.82
	\$ 48,232.27	\$ 52,000.00	\$ 68,160.50	\$ 53,000.79	\$ 52,179.28
	\$ 217,977.27	\$ 202,361.41	\$ 271,913.00	\$ 244,169.43	\$ 207,804.26
Weighted Price Rating			35	40	50

Note: Items in italics represent services delivered by Shire internal operations staff.

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OPTION 2 – Alternative Mowing Regime with increased frequency and no catching of clippings					
Cost per Cut					
Item	16/17 Budget	17/18 Interim	Grow Turf	Lawn Doctor	Vari-skilled
1. Jurien Bay	\$ 4,310.81	\$ 4,310.81	\$ 3,241.83	\$ 5,704.92	\$ 3,252.49
2. Jurien Bay - Building Surrounds Lawn	\$ 598.79	\$ 598.79	\$ 1,033.50	\$ 224.64	\$ 839.08
3. Cervantes	\$ 1,966.98	\$ 1,966.98	\$ 1,591.23	\$ 2,953.08	\$ 1,545.61
	\$ 6,876.58	\$ 6,876.58	\$ 5,866.56	\$ 8,882.64	\$ 5,637.18
4. Jurien Bay - Additional Areas	\$ 625.39	\$ 566.67	\$ 1,045.25	\$ 1,322.92	\$ 639.16
5. Dandaragan	\$ 766.67	\$ 966.67	\$ 870.00	\$ 814.15	\$ 848.17
6. Badgingarra	\$ 200.00	\$ 200.00	\$ 510.00	\$ 386.92	\$ 422.18
	\$ 1,592.06	\$ 1,733.33	\$ 2,425.25	\$ 2,523.99	\$ 1,909.51
	\$ 8,468.64	\$ 8,609.92	\$ 8,291.81	\$ 11,406.63	\$ 7,546.69
Indicative Annual Cost					
Item	16/17 Budget	17/18 Interim	Grow Turf	Lawn Doctor	Vari-skilled
1. Jurien Bay	\$ 102,018.56	\$ 79,003.46	\$ 107,117.28	\$ 188,786.52	\$ 106,347.54
2. Jurien Bay - Building Surrounds Lawn	\$ 22,683.26	\$ 34,049.63	\$ 43,285.50	\$ 9,350.64	\$ 34,800.91
3. Cervantes	\$ 45,043.18	\$ 37,308.32	\$ 64,294.24	\$ 113,906.52	\$ 60,690.73
	\$ 169,745.00	\$ 150,361.41	\$ 214,697.02	\$ 312,043.68	\$ 201,839.18
4. Jurien Bay - Additional Areas	\$ 19,232.27	\$ 17,000.00	\$ 44,945.75	\$ 56,885.56	\$ 27,484.04
5. Dandaragan	\$ 23,000.00	\$ 29,000.00	\$ 37,410.00	\$ 35,008.45	\$ 36,451.83
6. Badgingarra	\$ 6,000.00	\$ 6,000.00	\$ 10,710.00	\$ 8,125.32	\$ 8,865.82
	\$ 48,232.27	\$ 52,000.00	\$ 93,065.75	\$ 100,019.33	\$ 72,801.69
	\$ 217,977.27	\$ 202,361.41	\$ 307,762.77	\$ 412,063.01	\$ 274,640.87
Weighted Price Rating			25	20	35

Note: Items in italics represent services delivered by Shire internal operations staff.

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A weighted price rating was based upon the referenced indicative annual cost of financial years 2016/2017 and 2017/2018, which provides a basis for historical and ongoing annual turf mowing budgets.

Tender submission cost information can be summarised as follows:

- Only Vari-skilled Option 1 provides an indicative annual cost comparable to actual budget figures of 2016/17 and 2017/18.
- All indicative annual cost tenders submitted for Option 2 are significantly above budget figures of 2016/17 and 2017/18.
- The cost per cut does not significantly reduce for Option 2, even though:
 - clippings are not having to be caught and disposed of; and
 - ancillary services are to be undertaken every other cut.
- Option 2 would provide an overall better turf management regime, but at an additional indicative annual cost of between \$60,000 to \$80,000, if the lowest tender was endorsed.
- Discretionary Items 4, 5 and 6 have been delivered internally by shire operations staff in 2017/18 and the annual costs for these items are comparable to the lowest indicative annual cost tender submission for Option 1.

During the review process Shire officers undertook an initial assessment of the indicative annual cost to undertake all mowing services via internal operations staff as opposed to outsourcing via contract. This estimate was based upon:

- Historical costs to the deliver the existing services internally (Items 4, 5 and 6)
- An estimate of time, resources and plant to undertake the remaining services (Items 1, 2 and 3).

This information was discussed with Council at Council Forum in April 2018, prior to advertising the RFT. Shire officers did not submit an In House Tender during the RFT process.

Shire officers estimate to undertake this work internally as follows:

Shire Operations - Internal Estimate		
Indicative Annual Cost		
	Option 1	Option 2
Items 1, 2, 3 & 4	\$ 150,000	\$ 200,000
Item 5	\$ 23,000	\$ 29,000
Item 6	\$ 6,000	\$ 6,000
Total	\$ 179,000	\$ 235,000

The overall assessment for each tenderer against the criteria is summarised as follows:

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OPTION 1 - Current Mowing Regime including Catching of Clippings			
	Grow Turf	Lawn Doctor	Vari-skilled
Qualitative Criteria	43	46	36
Weighted Price Rating	35	40	50
Total	78	86	86
OPTION 2 – Alternative Mowing Regime with increased frequency and no catching of clippings			
	Grow Turf	Lawn Doctor	Vari-skilled
Qualitative Criteria	43	46	36
Weighted Price Rating	25	20	35
Total	68	66	71

Based upon the both qualitative criteria and cost information submitted, Shire officers are recommending the following regarding the award of contract.

Vari-skilled be awarded RFT01-18 for Option 1.

- Items 1.
- Item 2.
- Item 3.
- Should additional services be required during the year at the discretion of Shire officers these will be delivered based upon the cost per cut as outlined in Option 2.

Shire operations continue to deliver items 4, 5 and 6 via internal operations staff for the following reasons:

- Items 4.
 - Delivered internally by Shire operations staff since November 2016, following major turf renovations projects.
 - Allowed greater flexibility with overall turf management components.
 - Contributed towards upskilling Shire operations staff.
 - Shire operations staff have taken ownership and immense pride in delivering this service.
- Item 5 and Item 6.
 - These services have been historically delivered by internal Shire operations staff in Dandaragan, as part of the wider public open space and town maintenance services.
 - This provides an overall cost effective delivery of all services in these two towns.

These recommendations are consistent with the delivery of services undertaken during the 2017/18 financial year and the indicative annual costs are comparative to the annual budget for services delivered over the 2016/17 and 2017/18 financial years.

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Shire officers recommend that no contract be awarded for discretionary services relating to Items 7 and 8. Whilst all submissions exhibited turf management skills and knowledge, none of the submitted tenders provided a cost effective submission that combined mowing and overall turf management service that warranted whole outsourcing of all turf management services. Greater flexibility, cost effectiveness and service delivery would be achieved by Shire operations staff addressing specific turf management issues on an as needs basis, as per existing processes.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objective	How the Shire will contribute
1.3: Ensure timely provision of essential and strategic infrastructure	e) Provide and manage public open space, including ovals, parks and gardens, playgrounds, open reserves, road verges and median strips and street trees.
BUSINESS AS USUAL	1h) Public Open Spaces

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / ORIGINAL MOTION

Moved Cr Eyre, seconded Cr Clarke

That Council:

- 1. award RFT01-18 to Vari-skilled for Option 1 to deliver the following services for an annual indicative cost of \$155,625 exclusive of GST:**
 - **Item 1 – Jurien Bay townsite Public Open Space.**
 - **Item 2 – Jurien Bay Building Surrounds Lawns.**
 - **Item 3 – Cervantes townsite Public Open Space.**
- 2. endorse the following discretionary services to be delivered by internal operations staff:**
 - **Item 4 – Jurien Bay Additional Areas.**
 - **Item 5 – Dandaragan townsite Public Open Space.**
 - **Item 6 – Badgingarra townsite Public Open Space.**
- 3. resolve not to award discretionary services associated with Items 7 and 8.**

Advice Note:

Should additional services be required during the year, at the discretion of the CEO, these will be delivered based upon the cost per cut for each location as outlined in their submission for Option 2.

MOTION TO AMEND

Moved Cr Shanhun, seconded Cr Slyns

That the motion be amended to include Item 4 – Jurien Bay Additional Areas in the services awarded under RFT01-18 and increase the indicative cost to \$173,357 exclusive of GST.

MOTION LOST 3 / 6

As the Motion to Amend was lost the President called for a vote on the original motion.

CARRIED BY ABSOLUTE MAJORITY 6 / 3

9.2.2 PROPOSAL TO ENTER A LEASE AGREEMENT WITH LENDLEASE

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Commercial Activities / Joint Ventures / Service Level Agreements
Disclosure of Interest:	None
Date:	20 June 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

For Council to consider establishing an agreement to lease a portion of the Jurien Bay Operations Centre to Lendlease, who are Main Roads Mid-West Gascoyne Regional Network contractor, and advertise this agreement via public notice Council's intent to enter a lease agreement.

BACKGROUND

The Shire of Dandaragan has been approached by Lendlease to establish a Road Maintenance Operation within Jurien Bay. This proposal outlines Lendlease's request to co-locate with the Shire at its operations centre in Jurien Bay under a lease agreement and to seek Council's approval to advertise via public notice Council's intent to enter a lease agreement for this purpose.

Lendlease has recently secured a five year maintenance contract with Main Roads Mid-West Gascoyne Region which covers Main Roads WA road infrastructure corridors in the region. This contract

commenced in November 2017 with an option to extend for an additional two years based on Lendlease's performance.

COMMENT

Main Roads and Lendlease have for some time considered establishing an operating base in the southern part of the Mid- West Region. This need has been driven by the proximity of Geraldton to Two Rocks and the need to respond faster to an increased number of requirements for road maintenance. Main Roads' plan for this started over 3 years ago. Now, with a new supply contract in place, Main Roads and Lendlease have together revisited this option. Main Roads and Lendlease's considerations for a base have included Moora, Dalwallinu and Jurien Bay.

Jurien Bay has become an important strategic location for Main Roads and Lendlease as it provides central access for servicing the southern section of the network including Indian Ocean Drive, Brand Highway and Midlands Road.

A base in Jurien Bay will allow Lendlease to place resources for dispatch at short notice and respond to customer needs, attend to emergencies, and importantly become part of the local community where they operate out of.

The operation will be independent of that of the Shire's operations centre and it is proposed that Lendlease will operate their own gate access to the premises. Security of Lendlease's equipment will rest with Lendlease.

Lendlease will offer local employment opportunities, support local businesses and foster local relationships for the long term.

Nature of Operations

The tasks to be completed by the local crews include routine road maintenance and litter collection, including rest area maintenance. The team will also respond to emergencies such as fires and vehicle accidents. The incident focus is to keep the public safe and keep traffic flowing by providing traffic control. All Lendlease's operators are accredited traffic controllers.

The resources required to be placed at the Shire's Jurien Depot include five items of plant and five permanent employees as follows:

1. One 8T Routine Maintenance Truck and two plant operators
2. One Utility Vehicle with Litter Cage Trailer and two plant operators
3. One Foreperson with Utility Vehicle
4. One Bobcat and Equipment Trailer

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The personnel will typically work Monday to Friday from 7am to 5pm to travel the road network, and whilst they will start in the depot on a Monday morning, they may travel away all week and stay in motel or camp accommodation and return Friday afternoon. This is depending on task locations and response priorities.

The crew and foreperson will preferably have a portable site office and toilet access at the depot. Lendlease and Main Roads will cover the cost of any installation of these facilities.

Lendlease will require to store cold mix and fine aggregate, and propose to install concrete ground bins for this purpose. Emulsion will be stored in 1,000L bulk bins and an option for bulk tank storage will be considered once the operation has been bedded in. Lendlease and Main Roads will also cover the cost for this installation.

Health, Safety and Environment

Lendlease operates under Global Minimum Requirements (GMR) in relation to occupational, health, safety and environment.

Lendlease will submit to the Shire a comprehensive Depot Management Plan for approval prior to the operation commencing. The Plan will include relevant operational detail, contacts, and safety approach to tasks. Other relevant operating plans will be shared as required.

Personnel

Lendlease personnel are inducted under the GMR scheme to meet Lendlease's operating standards in everything they do.

The Foreperson will have operational responsibility day to day and the maintenance personnel will report to the Foreperson. This person will report to their Maintenance Supervisor based in Geraldton.

In relation to the security of Shire assets on site, in the past the Shire has provided numerous external agencies access to the Operations Centre outside of normal business hours, and provided Council property and resources are properly secured by Shire operations staff, the Shire does not envisage there to be any risk to Council property or resources.

Incidentally, provision has also been made in the draft 2018/19 annual budget for the purchase of locking mechanisms to be installed on Shire sheds and equipment to prevent mis-intended use or theft.

Following in-depth discussion with Main Roads Mid-West Gascoyne Region, Lendlease and Shire officers in regards to this proposal, the Shire believes that the establishment of this operation will be of mutual benefit to all parties, including the local community, in delivering local services by local people, sharing skills and knowledge, and fostering a long term and positive relationship.

Furthermore, under Section 3.58 (3) of the Local Government Act Council is permitted to lease property provided certain procedures have taken place in accordance with the Act and the staff seek Council's approval to provide public notice of Council's intent to lease this space.

CONSULTATION

Internal

- Chief Executive Officer
- Executive Manager Infrastructure
- Executive Manager Corporate & Community Services
- Executive Manager Development Services
- Coordinator Infrastructure Services
- Operations Supervisor Jurien Bay

External

- Lendlease
- Main Roads Mid-West Gascoyne Region
- Griffin Valuation Advisory

With Lendlease being a private company, Council is required to advertise the commercial nature of this lease agreement. If the proposed lease agreement had of been with Main Roads as a government department, then the requirement for advertising is not as stringent.

As part of the consultation process, Main Roads advised the Shire that this lease agreement would have to be established with Lendlease directly as opposed to establishing a lease agreement with Main Roads, hence the requirement for advertising.

STATUTORY ENVIRONMENT

Council is able to lease property provided it meets the requirements of Section 3.58 of the *Local Government Act 1995* Disposing of Property

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

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- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

POLICY IMPLICATIONS

There are no policy implications in relation to this item.

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FINANCIAL IMPLICATIONS

The Shire engaged Griffin Valuation Advisory to provide a desktop land asset value report in order to determine the market rental value for the amount of land proposed to be leased (see attachment 9.2.2 – Doc ID: 113706).

This assessment of the subject property ground rental value was based on the best available market rental evidence from country locations. Given the subject area to be leased is in close proximity to the Jurien Bay townsite and all utility services provided at the location the opinion of Griffin Valuation Advisory is that a rate of \$6 per m² is satisfactory.

Following the preparation of the attached Land Asset Valuation Report by Griffin Valuation Advisory the proposed ground lease valuation amounts to a market rental value of \$12,000 per annum ex GST. This equates to a total amount of \$60,000 ex GST over the 5 year term of the contract with the possibility to extend the contract for another two years depending on Main Roads Mid- West Gascoyne Region's review of Lendlease's performance. Lendlease's satisfactory performance review could ultimately see the Shire receive an additional \$24,000 within the 2023/24 and 2024/2025 financial years.

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	<ul style="list-style-type: none"> a) Manage commercial and caravan park leases b) Identify and engage with future new business and industry opportunities c) Realise potential of Council's control of lazy land assets.
<i>Goal 5: Proactive And Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High Performing Administration	<ul style="list-style-type: none"> b) Provide robust financial management and guardianship of the community's assets c) Compliance in all legislative requirements and functions
5.6 Implement sound corporate governance and risk management	<ul style="list-style-type: none"> f) maintain a high standard of governance and accountability g) Manage risk

ATTACHMENTS

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

- Griffin Valuation Advisory Land Asset Valuation Report (Doc Id 113706)
(Marked 9.2.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council agree to provide public notice of Council's intent to lease 2,000m² of depot space to Lendlease for the amount of \$60,000 over a term of 5 years, with an option for an additional 2 years, as per Section 3.58 (3) of the *Local Government Act 1995*.

CARRIED 9 / 0

9.3 DEVELOPMENT SERVICES**9.3.1 RETROSPECTIVE PLANNING APPROVAL – UNAUTHORISED DEVELOPMENT – LOT 414 JURIEN BAY VISTA, JURIEN BAY HEIGHTS**

Location:	Lot 414 Jurien Bay Vista, Jurien Bay Heights
Applicant:	DJ Ball
Folder Path:	Development Services Apps / Development Applications / 2018 / 35
Disclosure of Interest:	Nil
Date:	28 May 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

The proponent is seeking retrospective planning approval for the following unauthorised buildings on Lot 414 Jurien Bay Vista, Jurien Bay Heights:

- 1 x Donga 7.4m x 2.8m
- 1 x Sea Container 6m x 2.4m
- 1 x Old Site Office 6m x 4m
- 1 x Pergola 7m x 6.5m
- 1 x Patio 5.6m x 5.5m

Location Plan



BACKGROUND

The Manager of Building Services (MBS) investigated a complaint about illegal buildings on the subject property. It was found no development or building consent was given for the development which had occurred on the land. The MBS under guidance of the Executive Manager of Development Services (EMDS) took action on this breach by notifying the landowner to the nature of the breach and the relevant Shire requirements to rectify noncompliance within an appropriate timeframe via letter. An aspect of the letter also asked the landowner to “show cause” as to why Council should not exercise its discretion to implement further specified enforcement action as available under the relevant acts. This action was not unique to this given property as several other properties in Shire’s Rural Residential and Special Use – Rural Development Local Planning Scheme No.7 (LPS7) zones have been notified of breaching planning and building statute.

Council does not have a policy which effectively deals with this compliance matter. However, it is noted the Shire may become aware of an alleged noncompliance or a breach by a landowner or occupier within the Shire through either a site inspection, aerial photography or a complaint. All complaints are investigated, whether received in writing, by telephone or in person.

The Shire acknowledges it does not have unlimited resources and somewhat relies upon the public to make complaints and to provide evidence to assist in taking enforcement action. Not all requests for Shire action will warrant detailed investigation or the taking of action, and Shire resources may inhibit the taking of action in all cases

where, otherwise, action would be justified. Nonetheless, the Shire does and will continue to record all complaints of unauthorised development and activity even though some of these may not be dealt with for a considerable time.

The exercise of the Shire's authority to enforce planning law is discretionary. Meaning, the Shire does not have a legal obligation to take action to enforce planning law that is enforceable at the insistence of a third party. Council may choose not to enforce the law at all in particular circumstances. However, the Shire may commit a legal error if it does not turn its mind to the exercise of its statutory power in the event of a breach of planning law. Under common law, failure to take planning law enforcement action may constitute negligence in the event that a duty of care can be established to exist and to have been breached.

Section 164 of the Planning and Development Act 2005 (the Act) affords a local authority the ability to retrospectively approve development which was carried out prior to planning approval being granted for the subject development. More specifically, Section 164(3) states retrospective approval does not affect the operation of Part 13 of the Act, which comprises the relevant enforcement and penalty provisions. This indicates that retrospective approval will not preclude prosecution for prior unlawful development.

The Shire has deferred commencement of enforcement action in this case as the application for retrospective approval (the subject of this item) has been lodged for assessment.

COMMENT

There are three legal tests to be considered for retrospective planning approval, as follows.

Likelihood of Consent

Is the unauthorised development a form of development or activity that, 'but for' the failure to make application for a development consent or an activity approval, would likely have been granted such consent or approval subject to appropriate conditions.

An unauthorised development is understood to 'pass' this test in the event that it is likely that the development or activity would have been granted consent, had application been made for such consent prior to the undertaking of the development.

Shire planning staff consider if an application was made prior to development that formal consent would not have been granted for the ad hoc development. Reasons for this are the development is noncompliant with Clauses 1.4, 2.1, 4.1 and 7.2 of *Schedule 9: Specific Conditions for Rural Development on Victoria Location*

10751 ('Jurien Bay Heights') of LPS7. Each noncompliant Clause is listed below.

1.4 *Local government shall require a buffer distance of 150 metres between the nearest boundary of the waste landfill site and any dwelling consistent with the Department of Environmental Protection's Draft Code of Practice for Country Landfill Management.*

It is noted the development may in fact be compliant with this clause but submitted plans do not detail the setback from the affected rear property boundary.

2.1 *Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. No materials or colours shall be used which the Local government considers will have an undue impact on the visual amenity of the adjoining sites or the surrounding locality.*

4.1 *The disposal of liquid and/or solid wastes on the lots shall be carried out by way of an effluent system approved by the Local government and the health Department of Western Australia. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for development utilising conventional effluent disposal systems shall be setback a minimum of 100 metres from a natural permanent water course, water body or existing drain, and situated 2 metres above the highest known ground water level.*

7.2 *Each dwelling shall be provided with a supply of potable water comprising of not less than 120,000 litres of storage directly connected to the necessary roof catchment area to provide this supply.*

Environmental Impact

"Is the unauthorised development likely to cause a significant environmental impact, including impacts on the natural and the built environment? The application of this test requires a determination of the fact of any environmental impact and an assessment of the degree of that impact."

An unauthorised development is understood to 'pass' this test in the event that the impacts of the development or activity are negligible or insignificant and action to control the impacts is not required.

Such development is not common within 'Jurien Bay Heights' and the granting of approval of this development would set an undesirable precedent for similar applications in the future.

Furthermore, as outlined above the proposal is considered to be in conflict with Clause 2.1 of Schedule 9 in respect of amenity impacts to neighbouring land, although visual impact is somewhat mitigated by remnant vegetation on the property. Adding to this, an environmental health concern is apparent in the operation of an unauthorised effluent disposal system in a sensitive soil region of the Shire. Therefore, it is concluded the development does not pass this legal test.

Public Safety

“Is the unauthorised development likely to lead to injury and/or to create a public liability? The application of this test requires a determination of the fact of any health and safety risk and an assessment of the degree of that risk.”

An unauthorised development is understood to ‘pass’ this test in the event that no significant health and/or safety risk is created by the development.

The applicant although requested by staff has not detailed if the development is used for habitable purposes. Nevertheless, the applicant supplied pictures of the development show an operational hot water unit and sewage treatment apparatus which lead to an understanding the development is habitable whether that be occasional or a more permanent nature. In either case the use of such structures requires a separate septic apparatus approval under the Health Act 1911. Furthermore, the development is non-compliant with Clause 4.1 of Schedule 9 of LPS7 in this aspect as detailed above.

The following is required for the development to be used for permanent habitable nature, pursuant to the Building Code of Australia. To convert an office building (Class 5) to a dwelling (Class 1), the following ‘Required Facilities’ are outlined under Clause 3.8.3.2 of the Code:

- (a) *A Class 1 building must be provided with-*
 - i. kitchen sink and facilities for the preparation and cooking of food; and*
 - ii. A bath or shower; and*
 - iii. Clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine; and*
 - iv. A closed pan and washbasin*
- (b) *If any of the facilities in (a) are detached from the main building, they must be set aside for the exclusive use of the occupants of the building.*

Details of the development to ensure compliance with the above have not been supplied by the applicant. As such, a serious health and safety risk is created by the development.

Further to this the property is located with a Bushfire Prone Area and as result a Bushfire Attack Level (BAL) Assessment is required. The EMDS as an accredited BAL assessor has noted the development would require significant changes to achieve the required BAL of less than 29, further adding to the health and safety risks of the development.

In addition to this another serious health and safety risk is posed by the development in the form of the potable water supply. As per Clause 7.1 of Schedule 9 of LPS7, 120,000 litres of potable water storage directly connected to the necessary roof catchment area is required. This is not achieved by the existing water tank or aggregate roof catchment of approximately 135m².

There is also a concern the development could be within the required buffer distance of 150m of the waste landfill site, which is noncompliant with Clause 1.4 of Schedule 9 of LPS7 as outline previously.

In summary it is considered the development fails this legal test, resulting in the failing of each of the three tests. Thus the development is recommended for refusal.

In giving refusal for the retrospective application it is appropriate to undertake enforcement measures to remedy the subject land of the illegal development. This can be facilitated under Section 214 of the Act, whereby, the Shire can issue a written direction for the illegal development to be removed and for the land to be restored to its condition immediately before development started (to the Shire's satisfaction) within a period of 60 days. It is recommended Council authorise this written direction be served on the applicant.

Pursuant to Section 215 of the Act, if the direction is not carried out within the specified timeframe, the Shire can execute the required work of the direction with all costs of such works borne by the directed person.

Under Section 255 of the Act there is right of review to the State Administrative Tribunal to the person served the direction under Section 214. If the State Administrative Tribunal confirms or varies the direction, it may, by written notice served on the person to whom the direction was given, direct the owner to comply with the direction as so confirmed or varied, within a period of not less than 40 days after service of the notice, as is specified in the notice.

Alternative Recommendation:

That Council grant retrospective planning approval to the development on Lot 414 Jurien Bay Vista, Jurien Bay, subject to the following conditions:

1. all development shall be in accordance with application and plans dated 28 June 2018 unless required to be amended hereunder.
2. if the Bushfire Attack Level for this application is above 29, a new planning application showing fire hazard mapping for the subject property must be provided and implemented to achieve a BAL of 29.
3. an application is to be submitted and approved to the satisfaction of the Shire's Principle Environmental Health Officer for an effluent disposal system on the property.
4. the area around the effluent disposal system shall be planted with indigenous trees and shrubs by the land owner and be maintained to the satisfaction of the local authority.
5. the building materials of all structures are to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site.
6. the existing sea container is to be secured to the satisfaction of the Shire's Manager of Building Services.
7. the existing 'donga' and 'old site office' is not be used for habitable purposes unless a separate time limited approval is granted in accordance with any Council policy.
8. this is planning approval only and not a building permit. A building permit must be obtained for this development.

CONSULTATION

As the property is situated on the corner of Conover Road and Jurien Bay Vista, only the neighbouring Lot 413 Jurien Bay Vista is potentially affected. However, notification of unauthorised works was also mailed by the MBS to this landowner, and hence, this landowner was not consulted in regards to this retrospective planning application.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No.7
- Building Code of Australia
- Health Act 1911

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid the standard planning application fee, plus, by way of penalty, double the prescribed fee, totally a fee of \$441.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

<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 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
5.2 High performing administration	c) Compliance in all legislative requirements and functions
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:

- Submitted Plans (Doc Id: 112188)
 - Photos provided by the applicant (Doc Id: 112187)
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council:

- 1. refuse the application for retrospective planning approval for development on Lot 414 Jurien Bay Vista, Jurien Bay Heights for the following reasons:**
 - a. approval of the application would set an undesirable precedent for future applications for such development type within the ‘Special Use – Rural Development’ zone.**
 - b. Council considers that this type of development will not satisfactorily blend in with the rural development landscape and will have undue adverse impact on the visual amenity of the adjoining sites and surrounding locality in contravention of Clause 2.1 of the Development Criteria for the Estate as listed under Schedule 9 of the Shire of Dandaragan Local Planning Scheme No.7.**
 - c. the proposed development does not comply with orderly and proper planning for the locality.**
- 2. pursuant to Section 214 of the Planning and Development Act 2005 (the Act), authorise Shire staff serve a written direction to the landowner of Lot 414 Jurien Bay Vista, Jurien Bay**

Heights to remove the unauthorised development and restore the land to its condition immediately before the unauthorised development started within a period of 60 days to the satisfaction of the Shire's Chief Executive Officer. The landowner is to be advised there is a right of review to the State Administrative Tribunal within 40 days after service of the notice under Section 255 of the Act.

CARRIED 9 / 0

9.3.2 RETROSPECTIVE PLANNING APPROVAL – UNAUTHORISED DEVELOPMENT – LOT 103 HOMESTEAD LOOP, MARINE FIELDS

Location:	Lot 103 Homestead Loop, Marine Fields
Applicant:	AM Waters
Folder Path:	Development Services Apps / Development Applications / 2018 / 34
Disclosure of Interest:	Nil
Date:	31 May 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

The proponent is seeking retrospective planning approval for the following unauthorised buildings on Lot 103 Homestead Loop, Marine Fields:

- 2 x Sea Containers 8m x 2.5m
- 1 x Patio 12m x 4m
- 1 x Ablution Block 4m x 3m

Location Plan



BACKGROUND

The Manager of Building Services (MBS) investigated a complaint about illegal buildings on the subject property. It was found no development or building consent was given for the development which had occurred on the land. The MBS under guidance of the Executive Manager of Development Services (EMDS) took action on this breach by notifying the landowner to the nature of the breach and the relevant Shire requirements to rectify noncompliance within an appropriate timeframe via letter. An aspect of the letter also asked the landowner to “show cause” as to why Council should not exercise its discretion to implement further specified enforcement action as available under the relevant acts. This action was not unique to this given property as several other properties in Shire’s Rural Residential and Special Use – Rural Development Local Planning Scheme No.7 (LPS7) zones have been notified of breaching planning and building statute.

Council does not have a policy which effectively deals with this compliance matter. However, it is noted the Shire may become aware of an alleged noncompliance or a breach by a landowner or occupier within the Shire through either a site inspection, aerial photography or a complaint. All complaints are investigated, whether received in writing, by telephone or in person.

The Shire acknowledges it does not have unlimited resources and somewhat relies upon the public to make complaints and to provide evidence to assist in taking enforcement action. Not all requests for Shire action will warrant detailed investigation or the taking of action, and Shire resources may inhibit the taking of action in all cases where, otherwise, action would be justified. Nonetheless, the Shire does and will continue to record all complaints of unauthorised development and activity even though some of these may not be dealt with for a considerable time.

The exercise of the Shire’s authority to enforce planning law is discretionary. Meaning, the Shire does not have a legal obligation to take action to enforce planning law that is enforceable at the insistence of a third party. Council may choose not to enforce the law at all in particular circumstances. However, the Shire may commit a legal error if it does not turn its mind to the exercise of its statutory power in the event of a breach of planning law. Under common law, failure to take planning law enforcement action may constitute negligence in the event that a duty of care can be established to exist and to have been breached.

Section 164 of the Planning and Development Act 2005 (the Act) affords a local authority the ability to retrospectively approve development which was carried out prior to planning approval being granted for the subject development. More specifically, Section

164(3) states retrospective approval does not affect the operation of Part 13 of the Act, which comprises the relevant enforcement and penalty provisions. This indicates that retrospective approval will not preclude prosecution for prior unlawful development.

The Shire has deferred commencement of enforcement action in this case as the application for retrospective approval (the subject of this item) has been lodged for assessment.

COMMENT

There are three legal tests to be considered for retrospective planning approval, as follows.

Likelihood of Consent

Is the unauthorised development a form of development or activity that, 'but for' the failure to make application for a development consent or an activity approval, would likely have been granted such consent or approval subject to appropriate conditions.

An unauthorised development is understood to 'pass' this test in the event that it is likely that the development or activity would have been granted consent, had application been made for such consent prior to the undertaking of the development.

Shire planning staff consider if an application was made prior to development that formal consent would have been granted subject to conditions, such as the sea containers are to be secured to the satisfaction of the MBS and an effluent disposal system must be approved by the Shire's Principal Environmental Health Officer (PEHO). The reduced rear setback from 50m to 44m would be approved by way of discretion. Further backing is given by the development meeting the following relevant Clauses of LPS7:

4.12.2 Development in a Rural Residential Zone shall comply with the following general requirements:

- (v) Native vegetation shall be retained unless its removal is authorised by Local government except in the cases of vegetation which is proposed to be removed to make way for approved construction, fences, access ways, fire management and for trees that are dead diseased or dangerous.*
- (vi) In the Rural Residential zone, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission policy.*
- (vii) The siting and erection of any building, outbuilding or fence shall not be approved by Local government unless or until it is satisfied that the design construction, materials and position will be in*

harmony with the rural character of the land within the zone and locality generally.

- (xi) *All residences, outbuildings, carports and the like shall be constructed of materials sympathetic to the character of the locality, as may be approved or required by Local government. The scale of outbuildings shall be of a domestic nature such that the Rural Residential amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted.*

Environmental Impact

“Is the unauthorised development likely to cause a significant environmental impact, including impacts on the natural and the built environment? The application of this test requires a determination of the fact of any environmental impact and an assessment of the degree of that impact.”

An unauthorised development is understood to ‘pass’ this test in the event that the impacts of the development or activity are negligible or insignificant and action to control the impacts is not required.

As eluded to in the above LPS7 Clauses, the development satisfies the visual amenity requirements for ‘Marine Fields’ in using consistent building materials and colours for all structures which are sympathetic to the rural character of the estate. Additionally, the development has retained and used native vegetation on the property in aid of the placement of all structures.

Conversely, there is an environmental health concern in the operation of an unauthorised effluent disposal system in a sensitive soil region of the Shire. Nonetheless, it is concluded the development does pass this legal test as the environmental impacts can be managed via conditions of planning approval and other required approvals (building & health) of the development.

Public Safety

“Is the unauthorised development likely to lead to injury and/or to create a public liability? The application of this test requires a determination of the fact of any health and safety risk and an assessment of the degree of that risk.”

An unauthorised development is understood to ‘pass’ this test in the event that no significant health and/or safety risk is created by the development.

The applicant has detailed the use of the development is to facilitate monthly camping on the property and provide storage of owned items. This is compliant with Regulation 11 (1) (a) of the Caravan Parks and Camping Grounds Regulations 1997 as follows:

A person may camp for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy.

There is a health and safety issue with the plumbing of the ablution block not completed by a licensed plumber. The current system would require removal and replacement with a Shire's PEHO approved effluent disposal system under the Health Act 1911. Furthermore, the development is noncompliant with Clause 4.12.2 (viii) of LPS7 in this aspect as detailed above.

It is noted the property is located with a Bushfire Prone Area, however as all structures are non-habitable and the development is below the \$20,000 cost threshold, a Bushfire Attach Level (BAL) Assessment is not required.

Supplementary to the above a sustainable and proven water supply by way of bore feed water tank is supplied on the property although this is not required in conjunction with the existing non-habitable development.

With all this in mind, it is considered the development passes this test, resulting in the passing of all three tests. Thus the retrospective application is recommended for approval.

Alternative Recommendation:

That Council:

1. refuse the application for retrospective planning approval for development on Lot 103 Homestead Loop, Marine Fields for the following reasons:
 - A. approval of the application would set an undesirable precedent for future applications for such development type within the 'Rural Residential' zone.
 - B. Council considers that this type of development will not satisfactorily blend in with the rural development landscape and will have undue adverse impact on the visual amenity of the adjoining sites and surrounding locality in contravention of the Shire of Dandaragan Local Planning Scheme No.7.
 - C. the proposed development does not comply with orderly and proper planning for the locality.
2. pursuant to Section 214 of the Planning and Development Act 2005 (the Act), authorise Shire staff serve a written direction to the landowner of Lot 103 Homestead Loop, Marine Fields to remove the unauthorised development and restore the land to its condition immediately before the unauthorised development started within a period of 60 days to the satisfaction of the Shire's Chief Executive Officer. The landowner is to be advised there is a right of review to the State Administrative Tribunal within 40 days after service of the notice under Section 255 of the Act.

CONSULTATION

Not required in this instance

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No.7
- Building Code of Australia
- Caravan Parks and Camping Grounds Regulations 1997
- Health Act 1911

POLICY IMPLICATIONS

- Local Planning Policy 8.4: Outbuildings and Temporary Accommodation Rural Residential and Special Use – Rural Development Zones
- Local Planning Policy 8.8. Shipping Containers

FINANCIAL IMPLICATIONS

The applicant has paid the standard planning application fee, plus, by way of penalty, double the prescribed fee, totally a fee of \$441.

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 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
5.2 High performing administration	c) Compliance in all legislative requirements and functions
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:

- Submitted Plans (Doc Id: 112285)
 - Site Photos (Doc Id: 112286)
- (Marked 9.3.2)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council grant retrospective planning approval to the development on Lot 103 Homestead Loop, Marine Fields subject to the following conditions:

1. all development shall be in accordance with application and plans dated 28 June 2018 unless required to be amended hereunder.
2. an application to construct and install an apparatus for the treatment of sewage must be submitted and approved by the Shire's Principal Environmental Health Officer. Said application is to meet the following on site effluent disposal requirements of Marine Fields:
 - a. adequate separation achieved between the base of the leach drains and the highest recorded groundwater level;
 - b. adequate horizontal separations achieved between the disposal system and existing drains, water courses or water bodies;
 - c. the area around each effluent disposal system shall be planted with indigenous trees and shrubs by the land owner and be maintained to the satisfaction of the local authority; and
 - d. prevention of direct movement of wastewater and nutrients from the locality of each disposal area.
3. all native vegetation should be retained unless their removal is authorised by Council except in cases of vegetation which are proposed to be removed to make way for approved construction, fences, access ways, fire management and for trees that are dead, diseased or dangerous.
4. the building materials of all structures are to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site.
5. the existing sea containers are to be secured to the satisfaction of the Shire's Manager of Building Services.
6. this is planning approval only and not a building permit. A building permit must be obtained for this development.

Advice Note:

1. This development is subject to conditions in Local Planning Scheme No.7 Clause 4.12 Development in Rural Residential Zone as well as Schedule 7.2 – additional specific provisions for Melbourne Locations pt 3122, 757, 2520, 716, 618, 744, pt 2528 and Pt Crown Reserves 19206, 1222 and 36053.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

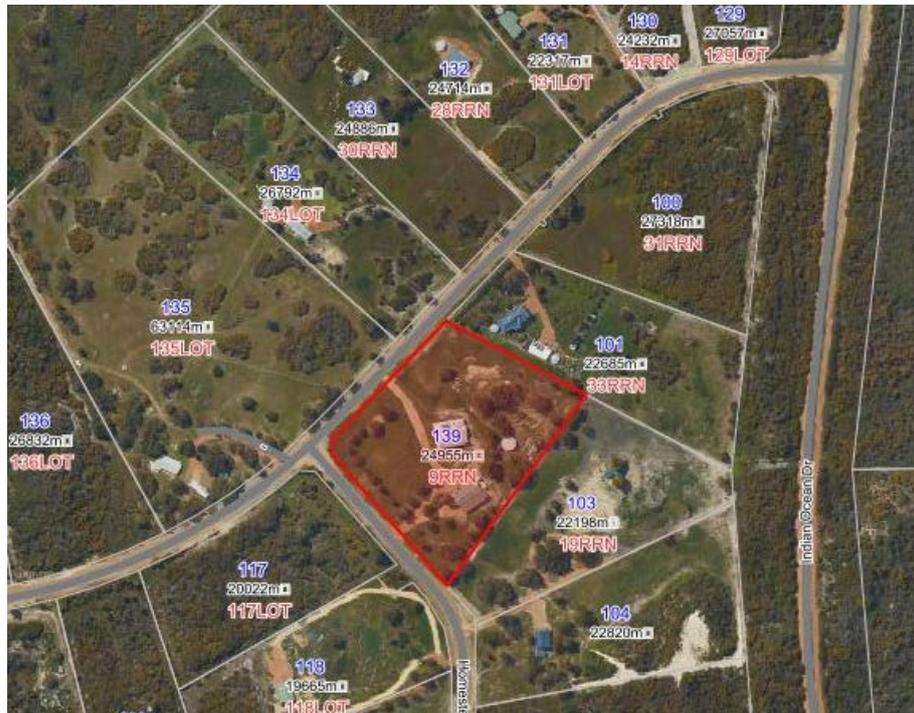
9.3.3 RETROSPECTIVE PLANNING APPROVAL – UNAUTHORISED DEVELOPMENT – LOT 139 HOMESTEAD LOOP, MARINE FIELDS

Location:	Lot 139 Homestead Loop, Marine Fields
Applicant:	S P & A M Devitt
Folder Path:	Development Services Apps / Development Applications / 2018 / 36
Disclosure of Interest:	Nil
Date:	1 June 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

The proponent is seeking retrospective planning approval for an unauthorised lean-to (31m x 8m) attached to the existing shed on Lot 139 Homestead Loop, Marine Fields.

Location Plan



BACKGROUND

The Manager of Building Services (MBS) investigated a complaint about illegal buildings on the subject property. It was found no development or building consent was given for the development which had occurred on the land. The MBS under guidance of the Executive Manager of Development Services (EMDS) took action on this breach by notifying the landowner to the nature of the breach and the relevant Shire requirements to rectify noncompliance within an appropriate timeframe via letter. An aspect of the letter also asked the landowner to “show cause” as to why Council should not exercise its discretion to implement further specified enforcement action as available under the relevant acts. This action was not

unique to this given property as several other properties in Shire's Rural Residential and Special Use – Rural Development Local Planning Scheme No.7 (LPS7) zones have been notified of breaching planning and building statute.

Council does not have a policy which effectively deals with this compliance matter. However, it is noted the Shire may become aware of an alleged noncompliance or a breach by a landowner or occupier within the Shire through either a site inspection, aerial photography or a complaint. All complaints are investigated, whether received in writing, by telephone or in person.

The Shire acknowledges it does not have unlimited resources and somewhat relies upon the public to make complaints and to provide evidence to assist in taking enforcement action. Not all requests for Shire action will warrant detailed investigation or the taking of action, and Shire resources may inhibit the taking of action in all cases where, otherwise, action would be justified. Nonetheless, the Shire does and will continue to record all complaints of unauthorised development and activity even though some of these may not be dealt with for a considerable time.

The exercise of the Shire's authority to enforce planning law is discretionary. Meaning, the Shire does not have a legal obligation to take action to enforce planning law that is enforceable at the insistence of a third party. Council may choose not to enforce the law at all in particular circumstances. However, the Shire may commit a legal error if it does not turn its mind to the exercise of its statutory power in the event of a breach of planning law. Under common law, failure to take planning law enforcement action may constitute negligence in the event that a duty of care can be established to exist and to have been breached.

Section 164 of the Planning and Development Act 2005 (the Act) affords a local authority the ability to retrospectively approve development which was carried out prior to planning approval being granted for the subject development. More specifically, Section 164(3) states retrospective approval does not affect the operation of Part 13 of the Act, which comprises the relevant enforcement and penalty provisions. This indicates that retrospective approval will not preclude prosecution for prior unlawful development.

The Shire has deferred commencement of enforcement action in this case as the application for retrospective approval (the subject of this item) has been lodged for assessment.

COMMENT

There are three legal tests to be considered for retrospective planning approval, as follows.

Likelihood of Consent

Is the unauthorised development a form of development or activity that, 'but for' the failure to make application for a development consent or an activity approval, would likely have been granted such consent or approval subject to appropriate conditions.

An unauthorised development is understood to 'pass' this test in the event that it is likely that the development or activity would have been granted consent, had application been made for such consent prior to the undertaking of the development.

Shire planning staff consider if an application was made prior to development that formal consent would not have been granted for the development. The reasons for this are the development is noncompliant with Local Planning Policy 8.4 (LPP8.4), in regards to the maximum aggregate outbuilding floor area of 300m². The existing legal outbuilding is an aggregate of 250m² (176m² enclosed shed area and 73m² open lean-tos). The unauthorised lean-to attached to the existing outbuilding is a further 250m² in floor area (as shown in the measured aerial photo below), resulting in an aggregate outbuilding floor area of 500m². This is a 66% increase to the maximum policy standards. As this is a major variation to the policy standards and would set an undesirable precedent the development is said to fail this legal test.



Environmental Impact

“Is the unauthorised development likely to cause a significant environmental impact, including impacts on the natural and the built environment? The application of this test requires a determination of

the fact of any environmental impact and an assessment of the degree of that impact.”

An unauthorised development is understood to ‘pass’ this test in the event that the impacts of the development or activity are negligible or insignificant and action to control the impacts is not required.

As mention previously, the granting of approval for this development would set an undesirable precedent for similar applications in the future for the locality. It is noted the applicant intends to screen the lean-to with vegetation further to the appearance, setback and roof height requirements of LPP8.4 being satisfied. Nonetheless, the major increase in aggregate floor area is considered unreasonable. The bulk and scale of the complete structure is not keeping with the rural character of Marine Fields and therefore the development is determined to fail this legal test.

Public Safety

“Is the unauthorised development likely to lead to injury and/or to create a public liability? The application of this test requires a determination of the fact of any health and safety risk and an assessment of the degree of that risk.”

An unauthorised development is understood to ‘pass’ this test in the event that no significant health and/or safety risk is created by the development.

There is no apparent health or safety concerns of the development. It is noted the property is located with a Bushfire Prone Area, however as the structure is non-habitable and is below the \$20,000 cost threshold, a Bushfire Attach Level (BAL) Assessment is not required. Therefore the development passes this test.

In summary, the development passes two out of three tests, thus the development is recommended for refusal.

In giving refusal for the retrospective application it is appropriate to undertake enforcement measures to remedy the subject land of the illegal development. This can be facilitated under Section 214 of the Act, whereby, the Shire can issue a written direction for the illegal development to be removed and for the land to be restored to its condition immediately before development started (to the Shire’s satisfaction) within a period of 60 days. It is recommended Council authorise this written direction be served on the applicant.

Pursuant to Section 215 of the Act, if the direction is not carried out within the specified timeframe, the Shire can execute the required work of the direction with all costs of such works borne by the directed person.

Under Section 255 of the Act there is right of review to the State Administrative Tribunal to the person served the direction under Section 214. If the State Administrative Tribunal confirms or varies the direction, it may, by written notice served on the person to whom the direction was given, direct the owner to comply with the direction as so confirmed or varied, within a period of not less than 40 days after service of the notice, as is specified in the notice.

Alternative Recommendation:

That Council grant retrospective planning approval to the development on Lot 139 Homestead Loop, Marine Fields, subject to the following conditions:

1. all development shall be in accordance with application and plans dated 28 June 2018 unless required to be amended hereunder.
2. the building materials of the lean-to are to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site.
3. the lean-to is to remain as open on all sides excluding the wall of the 'shed' attached to. This condition may be varied by any future approvals.
4. the outbuilding is not to be used for human habitation.
5. the lean-to is been screened by vegetation to the satisfaction of the Executive Manager of Development Services.
6. this is planning approval only and not a building permit. A building permit must be obtained for this development.

CONSULTATION

The applicant has consulted the potentially affected neighbour who has stated their support for the development. However, Councillors are to note the neighbouring landowner has also undertaken unauthorised development which is the subject of item 9.3.2.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No.7
- Building Code of Australia

POLICY IMPLICATIONS

- Local Planning Policy 8.4: Outbuildings and Temporary Accommodation Rural Residential and Special Use – Rural Development Zones:

Clause 13: Council shall not approve outbuildings with a floor area greater than 300m² in aggregate.

FINANCIAL IMPLICATIONS

The applicant has paid the standard planning application fee, plus, by way of penalty, double the prescribed fee, totally a fee of \$441.

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 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
5.2 High performing administration	c) Compliance in all legislative requirements and functions
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:

- Existing Authorised Outbuilding Plan (Doc Id: 112169)
- Submitted Plans (Doc Id: 112317)
- Additional Information (Doc Id: 112582)

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council:

1. refuse the application for retrospective planning approval for development on Lot 139 Homestead Loop, Marine Fields for the following reasons:
 - a. approval of the application would set an undesirable precedent for future applications for outbuildings within the 'Rural Residential' zone.
 - b. Council considers that this type of development is not keeping with the required domestic nature of 'Marine Fields' and will not satisfactorily blend in with the rural development landscape in contravention of Clause 4.12.2 (xi) of the Shire of Dandaragan Local Planning Scheme No.7.
 - c. the proposed development does not comply with orderly and proper planning for the locality.
2. pursuant to Section 214 of the Planning and Development Act 2005 (the Act), authorise Shire staff serve a written direction to the landowner of Lot 139 Homestead Loop, Marine Fields to remove the unauthorised development and restore the land to its condition

immediately before the unauthorised development started within a period of 60 days to the satisfaction of the Shire's Chief Executive Officer. The landowner is to be advised there is a right of review to the State Administrative Tribunal within 40 days after service of the notice under Section 255 of the Act.

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Shanhun

That Council grant retrospective planning approval to the development on Lot 139 Homestead Loop, Marine Fields, subject to the following conditions:

- 1. all development shall be in accordance with application and plans dated 28 June 2018 unless required to be amended hereunder.**
- 2. the building materials of the lean-to are to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site.**
- 3. the lean-to is to remain as open on all sides excluding the wall of the 'shed' attached to. This condition may be varied by any future approvals.**
- 4. the outbuilding is not to be used for human habitation.**
- 5. the lean-to is been screened by vegetation to the satisfaction of the Executive Manager of Development Services.**
- 6. this is planning approval only and not a building permit. A building permit must be obtained for this development.**

CARRIED 9 / 0

Note: The Officer Recommendation was not adopted for the following reasons and granted approval.

- 1. The structure can be granted a building permit subject to providing correct engineering and drawings.*
- 2. The building is well set back from the street frontage and does not significantly impact the streetscape.*
- 3. A significant portion of the extension comprises open wall lean-to which reduces the visual bulk and scale impact of the structure.*

Advice note – This approval is granted specific to this site and takes into account the location, area of land and open aspect of the structure and should not be taken as any precedence for similar developments elsewhere in the Shire.

9.3.4 INITIATION AND CONSENT TO ADVERTISE – SCHEME AMENDMENT NO.36 – PUBLIC DRINKING WATER SOURCE AREAS

Location:	Various locations
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Zoning / Rezoning Applications / 36
Disclosure of Interest:	None
Date:	22 May 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

This submission seeks to initiate a Scheme Amendment to delete current Local Planning Scheme No.7 (LPS7) Special Control Area No.1: Bassendean Precinct (SPA1) and introduce a new SPA1: Public Drinking Water Source Areas (PDWSA).

Amendment 36 introduces appropriate management controls relating to land use and development within PDWSA of the Shire to prevent adverse environmental impacts on and in close proximity to such areas.

BACKGROUND

Local Planning Strategy – Rural Land Use and Rural Settlement 2012:

8.3.2 Bassendean Precinct Special Control Area

The Bassendean Precinct Special Control Area (BPSCA) was introduced to the Scheme as the land was considered in some areas to have very low capability for agriculture due to the low nutrient holding ability of the sand and potential for winter water logging.

The Shire had sought to remove this SCA because it was considered unnecessary in that any proposal for the intensification of land use such as irrigated horticulture or rural living development anywhere in the municipality is subject to environmental assessment. The landowners within the BPSCA believed their property values are adversely affected by inclusion in this area. A number of other factors supporting removal of the BPSCA were also presented.

Council were unsuccessful in seeking to amend the Scheme to remove the BPSCA in 2007 however in its refusal the WAPC advised that;

- i. The future deletion of the Bassendean Precinct Special Control Area from the Scheme could be considered in conjunction with*

the introduction of a special control area for the Jurien water reserve (in accordance with State Planning Policy 2.7), and the additional provisions in Part 5 of the Scheme to guide development in areas with vulnerable soils.

As the LPS proposes the inclusion of public drinking water source areas as Special Control Areas in the LPS and the Scheme together with other land resource management measures the DoW have no objection to the removal of the BPSCA subject to:

- *adequate planning mechanisms being inserted in the Scheme to ensure that land use development does not degrade the environmental values of the area;*
- *considering requiring all 'A' and 'D' uses in the Rural zone to be assessed against the factors listed in Appendix 2 (in the LPS); and*
- *that the changes be made by an Amendment prepared in consultation with the DoW.*

The Scheme should be amended to remove the Bassendean Precinct Special Control Area subject to the inclusion in the LPS of adequate alternative mechanisms to ensure that land use and development does not degrade environmental values. The Shire will consult DoW regarding appropriate provisions to be included in the LPS and the composition of the Amendment.

Draft Local Planning Strategy 2016:

5.7.4.5 Water protection and management and the Local Planning Scheme

The protection and management of water resources including groundwater abstraction should be reinforced in the Scheme.

The following modifications to the Scheme should be initiated (see Annexure 1):

- *introduce Special Control Areas to protect PDWSAs and to show these areas on the Scheme Maps;*
- *introduce a new clause to the Scheme to reinforce existing provisions '5.22 Protection of Water Sources' and '5.23 Water Management and Protection' with a new clause to require the landowner to show the acceptability of an application for intensive agriculture; and*
- *provide guidelines for the assessment of an application in a Priority area of a PDWSA by Council.*

In addition Council intends to remove the Bassendean Precinct Special Control Area from the Scheme and to have all rural land to be treated in the same way. This acknowledges that the whole shire

is within Proclaimed Groundwater or Surface Water areas and any application in the Rural zone would be dealt with appropriately.

With the inclusion of Special Control Areas in the Scheme to protect PDWSAs, activities in areas with Bassendean Sands and other soil types would still be managed to specifically protect ground water resources.

COMMENT

As recommend by the current adopted and draft local planning strategies for the Shire, the proposed amendment provides greater protection for Public Drinking Water Source Areas of the Shire as required by SPP2.7 by ensuring sufficient planning controls are in place to prevent adverse impacts on vulnerable groundwater and surface water resources. This acknowledges that any planning application within or in close proximity to Proclaimed Groundwater or Surface Water areas would be dealt with appropriately.

The Scheme Amendment also provides an opportunity to update elements of LPS 7 to be more consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’). However, the Amendment is not intended to be the mechanism for a comprehensive review of LPS 7 as required under regulation 65 of the Regulations, which shall be undertaken at a later stage.

CONSULTATION

The recommendation of this report is to commence the advertising process for the proposed Scheme Amendment.

STATUTORY ENVIRONMENT

Section 75 of the Planning and Development Act 2005 affords a local government the ability to amend its local planning scheme, which is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Shire will be required to pay the costs of advertising the Scheme Amendment.

STRATEGIC IMPLICATIONS

As per relevant sections of the Shire’s local planning strategies listed previously in this report.

2016-2026 Strategic Community Plan

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy
<i>Goal 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Healthy Natural and Built Environment</i>	
4.5 Clean, safe key water aquifers	a) Lobby for key drinking water protection areas

ATTACHMENTS

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

- Scheme Amendment No. 36 (Doc Id: 112623)

Marked (9.3.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Clarke

That Council resolve, pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

- 1. deleting Clause 4.20 Protection of Water Sources.**
- 2. deleting Clause 5.1.1 (i) Special Control Area No.1 – Bassendean Precinct and inserting Clause 5.1.1 (i) Special Control Area No.1 – Public Drinking Water Source Areas.**
- 3. deleting Clause 5.2 Bassendean Precinct Special Control Area and inserting Clause 5.2 Public Drinking Water Source Special Control Areas as follows:**

“Applications for planning approval for a use or development involving the following within the Public Drinking Water Source Areas shall be referred to the Department of Water Environmental Regulation for comment:

 - a) the potential increased nutrient loading, particularly having a point source for nutrients, such as a poultry farm or piggery;***
 - b) intensification of the application of fertilisers and pesticides;***
 - c) storage of chemicals, fuels and other potentially polluting substances;***
 - d) a substantial increase in runoff;***

- e) *any other impact which the local government considers to have an impact on the quality of public drinking water; and*
- f) *all development proposals within the water source area that are inconsistent with the DoWER's Water Quality Protection Notes and Guidelines, Land Use Capability Tables or recommendations in current Drinking Water Source Protection Plans.*

In determining any application for planning approval within the Public Drinking Water Source Areas, the Council shall

- a. *have regard to the DoWER's Water Quality Protection Notes and Guidelines;*
- b. *have regard to State Planning Policy No 2.7 (Public Drinking Water Source Policy);*
- c. *have regard to any advice from the DoWER; and*
- d. *endeavour to ensure that the proposed use or development will not have a detrimental impact on water resources.*

Notwithstanding that a use or development may be classified as 'P', 'A' or 'D' on the Zoning Table, where the DoWER advises that a use or development should be refused on the basis of potential impact on surface and/or groundwater resources, the Council shall refuse the use or development."

- 4. amending the Scheme Maps accordingly.
- 5. resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 36 is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:
The Amendment to the Scheme is consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
- 6. authorise Council officers to prepare the scheme amendment documentation.
- 7. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
- 8. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 36 to the Environmental Protection Authority.
- 9. pursuant to Regulation 53 of the Regulations, provides the formal documentation and two copies of Amendment 36 to the Western Australian Planning Commission.

10. proceed to advertise the amendment to the local planning scheme without modification.

CARRIED 9 / 0

9.3.5 SHIRE OF DANDARAGAN COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN – FINAL ADOPTION

Location:	Cervantes and Jurien Bay Foreshore and associated areas
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme/ Grants and Subsidies / Programs / Coastal & Marine Management
Disclosure of Interest:	None
Date:	12 June 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To consider final adoption of the Shire of Dandaragan's Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

BACKGROUND

State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6 or the Policy) requires local planning authorities to prepare for the impacts of coastal erosion and coastal inundation (temporary flooding of normally dry land). The Policy requires local government to show due regard for its policy when making or revising schemes and assessing new development. The Policy also requires that local governments, and other relevant planning authorities with coastal jurisdiction, prepare CHRMAPs in accordance with the Policy, policy guidelines and CHRMAP guidelines.

The Policy indicates a clear preference for relevant authorities to consider a strategy of Planned or Managed Retreat over coastal protection. Planned and Managed Retreat is aimed at accommodating the impacts of long term sea level rise (current projections of 0.9m by 2110), preserving public beach access and coastal ecosystems, and providing future decision makers with flexibility to change management approaches (unlike hard coastal protection).

In September 2017, the Western Australian Planning Commission released the draft Planned and Managed Retreat Guidelines (the Guidelines) to provide guidance as to how planned and managed retreat could be implemented under the existing State legislative and policy framework. The Guidelines recommend the use of voluntary or compulsory acquisition provisions provided for under the Land Administration Act 1997 (WA) and Planning and

Development Act 2005 (WA). In reality, this is unlikely to occur in the Shire of Dandaragan unless the State or Commonwealth Governments provide the majority of funding to acquire property.

There is no obligation on Government to adopt a strategy that may invoke a requirement to compensate land owners for loss due to erosion. It is important to note that while the managed retreat option is recommended in this CHRMAP, its future implementation will need further investigation with respect to the implications for both Government and private stakeholders. It is also important to note that landowners who may be considering purchasing or developing land in designated hazard areas should not assume that any funds will be forthcoming to support future retreat.

Community engagement sessions were held in the Shires of Dandaragan and Gingin during May 2017. At these sessions, the community had the opportunity to view and discuss the maps, provide information about the uses and values of coastal areas to inform future planning, and see examples of how other communities are adapting to coastal change. These sessions were open to all members of the public and participants were asked to complete a feedback form at the session. Coastal engineers, marine scientists, planners and Shire representatives were on hand to discuss the information in person.

The information gathered at these sessions was used to inform the final draft of the plan.

On 22 March 2018, Council resolved to advertise the final draft CHRMAP for a period of 45 days. This consultation period has now expired and the CHRMAP is submitted to Council for final adoption.

COMMENT

Development of the Dandaragan CHRMAP has followed the requirements of SPP 2.6 and supporting guideline documents. Previous work had highlighted that the townships of Jurien Bay and Cervantes as being at risk of coastal erosion and these areas form the focus for this CHRMAP.

The coastal zones of each township were divided into management units with similar asset types and exposure to coastal hazards. The risk and vulnerability assessment was applied to each management unit and results highlighted the most vulnerable management unit within each township, for which more detailed assessment of adaptation options were investigated.

A range of options for addressing the challenges of coastal erosion and its effects on the coastal zone over the next decade and century have been outlined. While it is natural that local communities would prefer to protect and preserve the current features of the coastal

zone, the reality is that unless some new and innovative protection methods are developed, the costs of maintaining current features will likely become prohibitively expensive at some point in the future, given current sea level rise projections. The interim nature of protect options needs to be recognised across the community and adaption options developed and solutions optimised for social, environmental and economic (affordability) drivers.

In the absence of funding to acquire properties and implement a strategy of planned or managed retreat and resources to fund long term protection strategies, the Shire's Administration has worked with Cardno and the Department of Planning, Lands and Heritage to design an alternative interim planning framework. This planning framework accords with advice received from the Department of Planning, Lands and Heritage in 2016 and can be readily adapted to facilitate a strategy of planned or managed retreat as per the Guidelines if funding becomes available for acquisition in the future.

This alternative framework utilises time limited planning consents to allow the continued development and use of land until coastal hazards materialise. This framework does not provide compensation to landholders if coastal hazards materialise. The complex planning issues around setting the intent and establishing controls such Special Control Areas to either restrict development within currently developed areas and/or rezone currently undeveloped land to avoid future development are discussed for each of the management units within each township. A number of options were identified that aim to protect developed areas under imminent threat of a storm erosion event.

The Shire of Dandaragan's CHRMAP is provided as an attachment to the report. Council is requested to formally adopt the CHRMAP, authorizing its implementation.

CONSULTATION

The Draft CHRMAP was advertised online on the Shire's website and Facebook page from the 27 April 2018 to 11 June 2018. One submission was received which questioned numerous grammar errors of the CHRMAP. These errors have since been removed from the final CHRMAP attached to this report.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Planning and Development Act 2005
- State Planning Policy 2.6: State Coastal Planning Policy

POLICY IMPLICATIONS

- There are no local policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

- The project has been funded by the Department of Planning, the Shires of Dandaragan and Gingin.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 4: Healthy Natural and Built Environment</i>	
Objectives	How the Shire will contribute
4.1 Maintain integrity of coastal and marine environments	a) Manager pressure on coastal / beach environment from visitation / locals on Shire of Dandaragan Reserves

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

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

ATTACHMENTS.

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

- Shire of Dandaragan's CHRMAP (Doc Id: 113868)
(Marked 9.3.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Richardson

That Council formally adopt the Shire of Dandaragan's Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) (Doc Id: 113868), authorising its implementation.

CARRIED 9 / 0

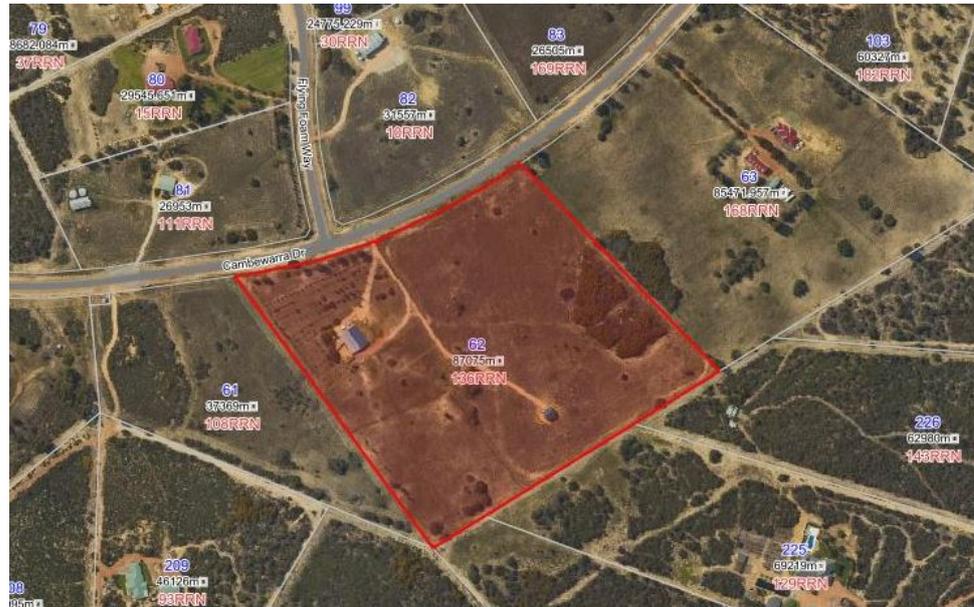
9.3.6 WESTERN AUSTRALIAN PLANNING COMMISSION – PROPOSED SUBDIVISION OF LOT 62 CAMBEWARRA DRIVE, ALTA MARE

Location: Lot 62 Cambewarra Drive, Alta Mare
 Applicant: De Nada Surveys on behalf of M Phillipson
 Folder Path: Development Services Apps / Subdivision Applications / Requests / WAPC 156771
 Disclosure of Interest: Nil
 Date: 12 June 2018
 Author: Rory Mackay, Planning Officer
 Senior Officer: David Chidlow, Executive Manager Development Services

PROPOSAL

To consider an application for the subdivision of Lot 62 Cambewarra Drive, Alta Mare and make recommendations to the Western Australian Planning Commission (WAPC).

Location Plan



BACKGROUND

The WAPC has referred to the Shire an application to subdivide existing Lot 62 Cambewarra Drive of 8.7ha into two lots comprising of 4.7ha (proposed Lot 162) and 4ha (proposed Lot 163) respectively. Proposed Lot 162 is to contain the existing dwelling and outbuilding of current Lot 62. Both proposed lots are aspiring to keep their equestrian status as provided to Lot 62 at the subdivision of the Alta Mare estate.

The following concerns raised during the March 2018 Council Forum were provided to the applicant.

1. shortage or demonstrated need for equestrian lots, so subdivision should not result in the loss of the equestrian status;

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2. setting an undesirable precedent for other subdivisions to take place in the locality; and
3. supply of rural residential blocks outweighing market demand.

The applicant provided the following response to the above issues:

I would like to propose a subdivision into only two blocks which would address the above concerns as follows:

1. *Paperwork attached shows my property has a dry sheep rating of 3-5 per hectare. This equates to 26-43 total for my 8.7075 hectare property. Agriculture WA shows that 10 DSE is the equivalent to one light horse. So by cutting into two I would potentially like to keep both new blocks horse rated with calculated bare minimum 1 light horse per block. This would open an opportunity for someone else to come in and buy the remaining block who is looking for somewhere fit for their horse, improve the land, and avoid it going to ruin and waste. I would therefore actually be increasing the equestrian blocks available!*
2. *This would not set a precedent because as per the attachment, which shows the equestrian rates blocks in Alta Mare estate, there is only 1 other block currently as big as mine that would possibly be able to do this. The others are all much smaller and according to the attached Dry sheep equivalent this would result in them losing their equestrian ratings. Hence a reason for council to not support those applications. The one that is big enough I don't believe will be in threat of applying for subdivision as they are extremely well established and have two horses and don't seem to be interested in losing any of their land any time in the near future! So it's just me.*
3. *While there is too much rural residential blocks this would also be equestrian rated and per councils previous comments there is a demonstrated shortage in this type of block. A sale of this would thus not be in competition with the regular oversupply of rural residential properties as it would hopefully attract a different type of buyer for which there is currently a shortage of supply of this type of block.*

The proponent's paperwork is attached accordingly to this report.

COMMENT

State Planning Policy 2.5 Rural Planning outlines further subdivision of existing rural living lots into smaller parcels is not supported, unless provided for in a local planning strategy and/or scheme. Clause 3 (c) of Schedule 7 of Local Planning Scheme No.7 (LPS7) provides scope to satisfy the above policy standard by stating the following:

Notwithstanding the provisions of the Scheme and what may be shown on the Plan of Subdivision, the Western Australian Planning Commission after consultation with the Local Authority may approve a minor variation to the subdivisional design.

Although this clause was implemented to guide the initial estate subdivision, a two lot subdivision of one of the estate's largest lots can be viewed as a minor variation. The reasons for this are precautions to control development on the proposed Lots are already contained within the relevant provisions of LPS7 for the Rural Residential zoned estate. This includes clauses to manage service infrastructure, environmental impacts, and physical amenity impacts of development.

The Shire's Rural Planning Strategy 2012 outlines in Section 5.3.5 that: *the developer/landowner is required to provide the evidence to justify that there is sufficient demand and lack of supply to support the release of additional land for rural living purposes.*

Adding to this, Section 7.4.2.3 lists the following:

The Council's policies in controlling development and influencing subdivision within the 'Rural-Residential' zone will therefore be to:

- *consider approving low-key development where the applicant suitably demonstrates the development/use is consistent with the objectives for the zone;*
- *to support lots between 1.0ha - 4.0ha in area;*

It can be argued that the landowner in this instance has done so, in the context of the proposed 2 lot subdivision. These same planning considerations for the Rural Residential zones were taken forward into the Shire's Draft Local Planning Strategy which will supersede the Rural Planning Strategy in due course.

Supplementary to the above, as the subject land is within a Bushfire Prone Area the applicant has supplied a Bushfire Attack Level (BAL) Assessment of the existing dwelling as required under State Planning Policy 3.7 Planning in a Bushfire Prone Area. The result of this assessment (attached to this report) shows the dwelling achieves a manageable safe BAL of 12.5.

For further support of the subdivision the applicant has supplied a water test of the bore water that services the current Lot. Results of this test (attached to this report) shows the water from the bore is suitable for domestic, irrigation and stock usage.

In regards to the equestrian status, superseded Local Planning Scheme No.6 had a clause within the provisions for the Alta Mare estate (attached to this report) that equestrian lots shall have a minimum lot size of 5ha. However, proceeding and current LPS7 did not carry this clause forward. Further to this, given the estate

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denoted stocking rate of 3-5 Dry Sheep Equivalent (DSE) per hectare equates to a minimum of one light horse (12DSE) on the proposed 4ha Lots (excluding the area of built structures); this should not be factor in subdivision determination. Additionally, Clause 4.12 of LPS7 prevents landowners from keeping stock over this stocking rate and for commercial purposes within all Rural Residential zones of the Shire.

On the basis of the above, Council is recommended to provide its support of the subdivision with standard conditions to the WAPC.

CONSULTATION

Council Forum March 2018

Western Australian Planning Commission

This item is presented at this meeting as comments to the WAPC on the proposed subdivision are due by 24 July 2018.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No 7
- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in a Bushfire Prone Area
- Stocking Rate Guidelines for Rural Smallholdings 2000

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

- Rural Planning Strategy 2012
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy

ATTACHMENTS

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

- Subdivision Application (Doc Id: 113039)
- Alta Mare Stocking Rates (Doc Id: 107690)
- Alta Mare Equestrian Lots (Doc Id: 107692)

(Marked 9.3.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Shanhun

That the Western Australian Planning Commission be advised that Council supports the application for subdivision of Lot 62 Cambewarra Drive, Alta Mare and recommends the following standard conditions:

1. the landowner/applicant installing suitable rural fencing of good standard in accordance with the plan dated (attached) to the satisfaction of the Western Australian Planning Commission. (Local Government)
2. a notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land' (Western Australian Planning Commission)
3. suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
4. a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A mains potable water supply is not available to the lot(s).' (Local Government)
5. a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'A reticulated sewerage service is not available to the lot(s).' (Local Government)

CARRIED 9 / 0

9.3.7 LOCAL DEVELOPMENT PLAN LOT 62 ROBERTS STREET, JURIEN BAY - FINAL ADOPTION

Location:	Lot 62 (#20) Corner Roberts and Heaton Streets
Applicant:	Burgess Design Group on behalf of Carl Aloj
Folder Path:	Business Classification Scheme / Land Use Planning / Planning / Planning Scheme / Amendment 7.21 – Lot 62 Roberts Street
Disclosure of Interest:	None
Date:	15 June 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

For Council to consider the final adoption with modification of the Local Development Plan (LDP) for Lot 62 Roberts Street, Jurien Bay. It is a requirement of Local Planning Scheme No. 7 (LPS7) Scheme Amendment No.21 that a LDP be approved by the Local Government.

BACKGROUND

Scheme Amendment No.21 was approved by the Minister for Planning on 3 September 2015.

Council at the Forum held on 14 April 2016 discussed a draft LDP for Lot 62 Roberts Street.



One of the requirements of Scheme Amendment 21 (the Bluewave Development site at Lot 62 Roberts Street) is to prepare a LDP. Condition 2 of the Scheme Amendment is reproduced and

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discussed below. Comments reflect the discussions at the Council Forum in April 2016.

Condition 2:

Development of the land shall be in accordance with a Local Development Plan (LDP) adopted by the local government. The LDP should provide sufficient information to address the requirements of the Scheme and the following:

Scheme Amendment Requirements	Provided	Comment
(i) the staging of development;	Section 3.6 of the plan indicates that stage one will consist of the development of the Motel and ancillary uses. Timing for all other development will be subject to development and market conditions.	Council is keen to see the Hotel site developed as a priority.
(ii) the staging of land tenure changes;	Covered by section 3.2.4 of the LDP	Satisfactory
(iii) provision of public, communal and private open spaces and landscaping on the site;	Covered by section 3.2.3 of the LDP	Satisfactory Note – Council will require the applicant for each DA to ensure that the whole site is landscaped and maintained, thereby avoiding the problem of partial development and unsightly earthworks, especially given the location.
(iv) provision of public access to areas of high amenity within or adjoining the site;	Covered by section 3.2.4 of the LDP	Satisfactory.
(v) unrestricted access to the Jurien Bay Foreshore area;	Covered by section 3.2.4 of the LDP	Satisfactory.
(vi) a connection between Heaton and Sandpiper Streets that incorporates a street of a minimum width of 11 metres along the north eastern boundary of the site;	Covered by section 3.2.4 of the LDP	Satisfactory.
(vii) the integration of the realigned Heaton Street road reserve into the overall site;	Covered by section 3.2.4 of the LDP	Satisfactory.
(viii) utilisation of the western portion of the site (divided by the	Covered by section 3.1 of the LDP.	Satisfactory.

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Scheme Amendment Requirements	Provided	Comment
realignment of Heaton Street) for hotel accommodation and associated ancillary uses;		
(ix) demonstration that the design and scale of any residential component within the site is subsidiary to the tourism component such that the tourism component remains dominant;	Covered by section 3.1 of the LDP.	Satisfactory.
(x) demonstration that the residential accommodation is to be concentrated in an area of the site and located to provide a transition between tourist development and surrounding residential uses;	Covered by section 3.1 of the LDP.	Satisfactory.
(xi) how areas of the site that provide the highest tourist values will be retained predominantly for tourist purposes and not permanent residential units;	Covered by section 3.1 of the LDP.	Satisfactory.
(xii) the integration of facilities associated with tourist accommodation such as recreation (e.g. pools, gymnasium, function space), entertainment facilities (e.g. food and beverage facilities) and management facilities into the tourist resort;	Covered by section 3.5 of the LDP.	Council may want to sign off on any management plans that address this item.
(xiii) the integration of the management and use of recreation and amenity facilities associated with permanent residential accommodation into the tourist resort;	Covered by section 3.5 of the LDP.	Council may want to sign off on any management plans that address this item.
(xiv) evidence that the proportion of permanent residential	Covered by section 3.1 of the LDP.	Satisfactory.

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Scheme Amendment Requirements	Provided	Comment
accommodation units relative to the total number of accommodation units on the site will be equal to or less than 45%;		
(xv) demonstration that the non-tourist developments (such as commercial, office, retail, reception centre, restaurant) will not detract from the main Jurien Bay commercial centre and will form an integrated part of the tourist resort;	Covered by section 3.1 of the LDP.	Satisfactory.
(xvi) evidence that physical processes setback are in accordance with State Planning Policy 2.6 Coastal Planning Policy;	Covered by sections 3.3 and 3.4 of the LDP.	Satisfactory. Supplements the Shire's CHRMAP.
(xvii) consideration of the visual impacts of proposed structures on views from the Jurien Bay Marine Park and from the land and associated height limitations;	Covered by section 3.2.1 of the LDP.	Satisfactory.
(xviii) traffic management for the site, including the provision of car parking, vehicle access and circulation, loading and unloading areas, storage yards and rubbish collection closures, pedestrian access and walkways within and from the site; and	Covered by section 3.2.5 of the LDP.	Satisfactory. Addressed in the plans.
(xix) any other relevant matter, which the local government considers to be warranted to ensure properly and orderly planning of the site.	Opportunity for Council to add any additional planning considerations.	

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As the LDP responded to the clauses of Scheme Amendment 21 condition 2, Council resolved at their June 2016 meeting to advertise the LDP for public comment.

Council are requested to consider submissions made and modifications proposed on the LDP.

COMMENT

The LDP should be read in conjunction with Scheme Amendment 21 conditions as the LDP is only one component of the list of requirements to be fulfilled by the developer.

Essentially the LDP is the same plan approved by Council as a planning approval in 2012 prior to Scheme Amendment 21 which is now expired given the time taken for the adoption Scheme Amendment 21 and the preparation of this LDP.

Renewal of expired planning approval will require a development application to be lodged with the Mid-West Wheatbelt Joint Development Assessment Panel (JDAP) as the estimated cost of the proposed development exceeds the \$10million dollar threshold. The Mid-West Wheatbelt JDAP in assessing the development application shall pay due regard to this LDP pursuant to Clause 56 of the Deemed Provisions of LPS7.

A new development application was lodged with the Mid-West / Wheatbelt JDAP in September last year. However this application was later withdrawn as part of the Shire's responsible authority assessment of the application which discovered that several of the gazetted conditions of Scheme Amendment 21 required modification to allow some outstanding issues to be resolved later in the planning process. As such, Scheme Amendments 33 & 34 were initiated and adopted to modify the wording of conditions 5, 6, 10 and 11 to allow the Decision Maker to consider approval of a new development application in due course.

The previous Scheme Amendment 21 conditions 5, 6, 10 and 11 required the following actions to be undertaken 'prior to approval of development':

1. remediation of the site in accordance with the Contaminated Sites Act 2003;
2. the preparation of the required Coastal Hazard Risk Management and Adaptation Plan;
3. the closure, realignment and land transfers of a portion of the Heaton Street road reserve; and
4. 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.

Scheme Amendments 33 & 34 (approved by the Minister for Planning on 15 May 2018) enables these issues to be progressed and completed at a later stage, while a new development application is considered, assessed, and if satisfactory, conditionally approved.

Furthermore Scheme Amendment 34 corrected an additional administrative error of condition 8 of Scheme Amendment 21 which was ambiguous and inconsistent with Condition 2 (xiv) of the LDP. Whereby, condition 8 specified:

“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%”

LDP Condition 2 (xiv) specifies:

“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 Shire’s intent has always been to calculate the totals across the site, to include any hotel and motel units as part of the short-stay unit calculation. This is evident in the original planning approval that recommended the following wording of the condition:

“The proportion of permanent residential units relative to the total number of accommodation units on the site shall be equal to or less than 45%, unless otherwise approved by the local government.”

As such, Scheme Amendment 34 corrected the administrative error by deleting the word “other” to ensure that the Hotel and Motel Units are included in the calculation of the permanent/short stay ratio.

Since advertising the proponent has made modifications to the LDP to reflect these basic amendments to LPS7, hence the prolonged period of time taken from advertising to this request for final adoption of the LDP.

A total of one submission was received, whereby the submitter was against the whole development in principal. Given the expired development approval and subsequent LPS7 amendments this is not a valid planning concern.

Under Part 6 of the Deemed Provisions of LPS7 Council has the opportunity to make changes to the LDP prior to approval and may also make later changes to the LDP once approved if required. Furthermore, approval of the LDP has effect for 10 years.

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Council are requested to grant final approval of the LDP and advertise the approval on the Shire's website.

CONSULTATION

The LDP was advertised from June 2016 by publishing a notice of the proposed plan in a newspaper circulating the Scheme area and on the Council website including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice was published.

STATUTORY ENVIRONMENT

Clauses 46 to 59 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7.

POLICY IMPLICATIONS

As per Clause 56 (1) of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7 a decision-maker for an application for development approval in an area that is covered by a LDP that has been approved by the local government must have due regard to, but is not bound by, the LDP when deciding the application.

FINANCIAL IMPLICATIONS

The applicant will be required to pay a fee based on cost recovery for staff time and advertising expenses to be finalised once the process is completed.

STRATEGIC IMPLICATIONS

There is a need for Lot 62 Roberts to be a highly intensive development for a tourism use, given its strategic location. The future development for Lot 62 is focused on tourism as a land use, conforming to the objectives of the Tourism Planning Strategy and Jurien Bay City Centre Strategy.

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use planning across the Shire, with focus on coastal settlement and town centre strategy b) Strategic projects with a focus on planning and land availability for health precinct and further residential development c) Activate Growth Plan

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<i>Goal 2: Healthy, Safe and Active Community</i>	
2.4 Provide recreation and community facilities and activities	e) Plan, develop and manage key foreshore locations to focus activity in particular areas
<i>Goal 5: Proactive and Leading Local Government</i>	
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them

ATTACHMENTS

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

- Local Development Plan (Doc Id: 113409)
- Scheme Amendment No.21 Adoption. (Doc Id: 58849)
- Scheme Amendment No.33 text. (Doc Id: 107655)
- Scheme Amendment No.34 text. (Doc Id: 107663)

(Marked 9.3.7)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Slys

That Council, pursuant to Clause 55 of the Deemed Provisions of Local Planning Scheme No.7 grant final approval to the Local Development Plan for Lot 62 (#20) Roberts Street, Jurien Bay and Part of Heaton Street Road Reserve as provided as an attachment to this report, and proceed to advertise the approval on the Shire's website.

CARRIED 8 / 1

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 TO RECEIVE REPORT ON THE ARCHAEOLOGICAL INVESTIGATIONS OF RADAR STATION 48, NORTH HEAD, JURIEN BAY FOR THE SHIRE OF DANDARAGAN

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Programs / Heritage Protection
Disclosure of Interest:	Nil
Date:	13 June 2018
Author:	Michelle Perkins, Community Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

PROPOSAL

To receive the Report on the archaeological investigations of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (May 2018) by Heritage Detection Australia.

BACKGROUND

The North Head Radar Station site is located approximately 9km NNW of Jurien Bay town site. The remains of two World War 2 (WW2) radar station bunkers are situated on coastal Reserve 19206 administered by the Shire of Dandaragan. Reserve 19206 was created as part of the removal of squatter's shacks with the long term intention of transferring to DPAW, but to date, this has not been progressed. In addition, WW2 buildings associated with the radar camp site, including foundations, drains, building pads, and an underground tank are within the boundaries of private land 8836. Shire staff received written approval from the Property Consultant acting on behalf of the private landholder (Private Land 8836) to include it in the archaeological investigation. The whole survey site (particularly the bunkers themselves) is a popular campsite with locals and visitors who use the access tracks running through sand dunes.

Following a brief report carried out in 2014 on the North Head Radar Station site by archaeologist Bob Sheppard from Heritage Detection Australia, a pedestrian survey and report received by Council in June 2016, Council approved Recommendation 2 of the 2016 report to undertake 'archaeological excavations...to investigate the functions of individual structures, the extent of the installation (both residential and administrative, as well as other elements such as communications, drainage, etc.) and to help determine the nature of what day-to-day life was like for personnel serving at Radar Station 48'.

A budget submission of \$20,000 was accepted for the 2017/2018 Shire of Dandaragan budget to undertake a seven day archaeological excavation with a follow-up report to be presented to Council with the findings.

COMMENT

After consultation with both Shire Planning staff and the Department of Lands it is confirmed that the Shire is responsible for the management of the site. The bunkers are listed on the Shire's Municipal Heritage Inventory but are not heritage listed.

A significant amount of rubbish was cleared from the site by volunteers and the (previous) Shire Ranger in 2016 and remediation work was undertaken by Shire staff in 2017 to reinforce the dune underneath Igloo A to prevent the igloo from collapse. In addition, this year, an unknown graffiti artist painted over significant portions

of both igloos which resulted in a lot of community discussion and debate. However, the major concern for the preservation of the site is dune movement caused by natural weather conditions and 4WD use by the community.

The local RSL group in Jurien Bay and Affiliate RSL Members from Cervantes have indicated to Shire staff of their desire to protect the site as it has important local WW2 heritage value.

The attached report to be received contains the outcome of the recent archaeological excavation. As noted in the report, this information asks the question 'what is there?' as opposed to the 'is there anything there?' of the previous report. The attached report will also be forwarded to the private landholders for consideration as per our agreement.

Following on from this report, Shire have recently received funding to prepare a Conservation Management Plan for the site, oral history recordings, creation of a DVD and promotional trailer about the site, and an A5 booklet to be written and printed for the Shire, as per recommendations from the 2016 report, however further information will be provided on this component at a later date.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Executive Manager Development Services
- Executive Manager Infrastructure
- Heritage Detection Australia
- Roberts Day Planners
- Nirrep Property
- Jurien Bay RSL Committee
- Shire Facebook page
- Shire Website
- Jurien Bay District High School

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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<i>Goal 4: Healthy Natural and Built Environment</i>	
Objectives	How the Shire will contribute
4.4 Maintain and conserve significant cultural and built heritage	a) Manage and protect significant heritage places with a focus on Wolba Wolba Cottage and Bunkers at North Head (subject to further assessment) and capturing oral histories

ATTACHMENTS

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

- Report on the Archaeological Investigations of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (Doc Id: 112821)
 - North Head Excavation Artefact Database (Doc Id: 113150)
 - North Head Excavation Report Attachments (Doc Id: 113151)
- (Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Richardson

That Council receive the report on the Archaeological Investigations of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (May 2018) by Heritage Detection Australia.

CARRIED 9 / 0

9.4.2 PROPOSED VERGE BOND POLICY NO 7.8

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	None
Date:	15 June 2018
Author:	David Chidlow, Executive Manger Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To adopt a Verge Bond Policy for the purpose of recouping the cost of repairing verge and footpath damage during construction and providing clear guidance to builders and their contractors.

BACKGROUND

The Shire of Dandaragan has previously charge a verge bond which has not been enforced since approximately 2007. Development Services are looking at introducing a new policy due to continued damage occurring to shire infrastructure during building construction within the residential town sites.

COMMENT

The Verge Bond Policy is designed to provide financial security against damage which occurs during the building construction stages within the residential town sites.

The Policy will outline procedures to be put in place for its implementation. The first step is that the verge bond is accepted at the time of submitting the Building Permit application followed by a pre-construction inspection.

At the site inspection, recording and photographing of the current verge / footpath condition is undertaken. On completion of the building works, the Builder requests the refund of the bond by submitting an Application for Verge Bond Refund along with a BA7 Notice of Completion which will trigger a second site inspection and further photographing and recording.

If no damage is recorded the bond is refunded. If damaged is recorded the builder is given 21 days to rectify otherwise the Shire will repair the damaged asset using the bond monies. Following the rectification works and if any bond funds remain, they will be refunded to the builder.

If the asset damage is above the deposited bond value, an invoice will be forwarded to the builder for the additional works.

The builder (applicant) will be required to lodge with the Shire of Dandaragan a security deposit in accordance with the Schedule of Fees & Charges, as determined annually by Council.

It will be the responsibility of the person obtaining a Building Permit to pay the bond. The person obtaining the Building Permit is required to give notification in writing, prior to the commencement of works, of any damage to kerbs or paths that exist before the commencement of works.

If the owner of the property where the work is being undertaken contracts another builder, it is the responsibility of the builder who paid the bond to make sure the other contractor does not damage the kerbs or footpaths.

CONSULTATION

- Manager of Building Services
- Executive Manager of Development Services

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- Executive Manager of Corporate and Community Services

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

POLICY IMPLICATIONS

This item proposes the adoption of proposed new policy to be included in the Shire of Dandaragan Policy Manual.

FINANCIAL IMPLICATIONS

Council will set the amount of bond required in the fees and charges schedule set at the budget adoption. The proposed bond is to be set at \$500 which is compatible with adjoining Shire's verge bond charges.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High performing administration	c) compliance with all legislative requirements and functions

ATTACHMENTS

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

- Proposed Verge Bond Policy (Doc Id: 113371)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council advertise the proposed new Verge Bond Policy – 7.8 on the Shire website and social media for a period of 21 days.

CARRIED 9 / 0

9.4.3 POLICY 1.6 COMMUNITY GRANTS PROGRAM

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Grants and Subsidies / Programs / Community Funding
Disclosure of Interest:	Nil
Date:	30 May 2018
Author:	Michelle Perkins, Community Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

PROPOSAL

To amend Shire of Dandaragan Policy 1.6 Art Acquisition to better reflect the purpose and outcomes of this recurring grant for the arts community in Cervantes.

BACKGROUND

The Cervantes Festival of Art is a biennial event hosted by the Cervantes Cultural Committee which attracts artists and visitors to the region. Each festival, the Shire of Dandaragan contributes \$1,500 to the Cervantes Cultural Committee to secure the Shire of Dandaragan Art Acquisition Prize. The \$1,500 is awarded to the chosen artist irrespective of the purchase value of the artwork. The prize is determined by the Shire President or delegate, with guidance from the judges. In addition, the Shire of Dandaragan contributes \$1,500 towards the cost of delivering the art show. These funds are allocated at the discretion of the Cervantes Cultural Committee.

COMMENT

Feedback from the Cervantes Cultural Committee is that due to the wording of the existing policy, artists are hesitant to submit works of higher value into the festival exhibit for fear that their work will be awarded the prize and they will compensation \$1,500. This has resulted in less artwork on display and less high value pieces available. Amending the wording of the policy will enable artists whose work exceeds \$1,500 to have confidence that they can participate in the festival without the possibility that their work is acquired by the Shire for \$1,500.

Removing 1.6.4 "Art acquisition. Each year the Shire of Dandaragan will contribute to the Cervantes Cultural Committee \$1,500 to secure the Shire of Dandaragan Art Purchase Prize. The \$1,500 will be awarded to the chosen artist irrespective of the purchase value of the artwork. The prize will be determined by the Shire President or his delegate, who will seek guidance from the judges. In addition, to the Purchase Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the Art Show.

These funds will be spent at the discretion of the Cervantes Cultural Committee." Adding 1.6.4 "Art. Each Cervantes Art Festival, the Shire of Dandaragan will contribute \$1,500 to the Cervantes Cultural Committee to purchase art, as the Shire of Dandaragan Art Prize. The \$1,500 will be awarded to the chosen artist for artwork up to the value of \$1,500. The prize will be determined by the Shire President or delegate, who will seek guidance from the judges. The artwork will be acquired by the Shire of Dandaragan as part of the Shire's art collection. In addition to the Art Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the

Art Show. These funds will be spent at the discretion of the Cervantes Cultural Committee”.

CONSULTATION

- Cervantes Cultural Committee
- Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

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

1.6.4 Art acquisition. Each year the Shire of Dandaragan will contribute to the Cervantes Cultural Committee \$1,500 to secure the Shire of Dandaragan Art Purchase Prize.

The \$1,500 will be awarded to the chosen artist irrespective of the purchase value of the artwork. The prize will be determined by the Shire President or his delegate, who will seek guidance from the judges.

In addition, to the Purchase Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the Art Show. These funds will be spent at the discretion of the Cervantes Cultural Committee.

And replaced with:

1.6.4 “Art

Each Cervantes Art Festival, the Shire of Dandaragan will contribute \$1,500 to the Cervantes Cultural Committee to purchase art, as the Shire of Dandaragan Art Prize.

The \$1,500 will be awarded to the chosen artist for artwork up to the value of \$1,500. The prize will be determined by the Shire President or delegate, who will seek guidance from the judges. The artwork will be acquired by the Shire of Dandaragan as part of the Shire’s art collection.

In addition to the Art Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the Art Show. These funds will be spent at the discretion of the Cervantes Cultural Committee”.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.3 Enhance vibrancy and community identity through culture and arts	a) deliver or support the delivery of selected arts, culture and community events b) support arts and cultural activities in community precincts

ATTACHMENTS

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

- Shire of Dandaragan Policy 1.6 Community Grants Program - original (Doc Id: 113558)
- Shire of Dandaragan Policy 1.6 Community Grants Program - with changes highlighted (Doc Id: 113559)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Shanhun

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

1. delete 1.6.4 Art acquisition

Each year the Shire of Dandaragan will contribute to the Cervantes Cultural Committee \$1,500 to secure the Shire of Dandaragan Art Purchase Prize.

The \$1,500 will be awarded to the chosen artist irrespective of the purchase value of the artwork. The prize will be determined by the Shire President or his delegate, who will seek guidance from the judges.

In addition, to the Purchase Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the Art Show. These funds will be spent at the discretion of the Cervantes Cultural Committee.

2. add 1.6.4 “Art

Each Cervantes Art Festival, the Shire of Dandaragan will contribute \$1,500 to the Cervantes Cultural Committee to purchase art, as the Shire of Dandaragan Art Prize.

The \$1,500 will be awarded to the chosen artist for artwork up to the value of \$1,500. The chosen piece will be determined by the Shire President or delegate, who will seek guidance from the judges. The artwork will be acquired by the Shire of Dandaragan as part of the Shire’s art collection.

In addition to the Art Prize, the Shire of Dandaragan will donate \$1,500 towards the cost of delivering the Art Show. These funds will be spent at the discretion of the Cervantes Cultural Committee”.

CARRIED 9 / 0

COUNCIL DECISION

**Moved Cr Richardson, seconded Cr McGlew
That Late Item 9.4.4 Transfer to Reserve be considered by Council.**

CARRIED 9 / 0

9.4.4 TRANSFER TO RESERVE

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Managements / Budgeting / Reviews
Disclosure of Interest:	None
Date:	25 June 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

Council to authorise the transfer of unspent budget items to various Reserve accounts in preparation for the 2018/2019 budget.

BACKGROUND

Any unspent budget items as at 30 June each year contribute to an opening surplus amount for use during the following year's budget preparation.

These unspent budget amounts, when left within the municipal fund effectively become unrestricted and can be repurposed in balancing the following year's budget. Many of these line items such as legal expenses, advertising, utilities and additional fees and charges, can be left unrestricted and utilised generally in balancing the budget.

However, unspent amounts for items that contribute to an assets level of service should be restricted to within that general use.

COMMENT

The Shire maintains multiple cash backed reserves for varying purposes. Once monies are transferred to these reserve it can only be expended for the purpose of the reserve.

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Assessment of the budget versus actual figures nearing the end of the financial year has identified various unspent budget amounts that should have restrictions placed on them.

The following table identifies these amount and the recommended reserve the money should be placed in:

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Program	Amount	Comment	Transfer to
<u>Operating Materials and contracts</u>			
<i>Fire Prevention</i>	\$ 22,000.00	<i>Amount budgeted for fighting fires. 17/18 was a quiet year</i>	Infrastructure Renewal
<i>Other health</i>	\$ 4,800.00	<i>Building maintenance / cleaning</i>	Building Renewal
<i>Waste Management</i>	\$ 68,000.00	<i>Contractors related to waste sites (cutting limestone / pushing tip etc.)</i>	Rubbish
<i>Other Community Amenities</i>	\$ 19,000.00	<i>Building maintenance / cleaning across toilets CRC/FRC/Civic etc.)</i>	Building Renewal
<i>Transport</i>	\$ 85,000.00	<i>Unspent road maintenance (spraying, slashing, maintenance grading)</i>	Infrastructure Renewal
<u>Other Operating</u>			
<i>Fire Control</i>	\$ 15,000.00	<i>Quiet fire season</i>	Infrastructure Renewal
<i>Consultancy</i>	\$ 26,000.00	<i>Underspend (asset management, Bashford Street, Town Centre Revitalisation and general engineering)</i>	Infrastructure Renewal
<u>Capital</u>			
<i>Public Open Space</i>	\$ 23,000.00	<i>Unspent budget amounts for POS capital projects</i>	Public Open Space Renewal
<i>Buildings</i>	\$ 4,400.00	<i>Unspent budget amounts for building capital projects</i>	Building Renewal
<i>Infrastructure</i>	\$ 194,000.00	<i>Unspent budget amounts for infrastructure projects (primarily Sewer and Bashford Street preparatory)</i>	Infrastructure Renewal

CONSULTATION

- Chief Executive Officer
- Executive Manager Infrastructure

STATUTORY ENVIRONMENT**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

The principle of 2.4 Asset Management Policy have been applied in making this recommendation to Council.

The “Policy Statement” if as follows;

The Shire will undertake to provide the appropriate Levels of Service for its Assets, in a Whole of Life and economically, environmentally and socially sustainable manner. In providing and managing Assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and costs.

Budgets are set to maintain the appropriate level of service for Shire controlled assets. Therefore, if the amount remains unspent, to not restrict this amount to the asset it relates to for future use effectively reduces the level of service to that asset class.

FINANCIAL IMPLICATIONS

It is recommended that \$461,200 be transferred from the municipal fund to various Shire reserves as follows;

- Infrastructure Renewal Reserve \$342,000.00
- Building Renewal Reserve \$ 28,200.00
- Rubbish Reserve \$ 68,000.00
- Public Open Space Renewal Reserve \$ 23,000.00

This will result in a reduction in the overall closing surplus of the Shire as at 30 June 2018 of \$461,200.

At the time of authoring, the surplus to 26 June 2018 was \$1,864,768.

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There is currently;

- \$110,000 in operating program carryover, and;
- \$570,000 in capital works carryover, and;
- \$60,000 in plant replacement carryover,

contained in the draft budget working papers as at 26 June 2018.

With sundry debtor and creditor accounts not yet finalised, it is estimated that should this transfer be approved there is unlikely to be an unrestricted portion of the surplus at 30 June 2018.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.5 Implement Integrated Planning and Reporting	b) Renewal and maintenance of assets in accordance with development of robust Asset Management Plans, e.g. Infrastructure and other fixed assets

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Richardson

That Council authorise a budget amendment to transfer;

- 1. \$342,000 to the Infrastructure Renewal Reserve, and;**
 - 2. \$28,200 to the Building Renewal Reserve, and;**
 - 3. \$68,000 to the Rubbish Reserve, and;**
 - 4. \$23,000 to the Public Open Space Renewal Reserve,**
- from the estimated surplus in the Shire of Dandaragan Municipal fund.**

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN**9.5.1 SHIRE OF DANDARAGAN – MAY 2018 COUNCIL STATUS REPORT**

Document ID: 112224

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 24 May 2018. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JUNE 2018

Document ID: 113461

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for June 2018. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MAY 2018

Document ID: 112667

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for May 2018. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MAY 2018

Document ID: 112665

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for May 2018. **(Marked 9.5.4)**

9.5.5 LEMC MINUTES 23 MAY 2018

Document ID: 112173

Attached to the agenda copy of Minutes of the LEMC Meeting held 23 May 2018 **(Marked 9.5.5)**

9.5.6 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR MAY 2018

Document ID: 113474

Attached to the agenda is monthly report for Tourism / Library for May 2018. **(Marked 9.5.6)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JUNE 2018

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 4.45pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date