



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY 25 OCTOBER 2018

COMMENCING AT 4.01PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.01pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 5 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 days.”

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanahun	

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

Councillor A Eyre
Councillor D Slyns

Approved Leave of Absence

Councillor W Gibson

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Observers

Mr T Bailey, Mr M Sheppard, Mr W Gibbons, Mr P Bowden & Mr M Ford.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr Tim Bailey asked the question in relation to the Shire's process of reviewing valuation changes to properties advising he felt administration should place greater scrutiny and review on significant property valuation changes.

The Executive Manager Corporate & Community Services explained by saying that the rates were calculated on a Valuation that is prepared by the Valuer General's Officer who calculate the valuation on Gross Rental Value of the property.

The CEO also responded advising that each 5 yearly valuation update for GRV rated properties results in a wide variety of changes to property valuations across all categories and it is unlikely that administration can accurately ascertain which if any are incorrect. Nonetheless the Valuer General's Officer provides an effective review process for property owners which Mr Bailey has utilised.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2018****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Richardson

That the minutes of the Ordinary Meeting of Council held 27 September 2018 be confirmed.

CARRIED 6 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President announced that the Executive Manager of Infrastructure Mr Garrick Yandle has taken up a position at the Shire of Kulin as the Chief Executive Officer. She thanked him for his services over the last 4½ years

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saying that he has been a valued member of the Shire of Dandaragan. She wished him all the best in his new venture on the behalf of the Council.

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	15 October 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 September 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 September totalled \$1,025,007.32 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the September 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

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

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for September 2018
(Doc Id: 119485)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That the Municipal Fund cheque and EFT listing for the period ending 30 September 2018 totalling \$1,025,007.32 for the Municipal Fund be accepted.

CARRIED 6 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	15 October 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 30 September 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 30 September 2018.

COMMENT

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

1. Net Current Assets

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Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 September 2018 was \$7,249,003. 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 11 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 12) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

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

Note 13 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 30 September 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:

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- Financial statements for the period ending 30 September 2018
(Doc Id: 119873)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr MGlew, seconded Cr Clarke

That the monthly financial statements for the period 30 September 2018 be adopted.

CARRIED 6 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 TENDER REQUEST FOR TENDER 02/2018 DISPOSAL OF EXISTING SHIRE VEHICLES

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification / Plant Equipment and Stores / Tendering / Tender Evaluations
Disclosure of Interest:	None
Date:	2 October 2018
Author:	Brad Pepper, Coordinator Infrastructure Services
Senior Officer:	Garrick Yandle, Executive Manager Infrastructure

PROPOSAL

That Council consider awarding the tender for the Request for Tender (RFT) 02/2018 Disposal of existing Shire vehicles.

BACKGROUND

The RFT was advertised locally in electronic format and in The West Australian on 29 August 2018 as required by Section 11 Local Government (Functions & General) Regulations 1996

Tender submissions closed on Monday, 1 October 2018 at 2.30pm.

Various plant items were advertised, with a summary of specifications as described by the tender documents, as follows:

- Item 1 – 2008 Hino 816 Crew Cab Truck - DN008
- Item 2 – Wilson Machinery Tree Pruning Saw Loader Attachment
- Item 3 – GTE Tipping Pig Trailer – Rego No. KBC815W
- Item 4 – 2008 Hino 500 Series FD8JKA Split Tray Truck - Rego No. DN010
- Item 5 – John Deere LA145 Ride On Mower
- Item 6 – Toro 17-44 HXL Ride on Mower
- Item 7 – Kubota M9540 Tractor - 1CHA866
- Item 8 – 2013 Fiat Ducato Panel Van – Rego No. DN025

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COMMENT

The following provides a summary of Tenders received and also the Shire staff recommendation.

The following table summarises the tendered prices received exclusive of GST:

Item and Tenderers	Tender Price (ex GST)
Item 1 – 2008, Hino 816 Crew Cab Truck, DN008	
Pickles Auctions	\$12,727.27
WA Machinery Brokers	\$10,000.00
Item 2 - Wilson Machinery Tree Pruning Saw - Loader Attachment	
Pickles Auctions	\$5454.55
WA Machinery Brokers	\$3,000.00
Item 3 – GTE Tipping Pig Trailer, KBC815W	
WA Machinery Brokers	\$8,000.00
Pickles Auctions	\$4,545.45
Item 4 – 2008 Hino 500 Series FD8JJKA Split Tray Truck, DN.010	
Pickles Auctions	\$21,818.18
WA Machinery Brokers	\$14,000.00
Item 5 – John Deere LA145 Ride On Mower	
WA Machinery Brokers	\$500.00
Pickles Auctions	\$181.82
T.P.Bailey	\$315.00
Item 6 – Toro 17-44 HXL Ride on Mower	
WA Machinery Brokers	\$500.00
Pickles Auctions	\$181.82
Item 7 – Kubota M9540 Tractor, 1CHA866	
WA Machinery Brokers	\$14,000.00
Pickles Auctions	\$13,636.36
Item 8 – 2013 Fiat Ducato Panel Van, DN025	
Pickles Auctions	\$10,909.09
WA Machinery Brokers	\$10,000.00

A procurement process was run concurrently with the Tender process for the changeover of the following Shire vehicles with quotes being sought through the WA Common Use Agreement (CUA) State Supply Panel Members for trade of vehicles, as well as the purchase of an associated replacement vehicle:

- Item 1 – Disposal of **2008 Hino 816 Crew Cab Truck - DN008**
- Indicative trade values \$13,650 - \$18,181 (ex GST)
- Item 4 - Disposal of a **2008 Hino 500 Series FD8JJKA Split Tray Truck - DN010**
- Indicative trade value is \$20,000 (ex GST)
- Item 7 – Disposal of a **Kubota M9540 Tractor - 1CHA866**
- Indicative trade value is \$20,000 (ex GST)
- Item 8 – Disposal of a **2013 Fiat Ducato Panel Van - DN025**
- Indicative trade value is \$11,818 (ex GST)

Trade Quotes exclusive of GST were received as follows:

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Based upon the analysis of the above information in relation to disposal price, Shire officers recommend the following with regard to the award of tender RFT 02/18:

Item and Tenderers	Tender Price (ex GST)
Item 1 – 2008, Hino 816 Crew Cab Truck - DN008	
Budget Disposal Estimate	\$22,000.00
Reject all Tenders and dispose of via Trade Quote.	
All Trade Quotes are above Tender Prices but below Budget Disposal Estimate.	\$18,181.81
Item 2 - Wilson Machinery Tree Pruning Saw - Loader Attachment	
Budget Disposal Estimate	\$10,000.00
Award Tender to Pickles Auctions	\$5,454.55
Tendered Price less than Budget Disposal Estimate by \$4,545.45, but total disposal prices across all vehicles exceeds Budget Disposal Estimates.	
Item 3 – GTE Tipping Pig Trailer - KBC815W	
Budget Disposal Estimate	\$10,000.00
Award Tender to WA Machinery Brokers.	\$8,000.00
Tendered Price less than Budget Disposal Estimate by \$2,000, but total changeover prices across all vehicles within budget estimates.	
Item 4 – 2008 Hino 500 Series FD8JJKA Split Tray Truck, DN.010	
Budget Disposal Estimate	\$20,000.00
Award Tender to Pickles Auctions	\$21,818.18
Trade Quote below Tender Prices but reached Budget Disposal Estimate.	\$20,000.00
Item 5 – John Deere LA145 Ride On Mower	
Budget Disposal Estimate	\$500.00
Award Tender to WA Machinery Brokers	\$500.00
Tendered Price meets budget estimates and is the highest offer	
Item 6 – Toro 17-44 HXL Ride on Mower	
Budget Disposal Estimate	\$200.00
Award Tender to WA Machinery Brokers.	\$500.00
Tendered Price exceeds budget estimates and is the highest offer	
Item 7 – Kubota M9540 Tractor, 1CHA.866	
Budget Disposal Estimate	\$10,000.00
Reject all Tenders and dispose of via Trade Quote.	
Trade Quote is above Tender Prices and above Budget Disposal Estimate.	\$20,000.00
Item 8 – 2013 Fiat Ducato Panel Van, DN.025	
Budget Disposal Estimate	\$15,000.00
Reject all Tenders and dispose of via Trade Quote.	
Tendered Price less than Budget Disposal Estimate by \$3,181.82, but total changeover prices across all vehicles within budget estimates.	\$11,818.18

CONSULTATION

- Chief Executive Officer

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STATUTORY ENVIRONMENT

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

Section 3.58 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.

(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.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15

- Limit of proposed Contract exceeds the limit under Delegated Authority 103 provided to the CEO for disposal of Shire property (\$50,000). The collective amount of disposal is over this amount. Therefore, a Council resolution is required.

FINANCIAL IMPLICATIONS

The following implications for this item have already been outlined in the COMMENT section.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
Business as Usual	o) Plant Operations p) Asset Management

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council determine the outcome of the Tender RFT 02/2018 for the Disposal of Existing Shire Vehicles as follows:

- 1. Item 1 – Disposal of 2008, Hino 816 Crew Cab Truck - DN008, Reject all Tenders and dispose of via Trade Quote.**

2. Item 2 – Disposal of Wilson Machinery Tree Pruning Saw - Loader Attachment, Award Tender to Pickles Auctions for \$5,454.55 excluding GST.
3. Item 3 – Disposal of GTE Tipping Pig Trailer - KBC815W, Award Tender to WA Machinery Brokers for \$8,000 excluding GST.
4. Item 4 – Disposal of 2008 Hino 500 Series FD8JJKA Split Tray Truck - DN.010, Award Tender to Pickles Auctions for \$21,818.18 excluding GST.
5. Item 5 – Disposal of John Deere LA145 Ride on Mower, Award Tender to WA Machinery Brokers for \$500 excluding GST.
6. Item 6 – Disposal of a Toro 17-44 HXL Ride on Mower, Award Tender to WA Machinery Brokers for \$500 excluding GST.
7. Item 7 – Disposal of Kubota M9540 Tractor - 1CHA866 Reject all Tenders and dispose of via Trade Quote.
8. Item 8 – Disposal of 2013 Fiat Ducato Panel Van - DN025, Reject all Tenders and dispose of via Trade Quote.

CARRIED 6 / 0

9.2.2 SHIRE OF DANDARAGAN PANEL OF PRE-QUALIFIED SUPPLIERS – ADDITIONAL APPLICANTS FOR CONSIDERATION

Location:	Shire of Dandaragan
Applicant:	Various
Folder Path:	Tenders / Tenders 2017 / Request for Applications / New Applicants for Consideration
Disclosure of Interest:	Nil
Date:	17 September 2018
Author:	Denaye Yandle, Executive Secretary
Senior Officer:	Garrick Yandle, Executive Manager Infrastructure

Mr Garrick Yandle declared an impartiality interest in Item 9.2.2 due to sister in law being an employee of one of the companies being recommended to Shire's Prequalified Supplier Panel.

PROPOSAL

That Council consider additional applicants to join the Shire of Dandaragan's Panel of Pre-Qualified Suppliers.

BACKGROUND

In 2013 the Shire of Dandaragan conducted a tender process to establish a panel for the "Supply of various goods and services and plant hire". This panel contract was for a period of 2 years and allowed Shire officers to procure a range of goods and services from a list of suppliers, predominantly local, without the necessity to undertake an exhaustive procurement process each time regular goods or services were required. This panel expired in 2015.

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In September 2015 amendments were made to the Local Government (Functions and General) Regulations 1996, Part 4 - Provision of goods and services, Division 3 - Panels of pre-qualified suppliers. This provided further clarity to local government authorities regarding how to set up pre-qualified supplier panels. Since this amendment was introduced Shire officers have received ongoing advice from both the Department of Local Government, Sport and Cultural Industries (the Department or DLGCI) as well as staff from Western Australian Local Government Association (WALGA) in an effort to ensure the Shire of Dandaragan's procurement process for establishing a new Prequalified Supplier Panel is undertaken in accordance with the requirements of the Local Government (Functions and General) Regulations 1996, Part 4 - Provision of goods and services, Division 3 - Panels of pre-qualified suppliers.

In October 2017 a Request for Application (RFA) was put out for advertising inviting applicants to apply to join a panel for pre-qualified suppliers for various services which included:

- RFA 01/17 Building & Mechanical Services
- RFA 02/17 Civil Works
- RFA 03/17 Technical Services
- RFA 04/17 Town Maintenance

The scope of services required was advertised across 4 x RFA documents for the following categories and scope of services.

01/17 – Building & Mechanical Services

1. Roofing
2. Demolition Works
3. Registered Builder
4. Carpenter
5. General Handyman
6. Brick Laying and Paving
7. Glazing Works
8. Working at Heights Services
9. Painting
10. Plumber
11. Electrician
12. Mechanical Services
13. Fabrication and Welding

02/17 – Civil Works

1. Engineering Services
2. Road Building and Bulk Earthworks
3. Urban Road Construction
4. Earthmoving Equipment
5. Haulage and Freight
6. Road and Street Maintenance
7. Provision of earthmoving Equipment at a Fire
8. Supply of Bulk Materials

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03/17 – Technical Services

1. Strategic Community Development Consultancy Services
2. Engineering Consultancy Services
3. Environmental Consultancy Services
4. Asset Management Services
5. Architectural Services

04/17 – Town Maintenance

1. Vegetation Management
2. Turf Management
3. Irrigation Services
4. Fencing
5. Street Sweeping
6. Drainage Pipe Clearing and Cleaning

The Qualitative Selection Criteria was advertised as follows:

Description of Qualitative Criteria	Weighting %
<p>A) Capabilities</p> <p>Outline the key services, skills, personnel and equipment that your company can provide the Shire of Dandaragan.</p> <ol style="list-style-type: none"> i. Key services and skills (10%) ii. Key personnel (10%) iii. Relevant equipment (5%) 	25%

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Description of Qualitative Criteria	Weighting %
<p>B) Relevant experience in providing this service (include referees)</p> <p>Provide details of previous successful delivery of services:</p> <ul style="list-style-type: none"> i. Up to a maximum of 5 projects (20%) ii. 1 paragraph description outlining scope of work (10%), iii. Cost (5%), iv. Timeframe (5%) v. Referee (10%) - Must include referee details. <p>Scaling of Project Clients</p> <ul style="list-style-type: none"> - Shire of Dandaragan (scale 1). - Regional WA local government authorities (scale 0.8). - WA local government authorities (scale 0.6). - State Government agencies (scale 0.4) - Other clients (scale 0.2). 	50%
<p>C) Local Supplier</p> <p>Outline the primary location of your business</p> <ul style="list-style-type: none"> i. Shire of Dandaragan (max 25%) ii. Neighboring local government authority (max 20%) iii. Regional WA (max 15%) iv. Perth (max 10%) v. Other (max 5%) 	25%

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Description of Qualitative Criteria	Weighting %
D) Price Provide unit rates for the following relevant items where applicable i. Service ii. Personnel iii. Equipment iv. Other	For reference purposes only Use to compare Similar Applications.

Applications received were reviewed and put to Council at the Ordinary Meeting held 25 January 2018. Following on from this meeting a panel booklet has been compiled which is nearing completion containing all successful applicants and their details which will be distributed to staff for their reference.

All submissions received were evaluated against the qualitative criteria. Where information within the submissions was unclear or required further clarification, applicants were sent a written query via email for clarification. Each submission was given an overall qualitative ranking score out of 100. Upon review of all submissions with relevance to the number of submissions, quality of submissions and services required it was deemed that the minimum cut off score to be considered for recommendation to the panel was 70.

COMMENT

Following the initial RFA process, it was acknowledged that should additional applicants wish to apply to join the panel they were encouraged to do so and their application would be reviewed as per the original process and put to Council for final decision.

The following tables provide an assessment overview of the additional submissions received based upon the Qualitative Criteria assessment.

	Brett Berkshire
01/17 – Building & Mechanical Services	
1. Roofing	
2. Demolition Works	
3. Registered Builder	
4. Carpenter	

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5.	General Handyman	
6.	Brick Laying & Paving	
7.	Glazing Works	
8.	Working at Heights Services	
9.	Painting	
10.	Plumber	Y
11.	Electrician	
12.	Mechanical Services	
13.	Fabrication and Welding	
WALGA Preferred Supplier		N
CUA Member		N
Qualitative Criteria Ranking		100

		Maia Environmental Consultancy Pty Ltd
03/17 – Technical Services		
1.	Strategic Community Development Consultancy Services	
2.	Engineering Consultancy Services	
3.	Environmental Consultancy Services	Y
4.	Asset Management Services	
5.	Architectural Services	
WALGA Preferred Supplier		N
CUA Member		N
Qualitative Criteria Ranking		85

CONSULTATION

- Executive Management Team

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations 1996, Part 4 - Provision of goods and services, Division 3 - Panels of pre-qualified suppliers.

POLICY IMPLICATIONS

Policy 1.15 Shire of Dandaragan Purchasing Policy and Tender Guide.

The selection and engagement of Panel members will be on a project by project basis, at the relevant Shire officer's discretion, utilising the thresholds of Section 6 of Council's Purchasing Policy and Tender Guide to provide the best suitable outcome for the Shire of Dandaragan when procuring each individual service. These thresholds as outlined in the Policy are:

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Amount of Purchase	Policy
Up to \$5,000	Direct purchase from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire; or obtain at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> a local supplier listed on an existing panel of pre-qualified suppliers administered by the Shire; or from the open market.
\$5,001 - \$10,000	Direct purchase from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire; obtaining at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> a local supplier listed on an existing panel of pre-qualified suppliers administered by the Shire; or from the open market.
\$10,001 - \$19,999	Obtain at least three verbal or written quotations, from a suitable supplier, either from: <ul style="list-style-type: none"> a local supplier listed on an existing panel of pre-qualified suppliers administered by the Shire; or from the open market.
\$20,000 - \$39,999	Obtain at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> a local supplier listed on an existing panel of pre-qualified suppliers administered by the Shire; or from the open market.
\$40,000 - above	Obtain at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. Quotations within this threshold may be obtained from: <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Shire; or from the open market.

FINANCIAL IMPLICATIONS

As per the Shire of Dandaragan Purchasing Policy and Tender Price information listed in the Panel submissions, specifically unit rates for various items of equipment and services will provide Shire officers with an indicative pricing schedule for the various items. This has enabled officers to undertake a value for money assessment of comparable services as part of the pre-qualification selection process. It will allow the Shire to engage the relevant contractor at a predetermined rate for specific services where the work required can be on a simple schedule of rates basis.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Shanhun

That Council endorse the following suppliers to the Shire of Dandaragan Pre-qualified Supplier Panel based upon the assessment of the Qualitative Criteria of the Request for Applications under the relevant category as follows:

	Brett Berkshire
01/17 – Building & Mechanical Services	
1. Roofing	
2. Demolition Works	
3. Registered Builder	
4. Carpenter	
5. General Handyman	
6. Brick Laying & Paving	
7. Glazing Works	
8. Working at Heights Services	
9. Painting	
10. Plumber	Y
11. Electrician	
12. Mechanical Services	
13. Fabrication and Welding	

	Maia Environmental Consultancy Pty Ltd
03/17 – Technical Services	
1. Strategic Community Development Consultancy Services	
2. Engineering Consultancy Services	
3. Environmental Consultancy Services	Y
4. Asset Management Services	
5. Architectural Services	

CARRIED 6 / 0

9.2.3 WHEATBELT SECONDARY FREIGHT ROUTE – FINANCIAL CONTRIBUTION

Location:	Main Roads WA Wheatbelt Region
Applicant:	Wheatbelt Secondary Freight Route Network
Folder Path:	Business Classification Scheme / Traffic and Transport / Programs / Road Traffic and Safety
Disclosure of Interest:	Nil
Date:	15 October 2018
Author:	Garrick Yandle, Executive Manager Infrastructure

PROPOSAL

For Council to consider support for the Wheatbelt Secondary Freight Route project.

BACKGROUND

The Wheatbelt Secondary Freight Route (WSFR) network comprises of 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks, safe and cost effective access to supply networks and markets.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA-Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

The immediate goal is the inclusion of the WSFR project on the Infrastructure Australia Infrastructure Priority List (IPL). The long term goal is to obtain funding support for a broadly estimated, \$500M capital works program over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The group is working towards submitting an IA Stage 4 Business Case submission for the WSFR. The project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment. The project development will entail:

- Detailed Design and Planning
- Scope and Cost Refinement
- Staging and Priorities
- Delivery Method
- Funding Administration
- Detailed Business Case

Over the last 2 years, 42 Local Government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a

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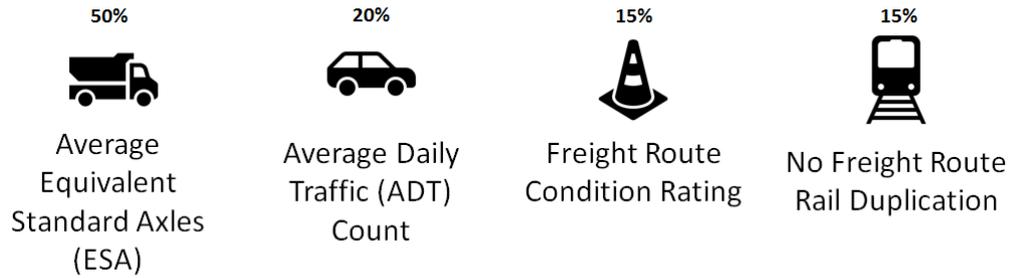
pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750K. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority. The key undertakings of the project so far are:

1. Identification of nominated WSFR roads based upon a simple criteria developed by RRG.
2. Determination of basic project framework and minimum design standards.
3. Road condition assessment against minimum design standards.
4. High level scope of works and order of magnitude costs for upgrades required.
5. A summary of data collection and assessment across the 42 local governments is:

	Route Length (km)	Proposed Works (km)	Proposed Length (%)	Indicative Costs (\$)
TOTAL	4,337	2,851	66	\$ 500M

The WSFR engaged economic consultant to develop a pre-feasibility business case for the planning exercise required to upgrade the WSFR. Development of the business case consists of two key components:

1. Estimating the costs and benefits associated with planning.
 - Investigate plausible project benefits and compare to typical costs.
 - Apply assumed benefit cost ratios Benefit Cost Ratios (BCR) to hypothetical 100km works segments (over 5 to 10 years).
 - Conduct comparison of net benefit using scenarios.
 - a) Scenario A: Conduct works without strategic planning – using randomised project sequence.
 - b) Scenario B: Conduct works based on strategic planning - using an optimised project sequence.
2. Demonstrating how routes may be prioritised through the planning exercise.
 - Evaluated on a route-by-route basis to give an early indication of their relative upgrade priorities.
 - Multiple Criteria Analysis (MCA) assessing the following criteria weightings – this may be added to in future:

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This planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, identifying the economically optimal sequence for developing the network and ensuring that roads are designed and constructed to an optimal standard from a 'whole-of-life' asset management perspective. The detailed planning exercise is expected to achieve a benefit in the order of \$20M based solely on the benefits gained from freight route prioritisation.

The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for a number of Federal Government funding streams including:

- Major Project Business Case Fund
- Building Better Regions Fund

From an estimated total of \$500M, the project is seeking \$125M over the next 3 years for the delivery of the first stage of capital works.

The draft budget and potential funding options are summarised as follows:

Capital Cost	\$500M	Details
Planning Cost	\$5M	~1% of estimated capital cost
Federal Govt	\$3.5M	BBRF - requires co-contribution; or Major Project Business Case Fund
WA State Govt	\$1.25M	DPIRD Leverage Fund DoT – RARF
Local Govt	\$250K	Approx. - \$6K each from 42 LGAs

Feedback from DPIRD regarding the Leverage Fund application of \$1.25M by RDA-Wheatbelt on behalf of WSFR, was that the application was considered better suited for MRWA consideration and to link in with the current Revitalising Agricultural Region Freight (RARF) project work given the significant alignment between the two sets of work. The WSFR Working Group will continue to pursue their relationship with DoT and MRWA to ensure the requirements of the WSFR are adequately included in the Revitalising Agricultural Regional Freight (RARF) activities. The WSFR Working Group has continued on-going discussions

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and consultation with RARF via Main Roads WA-WR and WDC as directed by DPIRD.

COMMENT

A request has been received by the Chair of the WN RRG for confirmation of Council's consideration of co-contribution of \$6,000 towards the project to go with a funding application in the next few months with the following preamble.

1. Cash Co-contributions are requested from LGA in 2018/2019 with a contribution of \$6,000 per local government being requested to provide an overall contribution of \$250K across the 42 LGAs.
2. It is still the intention to seek other forms of co-contribution for this project as outlined.
3. The Working Group will continue to work towards the development of a Technical Working Group and Project Delivery Team. It will seek to identify potential resources for these roles through the RRG and nominations via Sub-groups and their respective LGAs. Positions within these groups may be either funded or in-kind depending upon funding available or the ultimate delivery methodology.

The Shire of Dandaragan, through Executive Manager Infrastructure, has so far driven the project management and undertaken the bulk of the project delivery. A project management plan is currently being developed which will investigate and outline key roles and responsibilities for the on-going project delivery in association with all Working Group members.

CONSULTATION

- Councillor Wayne Gibson is a member the Working Group through his involvement as Vice Chairperson of WN RRG and Chairperson of Moora Sub-Group.
- The Working Group has undertaken ongoing consultation with the following agencies:
 - Main Roads WA
 - WALGA
 - RDA Wheatbelt
 - WDC

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this report.

POLICY IMPLICATIONS

There are no policy implications relevant to this report.

FINANCIAL IMPLICATIONS

As stated above, commitment is sought from member Local Governments for a contribution of \$6,000 toward preparation of a business case, including cost benefit analysis for the Secondary Freight Routes Project.

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An allocation for this amount can be sourced in the 2018/2019 Budget under the Streets Roads and Bridges Depots Maintenance “consultancy” component which has a total forecast budget of \$50,000.

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	a) Provide and manage a network of roads and bridges for and efficient vehicle movement.
Business as usual	1d) Roads and bridges

ATTACHMENTS

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

- Letter from WN RRG Chairperson to found and inserted (Doc Id: 119868)
- Wheatbelt Secondary Freight Route Briefing Note – August 2018 (Doc Id: 119872)

(Marked 9.2.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Richardson

That Council:

- 1. Acknowledges the Wheatbelt Secondary Freight Routes Project Briefing Note (Doc Id: 119872), presented as an attachment to this report;**
- 2. Supports the strategic intent of the Wheatbelt Secondary Freight Routes Project;**
- 3. Authorises the Chief Executive Officer to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Fund to further develop the Wheatbelt Secondary Freight Routes Project; and**
- 4. Utilises an allocation of \$6,000 in the 2018/19 Streets, Roads and Bridges Depots Maintenance budget to contribute to the Wheatbelt Secondary Freight Routes Project development, subject to a successful Building Better Regions Fund application.**

CARRIED 6 / 0

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9.3 DEVELOPMENT SERVICES

9.3.1 SANDI SMITH - REQUEST TO KEEP FOUR DOGS

Location:	Lot 88 (90) Bashford Street, Jurien Bay
Applicant:	Sandi Smith
Folder Path:	Business Classification Scheme / Laws & Enforcements / Licensing / Dog and Cat Registrations
Disclosure of Interest:	None
Date:	8 July 2018
Author:	Terry Sims, Senior Ranger
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To consider an application to keep more than two dogs at Lot 88 (90) Bashford Street, Jurien Bay in accordance with the provisions of the Dog Act 1976 and Shire of Dandaragan Local Law relating to dogs.

BACKGROUND

A written application was submitted by the proponent on 29 August 2018 that sought Council approval to keep the following dogs at Lot 88 (90) Bashford Street Jurien Bay.

	Breed	Sex	Name	Age	Registration Details
1	Chihuahua	Female	Kbella	6 years	00321 Lifetime
2	Chihuahua	Female	Keyshe	3 years	00361 Lifetime
3	Chihuahua	Male	Shredher	3 Years	00401 Lifetime
4	Chihuahua	Male	Bengi	3 months	00225 Expires 2018

At the Council meeting held on 26 July 2018 the applicant was approved to keep three dogs at the property as follows:

1. Female Chihuahua (Kbella) Registration 321 (Lifetime)
2. Female Chihuahua (Keyshe) Registration 361 (Lifetime)
3. Male Chihuahua (Shredher) Registration 401 (Lifetime)

Subject to the following conditions:

- a) the approval only applies to the dogs specified;*
- b) that the approved dogs remain registered pursuant to the Dog Act 1976.*
- c) the dogs are not to cause a nuisance to neighbours;*
- d) in the event of one of the dogs dying or being removed from Lot 88 (90) Bashford Street, Jurien Bay the number of dogs permitted to be kept at the property shall revert to two;*
- e) all dogs are effectively confined to the property;*
- f) in the event of any breach of the Dog Act 1976 or the Shire of Dandaragan Dogs Local Law, this approval will be revoked or varied at any time; and*

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g) in the event that the applicant relocates to another town site address within the district a new application will be required”.

COMMENT

Since receiving this application a property inspection has been carried out by staff. The Shire Ranger confirms that the proponent’s premises are (1011m²) and does not meet the size requirement of the Local Law to keep (4) four dogs therefore the application is not supported by staff.

CONSULTATION

Adjoining neighbours were consulted with one objection received from the landowner of a nearby property.

STATUTORY ENVIRONMENT

Clause 3.2 of the Local Law relating to Dogs states, in summary that the owner or occupier of premises within the district shall not, unless the premises are licensed as an approved kennel establishment, or has been granted an exemption in accordance with Section 26(3) of the Act, keep or permit to be kept on those premises more than two (2) dogs over the age of three (3) months.

An exemption may be made subject to any conditions or requirements deemed necessary, including the conditions that –

- The premises comply with the provisions of the Act and the local law;
- All dogs are registered in accordance with the Act; and,
- That the exemption may be revoked or varied at any time

Council may, at its discretion vary the number of dogs that may be kept in accordance with clause 3.2, but in any case the variation shall not permit more than six (6) dogs to be kept on a premises, unless a kennel establishment license is approved under the Act and 3.2 of the Shire of Dandaragan Local Law relating to Dogs.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as all fees associated with this procedure have been met by the applicant.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5 – Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High Performing Administration	c) Compliance in all legislative requirements and functions

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ATTACHMENTS

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

- Written application from Sandi Smith to keep more than 2 dogs.
(Doc Id: 117971)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Clarke

That Council refuse the request to keep four dogs at Lot 88 Bashford Street, Jurien Bay for the following reasons:

- 1. the application does not meet the requirements of the Dog Local Law in that a maximum of two dogs are permitted within the townsite area.**
- 2. the amenity of the residential area is likely to be negatively impacted by noise (barking);**
- 3. the lack of support for the proposal in the neighbourhood.**

Advice Note:

The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Dog Act 1976, within 28 days of the date of this decision to:

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

CARRIED 6 / 0

9.3.2 BRETT HUNT - REQUEST TO KEEP FOUR DOGS

Location:	Lot 735 (28) Hamelin Avenue, Jurien Bay
Applicant:	Brett Hunt
Folder Path:	Business Classification Scheme / Laws & Enforcements / Licensing / Dog and Cat Registrations
Disclosure of Interest:	None
Date:	8 July 2018
Author:	Terry Sims, Senior Ranger
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To consider an application to keep more than two dogs at Lot 735 (90) Hamelin Avenue, Jurien Bay in accordance with the provisions of the Dog Act 1976 and Shire of Dandaragan Local Laws relating to dogs.

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BACKGROUND

A written application was submitted by the proponent on 13 September 2018 that sought Council approval to keep the following dogs at Lot 735 (90) Hamelin Avenue, Jurien Bay.

	Breed	Sex	Name	Age	Registration Details
1	Staffordshire Terrier	Male	Diesel	6 years	00227 Expires 2018
2	Kelpie X	Male	Chase	5 years	00226 Expires 2018
3	Kelpie X	Female	Sasha	2 Years	00228 Expires 2018
4	Bull Arab	Female	Cleo	7 Years	00229 Expires 2018

COMMENT

Since receiving this application a property inspection has been carried out by staff. The Shire Ranger confirms that the property is not big enough to keep four dogs.

The proponent's premises are (820m²) and does not meet the required size requirement of the Local Law to keep (4) four dogs therefore the application is not supported by staff.

CONSULTATION

Adjoining neighbours were consulted with one objection received from the landowner of a nearby property.

STATUTORY ENVIRONMENT

Clause 3.2 of the Local Law relating to Dogs states, in summary that the owner or occupier of premises within the district shall not, unless the premises are licensed as an approved kennel establishment, or has been granted an exemption in accordance with Section 26(3) of the Act, keep or permit to be kept on those premises more than two (2) dogs over the age of three (3) months.

An exemption may be made subject to any conditions or requirements deemed necessary, including the conditions that –

- The premises comply with the provisions of the Act and the local law;
- All dogs are registered in accordance with the Act; and,
- That the exemption may be revoked or varied at any time

Council may, at its discretion vary the number of dogs that may be kept in accordance with clause 3.2, but in any case the variation shall not permit more than six (6) dogs to be kept on a premises, unless a kennel establishment license is approved under the Act and 3.2 of the Shire of Dandaragan Local Law relating to Dogs.

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as all fees associated with this procedure have been met by the applicant.

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	Compliance in all legislative requirements and functions

ATTACHMENTS

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

- Written application from Brett Hunt to keep more than 2 dogs.
(Doc Id: 118531)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanahun, seconded Cr McGlew

That Council refuse the request to keep four dogs at Lot 735 Hamelin Avenue, Jurien Bay for the following reasons:

- 1. the application does not meet the requirements of the Dog Local Law in that a maximum of two dogs are permitted within the townsite area.**
- 2. the amenity of the residential area is likely to be negatively impacted by noise (barking);**
- 3. the lack of support for the proposal in the neighbourhood.**

Advice Note:

The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Dog Act 1976, within 28 days of the date of this decision to:

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

CARRIED 6 / 0

9.3.3 ENDORSEMENT OF NAME PROPOSAL – RESERVE 30824 – LOT 596 ALVA WAY, CERVANTES

Location:	Lot 596 Alva Way, Cervantes
Applicant:	Cervantes Ratepayers & Progress Association Inc.
Folder Path:	Business Classification Scheme / Parks and Reserves / Naming / Sites
Disclosure of Interest:	Nil
Date:	9 October 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

To consider endorsement of the park name “Ogden Park” as proposed by the Cervantes Ratepayers and Progress Association for Reserve No.30824 located at Lot 596 Alva Way, Cervantes.

BACKGROUND

This matter was first considered by Council on 23 August 2018, where the following was resolved:

That Council:

- 1. refuse the name “Allan Ogden Park” as it does not meet the recommended criteria of only using surnames when naming parks, and generally Shire parks only consist of surnames;*
- 2. advertise the naming proposal “Ogden Park” to the wider community. The ability to name features, localities and roads is afforded by way of delegated authority from the Minister of Lands to the Geographic Names Committee (GNC) under sections 26 and 26A of the Land Administration Act 1997. The procedure for naming reserves and parks is outlined in the Policies and Standards for Geographical Naming in Western Australia 2017 (PSGN). Cervantes community for a period of 30 days;*
- 3. authorise Shire staff to contact the immediate family of the late Mr Allan Ogden to ensure they have no objection to the proposal; and*
- 4. subject to the name proposal being supported, erect a plaque within the park recognising contributions Mr Allan Ogden made to the community.*

COMMENT

In accordance with Council’s August resolution the “Ogden Park” proposal was advertised in the Pinnacles local newspaper and on the Shire’s website and Facebook pages for 30 days. In total six submissions were received, all of which objected to the proposal, as shown in the attached Schedule of Submissions (Doc Id: 119392). Objections were based on the statement that although Mr Allan Ogden contributed significantly to the community of Cervantes, including work on the subject park, singling him out through the park name would be disrespectful to others who have also work tirelessly for the betterment of the locality. Submitters have stated to keep a neutral position; the unofficial current name of Tranquillo Park (which translates to calm, peaceable, quiet) should be retained.

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The officer's position in regards to these objections (as detailed in the attachment) is an official name is required for the park / reserve to be consistent throughout the Shire. Further to this, Tranquillo Park is unregistered with the Geographic Names Committee (GNC) and highly unlikely of gaining approval as it does not meet the *Policies and Standards for Geographical Naming in Western Australia* (PSGN). Reasons for this is as the PSGN states, the use of a unique name may only be considered when the name is derived from a historical reference indicating that the name has been in use in the same area for some extended period of time and meets one of the following criteria:

- names from Aboriginal languages formerly identified within the general area;
- names of pioneers who were relevant to the area;
- names of persons who died during war service; or
- names associated with historical events connected with the immediate area.

Weight is also given to the fact the name proposal was submitted to the Shire from the Cervantes Ratepayers and Progress association, who provide representation for the Cervantes community, although it is acknowledged that not all residents are members or hold the same views. Additionally, true to Council's August resolution, correspondence has also been received (as attached, Doc Id: 118381) from the widow of the late Mr Allan Ogden, Joy Ogden which provides immediate family endorsement of the name proposal. On the above grounds, the officer recommends Council endorse the park name and submit the proposal to the GNC for final determination.

Nonetheless, local park or recreational reserve naming or renaming proposals will not be approved by the GNC if:

- petitions presented in support only represent one point-of-view;
- the proposal is not supported by local government; and
- the renaming proposal does not have strong local community support.

For these reasons, as follows, an alternative officer recommendation is provided for Council to consider:

Alternative Officer Recommendation:

That Council:

1. inform the Cervantes Ratepayers and Progress Association that the "Ogden Park" name proposal for Reserve No.30824 - Lot 596 Alva Way, Cervantes is refused due to the lack of strong local community support;
2. erect a plaque within Reserve No.30824 - Lot 596 Alva Way, Cervantes recognising the contributions Mr Allan Ogden made to the Cervantes community; and
3. authorise Shire staff to undertake a naming contest for Reserve No.30824 - Lot 596 Alva Way, Cervantes in accordance with

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the Policies and Standards for Geographical Naming in Western Australia.

CONSULTATION

A public notice was placed in the Pinnacles local paper and on the Shire's Website and Facebook pages inviting submissions for period of 30 days.

In total, six submissions were received which are detailed with the officer's response to each in the attached Schedule of Submissions.

STATUTORY ENVIRONMENT

- Land Administration Act 1997

POLICY IMPLICATIONS

- Policies and Standards for Geographical Naming in Western Australia 2017

FINANCIAL IMPLICATIONS

The Cervantes Ratepayers Progress Association have agreed to reimburse all cost involved in the installation of the park signage if the naming application is successful.

The Shire will be responsible for the erection of a plaque within the park recognising contributions Mr Allan Ogden made to the Cervantes community.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan:

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	g) Promote local ownership of projects and facilities for community groups
<i>Goal 3: Strong and Connected Community</i>	
3.4 Support community-led initiatives	b) Support community self-management of resources where appropriate
<i>Goal 5: Proactive and Leading Local Government</i>	
5.3 Ensure the 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 decision that affect them.

ATTACHMENTS

- Schedule of Submissions (Doc Id: 119392)
- Correspondence from Joy Ogden (Doc Id: 118381)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. endorse the "Ogden Park" name proposal for Reserve No.30824 - Lot 596 Alva Way, Cervantes;
2. authorise Shire staff to forward the documentation to the Geographic Names Committee for final determination.

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Scharf

That Council:

- 1. inform the Cervantes Ratepayers and Progress Association that the "Ogden Park" name proposal for Reserve No.30824 - Lot 596 Alva Way, Cervantes is refused due to the lack of strong local community support;**
- 2. erect a plaque within Reserve No.30824 - Lot 596 Alva Way, Cervantes recognising the contributions Mr Allan Ogden made to the Cervantes community; and**
- 3. authorise Shire staff to undertake a naming process for Reserve No.30824 - Lot 596 Alva Way, Cervantes in accordance with the *Policies and Standards for Geographical Naming in Western Australia*.**

CARRIED 6 / 0

The Officers Recommendation was not adopted because the Council felt that it lacked strong community support for the proposal which would also impact the approval process with the Geographic Names Committee.

9.3.4 FINAL ADOPTION – LOCAL PLANNING POLICY 8.13 HOLIDAY HOMES

Location:	Residential, Regional Centre and Special Development Area 1 (Beachridge Estate) zoned properties of Cervantes and Jurien Bay
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Planning Policies
Disclosure of Interest:	Nil
Date:	10 October 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

To consider the final adoption of Local Planning Policy 8.13 Holiday Homes (the LPP). The LPP has been modified from its revised draft version based on consultation with key accommodation industry stakeholders and submissions received during the completed advertising period.

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BACKGROUND

The drafting of the LPP was discussed at the 8 February 2018 Council forum. Following on from this discussion, Council resolved the following on the 22 February 2018:

That Council pursuant to the Shire of Dandaragan Local Planning Scheme No.7 adopt for the purpose of advertising draft Local Planning Policy 8.13 – Holiday Homes as provided as an attachment to this report, and proceed to publish a notice twice in the local newspapers seeking public comment for a minimum period of 35 days.

Subsequently, the draft LPP was advertised from 22 February 2018 to 16 April 2018. Submissions received during this period were the basis for the modification of the LPP, presented to Council as revised draft at the 24 May 2018 Council meeting; where Council resolved:

That Council pursuant to clause 4 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7 adopt for the purpose of advertising Modified Draft Local Planning Policy 8.13: Holiday Homes as provided as an attachment (Doc Id: 109720) to this report, and proceed to publish a notice twice in the local newspapers seeking public comment for a minimum period of 28 days.

COMMENT

The revised draft policy was advertised from 25 May 2018 to 29 June 2018. In total 10 submissions were received on the revised draft policy, down from the 23 submissions on the initial draft policy. Council are requested to consider submissions made (see attached Schedule of Submissions, Doc Id: 114049) and modifications proposed on the LPP based on said submissions.

Following the submissions period Shire staff undertook a number of individual meetings and one major round table discussion with local accommodation industry stakeholders to the facilitate collective conversation of key issues, finalisation of the policy and its subsequent implementation.

One of the key recommendations undertaken from the industry round table discussion was the creation of an associated Holiday Home Factsheet and Checklist (as attached, Doc Id: 118188) to outline the approval process of holiday homes in layman's terms. This has reduced the size of the LPP from 11 pages to 6 pages in total. A template property management plan, code of conduct and fire and emergency plan is included in the factsheet and checklist, but as another recommendation of industry stakeholders, applicants can submit their own version of these documents as part of a development application.

Major modifications of the LPP itself are as follow:

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The policy has been reworded throughout to capture holiday homes in the new Regional Centre zone within Jurien Bay, where such a land use is also discretionary following the 10 August 2018 Government Gazettal of Scheme Amendment No.35 to *Local Planning Scheme No.7* (the Scheme).

Clause 7.5 has removed any reference to the Shire's register of holiday homes being made available for tourism purposes, limiting access to emergency services only.

The cancellation period stated in clause 8.1 has been decreased from 12 months to 3 months (the maximum time one guest can stay) for a local industry viewed fairer and less extreme penalty of enforcement.

Industry stakeholders were also informed during consultation that only hardwired smoke alarms, emergency exits and a fire evacuation route leading to the nearest main road denoted on a site plan are compulsory. Other fire safety instruments are recommended, but not compulsory for holiday homes. This is compliant with building and health legislation and in turn reduces costs of holiday home management which was a strong topic of objection by submitters and industry stakeholders.

Given the above, Council is requested to grant final adoption of Local Planning Policy 8.13: Holiday Homes.

If final adoption is granted by Council, Shire staff will begin contacting known non-compliant holiday home landowners with properties listed on peer to peer websites to inform them of the application process and invite lodgement of a development application for their premise. In conjunction, consulted industry stakeholders will facilitate with the Shire the development approval of their current managed holiday homes.

CONSULTATION

The revised draft LPP was advertised from 25 May 2018 to 29 June 2018 via the Shire's website/Facebook page. Letters were also sent to submitters on the initial draft LPP (as attached Doc Id: 112192).

The Chief Executive Officer, Executive Manager of Development Services, Planning Officer and Principal Environmental Health Officer meet with key industry stakeholders following the submission period to discuss concerns and finalise the policy provisions. Further changes to the LPP as discussed resulted from these meetings.

STATUTORY ENVIRONMENT

The ability to prepare a Local Planning Policy is afforded to the Council under clause 3 of the Deemed Provisions of the Scheme. The Scheme allows the Shire to prepare policies in respect to

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any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and relate to one or more parts of the Scheme area. Clauses 5 and 6 of the Deemed Provisions of the Scheme allow Council to amend or rescind its planning policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under the Scheme.

POLICY IMPLICATIONS

As outlined above.

FINANCIAL IMPLICATIONS

There will be a cost involved in publishing a notice of adoption of the policy; however, this is covered in the adopted budget.

STRATEGIC IMPLICATIONS

- 2012 Local Tourism Planning Strategy:

The LPP will assist in the procedural and governance aspects of the Shire's development control responsibilities. Generally and for the most part local planning policies are formulated within the legal framework prescribed by legislation and aligned with the strategic direction as set by the Council. In this case the policy has been aligned with the recommendations of the Local Tourism Planning Strategy.

Local planning policies aim at prescribing minimum standards acceptable to the Council in consideration of community sentiment for various types of development and land use. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
<i>Goal 5: Proactive and Leading Local Government</i>	
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 is the following item relevant to this report:

- Letter to previous submitters (Doc Id: 112192)
- Schedule of Submissions (Doc Id: 114049)
- Holiday Home Factsheet & Checklist (Doc Id: 118188)
- Local Planning Policy 8.13: Holiday Homes (Doc Id: 119630)
(Marked 9.3.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council pursuant to Clause 4 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7, adopts Local Planning Policy 8.13 Holiday Homes as provided as an attachment to this report, and proceeds to publish a notice of the adopted policy in local newspapers circulating the Scheme area and on the Shire website.

CARRIED 6 / 0

9.4 GOVERNANCE & ADMINISTRATION**9.4.1 ADOPTION AND AMENDMENT OF LOCAL LAWS**

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Business Classification Scheme / Laws and Enforcements / Local Laws / Reviews of Local Laws
Disclosure of Interest:	Nil
Date:	12 October 2018
Author:	Brent Bailey, Chief Executive Officer and Mr Philip Swain, Consultant
Senior Officer:	Not Applicable

PROPOSAL

The purpose of this report is for Council to progress, in accordance with the Local Government Act 1995 and other relevant Acts, adoption of new and amendment local laws for the Shire of Dandaragan.

BACKGROUND

The Shire of Dandaragan's current Local Laws were gazetted on various dates since 2001. A review of the Shire of Dandaragan Local Laws was commenced, following a resolution of Council, on 26 May 2016. Following that review at its full meeting of 18 December 2016, it was resolved that Council:

1. Consider the outcomes of the review of local laws and directs Administration to prepare the necessary amendments for the following Local Laws, pursuant to the requirements of the Local

Government Act 1995 and the principles of National Competition Policy;

Local Government Act 1995:

Local Government Property Local Law;
 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;
 Extractive Industries Local Law;
 Local Laws Relating to Fencing;
 Parking and Parking Facilities Local Law 2010;

Cemeteries Act 1986

Cemeteries Local Law 2001;

Bush Fires Act 1954

Bush Fire Brigades Local Law;

Health Act 1911

Health Local Laws 2005.

2. Request the CEO draft the necessary documentation to repeal the following local laws subject to the preparation of suitable draft replacement local laws, pursuant to the requirements of the Local Government Act 1995 and the principles of National Competition Policy;

Local Government Act 1995

Standing Orders Local Law 2001;
 Sand Drift Prevention and Abatement Local Law 2009;
 Agriculture and Related Resources Protection Act 1976
 Local Law Relating to Pest Plants;

Dog Act 1976

Dogs Local Law;

3. request the CEO draft the necessary documentation to repeal the Local Law Relating to Beekeeping subject to confirmation that the locations of beekeeping within the Shire can be adequately controlled through the Local Planning Scheme and that an amendment of the Scheme can be progressed;
4. request the CEO draft the necessary documentation to adopt the following local law, pursuant to the requirements of the Local Government Act 1995 and the principles of National Competition Policy;

Waste Avoidance and Resource Recovery Act Waste Local Law 2017

All the Shire's local laws were included in the review in 2016. It is important to note that local laws made under Acts other than the Local Government Act 1995 are also subject to review, including

the procedures outlined in the Local Government Act 1995 for making, repeal or amendment.

COMMENT

All local laws are required to be consistent with National Competition Policy and unless justified, under the Public Benefit Test, should not contain provisions that restrict competition. Generally new local laws are adopted following models, developed by the Western Australian Local Government Association (WALGA), to minimise legal costs and the complications of the benefit tests. Most of the Shire's existing and the proposed local laws, are based on various WALGA models.

The current drafts have been improved, following various circulars and comments from the Department of Local Government and Communities (DLGC) and the Joint Standing Committee on Delegated Legislation (JSCDL) in recent years. The local laws as proposed in draft form for advertising, (Doc Id: 119686), and the relevant Acts they will be made pursuant to, are as follows;

Waste Avoidance and Resource Recovery Act 2007

1. Shire of Dandaragan Waste Local Law 2018

Local Government Act 1995

2. Shire of Dandaragan Local Government (Council Meetings) Local Law 2018;
3. Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2018;
4. Shire of Dandaragan General Amendment Local Law 2018;

Biosecurity and Agriculture Management Act 2007

5. Shire of Dandaragan Local Law Relating to Pest Plants 2018;

Dog Act 1976

6. Shire of Dandaragan Dogs Local Law 2018;

A summary of each draft local law is outlined below:

1. Shire of Dandaragan Waste Local Law 2018

The draft Shire of Dandaragan Waste Local Law 2018 is based on a model that has been developed over a number years, including input and draft approval from the JSCDL. The local law provides for the statutory aspects of the Shire's refuse service, including the establishing of fees and charges, the collection services provided including the type and nature of receptacles and the requirements for the operation of a waste facility.

Much of Part 4 of the existing Health Local Laws 2005 is now effectively made pursuant to the Waste Avoidance and Resource Recovery Act 2007, due to the transitional provisions within that Act. Accordingly, the draft waste local law includes a

repeal provision to delete the majority of Part 4 of the Health Local Laws 2005.

2. Shire of Dandaragan Local Government (Council Meetings) Local Law 2018:

The continued development of the WALGA model local law in line with the various accountability requirements of the Act and community expectations, means that the “model” document with minor amendments will better serve the Shire in the management and control of meetings.

The draft Shire of Dandaragan Local Government (Council Meetings) Local Law 2018 is based on the WALGA model with minor amendments.

3. Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2018

The current law contains clauses that have been disallowed by the JSCDL. Clause 3.4 of the current local law grants the power to the Shire to place a charge on land on which the local government had undertaken work pursuant to a notice served on the owner/occupier of the property. The Committee has determined that this type of clause is ultra vires to the Local Government Act 1995. There is no power in the Act to specify that an amount expended by the local government, in carrying out work required in a notice, can be a charge on the land on which the work was carried out. The power to seek recompense can only be utilised where it is specifically empowered under the Act.

The Shire’s existing local law also refers to powers of entry, which have also been questioned by the JSCDL, as the powers of entry are generally defined in the Act for Council Officers. These clauses unnecessarily complicate the local law and add potential for challenge to its validity in any situation of appeal. The draft Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2018 is based on more recent adoptions by other local governments, most specifically a 2016 City of Wanneroo Local Law.

4. Shire of Dandaragan General Amendment Local Law 2018

The draft Shire of Dandaragan General Amendment local Law 2018 has been prepared to make minor amendments to the various local laws the retention of which was resolved following the 2016 review of all local laws. The details of the various amendments are outlined in more detail below.

5. Shire of Dandaragan Local Law Relating to Pest Plants 2018

The draft local law is based on a WALGA Model with minor variations. The law enables the Shire to issue notices on owners and occupiers to control pest plants on their properties

and creates offence provisions for failure to do so. The local law was made pursuant to the Agriculture and Related Resources Act 1976 which has now been partially repealed and the head of power for the creating of local laws is now under the Biosecurity and Agriculture Management Act 2007. The nature of transitional provisions with respect to the Act changes are unclear in the legislation, and consequently, it was resolved that Council repeal the existing local law and adopt a new local law.

During the 2016 review this local law generated several comments from the community and government, including recommendations about other pest plants that should be included. The draft includes the various plants recommended for inclusion, and will be subject to further community consultation once the draft is adopted for the same.

While the list of species that has currently been identified based on public consultation, consideration must be given to the resources required to implement such controls on this number of plants, including their prevalence on crown and local government managed land. Further investigation will continue into this concern during the public consultation phase to ensure the final adopted local law is manageable within the Shire's current resources.

6. Shire of Dandaragan Dogs Local Law 2018;

There have been substantial changes to Dog Act legislation in recent years and the Shire's existing local law is fairly rudimentary, in comparison to contemporary laws in use in Western Australia. Many issues relating to dog control are now provided for within the Act and Regulations and local laws developed by WALGA are utilised to manage impounding, the numbers of dogs kept on a property, kennel establishments, dog exercise areas and implementing enforcement provisions.

The draft local law is based on the WALGA model with minor amendments.

The General Amendment Local Law includes proposed amendments to the following local laws;

Local Government Act 1995

1. Local Government Property Local Law (Gazetted 9 May 2001);
2. Activities On Thoroughfares and Trading in Thoroughfares and Public Places Local Law (Gazetted 9 May 2001);
3. Extractive Industries Local Law (Gazetted 9 May 2001);
4. Local Laws Relating to Fencing (Gazetted 9 May 2001);
5. Parking and Parking Facilities Local Law 2010 (Gazetted 21 December 2010);

Bush Fires Act 1954

6. Bush Fire Brigades Local Law (Gazetted 9 May 2001); and

Cemeteries Act 1986

7. Cemeteries Local Law 2001 (9 May 2001).

Health Local Laws 2005

8. The Health Local Laws 2005 (Gazetted 13 September 2005 & subsequently amended 19 September 2006 & 22 May 2007) have been proposed for amendment, however with the adoption of the Public Health Act 2016, and the substantial amendment of the former Health Act 1911, (now the Health (Miscellaneous Provisions) Act 1911), there are many changes proposed for all health local laws over the next couple of years. Whilst the mechanism for replacement of the various provisions contained in the Health Local Laws 2005 is generally unclear, it is understood that the various nuisance provisions will be adopted pursuant to the Local Government Act as a Model Local Law.

The Health Local Laws 2005 require a number of legislative, terminology and code changes. However, in their current form, the Health Local Laws 2005 will only remain in use for another 1-3 years, as the implementation of the Public Health Act 2016 will see the gradual removal of many of the existing provisions. It is recommended that the Shire monitor this situation as it progresses. The substantial changes will see many of the existing provisions, adopted as Regulations under the new Public Health Act 2016. As many of the provisions that require substantial amendment will be regulated, in this way, it is proposed that the Health Local Laws not be amended at this time.

The rationales for the various amendments of local laws are described below:

1. Local Government Property Local Law (Gazetted 9 May 2001);

The local law was adopted by reference (Shire of Exmouth) and is based on the then WALGA Model Local Law. The local law enables various activities to be permitted or prevented on land;

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Local Government Act.

The local law requires minor amendment due to legislative changes. The Local Government Act penalties for conviction under a local law have remained unchanged since 1995. The maximum penalty is \$5000 and the maximum daily penalty for an ongoing offence is \$500. As a consequence modified penalties have also remained at a maximum of \$500 for 23

years. It is proposed with this, and most of the local laws, that modified penalties be increased to the upper end of the permissible range (\$300-500) to reflect the deterrent effect which has been diminished over time. Consequently, the adjustment of modified penalties contained within the Schedule is recommended.

A minor amendment is needed in relation to Part 7 of the local law relating to objections and appeals due to a regulatory amendment undertaken in 2004 with the establishment of the State Administrative Tribunal. Changes include minor definition and other changes to align with legislation changes over time.

2. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law (Gazetted 9 May 2001);

The local law was adopted by reference (Shire of Kojonup) but is based on the then WALGA Model Local Law. The Local Law is still in common usage. The local law requires minor amendment due to legislative changes and the adjustment of modified penalties contained within the local law schedule is recommended.

3. Extractive Industries Local Law (Gazetted 9 May 2001);

The Extractive Industries Local Law is based on a WALGA Model which has been in common usage for many years and is still routinely used by a number of local governments to control the extraction of raw materials within their locality. The current local law has served the Shire well however, local governments are often at pains to obtain reasonable recompense from such operations, for the ongoing management and control of the operations as well as the potential damage to road infrastructure caused by road haulage.

The local law requires minor amendment due to a code change and the adjustment of modified penalties contained within the local law schedule is recommended. The draft amendments also remove references to penalties within the local law as these are, in most instances as per the maximum provisions outlined within the Act. Where they have been included within the local law at a lesser amount they do not clearly describe the maximum and daily penalties. As there has been no increase in Local Government Act penalties since 1995 it is reasonable that any court action with respect to the local law should seek the maximum penalties, especially as the costs to the Shire are likely to well exceed any fine and costs. Minor infractions can be addressed using the modified penalties.

4. Local Laws Relating to Fencing (Gazetted 9 May 2001);

Following the review, and as to the extent to which the local law has been called upon, for the control of fencing within the Shire, and the absence of major issues with the existing local

law, it was resolved that the local law be retained with minor amendments.

The local law requires various minor amendment due to legislative changes and definitions.

5. Local Law Relating to Beekeeping (Gazetted 9 May 2001);

The Local Law Relating to Beekeeping was made by the Shire on 12 April 2001 and Gazetted, in conjunction with a number of other local laws, on 9 May 2001. The local law has remained unchanged since that time. The local law was not based on a WALGA model, is concerned predominantly with bee keepers seeking written consent and restricting the keeping of bees in other than rural areas. The local law creates modified penalties, which have also remained unchanged since the adoption of the law. The local law refers to the Beekeepers Act 1963 which has since been repealed and consequently at best the local law requires amendment.

There are substantial controls now in place for the bee keeping industry pursuant to the Biosecurity and Agriculture Management Regulations 2013. All bee keepers must be registered with the Department of Primary Industries & Regional Development (DPIRD) in Western Australia and all hives must be marked with the licensing details of the bee keeper. Consequently, as the only controls needed are restrictions on where hives may be located it is proposed that the local law be repealed and that the Shire of Dandaragan Local Planning Scheme No.7 be amended to include "apiary activities" and that the same be restricted to appropriate areas, (i.e. Rural and possibly Rural Residential areas with Council approval). If this activity is to be restricted to Rural areas effective control could be implemented by defining the term and including "apiary activities" within the definition of "agriculture intensive" in the Scheme. Council previously received one submission in relation to the Local Law Relating to Beekeeping during the 2016 local law review.

6. Parking and Parking Facilities Local Law 2010 (Gazetted 21 December 2010);

The local law is based on the WALGA Model with minor variations. The local law generally aligns with current versions of the model and can be retained with minor amendments. Amendments are limited to changes in legislation with respect to definitions and increases in modified penalties are recommended.

7. Bush Fire Brigades Local Law (Gazetted 9 May 2001) – (Bush Fires Act 1954);

The Bush Fire Brigades Local Law was made pursuant to the Bush Fires Act 1954 and was adopted by reference from the Bush Fire Brigades Local Law of the Shire of Bridgetown –

Greenbushes. The local law is based on the WALGA model of the time and enables the establishment by the Shire of Bush Fire Brigades and rules regarding their management and control. The local law has served the Shire well and no major amendments are required. Proposed amendments are limited and include clarifying definitions due to structural changes in the State Public Service.

8. Cemeteries Local Law 2001(9 May 2001) - Cemeteries Act 1986

The Cemeteries Local Law 2001 was adopted by reference to the Model Local Law (Cemeteries) 1998 with various minor amendments. The local law relates to the Badgingarra, Dandaragan and Jurien Bay Public Cemeteries and this was the intended title of the original adoption. However, the local law was actually adopted as the Cemeteries Local Law 2001, with reference to the alternate title at the commencement of the gazetted version. There were a number of other errors and omissions associated with the adoption of the model local law that need to be rectified. The draft amendments include rectification of the minor errors identified during the review.

Council is requested to resolve that the draft amendments, various replacement local laws and a new waste local law be approved for public consultation, in accordance with the requirements of the Act. It is necessary that the Shire give state wide public and local notice of the proposed local laws and amendments and copies of the report of the review and the draft amendment and local laws are to be made available upon request.

CONSULTATION

The adoption of new Shire of Dandaragan Local Laws is both a legislative and consultative process. The public notice through advertisement is the first step in the adoption and making of new local laws and amendments.

Advertising needs to consist of state wide public notice in the West Australian newspaper and local public notice in the Shire Administration Centre and all four (4) libraries. The Shire will also advertise through local papers and electronic media.

Once Council has resolved the drafts for consultation Administration will seek comments from relevant government agencies and Ministers officers, on the legislative changes.

STATUTORY ENVIRONMENT

It is a requirement of the Local Government Act 1995 that at a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of any proposed local law including any amendment.

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The Local Government (Functions and General) Regulations 1996 Part 1A-Local Laws, prescribe the following:

Notice of purpose and effect of proposed local law - s. 3.12(2)

For the purpose of section 3.12, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that -

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

Accordingly, the following statements will be read by the person presiding during the Council meeting prior to Council's decision being made:

1. The intended Purpose and Effect of the Shire of Dandaragan Waste Local Law 2018 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the Shire of Dandaragan.

Effect: The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the Shire of Dandaragan.

2. The intended Purpose and Effect of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2018 are:

Purpose: The purpose of the local law is to provide for rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to the meetings of electors within the district of the Shire of Dandaragan.

Effect: The effect of the local law is to establish requirements for better decision making by the Council and Committees, the orderly conduct of meetings, better understanding of the processes of conducting meetings and the more efficient and effective use of time at meetings, within the district of the Shire of Dandaragan.

3. The intended Purpose and Effect of the Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2018 are;

Purpose: The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district.

Effect: The effect of the local law is to establish controls on site erosion, sand and dust, with which owners and occupiers of land

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within the district of the Shire of Dandaragan must comply, if directed.

4. The intended Purpose and Effect of the Shire of Dandaragan General Amendment Local Law 2018 are:

Purpose: The purpose of the local law is to provide for the repeal and amendment of the Shire of Dandaragan Local Laws to provide for the good governance of the district of the Shire of Dandaragan.

Effect: The effect of the local law is to repeal and amend existing local laws within the district of the Shire of Dandaragan to provide for the good governance of the municipality.

5. The intended Purpose and Effect of the Shire of Dandaragan Local Law Relating to Pest Plants 2018 are;

Purpose: The purpose of the local law is to provide for the regulation, control and management of pest plants on land within the district.

Effect: The effect of the local law is to establish controls on specified pest plants, with which owners and occupiers of land within the district of the Shire of Dandaragan must comply, if directed.

6. The intended Purpose and Effect of the Shire of Dandaragan Dogs Local Law 2018 are:

Purpose: The purpose of the local law is to provide for the regulation, control and management of the keeping of dogs within the district of the Shire of Dandaragan.

Effect: The effect of the local law is to establish the requirements with which owners and occupiers of land within the district of the Shire of Dandaragan must comply in order to keep dogs and provides the means of enforcing the local law.

Where Council has determined that a local law should be adopted or amended, a local government is required give state-wide notice of the proposed local law. Submissions must be accepted for a period of six (6) weeks. The Council must consider any submissions made before making or amending a local law.

The adoption and amendment of the Shire of Dandaragan Local Laws is both a legislative and consultative process.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Direct costs associated with this report will be limited to consultancy and advertisement fees to give state wide public notice of the draft laws. All costs, including the preparation of the final local law report, letters to Ministers and Departments, the

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preparation of Explanatory Memos, and final gazettal will be undertaken via budgeted expenditure.

Following the discussion period for the draft local laws, and depending upon any submissions, further amendment review and legal advice may be incurred.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
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 b) Provide relevant and timely information through the Council website, newsletters, and local media

ATTACHMENTS

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

- Shire of Dandaragan Draft Local Laws (Doc Id: 119686)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Scharf

That Council approves the draft local laws, as outlined in Attachment A, for consultation and authorises the CEO to give Statewide and Local Public Notice of the Shire's intention to make the following local laws;

- 1. Shire of Dandaragan Waste Local Law 2018**
- 2. Shire of Dandaragan Local Government (Council Meetings) Local Law 2018;**
- 3. Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2018;**
- 4. Shire of Dandaragan General Amendment Local Law 2018;**
- 5. Shire of Dandaragan Local Law Relating to Pest Plants 2018; and**
- 6. Shire of Dandaragan Dogs Local Law 2018.**

CARRIED BY ABSOLUTE MAJORITY 6 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER 2018 COUNCIL STATUS REPORT

Document ID: 120235

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 September 2018. **(Marked 9.5.1)**

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

Document ID: 120358

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2018

Document ID: 119835

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

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – SEPTEMBER 2018

Document ID: 119827

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

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR AUGUST 2018

Document ID: 118312

Attached to the agenda is monthly report for Tourism / Library for August 2018. **(Marked 9.5.5)**

9.5.6 DEPARTMENT OF TREASURY – HORTICULTURE 90-DAY REGULATORY MAPPING AND REFORM PROJECT

Document ID: 119421

Attached to the agenda is the Horticulture 90-Day Regulatory Mapping and reform project for viewing or by following link:

https://www.treasury.wa.gov.au/uploadedFiles/Site-content/Economic_Reform/90_Day_Projects/Horticulture-90-Day-Project-Findings-from-Business-Consultations.pdf

(Marked 9.5.6)

9.5.7 MINUTES OF THE LEMC MEETING HELD 22 AUGUST 2018

Document ID: 117433

Attached to the agenda are the unconfirmed Minutes of the LEMC Meeting held 22 August 2018 **(Marked 9.5.7)**

9.5.8 WALGA – INVITATION TO ATTEND CIVIC SERVICE

Document ID: 119794

Attached to the agenda is an invitation extended to Elected Members and Executive Staff from The Dean of Perth in conjunction with WALGA to attend Civic Service on Sunday 25 November 2018 **(Marked 9.5.8)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 OCTOBER 2018
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9.5.9 DEPARTMENT OF FIRE & EMERGENCY SERVICE – INTRODUCTION OF \$1000 TOTAL FIRE BAN INFRINGEMENT

Document ID: 119502

Attached to the agenda is correspondence from DFES advising that local governments can now issue a \$1000 infringement notice as an option to prosecution for a TFB breach (**Marked 9.5.9**)

9.5.10 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR SEPTEMBER 2018

Document ID: 120247

Attached to the agenda is monthly report for Tourism / Library for September 2018. (**Marked 9.5.10**)

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

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson
That Council resolve to change the dates for the November and December Ordinary Meetings of Council to:

- i. **November Ordinary Council Meeting**
Cervantes Pinnacles Motel - 15 November 2018
commencing at 4.00pm
- ii. **December Ordinary Council Meeting**
Jurien Bay Council Chambers - 13 December 2018
commencing at 4.00pm

CARRIED 6 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.21pm.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 OCTOBER 2018

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date