



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 13 DECEMBER 2018

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Deputy Shire President declared the meeting open at 4.00pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 6 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 P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor D Richardson	
Councillor R Shanhun	
Councillor D Slyns	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Ms M Perkins	(Community Development Officer)
Mr T O’Gorman	(Community Services Officer / Club Development Officer)
Mr B Pepper	(Coordinator Infrastructure Services)

Apologies

Councillor L Holmes	(President)
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Approved Leave of Absence

Councillor K McGlew

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

Observers

Mr Mike Sheppard, Mr Jim Clarke, Mr Tim Bailey, Ms Judy Zuccala, Mr Ben McShane, Mr Des Byfield

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mrs Judy Zuccala requested assistance to develop solutions to assist local Ospreys in Cervantes whose nests are being impacted by Ravens.

Mrs Zuccala was advised that the Men's Shed had made and erected the Osprey nests in Jurien Bay and further details could be provided after the meeting for additional solutions to be investigated.

Mr Tim Bailey asked a question regarding whether the proposed extractive industry road maintenance contribution referred to in item 9.3.3 would be levied on Shire projects.

The Chief Executive Officer responded by saying that the officer's recommendation and proposed contribution structure established that there would be no charge for the first 25,000 tonnes which is significantly more than most Shire projects. In the event that the extractive industry had exceeded the threshold for the year, then the contribution would apply.

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

Moved Cr Scharf, seconded Cr Shanhun

That the following request for leave of absence be approved:

Cr Scharf – 20 January 2019 to 2 February 2019

CARRIED 7 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 15 NOVEMBER 2018****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Clark

That the minutes of the Ordinary Meeting of Council held 15 November 2018 be confirmed.

CARRIED 7 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Jurien Bay RSL – Sub-Branch representatives Mr Jim Clarke and Mr Des Byfield presented a plaque to the Chief Executive Officer in appreciation for the Shire's contribution to the Sub-Branch's Social Development and Community Service Programs.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 LIONS CLUB OF JURIEN BAY INC SELF SUPPORTING LOAN – STORAGE FACILITY CONSTRUCTION

Location:	Jurien Bay
Applicant:	Lions Club of Jurien Bay Inc.
Folder Path:	Business Classification Scheme / Grants and Subsidies / Applications / Community Groups
Disclosure of Interest:	Author is a member of Lions Club of Jurien Bay
Date:	29 November 2018
Author:	Tony O’Gorman Club Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

PROPOSAL

To consider providing the Lions Club of Jurien Bay with a self-supporting loan of \$50,000 to allow the club to build a storage shed on the Interpretive Complex portion of lot 503 Jurien Bay Sport and Recreation Reserve 31884.

BACKGROUND

The Lions Club of Jurien Bay Inc. has operated in the town since it was first chartered in 1986. The Club has run the Lions Jurien Bay Sunday markets since 2006. The markets have gone from strength to strength. In its current location at the Fauntleroy Park on the foreshore the markets have improved beyond all expectations.

The markets regularly host between forty five and seventy five stalls and is continuing to attract a wider variety of sellers. The most recent addition has been the introduction of local primary producers selling their product.

Income from the markets and all Lions Club of Jurien Bay fundraising activities is put back into the local community through grants to the various community groups. Most recent beneficiaries have been the Junior Badminton group, Jurien Bay District High School various projects, Jurien Bay Motocross Club, Jurien Bay Kart Club. Over \$30,000 has been donated to various community groups since the 2014/2015 financial year.

The group also contributes to national and international Lions Foundation activities with contributions towards various appeals such as drought relief for NSW farmers, disaster relief for earthquake ravaged areas in Haiti etc. A number of local individuals have also benefitted through the Children of Courage Scheme.

To assist with fundraising, the Lions Club of Jurien Bay has a caravan fitted to cater for various events, it has a barbecue trailer and various small equipment items. Storage of these items up to 2017 was through the generosity of a local individual who provided

a shed to the Lions.

This arrangement was terminated in 2017 due to the individuals own circumstances. Since then, the Lions have stored the vehicles and equipment at a number of individual member's homes. This has meant that the vehicles are stored under the elements and have shown a rapid deterioration over the past twelve months.

The Lions have joined with two other Community Organisations in Jurien Bay (Jurien Bay Interpretive Complex Inc.) in seeking suitable premises for their operations. Various opportunities have been explored which have been unsuccessful to date. The Interpretive Complex Inc. has now secured a twenty one year lease with the Shire of Dandaragan on a portion of lot 503 on the Jurien Bay Recreation Reserve 31884.

At its meeting on 22 November 2018 the Lions Club of Jurien Bay resolved to seek a self-supporting loan from the Shire of Dandaragan with the intention of constructing a storage shed on the land. The reasons for this decision is that it means that the Club can get the shed built in as short a period of time as possible thus protecting their equipment. Any grant funding that the Interpretive Complex secures can be devoted solely to the premises required for the Interpretive Complex use.

COMMENT

The Shire of Dandaragan has in the past supported Community Organisations with self-supporting loans with capital improvements and to purchase capital equipment for their organisation's use.

Supporting this application will not be just providing a storage facility for the Lions equipment, it will support the Lions Club of Jurien Bay to continue to provide the Lions Markets in Jurien Bay which has become a major tourist event each long weekend that the market is held.

Additional events can be supported by the Lions Club of Jurien Bay and funds raised by the Lions Club of Jurien Bay will continue to flow to the Shire of Dandaragan Community.

The Shire of Dandaragan Local Planning Scheme 7 also covers Planning approvals required to construct buildings on Shire Reserves.

Under the terms of the lease with the Interpretive Complex any alterations or additions are covered in clause 11 as follows:

Alterations

11.1 Restriction

- (1) The Lessee must not without prior written consent:*
- (a) (i) from the Lessor;*

- (ii) from any other person from whom consent is required under this Lease;
- (iii) required under statute in force from time to time, including but not limited to the planning approval of the Lessee under a town planning scheme of the Lessee;
- (b) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises; or
- (c) remove alter or add to any fixtures, fittings or facilities in or on the Premises.

11.2 Consent

- (1) If the Lessor and any other person whose consent is required under this Lease or at law consents to any matter referred to in **clause 11.1** the Lessor may:
 - (a) consent subject to conditions; and
 - (i) require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and
 - (ii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and
 - (b) if the Lessor consents to any matter referred to in **clause 11.1**:
 - (i) the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities, permits or policies under any statute for such matters; and
 - (ii) the Lessee must apply for and obtain all such consents, approvals, authorities, permits or policies as are required at law before undertaking any alterations, additions, improvements or demolitions.

11.3 Cost of Works

All works undertaken under this **clause 11** will be carried out at the Lessee's expense.

CONSULTATION

- Jurien Bay Lions Club
- Lions Clubs of WA Multiple Districts.
- Jurien Bay Interpretive Complex Inc.
- Executive Manager Corporate and Community Services

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.20

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money; or
 - (b) obtain credit; or

- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,
- the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* *Absolute majority required.*

- (4) A local government is not required to give local public notice under subsection (3) —
- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
- (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.
- Local Planning Scheme No.7
 - 2.4.1. A person must not —
 - (a) use a Local Reserve; or
 - (b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.

POLICY IMPLICATIONS

Policy 2.2 - Self Supporting Loans

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OBJECTIVE: To provide a fair, equitable and balanced process to consider the provision of self-supporting loans to groups within the community, for the purpose of capital projects only.

The following items have been provided to satisfy the requirements of the Policy:

- 1) Amount of loan principal required - \$50,000
- 2) Purpose for which the loan is to be expended – for the construction of a shed on Lot 503 Jurien Bay.
- 3) Term of the proposed loan: 7 years.
- 4) Last annual audited financial statements: Attached
- 5) Current monthly financial statement: Attached
- 6) Financial Viability of the group to repay the loan: This has been evidenced by the Lions Club's positive cash flow over the previous 2 financial years and supported by the Club's undertakings to meet the requirements of the loan document. The Shire's Executive Manager Corporate and Community Services has reviewed the Club's financial statements and is satisfied of their capacity to repay the loan over the term proposed.
- 7) Confirmation that the group is incorporated: Certificate of Incorporation has been cited by Shire officers.
- 8) Other information will be provided through the Development Approval process to ensure the building meets all standards and regulations.

FINANCIAL IMPLICATIONS

The Shire will be required to take out a loan from WA Treasury Corporation for an amount of \$50,000 for a period of seven years. The loan will be repaid by the Jurien Bay Lions Club Incorporated over the seven year period.

The Shire's current debt levels are low by industry standards and this proposal will not materially change the Shire's ratios applicable to debt.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Request support letter (Doc Id: 123927)

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- Quote for Shed Nu Steel (Doc Id: 123652)
 - Quote for Shed Swan Aussie (Doc Id: 123925)
 - Donations Summary (Doc Id 123636)
 - Treasury Corp Indicative Costs 5 years (Doc Id: 123563)
 - Treasury Corp Indicative Costs 7 Years (Doc Id: 123564)
 - 2017/2018 Audit Report (Doc Id: 123926)
 - Template Loan Document (Doc Id: 124465)
 - Budget for the Jurien Bay Lions Club (Doc Id: 124633)
 - Jurien Bay Lions Club Bank Statement (Doc Id: 124636)
 - Jurien Bay Lions Club Summary – Nov 2018 (Doc Id: 124635)
- (Marked 9.1.1)**

VOTING REQUIREMENT

Absolute Majority

Mr Scott Clayton and Mr Tony O’Gorman left the Chambers at 4.22pm

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council:

- 1. support the Jurien Bay Lions Club Incorporated to establish a suitable storage facility on Lot 503 Jurien Bay by providing access to a self-supporting loan to the value of \$50,000;**
- 2. authorise a budget amendment to include a self-supporting loan of \$50,000 to the Jurien Bay Lions Club Incorporated to be taken over a 7 years;**
- 3. authorise the CEO to negotiate and finalise the loan agreement with the Jurien Bay Lions Club Incorporated; and**
- 4. authorise public notice in accordance with Section 6.20 of the Local Government Act 1995 of the intention to borrow money for the purposes of providing a self-supporting loan to the Jurien Bay Lions Club Incorporated.**

CARRIED BY ABSOLUTE MAJORITY 7 / 0

9.1.2 ACCOUNTS FOR PAYMENT – NOVEMBER 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	30 November 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018
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PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of November 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 November 2018 totalled \$1,418,262.78 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the November 2018 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for November 2018 (Doc Id: 124067)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Gibson, seconded Cr Slyn****That the Municipal Fund cheque and EFT listing for the period ending 30 November 2018 totalling \$1,418,262.78 for the Municipal Fund be accepted.****CARRIED 7 / 0***Mr Scott Clayton and Mr Tony O’Gorman re-entered the Chambers at 4.25pm***9.1.3 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENT INCLUSIVE OF AUDITORS REPORT**

Location:	Shire of Dandaragan
Applicant:	N / A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	10 December 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the 2017 / 2018 Annual Report and the 2017 / 2018 Annual Financial Statements including the Auditors Report for the Shire of Dandaragan and to receive the Auditors Management Letter.

BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

COMMENT

The Shire of Dandaragan finished 2017 / 2018 with a surplus of \$1,156,726. However, the majority of this surplus is as a result of large advance grants and incomplete capital works projects. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus, rather reflects outstanding commitments that were reprogrammed into the 2018 / 2019 budget.

Details of the financial income for 2017 / 2018 include:

- A total of \$6,082,363 in rate income was raised. By 30 June 2018, 95% of rates had been collected.
- A total of \$5,472,146 in grants were secured.

The Auditors report stated the following;

“Opinion

I have audited the annual financial report of the Shire of

Dandaragan which comprises the Statement of Financial Position as at 30 June 2018, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In my opinion the annual financial report of the Shire of Dandaragan:

- (i) is based on proper accounts and records; and*
- (ii) fairly represents, in all material respects, the results of the operations of the Shire for the year ended 30 June 2018 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the Shire in accordance with the Auditor General Act 2006 and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter – Basis of Accounting

I draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Shire's financial reporting responsibilities under the Act. Regulation 16 of the Local Government (Financial Management) Regulations 1996 (Regulations), does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. My opinion is not modified in respect of this matter.

Responsibilities of the Chief Executive Officer and Council for the Financial Report

The Chief Executive Officer (CEO) of the Shire is responsible for the preparation and fair presentation of the annual financial report in accordance with the requirements of the Act, the Regulations and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards. The CEO is also responsible for such internal control as the CEO determines is necessary to

enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the CEO is responsible for assessing the Shire's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the State government has made decisions affecting the continued existence of the Shire.

The Council is responsible for overseeing the Shire's financial reporting process.

Auditor's Responsibility for the Audit of the Financial Report

The objectives of my audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.*
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shire's internal control.*
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the CEO.*
- Conclude on the appropriateness of the CEO's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Shire's ability to continue as a going concern. If I conclude that a material*

uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report, as we cannot predict future events or conditions that may have an impact.

- *Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.*

I communicate with the Council and the CEO regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Other Legal and Regulatory Requirements

In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) In my opinion, the following material matter indicate significant adverse trend in the financial position of the Shire:*
 - a. The Operating Surplus Ratio has been below the Department of Local Government, Sports and Cultural Industries standard for the past three years.*
The financial ratios are reported in Note 26 of the financial report.
- (ii) The following material matter indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law was identified during the course of my audit:*
 - a. Accounting journal entries were posted with no evidence of independent review and approval by another person. Accounting journals can represent significant adjustments to previously approved accounting transactions, and should therefore be independently reviewed and approved with evidence of this review being retained.*
- (iii) All required information and explanations were obtained by me.*
- (iv) All audit procedures were satisfactorily completed.*
- (v) In my opinion, the asset consumption ratio and the asset renewal funding ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.*

Other Matter

The financial report of the Shire for the year ended 30 June 2017 was audited by another auditor who expressed an unmodified opinion on that financial report. The financial ratios for 2017 and 2016 in Note 26 of the audited financial report were included in the supplementary information and/or audited financial report for those

years.

Matters Relating to the Electronic Publication of the Audited Financial Report

This auditor's report relates to the annual financial report of the Shire of Dandaragan for the year ended 30 June 2018 included on the Shire's website. The Shire's management is responsible for the integrity of the Shire's website. This audit does not provide assurance on the integrity of the Shire's website. The auditor's report refers only to the financial report described above. It does not provide an opinion on any other information which may have been hyperlinked to/from this financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report."

The Auditor General's Office presented their findings and conducted an "exit briefing" with the Audit Committee on 7 December 2018.

The audit report highlighted no issues that would affect the accuracy of the annual financial statements for the year ended 30 June 2018, and therefore, the Financial Statements are a true reflection of the financial position and performance for the Shire of Dandaragan in the 2017 / 2018 financial year.

The audit committee subsequently moved the following motion;

OFFICER RECOMMENDATION / COMMITTEE DECISION

Moved Cr Eyre, seconded Cr McGlew

That;

- 1. the Independent Audit Report for the year ended 30 June 2018 be received, and;*
- 2. In accordance with Section 7.12A (3) of the Local Government Act 1995 determine that there are no matters raised in the report that require further action, and;*
- 3. the audit committee determine that the response by the Shire administration to the other matters identified in the audit report and management letter are appropriate, and;*
- 4. the audit committee acknowledge that utilising the historical spend for the infrastructure class of asset as the "Required Capital Expenditure" amount for the purposes of calculating the Asset Renewal Funding ratio is appropriate until such time as the Asset Management Plans are updated and refined.*

CARRIED 3 / 0

CONSULTATION

- Executive Management Team

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STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

5.53. Annual reports

(1) *The local government is to prepare an annual report for each financial year.*

5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

* Absolute majority required.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

Goal 5 – Proactive and Leading Local Government	
Objectives	How the Shire will contribute
5.2 High Performing Administration	b) provide robust financial management and guardianship of the communities assets c) compliance in all legislative requirements and functions

ATTACHMENTS

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

- Annual Report 2017 / 2018 (Doc Id: 125001)
(Marked 9.1.3)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Gibson

In accordance with section 5.54 (1) Local Government Act 1995, Council accept the 2017 / 2018 Annual Report and the 2017 / 2018 Annual Financial Statements inclusive of the Auditors Report.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

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9.1.4 AUDIT COMMITTEE MINUTES – 7 DECEMBER 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	7 December 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 7 December 2018.

BACKGROUND

The Local Government Act 1995 requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

COMMENT

The purpose of the Audit Committee Meeting held 7 December 2018 was to consider the annual financial statements inclusive of the audit report for the year ended 30 June 2018 and the review of systems and procedure.

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

ATTACHMENTS

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

- Minutes of the Audit Committee Meeting (unconfirmed) held on 7 December 2018 (Doc Id: 124496)

(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Shanhun, seconded Cr Eyre****That the unconfirmed minutes of the Audit Committee Meeting held 7 December 2018 be received.****CARRIED 7 / 0****9.1.5 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2018**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	10 December 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 November 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 November 2018.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 November 2018 was \$6,076,100. 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 12 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 13) of

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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 November 2018 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Financial statements for the period ending 30 November 2018 (Doc Id: 124916)
(Marked 9.1.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Eyre, seconded Cr Richardson
That the monthly financial statements for the period 30 November 2018 be adopted.**

CARRIED 7 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 JURIEBAY TOWN CENTRE REVITALISATION PROJECT – PRELIMINARY DESIGN

Location:	Bashford Street, Jurien Bay
Applicant:	Garrick Yandle, Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Roads / Design and Construction / Jurien Bay Town Centre Revitalisation
Disclosure of Interest:	Nil
Date:	3 December 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

That Council receive the *Jurien Bay Town Centre Revitalisation Project Preliminary Design and Business Case Documentation*.

BACKGROUND

Planning and design works for the Jurien Bay Town Centre Revitalisation Project have been allocated in the 2018/19 Budget to further progress documentation sufficient for funding submissions. These works included the following:

- Finalise Preliminary Design
- Finalise Design report
- Refine Project Cost Estimate
- Liaison with regulatory authorities
- Identify potential funding sources
- Develop Business Case
- Develop Funding Submission.

An overview of the project budget presented at the December 2017 Council Meeting is as follows:

Revitalising Regional Centres Project Budget Summary				
Component	Year 1	Year 2	Year 3	Total Cost
	2018-19	2019-20	2020-21	
1. Project Management	\$ 33,300	\$ 33,300	\$ 33,300	\$ 99,900
2. Underground Power	\$1,969,359	\$ -	\$ -	\$1,969,359
3. Civil Works	\$ 116,453	\$4,774,564	\$ -	\$4,891,017
4. Street Lighting	\$ 34,000	\$ 731,000	\$ -	\$ 765,000
5. Landscaping	\$ 33,658	\$ 16,829	\$ 973,169	\$1,023,657
6. Contingency	\$ 218,818	\$ 550,811	\$ 95,634	\$ 865,263
Total	\$2,405,588	\$6,106,504	\$1,102,103	\$9,614,195

Initial planning over 2018 was to develop a funding submission towards Round 3 of the Federal Government's Building Better Regions Fund (BBRF). Project costs and co-contribution

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requirements required for a submission to sufficiently address the BBRF merit criteria is outlined below:

Total Project Budget Estimate	\$ 9,614,195	
Total Shire Cash Co-contribution + In-kind	\$ 5,778,131	60.10%
In-kind	\$ 96,900	Shire's PM Costs
Total Eligible Project Costs	\$ 9,517,295	
BBRF	\$ 3,836,064	40%
Shire Cash	\$ 4,315,969	45%
Contingency	\$ 865,263	9%
External Co-contribution	\$ 500,000	5%
Total Shire Cash Co-contribution Required	\$ 5,681,231	59%

Key information and discussion outcomes with Council in December 2017 were as follows

- Council's own cash contribution can be reduced if additional external co-contribution funding sources are obtained.
- Council would need to provide a written statement outlining that Council would underwrite the additional sources of funding should Council be unsuccessful in obtaining these sources.
- Council were not comfortable having to underwrite unconfirmed funding requirements for the project and would like staff to investigate further external co-contribution funding sources.
- Staff will need to identify and confirm potential external sources of funding, including Council and staff undertaking lobbying of relevant State Government departments to gather additional funding for key specific components of the project.
- More work needed to be undertaken on the Business Case to ensure that the BBRF submission was of suitable quality to give it the best opportunity for success.
- Council deemed that delaying a submission to Round 3 would be a better option than rushing a submission for Round 2.

COMMENT

Staff have progressed on the development of documentation with the following documents being presented to Council.

- Preliminary Design Report
- Preliminary Design Drawings
- Draft Business Case

These are presented to be received by Council.

A series of draft operational documents required to accompany various funding submissions have also been developed. These include:

- Project Management Plan
- Project Procurement Plan
- Project Communication Plan
- Stakeholder Engagement List

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- Alignment to Local Policies and Strategies Document
- Project Risk Assessment and Risk Management Plan
- Project Budget Development.

Further discussions have been had with Western Power with regard to refining their scope of work via the Initiation Services Stage. They have provided an update cost estimate of \$2,188,177 (+/-50%) for underground power, as opposed to the original estimate of \$1,969,359. This will be reflected in the project's revised budget.

Works have progressed on certain minor aspects of the project throughout 2018/19. This includes principle shared paths with the following details.

Component	Budget	External Co-contribution Source	External Co-contribution
Shared Path - Roberts to Murray	\$ 70,000	Department of Transport Regional Bike Network Fund	\$ 35,000
Shared Path - Hastings to Seaward	\$ 65,000	Department of Transport Regional Bike Network Fund	\$ 32,500
	\$ 135,000		\$ 67,500

However because these have been constructed in advance of the BBRF funding timeframe they cannot be considered as co-contributions. Their total is likely to come off the overall project total and BBRF submission. This information is reflected in the updated project budget as follows.

Component	Budget
1. Project Management	\$ 100,000
2. Underground Power	\$ 2,200,000
3. Civil Works	\$ 4,750,000
4. Street Lighting	\$ 800,000
5. Landscaping	\$ 1,000,000
6. Contingency	\$ 850,000
Total	\$ 9,700,000

As indicated, Council's own cash contribution can be reduced if external funding sources are obtained prior to next round of BBRF. Limited progress has been made with regard to identifying and confirming external co-contribution funding sources. The majority of co-contribution opportunities would come from the WA State Government, its various agencies and funding programs. The current economic climate of WA presents limited opportunities and appetite from the State Government to provide co-contributions toward such projects.

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At the moment an indicative co-contribution value of \$432,500 for 2019/20 onwards has been secured:

- Roads to Recovery funding
 - subject to Council approval in each budget
 - \$100K for 2019/2020,
 - \$150K 2020/2021 and
 - \$100K 2021/22
- Department of Transport
 - Regional Bike Network Grants
 - \$82,500 for shared paths 2019/2020

Based upon the above changes the following reflects the estimated funding contribution breakdown and estimated Shire cash contribution costs if no further funding streams are found for the project.

Total Project Budget Estimate	\$ 9,700,000	
Total Shire Cash Co-contribution + In-kind	\$ 5,820,000	60.10%
In-kind	\$ 100,000	Shire's PM Costs
Total Eligible Project Costs	\$ 9,600,000	
BBRF	\$ 3,880,000	40%
Shire Cash	\$ 4,437,500	46%
Contingency	\$ 850,000	9%
Confirmed External Co-contribution	\$ 432,500	5%
Total Shire Cash Co-contribution Required	\$ 5,720,000	59%

Shire officers have been investigating additional potential sources of Co-Contributing Funding to reduce the overall cash burden on Council to fund the project. This includes discussions with both Main Roads WA (Midwest Gascoyne Region) and Western Power with regard to funding specific components of the project, but as yet no additional co-contribution has been identified.

Proposed potential external sources of funding and what they would contribute towards are:

- Western Power / State Government
 - Seek contribution towards underground power.
 - \$1,000,000
 - Approximately 50%
 - Potentially through next round of State Underground Power Program.
 - Seek contribution towards street lighting.
 - \$200,000
 - Approximately 25%
- Main Roads WA
 - Seek contribution towards civil works
 - \$500,000
 - Approximately 50% of asphalt resurfacing costs associated with other civil works
 - Seek contribution towards street lighting

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- \$200,000
- Approximately 25%
- Local Businesses – between \$50,000 - \$100,000
- Seek \$5,000 to \$10,000 contribution from individual businesses
- Specifically direct impact associated with improvements generated by the project
 - Driveways
 - Car parks
 - Lighting
 - Dual use paths
 - Landscaping amenities

A summary on how external co-contribution funding sources could potentially reduce the Council's cash requirements are outlined in the following table. It is important to note that figures identified for local businesses are indicative amounts only and no discussions have been had with any local businesses as yet regarding potential contributions. In addition an annual service charge could also be included on properties that directly benefit from underground power.

Organisation	Infrastructure	Funding
		\$ 1,950,000
Western Power	Underground power	\$ 1,000,000
Western Power	Street Lighting	\$ 200,000
Main Roads WA	Street Lighting	\$ 200,000
Main Roads WA	Civil Works	\$ 500,000
Local Businesses	Landscaping	\$ 50,000

The following table outlines how potential co-contributions could affect the level of "own" cash Council would be required to put into the project:

Shire Cash (No External co-contributions)	\$ 5,720,000	59%
Confirmed External Co-contribution	\$ 432,500	5%
Shire Cash less Confirmed External Co-contributions	\$ 5,287,500	55%
Potential External Co-contributions	\$ 1,950,000	20%
Shire Cash less Potential External Co-contributions	\$ 3,337,500	34%

CONSULTATION

Significant consultation has already been undertaken with Council and the community at the planning and concept design stages of the project. This is summarised as follows:

- Foreshore Management Plan (1999)
- Jurien Bay Foreshore Development Plan (2008) - UDLA
- Strategic Community Plan 2011-2021
- Town Centre Strategy Workshops (2011)
- SuperTowns Growth Plan & Workshops (2011 & 2012)

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- Bashford Street; Streetscape Upgrade Concept (Cardno, February 2014)
- Bashford Street; Streetscape Upgrade Concept Design (Cardno, 2015)
- Minute Extract Ordinary Council Meeting 26 March 2015 – Item 9.2.3
- Minute Extract Ordinary Council Meeting 27 April 2017 – Item 9.2.1.
- Strategic Community Plan 2016 – 2026
- Minute Extract Ordinary Council Meeting 14 December 2017 – Item 9.2.1.

It is not envisaged that there will be significant consultation with regard to further refinement of the design. A project Communication Management Plan (CMP) has been developed to define the communication requirements for the project and how information will be distributed. This CMP outlines the communication strategy for the Shire of Dandaragan during the design development, tender advertising, submission and award, plus execution phases of the Jurien Bay Town Centre Revitalisation project. It provides a process and guideline for the Project Management Team (PMT) to follow when providing information with project stakeholders as required throughout the course of the project.

The communication plan will make it possible for the Shire to target its communication effectively. It will provide a structure to determine whom the Shire needs to reach and how.

The plan will make the project's communication efforts more efficient, effective, and lasting.

The CMP will:

- encourage two-way exchanges of information
- effectively address key project messages
- identify communication vehicles
- identify communication accountabilities
- identify timing of communication to stakeholders involved in and affected by the project's activities
- decrease the likelihood of key stakeholders being misinformed.

The CMP covers:

- Communications processes
- Communications constraints
- Stakeholder Communications Requirements
- Roles and Responsibilities
- Communication Strategy
- Communication Flow Chart
- Communication Standards
- Communication Resolution Process.

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STATUTORY ENVIRONMENT

- Section 6.8 Local Government Act – 1995.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

FINANCIAL IMPLICATIONS

As part of the Preliminary Design process and Business Case Development, Shire staff developed a comprehensive cost estimate and project budget for the BBRF submission. The budget was developed across six key technical areas to be staged over a three year implementation period subject to details of the funding.

Key technical budget areas are:

1. Project Administration
2. Underground Power
3. Civil Works
4. Street Lighting
5. Landscaping
6. Contingency

The proposed staging plan is over 3 financial year's dependent upon confirmation of funding:

- 2018/2019
- 2019/2020
- 2020/2021.

The total project cost estimate and budget has been outlined in previous section as \$9,700,000 + GST.

To date Council has spent the following on planning and design of the project since 2013:

Planning Component	Organisation	Value
Concept and Preliminary Design	Cardno	\$185,000
Business Case	Pracsys	\$35,000
Submission Preparation	Grants Empire	\$3,000
Total		\$223,000

Council has also spent the following amounts on minor components of the project.

Component	Year	Value
Shared Paths		
– Dryandra to Lesueur	2015/16	\$ 100,000
– Lesueur to Cook	2015/16	\$ 60,000
– White to Roberts	2015/16	\$ 50,000
– Roberts to Doust	2016/17	\$ 80,000
– Doust to Hastings	2018/19	\$ 60,000
– Hastings to Seaward	2017/18	\$ 70,000
– Batt to Whitfield	2018/19	\$ 60,000
– Whitfield to Nineteenth	2017/18	\$ 60,000
	2015/16	

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Dump Point – Doust Street		\$ 10,000
Entry Statements – Northern	2016/17	\$ 45,000
– Southern		\$ 45,000
TOTAL INVESTMENT		\$ 640,000

STRATEGIC IMPLICATIONS
2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objective	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy
1.3 Ensure timely provision of essential and strategic infrastructure	c) Activate Growth Plan a) Provide and manage a network of roads and bridges for safe and efficient vehicle movement b) provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy.	b) Work with developers and communities to coordinate plan for entrance statements with developments nodes and town.
<i>Goal 2: Healthy, Safe and Active Community</i>	
2.2 Ensure aged friendly community.	a) Undertake planning for development of the Shire of Dandaragan as an Age Friendly Community
<i>Goal 4: Health Natural and Built Environment</i>	
4.2 Support positive land and bio-diversity management practices.	a) Manage and maintain priority road verges which link or are strategic sites on Shire reserves
<i>Goal 1: Great Place for Residential and Business Development</i>	
BUSINESS AS USUAL	1a) Strategic land use planning and projects 1d) Roads and bridges 1e) Drainage including swales 1e) Drainage including swales 1f) Footpaths, cycleways, walkways and trails.
<i>Goal 4: Health Natural and Built Environment</i>	
BUSINESS AS USUAL	4b) Road verge management.

ATTACHMENTS

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

- Jurien Bay Town Centre Revitalisation Project Preliminary Design Drawings (Doc Id: 124485)

- Jurien Bay Town Centre Revitalisation Project Preliminary Design Report (Doc Id:124484)
- Jurien Bay Town Centre Revitalisation Project Draft Business Case (Doc Id:124486)
(Marked 9.2.1)

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Richardson

That Council

1. **Receives the following documents associated with the preliminary design of Jurien Bay Town Centre Revitalisation Project:**
 - **Jurien Bay Town Centre Revitalisation Project Preliminary Design Drawings (Doc Id: 124485)**
 - **Jurien Bay Town Centre Revitalisation Project Preliminary Design Report (Doc Id: 124484)**
 - **Jurien Bay Town Centre Revitalisation Project Draft Business Case (Doc Id: 124486)**

CARRIED 7 / 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:	26 November 2018
Author:	Denaye Yandle, Executive Secretary
Senior Officer:	Garrick Yandle, Executive Manager Infrastructure

PROPOSAL

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

BACKGROUND

In October 2017 a request for Request for Applications (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.

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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

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 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) 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 Outline the primary location of your business</p> <ul style="list-style-type: none"> i. Shire of Dandaragan (max 25%) ii. Neighbouring local government authority (max 20%) iii. Regional WA (max 15%) iv. Perth (max 10%) v. Other (max 5%) 	25%
<p>D) Price Provide unit rates for the following relevant items where applicable</p> <ul style="list-style-type: none"> 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 was been compiled containing all successful applicants and their details which was distributed to all staff for their reference on Tuesday 27 November 2018.

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 in the original process and put to Council for final decision.

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

		nqpetro WA Pty Ltd
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	
11.	Electrician	
12.	Mechanical Services	
13.	Fabrication and Welding	Y
	WALGA Preferred Supplier	N
	CUA Member	N
	Qualitative Criteria Ranking	85

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

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	KMAC Botanical and Environmental Service
04/17 – Town Maintenance	
1. Vegetation Management	Y
2. Turf Management	
3. Irrigation Services	
4. Fencing	
5. Street Sweeping	
6. Drainage Pipe Clearing and Cleaning	
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

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.

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	<p>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:</p> <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	<p>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:</p> <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	<p>Obtain at least three verbal or written quotations, from a suitable supplier, either from:</p> <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	<p>Obtain at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <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	<p>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.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Shire; or • from the open market.

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

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OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clark, seconded Cr Richardson

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:

	nqpetro WA Pty Ltd
01/17 – Building & Mechanical Services	
14. Roofing	
15. Demolition Works	
16. Registered Builder	
17. Carpenter	
18. General Handyman	
19. Brick Laying & Paving	
20. Glazing Works	
21. Working at Heights Services	
22. Painting	
23. Plumber	
24. Electrician	
25. Mechanical Services	
26. Fabrication and Welding	Y
WALGA Preferred Supplier	N
CUA Member	N
Qualitative Criteria Ranking	85

	Communication and Wireless Services Pty Ltd	Donald Veal Consultants Pty Ltd
03/17 – Technical Services		
6. Strategic Community Development Consultancy Services		Y
7. Engineering Consultancy Services	Y	Y
8. Environmental Consultancy Services		
9. Asset Management Services		
10. Architectural Services		
WALGA Preferred Supplier	N	Y
CUA Member	N	N
Qualitative Criteria Ranking	85	85

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	KMAC Botanical and Environmental Service
04/17 – Town Maintenance	
7. Vegetation Management	Y
8. Turf Management	
9. Irrigation Services	
10. Fencing	
11. Street Sweeping	
12. Drainage Pipe Clearing and Cleaning	
WALGA Preferred Supplier	N
CUA Member	N
Qualitative Criteria Ranking	85

CARRIED 7 / 0

9.2.3 TANDEM DOLLY REPLACEMENT BUDGET AMENDMENT

Location:	Dandaragan Operations Centre, Dandaragan
Applicant:	Garrick Yandle, Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Capital Works
Disclosure of Interest:	Nil
Date:	5 th December 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

That Council endorse a budget amendment for the replacement of tandem dolly trailer.

BACKGROUND

In recent years Shire Operations team have evolved the Shire's road construction operational plant to improve efficiencies associated with road construction projects. This has entailed replacing 2 x pig trailers with 2 x tri-axle side tipper to go with the existing 2 x tri-axle side tippers already in the fleet. Having 4 x tri-axle side tippers allows the construction team the flexibility to operate 2 x road trains or 1 x road train, 1 x semi-trailer and 1 x 6 wheeler with a 5 axle dog trailer.

To operate these truck and trailer combinations 2 x tandem dolly trailers are required. Historically the Shire has had 1 x tandem dolly, but updated its fleet in 2016/17 to acquire an additional

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tandem dolly to facilitate the abovementioned truck and trailer combinations.

In 2017/18 Budget there was a changeover allocation of \$85,000 to replace 1 x pig trailer with 1 x tri-axle side tipper and 1 x tandem dolly. The tri-axle side tipper was purchased for \$60,000 in 2017/18. The pig trailer was not sold in 2017/18, but was carried over for sale in 2018/19 has recently been sold for \$8,000.

A new tandem dolly was not purchased in 2017/18 due to quotes and delivery time being too late in the financial year. This was not carried over to the 2018/19, due to a review of plant needs and budget time finding that we already have 2 x tandem dollies in the fleet to meet the requirements of having 4 x tri-axle side tippers.

A summary of the plant changeover budget associated with these items is outlined below.

Item	Income	Purchase	Changeover
Original Budget	(\$10,000)	\$85,000	\$75,000
Tri-axle (17/18)		\$59,000	\$59,000
Pig Tipper (18/19)	(\$8,000)		(\$8,000)
Actual Expenditure	(\$8,000)	\$59,000	\$51,000

COMMENTS

In October 2018 an incident occurred onsite whereby one of the Shire's tandem dolly trailers was significantly damaged and written off after review and inspection from the Shire's insurers. The insurance payout figure for the tandem dolly was \$13,947.

Since this incident Shire operations staff had have to hire in an additional tandem dolly as well as an additional contract road train to meet the requirements of peak reconstruction season.

Quotes have been sought for both new and second hand replacement tandem dollies. A summary of these quotes is outlined below.

COMPANY	PRICE ex GST	SoDN extra contribution	WARRANTY	Availability
HAULMORE (New)	\$32,000	\$18,053.34	12 months	Four week delivery from issue of P.O.
HOWARD PORTER (New)	\$26,500	\$12,553.34	12 months	Six week delivery from issue of P.O.
LOMBARDI (New)	\$26,000	\$12,053.34	12 months	Four week delivery from issue of P.O.
HAULMORE (2 ND Hand)	\$20,000	\$6053.34	None	In-stock

The Shire's other existing tandem dolly is of significant age, showing significant signs of wear and tear, and would likely be changed over in the 2019/20 budget. Given this condition it is

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recommended that a new dolly be purchased at this point in time to replace the written off dolly. Based upon the above figures the Lombardi quote would be the most economic for a new tandem dolly.

During budget considerations for 2019/20 shire operations staff will further investigate appropriate changeover options for the other existing dolly (i.e. new versus second hand of reasonable condition). This would be reflected in the budget accordingly.

CONSULTATION

- Dandaragan Operations Supervisor
- Coordinator of Infrastructure Operations

STATUTORY ENVIRONMENT

- Section 6.8 Local Government Act – 1995.
- Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publically invited.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

FINANCIAL IMPLICATIONS

The proposed budget for the replacement of the written off tandem dolly trailer is summarised as follows:

Details	Costs
Purchase Price	\$26,000.00
Insurance Payout	\$13,946.66
Shire additional funds	\$12,053.34

A proposed budget amendment of \$12,053.34 exclusive of GST is requested from Council to continue the progress of this project. This is proposed to be funded from the Plant Renewal Reserve.

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Shanhun

That Council endorse a budget amendment of \$12,053.34 exclusive of GST for the procurement of a replacement tandem dolly trailer from Lombardi quoted at \$26,000, to match the insurance payout of \$13,946.66; with the additional funds sourced from the Plant Renewal Reserve.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED CABINS – HEIGHTS BED & BREAKFAST – LOT 155 JURIEBAY VISTA, JURIEBAY HEIGHTS

Location:	Lot 155 Jurien Bay Vista, Jurien Bay Heights
Applicant:	M Urbas
File Ref:	Development Services Apps / Development Applications / 2018 / 72
Disclosure of Interest:	Nil
Date:	19 November 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The proponent is seeking development approval for the extension of 16 x 'eco' cabins to the existing 'Heights B&B' at Lot 155 (RRN492) Jurien Bay Vista, Jurien Bay Heights.



Drone Image of the existing site from the corner of Jurien Bay Vista and Wren Way

BACKGROUND

The previous owner obtained development approval for a Bed and Breakfast on the subject land on 25 January 2013. In recent times

the demand to cater for more guests at once has risen, and thus, the subject application seeks expansion of the premise.

The subject property is located within Local Planning Scheme No.7's (LPS7) Special Use Area 1 – Rural Development, which is commonly known as Jurien Bay Heights. This estate is divided into three categories with specific LPS7 conditions universal to the whole estate and further conditions specific to each category.

The subject property is within Category 3 of the estate, where the proposed land use of chalets is a land use not listed. Clause 3.4.2 of LPS7 states the following procedure for such an event:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The overarching objective for Jurien Heights is: *is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential opportunities and other tourist and recreational uses but at all times having due regard for the relative capabilities of the land.*

The objective of Category 3 is: *to facilitate Rural Residential development and provide an alternative form of housing to that provided within the Jurien Townsite*

'Cabin' is defined as the following under LPS7: *means an individual self-contained unit similar to chalet which may lack ensuite facilities and may comprise only one room and is designed for short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.*

Assessment of the above led the officer to determine the use may be consistent with the objectives of the particular zone. Therefore the advertising procedure of clause 64 of the Deemed Provisions of LPS7 was undertaken, as detailed in the consultation section below.

The proponent intends to situate the 40m² cabins in a 'U' shape configuration to the rear of the property behind the existing ancillary dwelling and outbuilding as shown in the attached

development application (Doc Id: 123311). This configuration equates to the cabins being 15m from the side property boundaries and 20m from the rear, the later a variation to LPS7 which requires a 50m rear setback for the estate.

Each cabin will consist of an accessible living room, bathroom and patio orientated towards the existing ancillary dwelling and future amenities area. No food preparation and cooking facilities are provided as this will be continued to be supplied to each guest by the landowners/caretakers.

COMMENT

The following are comments on the major concerns of the proposal of which the applicant has supplied justification on.

Building Design

- Proposed and existing buildings are grouped collectively to the rear of the property, 85m from the primary road boundary.
- Natural landscaping will shield the proposed cabins from the neighbouring and public view, whilst also providing solar shading.
- The cabins have been designed with a low roof ridge height of 3.8m and wall height of 2.7m.
- A country colour scheme to match the surrounding natural environment has been proposed with the following colours: pale eucalypt, paper bark and shale grey as shown on page four of the attached development application.
- The existing single house is orientated to provide natural surveillance of the proposed cabins.

Services and Infrastructure

- All roads within Jurien Bay Heights are sealed.
- The subject property has an existing bore fed water tank of 25,000L on an auto float pressure pump. Another tank of this size and system will be added to ensure constant availability of 50,000l of supply to each proposed cabin bathroom and existing water fixings.
- Each proposed cabin will be supplied with potable water via bottles or other storage methods on demand.
- The applicant will be required to submit and have approved by the Health Department an application for an appropriate and suitable waste water disposal system.
- Grid power will be substituted by a proposed 15kw solar photovoltaic system with a storage battery.
- An additional hard surface vehicle crossover and carpark will be constructed catering for one bay per guest exclusive of additional long vehicle parking and turnaround area.

Land Capability

- A Bushfire Attack Level (BAL), Bushfire Hazard Assessment (BHL), BAL contour map and assessment against the bushfire protection criteria (location; siting and design; vehicular access; and water) contained within the *Guidelines for Planning in Bushfire Prone Areas* has been completed for the proposal in accordance with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. This has resulted in the identification of a moderate hazard, with 7 cabins within BAL12.5, 6 cabins within BAL19 and 3 within BAL 29.
- Given the moderate bushfire hazard of the proposal a Bushfire Management Plan (BMP) (Doc Id: 122903) has been prepared for the site in accordance with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* to ensure minimal environmental impact and a reduction to the bushfire threat of the site via the identification and maintenance of a defensible Asset Protection Zone. This plan is currently being verified by a suitably qualified third party and before it is lodged as a land title notice under section 70A *Transfer of Land Act 1893*.
- In addition to the BMP, a Bushfire Emergency Evacuation Plan will be agreed upon by the relevant authorities before a building permit is issued by the Shire.
- Revegetation post construction compliant with the BMP will be undertaken to visually shield the cabins from neighbouring private and public land with guidance from the Victorian Country Fire Authority's *Landscaping for Bushfire: Garden Design and Plant Selection*.

No further concerns than those discussed suggest the site would not be suitable for the intended use. Furthermore, given the low impact eco bed and breakfast expansion is fully accessible, it is an alternative to short stay accommodation currently offered within the Shire. This provides the development with the ability to accommodate a diverse range of guests, whether that be persons with carers, nature based tourists, environmental study groups, non-caravan/campervan travellers, etc.

With the above information in mind, it is the Officer's view that if the site is well managed to the protocols listed, there will be minimal impact to neighbouring properties and the environment in contrast to the positive economic and social benefits of the development, and is therefore supported with conditions.

CONSULTATION

- Surrounding landowners
- Principal Environmental Health Officer

Three submissions were received as attached to this report. One submission supported the proposal and the other two objected. officer responses to each submission is outlined in the attached schedule section.

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STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Health (Miscellaneous Provisions) Act 1911
- Transfer of Land Act 1893
- Bush Fires Act 1954

POLICY IMPLICATIONS

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Guidelines for Planning in Bushfire Prone Areas
- Victorian Country Fire Authority - Landscaping for Bushfire: Garden Design and Plant Selection
- Rural Planning Guidelines
- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The proponent has paid a fee of \$466.20 for the development application.

STRATEGIC IMPLICATIONS

- Local Planning Strategy - Rural Land Use and Settlement 2012
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan:

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
<i>Goal 2: Healthy, Safe and Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them

ATTACHMENTS

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

- Development Application (Doc Id: 123311)
- Bushfire Management Plan (Doc Id: 122903)
- Schedule of Submissions (Doc Id: 124466)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Shanahun

That Council:

1. Determine in accordance with clause 3.4.2(b) of *Local Planning Scheme No.7* that the proposed land use is consistent with the statement of intent for Special Use Area 1 – Rural Development; and
2. Approve the development application for 16 cabins on Lot 155 Jurien Bay Vista, Jurien Bay Heights subject to the following conditions and advice:
 - a) All development shall be in accordance with the attached plans date stamped 13 December 2018 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.
 - b) Guests are to be short stay only, meaning no one guest is to be accommodated for a period totally more than 3 months in any 12 month period.
 - c) The use of the development must at all times comply with the provisions a ‘lodging house’ in accordance with the *Health (Miscellaneous Provisions) Act 1911*.
 - d) All internal access-ways and carpark surfaces within the site are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit dust generation to the satisfaction of the Shire’s Chief Executive Officer.
 - e) An on-site waste water disposal system for the development is to be designed by a hydraulic engineer or other suitable qualified person and approved by the WA Health Department.
 - f) Crossovers, access and egress to the subject site from Jurien Bay Vista and any road works shall be located and constructed to the satisfaction of the Chief Executive Officer and include all necessary drainage and signage.
 - g) The applicant is to carry out of each of the elements of the Bushfire Management Plan including the lodgement of the following notification on the certificate title under section 70a of the *Transfer of Land Act 1893*:
 “The lot is located in a Bushfire Prone Area and is subject to a Bushfire Management Plan”.
 - h) Prior to the commencement of the development, a Bushfire Emergency Evacuation Plan is to be approved by the relevant authorities.
 - i) The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of:
 - I. transportation of materials, goods and commodities to and from the premises;
 - II. appearance of any buildings, works and materials; and

III. the emission of noise, odour, vibration, dust, wastewater, waste products or reflected light.

Advice Notes:

1. The applicant is advised this is planning approval only and not a building permit. A building permit must be obtained for this development.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
3. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
4. Prior to the use of the development, the applicant is advised to contact the Shire's Principal Environmental Health Officer to make suitable arrangements for the on-site laundry operations.
5. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 7 / 0

9.3.2 PROPOSED DWELLING – LOT 1118 TERN WAY, JURIE BAY

Location:	Lot 1118 (#3) Tern Way, Jurie Bay
Applicant:	Poynton Building Company
File Ref:	Development Services Apps / Development Application / 2018 / 70
Disclosure of Interest:	None
Date:	19 November 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The proponent is seeking development approval for a single house with a reduced rear setback and an over-height garage on Lot 1118 (#3) Tern Way, Jurie Bay.

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Location Map – 3 Tern Way, Jurien Bay

BACKGROUND

Landowners, R A & S L Munns obtained development approval for retaining walls on both side boundaries and the rear boundary of the property on 1 October 2018. Retaining works were obtained due to the property falling from approximately on average 800mm from the verge to the rear of the property. The approved retaining wall will result in a maximum three tier construction (1.05m total) at the rear of the property as shown in the attached stamped plan (Doc Id: 123015). As the property is located within the 'Marina District' of Jurien Bay where the majority of properties require retaining works before a dwelling can be designed and constructed, and given in this instance the retaining raises the property to road verge level the development application was approved under delegated authority. A condition of approval however did state that a separate development application is to be submitted to the Shire for any proposal to construct a fence above the retaining walls.

The applicant, Poynton Building Company is seeking development approval for a dwelling upon the subject land which is zoned 'Residential' with a R12.5 density code. Under a R12.5 coding the primary street setback is 7.5m, with a rear boundary setback of 6m. The dimensions of the property shown below make it difficult for a dwelling design to be within the two setbacks, front and rear. For this reason the applicant has chosen to protrude the rear setback only with the dwelling design, as shown in the attached development application plans (Doc Id: 123213). Paul Lalor from Teakle & Lalor provided the attached (Doc Id: 124351) support for

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the variation to clause 5.1.3: Lot boundary setback of *State Planning Policy 3.1 - Residential Design Codes (R-Codes)*.



The proposal also seeks approval for an over-sized garage to park a large caravan within. Under the Shire's *Local Planning Policy 8.5 – Outbuildings Residential Areas (LPP8.5)*, the maximum wall height permitted for a garage is 3.6m, with a ridge of 4.5m; this application seeks a 4.45m wall height and a ridge of 5.2m. The highest ridge height of the skillion roof of the attached dwelling is 4.6m. No justification was provided for the increased garage height in comparison to the attached dwelling. It is noted the garage area of 75m² is within the LPP8.5 maximum allowance of 80m² and the garage is setback 1.2m behind the building line of the dwelling in accordance with LPP8.5.

The development also proposes an unenclosed outdoor active habitable space with a floor level of more than 0.5m above natural ground level facing the northern landowners of adjoining Lot 1119 Tern Way. Under clause 5.4.1: Visual privacy of the R-Codes, such spaces are to be setback 7.5m from the nearest boundary or provided with 1.6m high permanent screening to restrict views into the adjoining property. The applicant proposes to install 1.8m high Colourbond fencing above the retaining walls to satisfy this clause. For this reason the landowner(s) of vacant Lot 1119 Tern Way was not consulted for their views.

Similarly, landowners of the southern adjoining property, Lot 1117 Corella Loop will also have retaining with 1.8m high Colourbond fencing above on their common boundary. These landowners were also not consulted as this is the rear of boundary of vacant Lot 1117 Corella Loop, which will most likely have to undergo retaining works in the construction phase comparable to the subject property.

Comments from the adjoining rear neighbour of Lot 1120 Tern Way was requested however, as this property has a constructed dwelling setback only 1.5m from the common boundary with the subject property. This landowner objected to the proposal (Doc Id: 123185) on the grounds of the proposal having a severe impact on his solar access to the habitable rooms facing this common boundary. The application is before Council for determination due to this objection received.

COMMENT

Where a proposal does not meet the deemed-to-comply provisions of R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the design principles of the R-Codes.

Each of the three design principles for clause 5.1.3 Lot boundary setback of the R-Codes are discussed below for the development.

Reduce impacts of building bulk on adjoining properties

As outlined in the attached justification the proponent believes the proposed dwelling does not constitute an adverse effect of building bulk on the adjoining Lot 1120 due to the proposed house stepping and angling away from the boundary.

The officer does not concur with this statement. As the proposal will see a 2.8m high retaining wall and fence only 1.5m from two habitable rooms, kitchen and bedroom of Lot 1120's dwelling, with major openings to these rooms facing the common boundary with the subject property. Only another 1.5m back from the boundary is a 3.7m high wall front of the proposed dwelling (as measured from the natural ground level from the boundary). Although the proposed building does step in and out, it is only 3.5m away from the boundary at its largest, with the proposed 'theatre' room built on the 1.5m setback from the boundary in line with the kitchen and bedroom of the existing dwelling on the adjoining Lot 1120. Additionally, more than 50% of the building is designed on the 1.5m setback from Lot 1120. The officer's position was strengthened after conducting a site visit, including viewing the subject property from within inside the affected habitable rooms of Lot 1120.

Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties

The proponent stated 1.5m is sufficient to provide direct sun and ventilation to the proposed dwelling, as it has been designed to be protected from the sea breeze and take advantage of the northern sun with a side yard instead of a rear.

No discussion or overshadowing diagrams are provided for the impact of the proposal on the adjoining Lot 1120, where the concern is greater. The officer finds the proposal is also non-compliant with this design principle in regards to the impact on adjoining property. Reasons are similar to the previous design principle with the building bulk also resulting in an adverse impact on sun and ventilation to the existing dwelling on adjoining Lot 1120, especially the habitable rooms outlined. Both the proposed boundary fence and dwelling contribute to unreasonable cumulative impact on what is a north-east orientated boundary.

Minimise the extent of overlooking and resultant loss of privacy on adjoining properties

The proposal is compliant with this design principle as 1.8m fencing above the all retaining walls will restrict views from habitable spaces into adjoining properties.

As result of the proposal being assessed as only meeting 1/3 design principles the officer recommends the following actions to be enforced as conditions of development approval:

1. Move the existing design of the dwelling forward 2m to protrude majority into the front setback area instead of the rear setback area. This would result in 3.5m minimum rear setback compared to the current 1.5m.
2. On the shared boundary with Lot 1120, the boundary fence above the retaining wall is to be 50% visually permeable above the height of 800mm or in other words 50% open aspect above the height of 1.8m from natural ground level.

Both actions will remove the building bulk and sun and ventilation impacts on Lot 1120. Justification for action 1 is provided by 4/6 of the existing dwellings on Tern Way having a reduced front setback between 6m to 3.75m. Furthermore, under clause 5.1.2 (C2.1iii) of the R-Codes, for R12.5 density, a dwelling can protrude a maximum of 3.75m into the primary street setback area if such area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance. Approximate calculations from the site plan provided show the compensating area is equal to the officer proposed primary setback protruding area, with both near 30m².

Action 1 is also deemed appropriate by the officer to screen the two bedroom windows facing the common boundary with Lot 1120 in accordance with clause 5.4.1 – Visual Privacy of the R-Codes, which was outlined previously.

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The remaining issue for discussion is the proposed 'caravan garage' with a roof height that is higher than the dwelling's main roof; 5.25m to 4.6m as measured from the proposed finished garage floor level. Under LPP8.5, Council can consider a variation to the policy standards for applications to which: locate outbuildings adjacent but not forward of a dwelling; under the roofline of the dwelling; and are made of building materials complementary to the attached dwelling. The proposal satisfies 2/3 of these variation requirements, therefore it is recommended Council enforce a condition of development approval to have the building design modified to have the skillion roofline of the dwelling higher and thus more dominant than the caravan garage's roofline. This adjustment is approximately 0.8m in height over a combined length of 21.5m.

Given all discussed, Council is requested to exercise discretion and grant development approval subject to conditions (including modification of the proposed design) to accomplish orderly and proper planning.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted landowner of Lot 1120 Tern Way, Jurien Bay, who made submission before the 16 November 2018 cut-off date. As discussed this submission has influenced the officer in the determination of the development application.

The proponent was verbally provided with a summary of the objection and was given the chance to respond in accordance with the R-Codes. In discussion with the land owners the applicant was willing to alter the house design to address the neighbour's concerns. Revised plans based on the overall design are attached to this item and enforced as conditions of development approval.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7:

Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.

POLICY IMPLICATIONS

Local Planning Policy 8.5 – Outbuildings Residential Areas

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$147 in line with Shire's Schedule of Fees and Charges for development applications.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

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

ATTACHMENTS

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

- Proposed Dwelling Plans (Doc Id: 123213)
- Design Justification (Doc Id: 124351)
- Approved Retaining Walls Plan (Doc Id: 123015)
- Adjoining Neighbour Submission (Doc Id: 123185)
- Revised Plans (Doc Id: 124577)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council grant development approval for a single house on Lot 1118 Tern Way, Jurien Bay subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 13 December 2018 subject to any modifications required as a consequence of any conditions of this approval (see conditions 2, 3 & 4) and shall not be altered without the prior written approval of the local government.**
- 2. The whole design of the proposed single house is to be shifted forward 2m towards the primary road frontage of Tern Way to reduce the impact of the development on adjoining properties.**
- 3. The building design is to be modified to have the roofline of the dwelling higher and the more dominant roof feature than that of the denoted 'caravan garage' in keeping with the 'Residential' zone.**
- 4. The fence above the retaining wall on the common boundary with Lot 1120 Tern Way is to be 50% visually permeable (open aspect) above the height of 0.8m to reduce the impact on this adjoining property.**
- 5. The building materials being of non-reflective nature and colour consistent with the predominant colours of the individual site.**
- 6. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**
- 7. All guttering is to be self-contained on the property.**
- 8. External fixtures integrated into the building design shall not be visually obtrusive when viewed from the street to**

protect the visually amenity of residents in neighbouring properties.

9. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping to contribute to the streetscape.
10. Any future front fence within the primary setback area is to be visually permeable above the height of 1.2m.

Advice Notes:

1. The applicant is advised this is planning approval only and not a building permit. A building permit must be obtained for this development.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
3. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
4. The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 7 / 0

9.3.3 PROPOSED EXTRACTIVE INDUSTRY ROAD MAINTENANCE CONTRIBUTION

Location:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Laws and Enforcements / Local Laws / Extractive Industries
Disclosure of Interest:	Nil
Date:	3 December 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

To consider the introduction of a road maintenance contribution fee for Shire licenced extractive industries.

BACKGROUND

Council resolved on 27 September 2018 to provide conditionally development approval and an Extractive Industry Licence for

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

period of ten (10) years for an Extractive Industry (Gravel) on Lot 3 Rowes Road, Yathroo. Condition 19 of the approval stated the following:

The licensee shall pay an annual road maintenance contribution for the lifetime of the operation of \$0.50 per estimated tonnage of material transported off-site.

To be processed under Condition 18:

A report detailing excavation activities and tonnages of material transported from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire by 31st July each year.

Condition 19 was placed on the approval as result of clause 3.1 (5) (q) of the Shire's *Extractive Industries Local Law*, which states the following:

Requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence.

However this fee amount was not listed within the Schedule of Fees and Charges of the Shire's 2018/19 Budget. The following is applicable in this regard under section 6.19 of the *Local Government Act 1995*:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

In accordance with the above, the subject fee was advertised on the Shire's website and local papers from 1 October to 7 November. One submission was received (Doc Id: 122610), which Council is requested consider for their deliberations on this item.

COMMENT

Current maintenance expenditure on rural road networks in the Shire is based on wear and tear at a level reflective of traditional farming requirements around harvest and stock truck movements and resourced accordingly from ratepayers. Extractive industry mining activities significantly increase truck movements on certain local roads and road conditions deteriorate much faster. To counteract this, a unit rate fee has been identified as an effective user-pays system. The \$0.50 per estimated tonnage of material transported off-site fee was set from the Shire of Northam's

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Extractive Industry Local Planning Policy as attached to this item. Other notable local governments for extractive industries, such as the City of Swan and Shire of Toodyay determined a road maintenance contribution on a case by case basis.

For local comparison purposes, a local lime sand operator pays royalties of \$0.62 per estimated tonnage to the Department of Mines, Industry Regulation and Safety as well as \$0.40 per estimated tonnage to South West Aboriginal Land and Sea Council and primary access to state owned roads.

During the advertisement period the Chief Executive Officer and Executive Manager of Development Services also met with the licensee of the Rows Road extractive industry for mediation to discuss concerns about the subject fee. The licensee was concerned the fee would make his operation uncompetitive, as it was not calculated into the initial business plan. If Council decides to consider this it can remove the fee altogether, lower the fee amount or set a threshold on the amount of material carted off-site before the fee becomes applicable. Whatever outcome is resolved will be applicable to future extractive industries, but it is not proposed to be applied retrospectively to other current licensees.

Investigating the best outcome, the officer used available statistics from Jurien Lime Sands' (JLS) operation. From the statistics available JLS exported approximately 55,000 tonnes of product from their site last financial year. On average trucks carry approximately 50 tonnes each load.

As stated in the previous item for the subject development and licence approval, the licensee stated the number and size of trucks accessing the site will fluctuate with demand for gravel. A threshold of 25,000 tonnes has been calculated from the 2-4 trucks per day, each carrying the maximum 50 tonnes, as shown in the table below.

	Annual Trucks	Annual Tonnes	Contribution Amount No Threshold	Contribution Amount 25,000t Threshold
5 Trucks Per Day	1825	91,250	\$45,625	\$33,125
10 Trucks Per Day	3650	182,500	\$91,250	\$78,750
15 Trucks Per Day	5475	273,750	\$136,875	\$124,375
20 Trucks Per Day	7300	365,000	\$182,500	\$170,000

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The no charge for the first 25,000 tonnes would be per annum due at the end of each financial year after reconciliation.

The Executive Manager of Infrastructure advises that rehabilitation costs for a standard road equates to approximately 600 metres of road for income of \$124,375 from a 15 trucks per day operation.

Further consultation with the Executive Manager for Infrastructure, it was agreed the threshold amount is appropriate to adequately capture the peak operation period and not severely impact on small to medium size everyday operation of extractive industries. This will ensure the road maintenance contribution correlates with activity and usage of the Shire's road network due to heavy and extraordinary traffic experienced from this and future extractive industries.

CONSULTATION

The road maintenance fee was advertised on the Shire's website and in local papers from 1 October to 7 November 2018. One submission received which is attached to this item.

The Chief Executive Officer and Executive Manager of Development Services also met with the licensee of the Rowes Road extractive industry to discuss concerns about the subject fee. Such concerns have influenced the officer in determination of this item as discussed previously.

STATUTORY ENVIRONMENT

- Local Planning Scheme No.7
- Extractive Industries Local Law
- Local Government Act 1995

POLICY IMPLICATIONS

- Draft State Planning Policy 2.4 Basic Raw Materials Policy 2018
- Fact Sheet - Basic Raw Materials 2016
- State Planning Policy 2.5 - Rural Planning 2016
- Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses 2005

FINANCIAL IMPLICATIONS

If resolved by Council the road maintenance fee with a 25,000 tonnes threshold will be added to the Shire's Schedule of Fee and Charges and subject to review annually as part of the budget process. The first 25,000 tonnes threshold of no charge will be available per annum. All fees will be due after reconciliation at the end of each financial year.

STRATEGIC IMPLICATIONS

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
1.3 Ensure timely provision of essential and strategic infrastructure	a) Provide and manage a network of roads and bridges for safe and efficient vehicle movement

ATTACHMENTS

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

- Submission (Doc Id: 122610)
- Shire of Northam LLP 21 – Extractive Industries (Doc Id: 124179)

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Shanhun

That Council

- 1. Amend condition 19 of the development approval and extractive industry licence for an Extractive Industry (Gravel) on Lot 3 Rowes Road, Yathroo granted on the 27 September 2018 to the following:
The licensee shall pay an annual road maintenance contribution for the lifetime of the operation of \$0.50 per estimated tonnage of material transported off-site over a threshold amount of 25,000 tonnes per annum. All fees will be due after reconciliation at the end of each financial year.**
- 2. Resolve to include an extractive industry road maintenance contribution fee of \$0.50 per estimated tonnage of material transported off-site over a threshold amount of 25,000 tonnes per annum into the Shire of Dandaragan Schedule of Fee and Charges. All fees will be due after reconciliation at the end of each financial year.**

CARRIED 7 / 0

9.3.4 CONSENT TO ADVERTISE – DRAFT LOCAL PLANNING POLICY 8.14 – JURIEN BAY FORESHORE COMMERCIAL DEVELOPMENT

Location:	Jurien Bay
Folder Path:	Business Classification Scheme / Land Use & Town Planning / Planning / Planning Policies
Disclosure of Interest:	Nil
Date:	3 December 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

This report requests that Council approve the advertising of a draft Local Planning Policy 8.14 - Jurien Bay Foreshore Commercial Development (the draft Policy).

BACKGROUND

In November 2014, The Shire of Dandaragan adopted Local Planning Policy 8.12 - Mobile and Itinerant and Commercial Activities on Reserved Land (Including Foreshore) (LPP8.12).

LPP8.12 applies to foreshore land within the towns of Jurien Bay and Cervantes and is primarily for the purpose of guiding the preparation and assessment of mobile and itinerant food vendor applications, and applications for commercial recreational tourism activity.

It is considered LPP8.12 requires review and thereafter, either preparation of an amended policy, or preparation of a separate policy, to properly provide for the assessment and approval of a range of commercial activities within the Jurien Bay Foreshore.

The Shire recently released for public comment a Jurien Bay Foreshore Commercial Development Discussion Paper. The purpose of the paper was to consider the relevant issues and factors to be addressed within a local planning policy. Based on the feedback received on the discussion paper the draft Policy has been formulated.

COMMENT

For the purpose of the Jurien Bay Foreshore Policy, the foreshore comprises the reserved land immediately abutting the seaward side of Grigson Street and Heaton Street, extending from Cook Street to the south to Doust Street to the north (portion of Reserve 28541 and Reserve R26939). The study area is defined on a map within the Policy.

The general intent of the draft Policy is to achieve a vibrant and active environment along the Jurien Bay Foreshore that will encourage tourists to Jurien Bay, whilst balancing the potential conflicts between commercial and public use of the foreshore reserve.

With the above in mind, Council is requested to authorise the formal public consultation process of the draft Policy outlined below.

CONSULTATION

Council advertised the discussion paper to the community and selected stakeholders. Formulation of the draft policy by planning consultants Harley Dykstra and Shire planning staff was based on submissions to the discussion paper.

In accordance with clause 4 (2) of the Deemed Provisions of Local Planning Scheme No.7 (LPS7), the Shire as a minimum is required to advertise the draft Policy in a newspaper circulating the local government for period of 21 days commencing on the day on which the notice of the policy is published.

STATUTORY ENVIRONMENT

The ability to prepare a Local Planning Policy is afforded to the Council under clause 3 of the Deemed Provisions of LPS7. LPS7 allows the Shire to prepare policies in respect to 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 local government area. LPS7 allows Council to amend or rescind its planning policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under LPS7. Although Local Planning Policies are not part of LPS7 they must be consistent with, and cannot vary, the intent of LPS7 provisions. In considering an application for development approval, the local government must have due regard to relevant Local Planning Policies as required under LPS7.

POLICY IMPLICATIONS

As outlined above.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

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

- Draft Local Planning Policy 8.14 – Jurien Bay Foreshore Commercial Development (Doc Id: 124177)
- Submission Jurien Bay Chamber of Commerce (Doc Id: 124938)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

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, *Draft Local Planning Policy 8.14 – Jurien Bay Foreshore Commercial Development* as provided as an attachment to this report, and proceed to publish a notice twice in the local newspapers and digital media seeking public comment for a minimum period of 21 days.

CARRIED 7 / 0

9.3.5. PROPOSED VERGE CAR PARK – CATALONIA STREET, CERVANTES

Location:	Catalonia Street, Cervantes
Applicant:	Indian Ocean Rock Lobster- Thompson Family
File Ref:	Development Services Apps / Development Applications / 2012 / 59
Disclosure of Interest:	None
Date:	2 December 2018
Author:	David Chidlow, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

The applicant is seeking planning approval to construct additional car parking bays and realignment of the pedestrian pathway along Catalonia Street adjacent to the Indian Ocean Rock Lobster premises.

BACKGROUND

There has been complaints over the parking issues at Indian Ocean Rock Lobster for a number of years due to the popularity of the attraction.

A number of options have been examined over the parking issue. This application is to provide street parking on the verge area to alleviate the issues of unstructured parking along Catalonia Street by cars, buses and caravans. Often in front of neighbouring residential premises in the same street. This causes angst between the neighbours and the rock lobster facility.

Owners of the Indian Ocean Rock Lobster Facility have submitted a request and plan to allow parking in Catalonia Street directly adjacent to their premises, thereby directing vehicles to managed parking bays and not adjacent to residential neighbours. In order for this to satisfactorily work the existing pedestrian pathway needs to be relocated to abut the Rock Lobster verge boundary so as to avoid vehicles and pedestrians mixing in an unsafe manner.



COMMENT

In late 2017 the applicant has provided an indicative parking plan which included the following comments

We are averaging approximately 20 tour buses per week, which have as small as 10 pax on board to a max of 50 pax. Over peak periods Lobster Shack can have as many as 6 buses throughout a day which makes up majority of our client base therefore 75 car bays would not be necessary to cater for the numbers of people coming through. In regards to Bus parking in the Slip Yard and pulling the boats out: Due to the Cray fishing industry now being 12 months of the year there is never a shut down time for our factory where all boats get pulled out of the water for maintenance. We are finding it is 1 to 2 boats at a time for a duration of 3 weeks leaving plenty of room for bus parking. Boats are parked on the North side out of the way of traffic.

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We have 10 permanent full time employees using parking facilities. We also have casual employees, numbers do fluctuate at different times of year depending on peak periods. We currently have 18 casual staff for Indian Ocean and 8 for Lobster Shack. Majority of these car pool from their accommodation on Seville street as they don't have cars. We also use the Lobster Shack bus to pick them up for work when needed to over the peak.

The following table sets out the parking requirements for the existing uses and proposed increase in dining area in accordance with the Shire's Local Planning Policy 8.7 – Planning “Car Parking” (LPP 8.7). Applicable to this application is the provision of an additional 68 bays for the additions.

Parking IORL					
Building	Gross floor Area	Employees	Seats	Formula	Required
Dining	274		200	1 bay for 20 m ² GFA or 1 bay for every 4 seats provided whichever is greater.	50
Deck	69				18
Toilets New	19				
Toilets exist	66				
Exist Gazebos	201		150		38
Kitchen new	70				
Sub total	699			GFA =35 bays	
Existing factory	1614	10 full time		1 bay for 100 m ² GFA plus 1 bay for every two employees	22
factory new	1221	No increase expected		1 bay for 100 m ² GFA plus 1 bay for every two employees	13
Tourism				Nil available	
Grand total	4233		350		141

Since 2017 additional floor space has been added to the restaurant which required additional parking. At the time there was discussion around the creation of an additional carpark on the foreshore area adjacent to Madrid Street. This has been put on hold pending a review of the Foreshore area and is a longer term project. The proposed verge parking would meet the current needs in the short term until the issue of additional parking close to the foreshore is resolved.

The proposed street parking will provide another 20 car parking bays.

The landowners have advised that during peak tourist times, the car parking on site is not adequate to meet the needs of the

number of people visiting the Indian Ocean Rock Lobster business. The Indian Ocean Rock Lobster Company seek to rectify this problem in the interim and in the longer term.

The Shire of Dandaragan Local Tourism Planning Strategy 2012 is a guiding strategic document for tourism planning matters within the Shire of Dandaragan. The Strengths, Weaknesses, Opportunities and Threats assessment identifies the Indian Ocean Rock Lobster facility in Cervantes as an attraction.

The Local Tourism Planning Strategy refers to the Australian Coral Coast Tourism Development Priorities 2010 - 2015, which incorporates tourism WA's six major priorities including:

- improve the quality of visitor experiences;
- secure the future of regional tourism; and
- grow visitor expenditure faster than visitor nights (numbers).

The Indian Ocean Rock Lobster facility is identified as a tourist attraction and the purpose of the temporary car park is to provide adequate car parking on site for the tourists who visit the facility.

Since opening the Indian Ocean Rock Lobster business in 2008, the business has developed into not only a first class exporter of rock lobsters, but also has developed into a tourism business. It is envisaged that in the future that a restaurant may be established on site to further provide for the unique tourism experience.

The success of this tourist facility was greater than envisaged and as a result the landowners are having to respond to issues as they arise at present.

CONSULTATION

The adjoining residents have been requesting suitable street parking in submissions along this stretch of road to alleviate parking outside their properties. The EMDS will be contacting residents along this stretch for comments prior to the Council meeting.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

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

- i. A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing the land and constructing the parking spaces required by the Scheme. The value of that area of his land which would have been occupied by the

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parking spaces may be stated by the Valuer General or by a licensed valuer appointed by Local government.

- ii. Before the Local government agrees to accept a cash payment in lieu of the provision of parking spaces the Local government must have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.
- iii. Payments made under this clause shall be paid into a special fund to be used to provide public car parks.

POLICY IMPLICATIONS

Local Planning Policy 8.8 Parking

FINANCIAL IMPLICATIONS

The applicants have requested that they will pay for all costs associated with construction of the parking bays. They have requested that Council relocate the pedestrian path at the expense of the Council. The approximate cost for 120m length of pathway is \$10,800 (concrete).

Concern is raised that if Council relocates the pedestrian path, that public money will be used to fund private work (carpark).

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Parking plan for the Indian Ocean Rock Lobster Facility. (Doc Id: 124457)
(Marked 9.3.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Slyn, seconded Cr Eyre

That Council grant planning approval for the establishment of additional car bays along Catalonia Street, Cervantes as set out in the plan (Doc Id: 124457) subject to the following conditions:

1. The development shall be undertaken in accordance with plans and specifications approved by the Chief Executive Officer or his delegate;
2. All costs of construction of the car bays is at cost of the applicant; and
3. All costs of relocation of the concrete pedestrian path is at cost of the applicant and is required to be constructed to the satisfaction Chief Executive Officer or his delegate.
4. The developer to pay the 'cash in lieu' for parking as set-out in the Scheme.

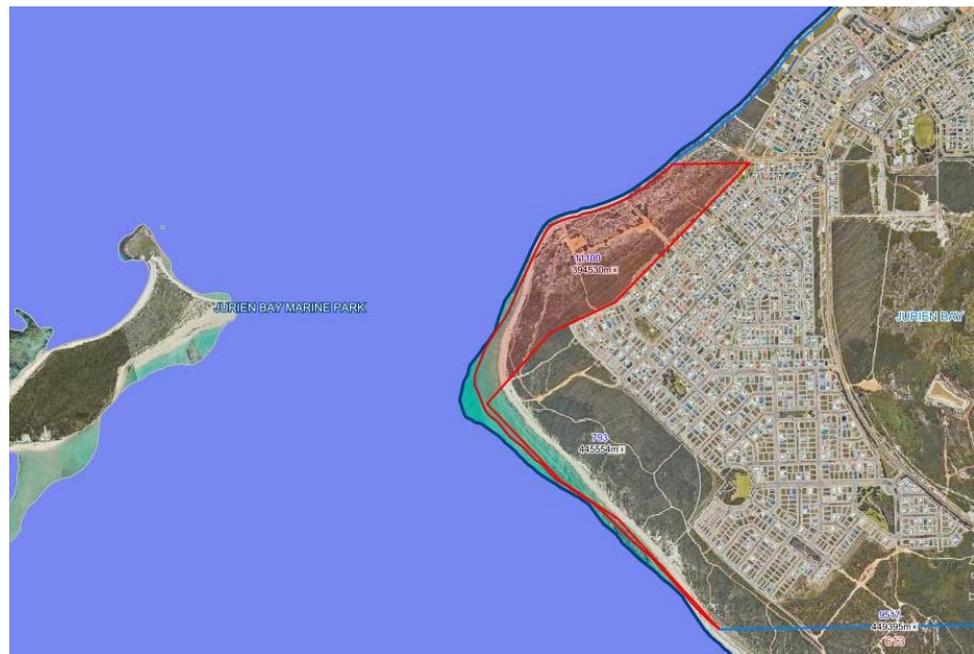
CARRIED 7 / 0

9.3.6 PROPOSAL TO OPERATE BUSINESS FROM RESERVE 28541 – ISLAND POINT, JURIEN BAY – APE X KITEBOARDING

Location:	Reserve 28541, Jurien Bay
Applicant:	April Warren
File Ref:	Development Services Apps / Development Applications / 2018 / 80
Disclosure of Interest:	Nil
Date:	3 December 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The Shire is in receipt of a development application to conduct a kiteboarding instruction school from Island Point, Jurien Bay which is within Reserve 28541.



Location Map of Reserve 28541, Jurien Bay

BACKGROUND

The applicant is currently operating a kiteboarding business on the Gold Coast, Queensland under the business name, "F-one Pro School" under the company, "Apkel Pty Ltd". The applicant has identified Jurien Bay as a possible area for growth of the company and is in the process of finalising the registration of the business name, "Ape X Kiteboarding" for this proposed expansion.

The proponent will solely operate the business via a vehicle parked at central beach location where all kiteboarding equipment, documentation and first aid will be located. It is proposed lessons will operate on demand and weather conditions 7 days a week from approximately 8am to 6pm from October through to May. The applicant's company currently has \$10 million public liability insurance for the Gold Coast operation with proven risk management procedures; the applicant is willing to increase this amount if Council warrants it.

Reserve 28541 more commonly known as Island Point, Jurien Bay has designated purposes of "Foreshore Protection" and "Recreation" under a Management Order vested with the Shire; and a zoning of 'Parks and Recreation' under Local Planning Scheme No.7 (LPS7). It is considered the proposal for kiteboarding is a form of recreation consistent with the vested purpose and zoning of the reserve.

As the proponent intends to conduct business within the Jurien Bay Marine Park they will need to apply for a Commercial Operators Licence from the Parks and Wildlife Service (PWS) from within the Department of Biodiversity, Conservation and Attractions. Under the Jurien Bay Marine Park Zoning Scheme (attached, Doc Id: 124212) the area south of Island Point is zoned Boullanger Island Sanctuary Zone. The proposed activity is considered "non-motorised watersports" and requires a higher level of PWS assessment and may not be permitted. This may mean the proponent can only operate to the north of Island Point outside of the Sanctuary Zone; the applicant is flexible in this regard. The applicant is applying for this approval concurrently with the development application in front of Council. It is noted PWS only require operators to have \$10 million public liability insurance.

COMMENT

The applicant has operated successfully interstate and has the capacity to adapt their operations to local conditions to ensure safety is of prime importance at all times. The operator will provide helmets, buoyancy jackets, instruction on the quick release safety equipment on the kite and maintain minimum distance between other kites and users of the beach. In addition to these safety provisions the proponent will use forms of identification to notify the public training is in place. This would include signage on the

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beach and the use of fluorescent vest/ school branded shirts or helmets to identify beginner kites.

Although operators of kiteboarding equipment are not required to hold a Recreational Skippers Ticket, they are still considered to be the responsible skipper. In accordance with the Navigable Water Regulations 1958 (the Regulations), a kiteboard is considered to be a vessel and as with all vessels, the skipper is deemed responsible for the safety of their vessel. Regulation 52 of the Regulations requires all kiteboarders to obey the safety requirements and collision regulations that apply to all vessels. Compliance with the Regulations will form part of the conditional approval.

It is recommended that an agreement is prepared which permits the applicant to use Reserve 28541 subject to a number of conditions.

CONSULTATION

As the applicant requires additional approval from the PWS, recognised as the only other major stakeholder, no consultation was undertaken for the item.

Furthermore, no public consultation is required under LPS7.

STATUTORY ENVIRONMENT

- Local Planning Scheme No.7:

With Reserve 28541 a “Local Reserve” under the Shire of Dandaragan Local Planning Scheme No.7, any activity of a commercial nature is subject to development approval being issued by the Council.

- Reserve Management Order:

The Shire has a management order for Reserve 28541 with the power to lease for any term not exceeding 21 years. Should the Shire enter into an agreement with the applicant, copies of the agreement will be prepared and stamped with one copy to be forwarded to the applicant, one copy to be forward to the Department of Planning, Lands and Heritage to be endorsed and one copy to be retained by the local government.

- Navigable Waters Regulations 1958.
- Conservation and Land Management Regulations 2002.

POLICY IMPLICATIONS

- Western Australian Kiteboarding Participation and Safety Guidelines.
- Local Planning Policy 8.12 – Mobile and Itinerant Vendors and Commercial Activities on Reserves:

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Each application is assessed on its merits. The Shire encourages applications that are creative and innovative that would support the attraction of the Shire as a tourist destination.

FINANCIAL IMPLICATIONS

The applicant has paid the required traders permit by way of a development application fee of \$147.

In accordance with the Council's Reserve User Fee the applicant will be required to pay a discounted annual fee of \$250 for the first two years of operation. After two years this annual user fee shall rise to \$500.

STRATEGIC IMPLICATIONS

- Local Tourism Planning Strategy:

The Shire of Dandaragan develops a sustainable tourism industry that celebrates its natural assets, supports the local community and meets the needs of the visitors.

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 service	a) Process development applications and undertake building regulations functions and services
1.3 Ensure timely provision of essential and strategic infrastructure	e) Provide and manage public open space, including ovals, parks and gardens, playgrounds, open area and reserves, road verges and median strips, and street trees
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with Department of Parks and Wildlife
<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	d) Plan for future recreation needs, including feasibility assessments in accordance with the Major Recreation Facilities Fund, and review of cycleway and dual use pathway plans

ATTACHMENTS

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

- Jurien Bay Marine Park Zoning Map (Doc Id: 124212)
 - Development Application (Doc Id: 124218)
- (Marked 9.3.6)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Richardson, seconded Cr Clark**

That Council enter into a licence agreement with Apkel Pty Ltd trading as Ape X Kiteboarding for the utilisation of Reserve 28541 for the purpose of kiteboarding instruction, subject to the following conditions:

- 1. Operation shall be in accordance with the attached documentation date stamped 13 December 2018 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**
- 2. This approval, granted for a period of one (1) year from the Council decision date, is non-exclusive and allows for equal access and right of use of Reserve 28541 and associated infrastructure by the general public and others.**
- 3. That the agreement is non-transferable.**
- 4. The Shire of Dandaragan reserves the right to decline the renewal of, or amend the conditions of the agreement in the future.**
- 5. That other users of the beach are not requested or encouraged to move once they have established themselves.**
- 6. That the operational hours are between sunrise and sunset.**
- 7. That the proponent be in possession of an Australian approved public liability insurance policy to a minimum value of \$10 million for the period of the approval.**
- 8. In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.**
- 9. All activities are to comply with the Department of Biodiversity, Conservation and Attractions Commercial Operator Licencing requirements, the Jurien Bay Marine Park Management Plan, the Zoning Scheme and other relevant legislation.**
- 10. The proponent obtains a Commercial Operators Licence from the Department of Biodiversity, Conservation and Attractions and forwards a copy to the Shire prior to commencement of the operation.**
- 11. That a person in charge of the operation is present while the business is operating.**
- 12. The operation complies with Regulation 58 of the *Navigable Water Regulations 1958*.**
- 13. The operation complies with the *Western Australian Kiteboarding Participation and Safety Guidelines*.**
- 14. Signage is provided notifying the public kiteboarding instruction is taking place and beginner kites are clearly identified.**

15. In response to an issue of public safety (as determined by the Chief Executive Officer) operation shall cease until the matter has been resolved to the satisfaction of the local government.

Advice Notes:

- 1. Additional conditions may be included in the reserve user agreement at the discretion of the Chief Executive Officer.**
- 2. The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with part xiv of the Act within 28 days of the date of this decision to the:**

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

CARRIED 7 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 ANNUAL DELEGATIONS REVIEW

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Business Classification Scheme / Governance / Authorisations / Delegations Register
Disclosure of Interest:	Nil
Date:	3rd December 2018
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

This item addresses the need to annually review the Shire’s delegations to the Chief Executive Officer. Staff have undertaken a detailed review of the existing delegations manual and propose to adopt a new delegations register which is consistent with the model provided by WALGA and also retaining other important delegations which are particular to the Shire of Dandaragan.

BACKGROUND

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.

Under the Act, a local government may delegate to the CEO any of its powers or the discharge of any of its duties under the Act, other than those prescribed under section 5.43 of the Act.

Without delegated authority, most decisions of the Shire would need to be made by Council at its Ordinary meetings of Council. Having appropriate delegations in place allow day to day decisions

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff as appropriate.

All delegations made by Council must be by an absolute majority as prescribed by sections 5.42 and 5.44 of the Act that legislates Council's ability to delegate functions to the CEO.

In turn, the Act allows the CEO to delegate to any employee the exercise of any of the CEO's powers or discharge of duties, in accordance with section 5.44 of the Act.

Sections 5.18 and 5.46 of the Local Government Act 1995 (the Act) require that at least once every financial year, delegations are to be reviewed by the delegator. The Council last reviewed its delegations on 22 June 2017.

A review has been completed by Staff who now propose to adopt a new delegations manual which is consistent with the model provided by WALGA and incorporates a number of delegations particular to the Shire of Dandaragan from local laws.

COMMENT

The following table provides an overview of the evolution of the Shire's existing delegations register to the proposed delegations register.

Current Delegation	Proposed Change / New Delegation	Comment
101 PROSECUTIONS - BUSH FIRES ACT	3.1.12 Prosecution of Offences	No change in extent of authority.
102 HARVESTING BANS	3.1.2 Prohibited Burning Times – Vary 3.1.4 Restricted Burning Times – Vary and Control Activities 3.1.5 Control of Operations Likely to Create Bush Fire Danger	No change in extent of authority. Greater clarity in roles and scope provided across multiple delegations.
103 PURCHASE ORDER AUTHORISATION AND AUTHORITY FOR PAYMENT	1.3.7 Financial Management Systems and Procedures 1.2.20 Payments from the Municipal or Trust Fund	This delegation is now covered by two more comprehensive delegations. This changes scope of this delegation. The differing purchase order limits are now set by management in accordance with Council's purchasing policy which is in the process of being updated to avoid this matter being covered by two separate documents.
105 SIGNATORIES TO ACCOUNTS	1.3.7 Financial Management Systems and Procedures 1.2.20 Payments from the Municipal or Trust	This delegation is now covered by two more comprehensive delegations. This changes scope of this delegation. The differing purchase order limits are now set by management in

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Current Delegation	Proposed Change / New Delegation	Comment
	Fund	accordance with Council's purchasing policy which is in the process of being updated to avoid this matter being covered by two separate documents.
106 LEGAL ADVICE	1.2.18 Legal Advice	No change in extent of authority.
107 REGISTERED GATES	1.2.10 Gates Across Public Thoroughfares	No change in extent of authority.
108 BUILDINGS - NOTICE OF REQUIRED ALTERATIONS	2.1.5 Building Orders	No change in extent of authority – greater clarity of scope of powers in Building Act 2011.
110 PEST PLANTS	1.4.3 Shire of Dandaragan Pest Plants Local Law	No change in extent of authority.
113 PRIVATE WORKS	Proposed to be removed.	This power is not a valid delegation of a statutory responsibility. Private Works are undertaken and charged in accordance with fees and charges set by Council at cost recovery plus margin. Existing delegation content discusses operational matters which if pertinent would be better encapsulated in a Policy or management procedure.
115 SALE OF SURPLUS EQUIPMENT, MATERIALS AND TOOLS	1.2.19 Disposing of Property	Provides broader scope to execute budget trades of equipment and provides better conditions with financial value limitation in accordance with the Financial Management regulations at \$75,000. Where items are advertised in accordance with Section 3.58(3) of the Act for sale by private treaty delegated authority to proceed can only be exercised where there are no adverse submissions received from the public submissions period.
116 SWIMMING POOL INSPECTIONS	Proposed to be removed.	Not a required delegation. Powers exist under authorised officers.
119 ENFORCEMENT AND LEGAL PROCEEDINGS	1.2.25 Recovery of Rates and Service Charges 1.2.26 Recovery of Rates Debts – Require Lessee to Pay Rent 1.2.27 Recovery of Rates Debts – Actions to Take Possession of the Land	No change in extent of authority but clearer delegations for relevant sections of legislation.
120 FENCING REPAIRS - STOCK ON ROADS	Proposed to be removed.	These responsibilities are exercised by the Local

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Current Delegation	Proposed Change / New Delegation	Comment
		Government without requiring delegation from Council.
121 CONSUMPTION OF LIQUOR	Proposed to be removed.	These responsibilities are exercised by the Local Government without requiring delegation from Council.
122 SPORTSGROUNDS	Proposed to be removed.	These responsibilities are exercised by the Local Government without requiring delegation from Council.
123 ROAD CLOSURES	1.2.8 Close Thoroughfares to Vehicles	No change in extent of authority – greater clarity of scope of process to close or consider closures.
124 TEMPORARY ROAD CLOSURES	1.2.8 Close Thoroughfares to Vehicles	No change in extent of authority – greater clarity of scope of process to close or consider closures.
127 TEMPORARY ROAD CLOSURES	1.2.8 Close Thoroughfares to Vehicles	No change in extent of authority – greater clarity of scope of process to close or consider closures.
129 CEMETERIES	Proposed to be removed.	These responsibilities are exercised by the Local Government without requiring delegation from Council.
133 APPLICATIONS FOR MINING TENEMENTS AND EXPLORATION LICENCES	9.1.2 Town Planning Other Use and Development	Responsibility for assessing mining tenement applications now falls under Town Planning responsibilities.
135 WITHDRAWAL OF INFRINGEMENT NOTICE	Various	No change in extent of authority but covered by various other delegations depending on subject.
136 FAMILY RESOURCE CENTRE (JURIEN BAY) - HIRE CHARGES	1.3.9 Grant Discounts or Waive Hire Charges – Family Resource Centre (Jurien Bay)	No change in extent of delegation.
139 APPLICATIONS FOR PLANNING APPROVAL AND SUBDIVISIONS / AMALGAMATION APPLICATIONS	9.1.1 Town Planning – Residential Development 9.1.2 Town Planning – Other Use and Development 9.1.4 Town Planning – Advertising 9.1.5 Town Planning – Signage	No change in extent of delegation. Delegations segregated across applicable sub-categories.
200 VARIATION OF PROHIBITED AND RESTRICTED BURNING TIMES	3.1.2 Prohibited Burning Times – Vary 3.1.3 Prohibited Burning Times – Control Activities 3.1.6 Burning Garden Refuse / Open Air Fires	No change in extent of authority.
202 HEALTH ACT - (DEPUTY)	8.1.3 Designate Authorised Officers	No change in extent of authority.

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Current Delegation	Proposed Change / New Delegation	Comment
203 FOOD ACT 2008	6.1.1 Prohibition Orders 6.1.2 Food Business Registrations 6.1.3 Appoint Authorised Officers and Designated Officers 6.1.4 Debt Recovery and Prosecutions 6.1.5 Abattoir Inspections and Fees 6.1.6 Food Businesses List – Public Access	No change in extent of delegation. Delegations segregated across applicable sub-categories.
204 TOWN PLANNING - RESIDENTIAL DEVELOPMENT	9.1.1 Town Planning – Residential Development	No change in extent of authority.
205 TOWN PLANNING - OTHER USE AND DEVELOPMENT	9.1.2 Town Planning – Other Use and Development	No change in extent of authority.
206 TOWN PLANNING – ADVERTISING	9.1.3 Town Planning – Advertising	No change in extent of authority.
207 TOWN PLANNING – SIGNAGE	9.1.4 Town Planning – Signage	No change in extent of authority.
208 TOWN PLANNING - SUBDIVISION APPLICATIONS	9.1.5 Town Planning - Subdivisions	No change in extent of authority.
209 TOWN PLANNING – MISCELLANEOUS	9.1.6 Town Planning – Miscellaneous	No change in extent of authority.
210 TENDERS AND EXPRESSIONS OF INTEREST	1.2.16 Tenders for Goods and Services	No change in extent of authority but better layout of roles and responsibilities.
211 APPOINTMENT OF "AUTHORISED PERSONS"	1.2.1 Appoint Authorised Persons	No change in extent of authority.
212 COMMON SEAL	1.2.18 Common Seal	No change in extent of authority.
213 CAT ACT 2011	4.1.4 Appoint Authorised Persons	No change in extent of authority. Better setout of appropriate Cat Act Delegations is also covered.
214 DOG ACT 1976	5.1.2 Appoint Authorised Persons	No change in extent of authority. Better setout of appropriate Dog Act Delegations is also covered.
215 PUBLIC HEALTH ACT 2016	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs) 8.1.2 Enforcement Agency Reports to the Chief Health Officer 8.1.3 Designate Authorised Officers 8.1.4 Commence Proceedings	No change in extent of delegation. Delegations segregated across applicable sub-categories.
2016 BUILDING ACT 2011	2.1.1 Grant a Building Permit 71 2.1.2 Demolition Permits 73	No change in extent of delegation. Delegations segregated across applicable sub-categories.

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Current Delegation	Proposed Change / New Delegation	Comment
	2.1.3 Occupancy Permits or Building Approval Certificates 2.1.4 Designate Employees as Authorised Persons 2.1.5 Building Orders 2.1.6 Inspection and Copies of Building Records 2.1.7 Referrals and Issuing Certificates 2.1.8 Private Pool Barrier – Alternative and Performance Solutions 2.1.9 Smoke Alarms – Alternative Solutions	

In addition to the table presented above, Council will note that the proposed delegation register contains a significant number of new delegations. The table below provides an overview of their function within the organisation.

Proposed Delegation	Conditions	Comment
Council to Audit Committee		
1.1.1 Audit and Risk Committee	Except where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council	Authorises the annual meeting can be undertaken by the Audit Committee with the auditor rather than full Council.
Council to CEO		
1.2.2 Performing Functions Outside the District	Subject to budget allocation and where works undertaken wont impact on the District.	Circumstances such as resource sharing arrangements, private works may be covered under this delegation.
1.2.3 Compensation for Damage Incurred when Performing Executive Functions	Up to a value of \$1,000	Usually coincides with insurance claims on private property from damage by Shire operations. Value coincides with insurance excess amount.
1.2.4 Powers of Entry	Only used with substantial and imminent risk to public safety or property is evident.	Provides access during times of emergency to private property and perform mitigating or preventative works e.g. fire, flood.
1.2.5 Declare Vehicle is Abandoned Vehicle Wreck	In accordance with delegation 1.2.6	Procedural delegation to manage abandoned and wrecked vehicles.
1.2.6 Confiscated or Uncollected Goods	Delegation to dispose where market value is less than \$20,000	Procedural delegation to manage abandoned and wrecked vehicles.

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Proposed Delegation	Conditions	Comment
1.2.7 Disposal of Sick or Injured Animals	Where reasonable efforts are made to identify and contact owner.	Procedural delegation to manage sick and injured animals.
1.2.9 Obstruction of Footpaths and Thoroughfares	Subject to proponent meeting a range of requirements such as public liability insurance, permissions from neighbours.	Procedural delegation to facilitate private works on properties that will impact footpaths and thoroughfares.
1.2.11 Public Thoroughfare – Dangerous Excavations	Subject to proponent meeting a range of requirements such as public liability insurance, permissions from neighbours, adequate bonds.	Procedural delegation to consider and manage excavations in proximity to public land.
1.2.12 Crossing – Construction, Repair and Removal	In accordance with Local Government (Uniform Provisions) Regulations.	Procedural delegation to consider and manage crossovers between private property and thoroughfares.
1.2.13 Private Works on, over or under Public Places	In accordance with Local Government (Uniform Provisions) Regulations.	Procedural delegation to consider and manage other private works on public land, e.g. verge treatments.
1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift		Provide notice in accordance with Local Government (Uniform Provisions) Regulations regulation 21 to manage sand and wind drifts.
1.2.15 Expressions of Interest for Goods and Services	In accordance with Local Government (Functions and General) Regulations 1996 set out for procurement.	Procedural delegation to call for and consider procurement activities in accordance with Purchasing Policies.
1.2.21 Defer, Grant Discounts, Waive or Write Off Debts	Subject to \$20 maximum for rates and services charges, and up to \$500 where the cost of proceedings outweighs the return from collecting the debt.	Provides power to write off small debts, normally associated with late payment interest of a small value and other sundry debtors where owners / debtors have been unable to be found.
1.2.22 Power to Invest and Manage Investments	Subject to reporting and in accordance with Council's Policy	Provides power to invest funds which are not required in the short term. Content is also covered by Council's investment policy. Provides delegation to invest \$500k per transaction in short term (<12months) interest bearing accounts.
1.2.23 Rate Record Amendment	Subject to compliance with the Act.	Provides capacity to amend incorrect rate records for previous 5 years.
1.2.24 Agreement as to Payment of Rates	Agreements must be in writing and must ensure	Provides capacity for staff to negotiate and enter into

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

Proposed Delegation	Conditions	Comment
and Service Charges	acquittal of the rates or service charge debt before the next annual rates or service charges are levied, or in extenuating circumstances the following financial year.	payment arrangements for rates.
1.2.28 Rate Record – Objections	The delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation	Provides capacity to assess objections to valuations and particulars of a rate record.
CEO to Employees		
1.3.1 Determine if an Emergency for Emergency Powers of Entry		Provides power to declare emergency to perform local government functions.
1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	In alignment with above delegation 1.2.10	Procedural delegation to manage private works on public thoroughfares and protect losses resulting from such activities.
1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	In alignment with above delegation 1.2.12	Procedural delegation to manage excavations on or near public thoroughfares and protect losses resulting from such activities.
1.3.4 Electoral Enrolment Eligibility Claims and Electoral Roll	Decisions to be recorded in accordance with the Act.	Procedural delegation to manage electoral enrolment applications.
1.3.5 Destruction of Electoral Papers		Power to destroy electoral papers after 4 years.
1.3.6 Information to be Available to the Public		Authority to provide public access to inspect documents where appropriate.
Bush Fires Act 1954 – Council to CEO, Shire President and Bush Fire Control Officer		
3.1.1 Make Request to FES Commissioner – Control of Fire		Provides authority to handover fires to DFES when warranted.
3.1.7 Firebreaks		Provides delegation to give annual firebreak notice and amend as required. Provides authority to approve firebreaks to be completed on a non-compliant property.
3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer		Provides capacity to execute annual appointment of Chief and Deputy Fire Control Officers and fire weather

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

Proposed Delegation	Conditions	Comment
		officers. Provides authority to approve / direct a Fire Control Officer to burn on road reserves.
3.1.9 Control and Extinguishment of Bush Fires		Provides authority to postpone or prohibit fires authorised under permit where danger is likely to be caused by the proposed burn.
3.1.10 Apply for Declaration as an Approved Area		Provides authority to apply to the Minister to have a new Bushfire Brigade area declared.
3.1.11 Recovery of Expenses Incurred through Contraventions of this Act		Provides authority to enforce cost recovery for fires. Usually applied in cases of negligence or contravention of fire bans.
3.1.12 Prosecution of Offences		Serve and enforce infringements issued under the Act.
Graffiti Vandalism Act 2016 Delegations		
7.1.1 Give Notice Requiring Obliteration of Graffiti		Give notice to a landowner to remove graffiti. Remedy non-compliance with a notice and recover costs if applicable.
7.1.2 Notices – Deal with Objections and Give Effect to Notices		Procedural delegation to manage objections to notices.
7.1.3 Obliterate Graffiti on Private Property		Provides power to remove graffiti on private property.
7.1.4 Powers of Entry		Provides power of entry to remove graffiti in accordance with the Act.

The delegations register also contains a number of express delegations from the State Government such as those providing powers for noise abatement, events and special use vehicles (emergency vehicles such as firefighting appliances. These delegations haven't been included in the proposed delegations register for accepting or rejecting but more so for acknowledgement and information of the delegations intent.

In addition to the proposed implementation of the new delegations register the proposed sub-delegates has also been updated to recognise new and discontinued staff positions, particularly in the Planning and Development department.

CONSULTATION

- WALGA
- Executive Management Team

STATUTORY ENVIRONMENT**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO ²⁹

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
 are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —

conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

The Shire's policy manual is currently being reviewed and will be updated where required to incorporate new and amended delegations.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.1 High performing Council	a) Ensure the Councillors and Council decision-making processes are well supported
5.2 High performing Administration	c) Compliance in all legislative requirements and functions

This item aligns with Objectives 5.1 and 5.2 of the Shire's Strategic Community Plan 2016-2026 – Proactive and Leading Local Government.

ATTACHMENTS

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

- Current delegations register (Doc Id: 20222)
- Proposed delegations register (Doc Id: 124094)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Eyre

That Council:

- 1. Endorses the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995;**
- 2. In accordance with sections 5.16 and 5.42 of the Local Government Act 1995 and clause 82 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 delegates the local government functions as listed in the amended Shire of Dandaragan Delegations Register provided within the agenda attachments Doc Id: 124094.**

CARRIED 7 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – NOVEMBER 2018 COUNCIL STATUS REPORT

Document ID: 123187

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 15 November 2018. **(Marked 9.5.1)**

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

Document ID: 124261

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2018

Document ID: 124150

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

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2018

Document ID: 124152

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

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR NOVEMBER 2018

Document ID: 124088

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

9.5.6 GUILDERTON TO KALBARRI SUB REGIONAL STRATEGY STEERING GROUP

Document ID: 123275

Attached to the agenda is correspondence from Western Australian Planning Commission expressing their thanks for contribution to the above Group **(Marked 9.5.6)**

9.5.7 ENVIRO NEWS – BETTER URBAN FOREST PLANNING GUIDE

Document ID: 123888

The Western Australian Planning Commission, Department of Planning, Lands and Heritage and WALGA released the Better Urban Forest Planning Guide on Thursday, 8 November. The Guide is aimed at assisting Local Governments with managing their urban canopy. Attached to the agenda is a copy of the "Better Urban Forest Planning Guidelines" **(Marked 9.5.7)**

9.5.8 MINUTES OF GENERAL MEETING OF FIRE CONTROL OFFICERS HELD 5 NOVEMBER 2018

Document ID: 122663

Attached to the agenda are the Unconfirmed Minutes of the General Meeting of Fire Control Officers held 5 November 2018 **(Marked 9.5.8)**

9.5.9 MINUTES OF THE LEMC MEETING HELD 15 NOVEMBER 2018

Document ID: 123280

Attached to the agenda are the Unconfirmed Minutes of the LEMC Meeting held 15 November 2018 **(Marked 9.5.9)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 13 DECEMBER 2018

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.36pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date