



**SHIRE**  
*of*  
**DANDARAGAN**

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**DANDARAGAN COMMUNITY RECREATION CLUB**

**on**

**THURSDAY 24 SEPTEMBER 2015**

**COMMENCING AT 5.00 PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.00pm and welcomed those present.

### 1.2 DISCLAIMER READING

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

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

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

## 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### Members

Councillor W Gibson	(President)
Councillor K McGlew	(Deputy President)
Councillor L Short	
Councillor J Kulisa	
Councillor D Kent	
Councillor T Bailey	
Councillor M Sheppard	
Councillor L Holmes	
Councillor D Slys	

### Staff

Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)

### Apologies

Mr T Nottle	(Chief Executive Officer)
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### Approved Leave of Absence

Nil

### Observers

Mac Hewlett, Trish Cahill, Raelene Hurst

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2015****3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Mac Hewlett enquired about a Policy for Shades on Playgrounds.

*The President advised that there was an item on this in today's agenda.*

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

Moved Cr Bailey, seconded Cr Sheppard

That leave of absence be approved as follows:

- Councillor J Kulisa – Monday 19 October 2015 through to Wednesday 21 October 2015 and Friday 23 October 2015 through to Tuesday 10 November 2015.

**CARRIED 9 / 0**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF ORDINARY MEETING HELD 27 AUGUST 2015****COUNCIL DECISION**

Moved Cr Short, seconded Cr Bailey

That the minutes of the Ordinary Meeting of Council held 27 August 2015 be confirmed.

**CARRIED 9 / 0**

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil



**8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 JULY 2015

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	9 September 2015
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 July 2015.

#### BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 July 2015.

#### 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 [ie surplus / (deficit)] position as at the 31 July 2015 was \$3,919,591. 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, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

##### 2. Material Variances

The Statement of Financial Activity provides variances to budget by way of percentages. During budget adoption a 10



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percent or \$10,000 threshold for these variances to be reported was set. There are no variances to report for the period ended 31 July 2015.

Should Councillors wish to raise any issues relating to the 31 July 2015 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

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Financial statements for the period ending 31 July 2015 (Doc Id: 58449)

**(Marked 9.1.1)**

#### VOTING REQUIREMENT

Simple majority


#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Kulisa, seconded Cr Sheppard**

**That the monthly financial statements for the period ending 31 July 2015 be adopted.**

**CARRIED 9 / 0**

### **9.1.2 CERVANTES BOWLING CLUB TENDER AND CASH ADVANCE**

Location:	Cervantes
Applicant:	Cervantes Bowling Club
Folder Path:	Tenders / RFT05-2015 / Accepted
Disclosure of Interest:	Nil
Date:	10 September 2015
Author:	Tony O'Gorman, Club Development Officer
Signature of Author:	

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Senior Officer: Scott Clayton, Executive Manager Corporate and Community Services

Signature of Senior Officer:



*Mr Ian Rennie disclosed an impartiality interest due to being a member of the Cervantes Bowling Club.*

*Cr Leslee Holmes disclosed an impartiality interest due to her husband being the Cervantes Bowling Club, Club Captain.*

### PROPOSAL

To approve the preferred tender to supply and lay the Cervantes Bowling Club Synthetic surface. To extend the term of the Shire cash advance to the Cervantes Bowling Club from five years to ten years.

### BACKGROUND

In March 2015 the Cervantes Bowling Club applied for a Department of Sport and Recreation, Community Sport and Recreation Facilities Fund Grant (CSRFF) to replace the synthetic green at the bowling club. The Council at its March 2015 meeting endorsed the CSRFF application and also offered the club a cash advance up to \$50,000 over five years to complete the project. The club is contributing \$75,000 to the synthetic green replacement from its own funds. The Cervantes Bowling Club has now requested that the Council cash advance be over a ten year period rather than the five year period already approved by Council. Council also agreed to be the applicant to the Department for Sport and Recreation for the CSRFF grant. A CSRFF grant of \$35,000 was approved by the Department of Sport and Recreation in August and tenders were called for and closed on 7 September in total four tenders were received. At the March 2015 Council meeting the council supported the following recommendations:

*Moved Cr McGlew, seconded Cr Kent That Council:*

- 1. support the Cervantes Bowling Club CSRFF application to replace the synthetic bowling green;*
- 2. offer to be the applicant to the Department of Sport and Recreation for the CSRFF on behalf of the Cervantes Bowling Club; and*
- 3. offer the Cervantes Bowling Club an interest free cash advance up to \$50,000 in the 2015/2016 repayable over five years to enable them to replace the synthetic bowling green prior to the 2015/2016 season commencing.*

### COMMENT

Tenders were received from the following:

Contractor	Price (ex GST)
Artificial Lawn Supplies	\$163,163.64
Sports Base Constructions	\$175,500.00
Tiger Turf	\$121,700.00
Ever Green Synthetic Turf	\$146,173.63

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The Cervantes Bowling Club Committee considered the tenders for replacement of the synthetic bowls carpet project at a meeting on Tuesday 8 September 2015, whereat it resolved to recommend to Council acceptance of the tender from Tiger Turf on the following basis:

- The tender from Tiger Turf is fully compliant with the tender specifications.
- The only tender which falls within the project budget of \$140,000.
- Capacity to complete the project within the specified timeframe;
- Tiger Turf "Bowlsweave" is the preferred product, based on the inspection of samples provided by 3 of 4 Tenderers.
- Tiger Turf have provided an acceptable product warranty and installation guarantee.
- Tiger Turf has previously relevant experience, including the supply and installation of the original Cervantes bowling green carpet.

The Cervantes Bowling Club Committee also requested an extension of the proposed 5 year cash advance repayment term to 10 years to match the expected life of the new synthetic carpet. No additional cash advance funds are required, however the additional repayment period will be of significant financial benefit to the Club, particularly in regard to its efforts to grow a future bowls carpet replacement fund. The financial impost on Council will not increase but extending the repayment time from five to ten years will mean that those funds will not be available to other sport and recreation clubs within the Shire for the extended period of time. This could have adverse impacts on providing improved facilities to those clubs in the future. The interest on the funds will also not be realized by the Council. The Cervantes Bowling Club have received an amount of \$35,000 from the Community Sport and Recreation Facilities Fund and also have \$75,000 from their own funds. The tender that is recommended to be accepted is well below the original estimate. Therefore the draw down on the cash advance from the council should be significantly less than the \$50,000 offered by the Council.

#### CONSULTATION

Cervantes Bowling Club

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

#### POLICY IMPLICATIONS

Policy 6.6 Sport and Recreation Funding – Sporting and Recreational Capital Works Fund

#### FINANCIAL IMPLICATIONS

There will be no net financial implications from this item.

The projected costs for this project are as follows:

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- Cost of project \$125,000
- CSRFF Funding \$35,000
- Cervantes Bowling Club Funding \$75,000
- The remaining balance from the Shire cash advance up to \$50,000

### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER TWO: Build high level of amenity and lifestyle					
OBJECTIVE 4: Develop recreation facilities and activities to support a healthy community					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G2-O4-A3	Initiate and review Recreation Plan every five years.  Undertake planning and feasibility study for recreational needs in accordance with  Major Recreation Facilities Fund.	Shire Recreation Plan	Short - Medium	District	Community groups
G2-O4-A4	Bowling Club conversion of greens to synthetic greens.	Corporate Business Plan	Short	Jurien Bay	DSR RfR

GOAL NUMBER FIVE: Build a proactive and leading local government					
OBJECTIVE 2: Implement integrated strategic planning, and asset management planning to generate high level of sustainability of Council services					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G5-O2-A4	Develop asset management plan (AMP), link planning to AMP annually and assess financial sustainability and strategies to address.	IPRAS	Short	Organisation	

### ATTACHMENTS

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

- Email: Request to extend cash advance period from five to ten years (Doc Id: 58710)
- Email: Recommendation to accept the Tender from Tiger Turf (Doc Id: 58709)

**(Marked 9.1.2)**

### VOTING REQUIREMENT

Absolute majority – Officer Recommendation 1

Simple majority – Officer Recommendation 2

### OFFICER RECOMMENDATION 1 / COUNCIL DECISION

**Moved Cr Holmes, seconded Cr Short**

**That Council:**

1. **authorise a budget amendment to recognise an Infrastructure asset of \$125,000 with a corresponding**

- contribution income of \$125,000; and
2. award the Cervantes Bowling Club – synthetic carpet bowling green preplacement tender to Tiger Turf for \$121,700 ex GST.

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

**Moved Cr Kent, seconded Cr Slyns**


**That Council decline to extend the period of the cash advance from five years to ten years as per the Cervantes Bowling Club Request.**

**CARRIED 8 / 1**

## **9.2 INFRASTRUCTURE SERVICES**

## **9.3 GOVERNANCE & ADMINISTRATION**

### **9.3.1 APPLICATION OF COMMON SEAL**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	8 September 2015
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### **PROPOSAL**

To seek Council's endorsement for the application of the Shire of Dandaragan's common seal to the Self-Supporting Loan Agreement for the Jurien Bowling Club.

#### **BACKGROUND**

The Shire of Dandaragan's common seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the seal is applied.

Generally, the common seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the seal is required to be applied

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urgently and Council's endorsement is sought retrospectively.

COMMENT

Not applicable

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority


**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Holmes**

**That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's common seal to the Self-Supporting Loan Agreement for the Jurien Bowling Club.**

**CARRIED 9 / 0**

**9.3.2 MINOR REVIEW – STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Planning / Strategic Plans
Disclosure of Interest:	Nil
Date:	13 September 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider adopting the draft Strategic Community and Corporate Business Plans following the minor review process undertaken in 2015.

BACKGROUND

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Council originally adopted the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP) at its Ordinary Meeting held on the 27 June 2013.

Council commenced a minor strategic plan review in late 2014 to update its existing SCP and to prepare for the major review after the October Elections in 2015.

After discussion with Council and our consultants it was decided that a structural change to the existing SCP and CBP would be required to ensure the “actions” featured within the CBP and were not necessary in the SCP.

Other updates included amendments due to projects that had been completed or achieved and further events that had changed the strategic focus particularly around projects.

Council participated in 3 workshops in September 2014, February 2015 and April 2015 together with our consultants to refine some of the elements of the review, and to gather some feedback from Council as to how the structure of both the SCP and the CBP would look like into the future.

Council was presented with a draft SCP and CBP at its forum held on the 10 September 2015.

#### COMMENT

The major change in both the SCP and the CBP is specifically the structural changes and the decision to move the specific “actions” into the CBP, where it is best suited. The SCP is now a higher level strategic document.

The minor review process that has been undertaken sets the Plans in readiness for the major review which is due after the Ordinary Elections in October but prior to 30 June 2016.

The other key component, to ensure Council has not lost the large number of “actions” from the documentation, is an appendix that outlines whether each action is opportunistic, active pursuit, completed, or not applicable with an explanation provided.

It is important to ensure these actions are not lost, as they were driven by the community through the community consultation process.

#### CONSULTATION

- Council via Council Forum
- Localise Pty Ltd

#### STATUTORY ENVIRONMENT

Regulation 19C of the Local Government (Administration) Regulations 1996 states:

**19C. Strategic community plans, requirements for (Act s. 5.56)**

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

*\*Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Regulation 19 DA of the Local Government (Administration) Regulations 1996 states:

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

*\*Absolute majority required.*

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

**POLICY IMPLICATIONS**

There are no policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**STRATEGIC IMPLICATIONS**



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The consideration of both the SCP and the CBP helps set the strategic vision for the Shire of Dandaragan into the future.

### ATTACHMENTS

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

- Strategic Community Plan 2015 (Doc Id: 58876)
- Corporate Business Plan 2015 (Doc Id: 58877)

**(Marked 9.3.2)**

### VOTING REQUIREMENT

Absolute majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

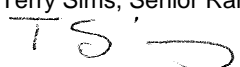

**Moved Cr McGlew, seconded Cr Sheppard**

**That Council agree, following the minor review process, to adopt the following documents as presented:**

1. **Strategic Community Plan 2015 (Doc Id: 58876); and**
2. **Corporate Business Plan 2015 (Doc Id: 58877).**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

### **9.3.3 APPOINTMENT OF AUTHORISED OFFICER – RANGER SERVICES – ROSALYN EDWARDS**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path	Business Classification Scheme / Personnel / Authorisations / Gazettals
Disclosure of Interest:	Nil
Date:	17 September 2015
Author:	Terry Sims, Senior Ranger
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

### PROPOSAL

That Council authorise Rosalyn Edwards under relevant Acts as Authorised Persons and Registration Officers.

### BACKGROUND

The requirement to ensure that Shire personnel are appropriately authorised to conduct their functions and responsibilities within legislative guidelines.

### COMMENT

The Dog Act 1976 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers with the exception of section 11(1) and Local Laws adopted by Council.

It is therefore proposed that authority be given to persons listed below under s12A (2), s16, s29 and s44.

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Authorised officers:

Rosalyn Edwards - Ranger:

- Section 12A (2) allows an authorised person or other person named in a warrant to enter and inspect any premise for any purpose relating to the enforcement of the Dog Act 1976 with the authority of a warrant.
- Section 16 requires persons to be authorised by the local government as registration officers to affect the registration of dogs under the Act.
- Section 29 contains powers allowing an authorised person to exercise powers to enter property, seize and detain dogs.
- Section 44 allows proceedings to be taken under the Act by an employee of the Shire authorised to take proceedings in the name of the Shire.

Rosalyn Edwards - Ranger:

Section 51

- (1) In the performance of a function under this Act, an authorised person may enter any premises if entry is required for the performance of the function —
  - (a) with the consent of the person who is, or appears to be, the owner or occupier of the premises; or
  - (b) if a notice has been given in accordance with subsection (2) and the period specified in the notice as the period within which objections may be made has elapsed with no objection being made; or
  - (c) under a warrant issued under Subdivision 3.
- (2) An authorised person wishing to enter any premises may give to the owner or occupier of the premises notice in writing
  - (a) stating that the authorised person wishes to enter the premises; and
  - (b) specifying the purpose for which entry is required; and
  - (c) specifying that the owner or occupier may object to the entry and the period (being not less than 24 hours) within which the objection may be made; and
  - (d) specifying how the objection may be made.
- (3) Where a notice has been given under subsection (2) and no objection has been made to the authorised person within the time specified in the notice —
  - (a) the notice continues to have effect until —
    - (i) the purpose for which entry was required has been effected; or

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- (ii) 7 days after the end of the objection period specified in the notice, whichever occurs first; and
  - (b) successive entries for that purpose are to be regarded as entries to which the notice relates.
- (4) The powers of entry under this section are in addition to and not in derogation of any power of entry conferred by any other law.
- (5) Entry under this section may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required.

Rosalyn Edwards - Ranger:

The Control of Vehicles (Off Road Areas) Act 1978 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers. It is therefore proposed to appoint persons appointed to the position listed below as authorised persons under section 5(5) of the Act.

Section 5(5) allows a local government to employ fit and proper persons to be authorised officers for the enforcement of the Act

Rosalyn Edwards - Ranger:

Caravan Parks and Camping Grounds Act 1995

The Caravan Parks & Camping Grounds Act 1995 does not provide for authority to be delegated to the Chief Executive Officer for the appointment of authorised officers. It is therefore proposed to appoint persons appointed to the position listed below as authorised persons under section 17(1) of the Act.

Section 17 (1) allows a local government to appoint such persons as the local government considers necessary. It is therefore proposed the following persons be authorised under the Act:

Rosalyn Edwards - Ranger:

#### CONSULTATION

Due to the nature of this application it was felt that further consultation was unnecessary.

#### STATUTORY ENVIRONMENT

- Dog Act 1976
- Cat Act 2011
- Control of Vehicles (Off-road Areas) Act
- Caravan Parks & Camping Grounds Act 1995

#### POLICY IMPLICATIONS

Shire of Dandaragan's policy in relation to delegations

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FINANCIAL IMPLICATIONS

The cost of advertising in the Government Gazette.

STRATEGIC IMPLICATIONS

It shall be the duty of the local government within its district to administer and enforce the provisions of these Acts.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**


**Moved Cr Bailey, seconded Cr Kulisa**

**That Council;**

- 1. appoint Rosalyn Edwards as authorised registration officer pursuant to section 16 of the Dog Act 1976;**
- 2. appoint Rosalyn Edwards as authorised registration officer pursuant to section 48 (1) of the Cat Act 2011;**
- 3. appoint Rosalyn Edwards as an authorised officer pursuant to section 17 (1) of the Caravan Parks & Camping Grounds Act 1995;**
- 4. appoint Rosalyn Edwards as an authorised officer pursuant to section 5 (5) of the Control of Vehicles (Off Road Areas) Act 1978; and**
- 5. revoke previous appointment of Kerrin Hanson as registration officers pursuant to the Dog Act 1976; pursuant to section 48 (1) of the Cat Act 2011; pursuant to section 17 (1) of the Caravan Parks & Camping Grounds Act 1995; and pursuant to section 5 (5) of the Control of Vehicles (Off Road Areas) Act 1978.**

**CARRIED 9 / 0**

**9.3.4 REVIEW OF COUNCIL POLICY 6.5 – RESERVES**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	Nil
Date:	16 September 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider an amendment to Policy 6.5 – Reserves, to include reference to guidelines surrounding the installation of shade structures on Council reserves by community groups.

BACKGROUND

Council has received numerous requests by community groups

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over a number of years requesting the installation of appropriate shade structures over playgrounds located within the Shire.

At the Council Forum held 9 July 2015, an item in relation to shade structures was presented for discussion. At this forum, Council requested that staff prepare a draft policy and present it to Council at a future forum for further development.

Council staff reviewed the existing Policy 6.5 – Reserves and identified that an additional section within this policy would be appropriate.

An amended Policy 6.5 – Reserves was presented to Council for further development at its Council Forum held on the 10 September 2015. Council suggested some amendments to ensure that insurance, costs and installation requirements were clearly stated.

#### COMMENT

Council's Policy 6.5 - Reserves provides guidance regarding the usage and leasing arrangement of Shire Reserves. As the majority of the playgrounds located within the Shire are situated on Council reserves, it is recommended that a section on shade structures over playgrounds be included to this policy which would outline the requirements and conditions of the installation of such structures.

The additional section would read:

#### ***“6. Shade Structures over Playgrounds – Community Requests***

*Council will consider applications from community groups/organisations for the erection of shade structures over playgrounds under the following conditions:*

- a) All costs associated with the construction, maintenance and future capital replacement would be the responsibility of the Community Group and not the Shire of Dandaragan which is to be acknowledged in writing;*
- b) All structures are to comply with relevant standards and building requirements;*
- c) Community Group applications for approval to construct shade structures are to be sought prior to accepting any funding from third parties or grant providers; and*
- d) Shade structures will become the property of the Shire of Dandaragan for insurance purposes.”*

#### CONSULTATION

- Council via Council Forum
- Shire management staff
- Local Government Insurance Service

#### STATUTORY ENVIRONMENT

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There are no statutory implications in relation to this item.

**POLICY IMPLICATIONS**

Policy 6.5 – Reserves would now include a section that clearly indicates to community groups what is expected of them, should they wish to apply for funding and consider installing shade structures over playgrounds.

**FINANCIAL IMPLICATIONS**

The policy is written in such a way that the Shire would not be responsible for installation, maintenance and future capital replacement. There may be a minor cost in relation to Council's insurance costs over time.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER THREE: Focus on community					
OBJECTIVE 1: Develop strong and supportive community social services					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-01-A5	Investigate self-management of community resources in each location.	Community workshops	Short	District	Community groups

**ATTACHMENTS**

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

- Draft Policy 6.5 – Reserves (Doc Id: 58924)  
**(Marked 9.3.4)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council adopt Policy 6.5 – Reserves as attached (Doc Id: 58924) and request the CEO to inform the appropriate community groups in the townsites within the Shire of Dandaragan.

**COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Short**

**That Council:**

1. adopt Policy 6.5 – Reserves with subsection 6 to read as follows:

***“6. Shade Structures over Playgrounds – Community Requests***

***Council will consider applications from community groups/organisations for the erection of shade structures over playgrounds under the following conditions:***

- a) **All costs associated with the construction, maintenance and future capital replacement would be the responsibility of the Community Group and not the Shire of Dandaragan which is to be acknowledged in writing;**
- b) **All structures are to comply with relevant standards and building requirements;**
- c) **Community Group applications for approval to construct shade structures are to be considered by Council for approval prior to accepting any funding from third parties or grant providers; and**
- d) **Shade structures will become an asset of the Shire of Dandaragan."**



2. request the CEO to inform the appropriate community groups in the townsites within the Shire of Dandaragan.

**CARRIED 9 / 0**

*The Officer Recommendation was not adopted due to several changes to the wording of the proposed addition to the Policy.*

## 9.4 DEVELOPMENT SERVICES

### 9.4.1 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 259 ZENDORA ROAD, ALTA MARE

Location:	Lot 259 Zendora Road, Alta Mare
Applicant:	Brad Falconer
Folder Path:	Development Services App / Development Application / 2015 / 55
Disclosure of Interest:	None
Date:	11 September 2015
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for an addition of 72m<sup>2</sup> to an existing 216m<sup>2</sup> outbuilding resulting in a total area of outbuilding of 288m<sup>2</sup> exceeding the permitted area of outbuilding without Council approval.

#### BACKGROUND

The subject lot is zoned Rural – Residential. Currently the land has an existing 216m<sup>2</sup> outbuilding (shed). The proposed additions will match the existing outbuilding and result in a new outbuilding size of 288m<sup>2</sup>. The application requires Council approval as it is in excess of the permitted area for an outbuilding in accordance with the Shire of Dandaragan's Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy. The ridge height and wall height of the

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proposed outbuilding will match the existing and complies with Council Policy. The proposed outbuilding complies with the setback provisions of the Alta Mare Development Guidelines.

Under the Policy an outbuilding is permitted to a maximum floor area of 162m<sup>2</sup> (if objections received) or 216m<sup>2</sup> (if no neighbour objections are received). Under the Policy Council may approve outbuildings with a floor area up to 300 m<sup>2</sup> in aggregate if justified. The applicant has provided the following justification:

*I wish to apply to extend my existing shed by an extra bay (6m x 12m) to increase shed floor space for Boats (I have 3), Truck, tractor, lawnmower, Lander Cruiser and motorbikes, plus personal work shop. Also as my land holding doesn't have any water supply, (bore water has high iron content and not potable), so it would mean an increase in water catchment also. The extension will go on the eastern side of the shed as there is a 127000L water tank situated on the western end.*

#### COMMENT

A proposed dwelling site has been selected by the applicant and is forward of the proposed structure. The proposal is consistent with previous approvals granted by Council up to 300m<sup>2</sup>.

The proposal is recommended for approval.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 28 August 2015 and closed on the 11 September 2015.

No objections have been received. Verbal advice of no objection was received from two adjoining landowners, one of whom owns two adjoining lots.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy;

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m <sup>2</sup>	Up to 2.4m	Up to 4.2m	Not required	Not required



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External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Non-Reflective Material	Up to 162m <sup>2</sup>	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m <sup>2</sup> – 216m <sup>2</sup>	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m <sup>2</sup>	Up to 3.6m	Up to 4.5m	Not required	Not required

13. The Council shall not approve outbuildings with a floor area greater than 300 m<sup>2</sup> in aggregate.

14. Any application for an outbuilding proposing to exceed 216m<sup>2</sup> in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding and evidence demonstrating to Council's satisfaction that:
- the outbuilding will be compatible with the setting;
  - the amenity of the locality will not be adversely affected; and
  - the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.

#### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location Plan (Doc Id: 58781)
- Site, Elevation and Floor Plans (Doc Id: 58782)

**(Marked 9.4.1)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Kent**

**That Council grant approval to Brad Falconer (owner) for a proposed outbuilding in accordance with the attached approved plans date stamped 21 August 2015 on Lot 259 Zendora Road subject to the following conditions:**

- 1. all development shall be in accordance with the attached plans date stamped 21 August 2015 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior**

- written approval of the local government;
2. the roof and wall material being of non reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
  3. the outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy;
  4. any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.

**ADVICE NOTES:**

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.
- Note 2:** The Council encourage any future residence on this property to be located a minimum of 1.8m forward of the proposed shed.
- Note 3:** 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.
- Note 4:** 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.
- Note 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 9 / 0**

**9.4.2 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 256 ZENDORA ROAD, ALTA MARE**

Location:	Lot 256 Zendora Road, Alta Mare
Applicant:	Leon Murdock on behalf of Christine Kelly
Folder Path:	Development Services App / Development Application / 2015 / 53
Disclosure of Interest:	None

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Date:	11 September 2015
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks planning approval for a 138m<sup>2</sup> outbuilding. The subject site has an existing outbuilding of 162m<sup>2</sup> resulting in a total area of outbuilding of 300m<sup>2</sup> exceeding the permitted area of outbuilding without Council approval.

**BACKGROUND**

The subject lot is zoned Rural – Residential. Currently the land has an existing 162m<sup>2</sup> outbuilding (shed with attached lean-to). The proposed outbuilding is located in proximity (14m) to the existing outbuilding and parallel to the road. The application requires Council approval as it is in excess of the permitted area for an outbuilding in accordance with the Shire of Dandaragan's Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy. The ridge height and wall height of the proposed outbuilding complies with Council Policy. The proposed outbuilding complies with the setback provisions of the Alta Mare Development Guidelines.

Under the Policy an outbuilding is permitted to a maximum floor area of 162m<sup>2</sup> (if objections received) or 216m<sup>2</sup> (if no neighbour objections are received). Under the Policy Council may approve outbuildings with a floor area up to 300 m<sup>2</sup> in aggregate if justified. The applicant has provided the following justification:

*We want to build this shed for additional storage of our personal belongings and vehicles.*

**COMMENT**

A site visit revealed the proposed outbuilding will be co-located with the existing shed forming a uniform group.

The proposal is consistent with previous approvals granted by Council up to 300m<sup>2</sup>.

The proposal is recommended for approval.

**CONSULTATION**

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 28 August 2015 and closed on the 11 September 2015.

No objections have been received. One verbal advice of no objection was received from an adjoining neighbour.

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STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy;

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m <sup>2</sup>	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 162m <sup>2</sup>	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m <sup>2</sup> – 216m <sup>2</sup>	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m <sup>2</sup>	Up to 3.6m	Up to 4.5m	Not required	Not required

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

14. Any application for an outbuilding proposing to exceed 216m2 in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding and evidence demonstrating to Council's satisfaction that:
- the outbuilding will be compatible with the setting;
  - the amenity of the locality will not be adversely affected; and
  - the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 58783)
- Site, Elevation and Floor Plans (Doc Id: 58784)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Kent, seconded Cr Bailey

That Council grant approval to Christine Kelly (owner) for a proposed outbuilding in accordance with the attached approved plans date stamped 18 August 2015 on Lot 256 Zendora Road subject to the following conditions:

1. All development shall be in accordance with the attached plans date stamped 18 August 2015 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. The roof and wall material being of non reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
3. The outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy;
4. Any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.



**ADVICE NOTES:**

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.
- Note 2:** The Council encourage any future residence on this property to be located a minimum of 1.8m forward of the proposed shed.
- Note 3:** 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.
- Note 4:** 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.
- Note 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 9 / 0**

**9.4.3 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 658 HAMELIN AVENUE, JURIE BAY**

Location:	Lot 658 Hamelin Avenue, Jurien Bay
Applicant:	Tony O’Gorman
Folder Path:	Development Services App / Development Application / 2015 / 56
Disclosure of Interest:	Tony O’Gorman
Date:	11 September 2015
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks planning approval for an outbuilding with a reduced side boundary setback.

**BACKGROUND**

The proponent has submitted a proposal to construct an outbuilding measuring 13m x 3.9m (50.6m<sup>2</sup>) setback 0.5m along the northern boundary. The proposal complies with the Outbuilding Policy for skillion roof construction in all aspects excepting the required side boundary setback. The proposal originally proposed the highest wall (3.9m) along the northern boundary, however after the Manager of Planning discussed the proposal with the immediate neighbour, it was requested that the lowest wall (3.5m) be constructed along this boundary and that would satisfy the neighbour for the reduced setback. The applicant has agreed to this amendment.

**COMMENT**

Where a proposal does not meet the provisions of any Local Planning Policy or the 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. Clause 5.4.3 P3 of the R-Codes state:

*Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

Thus the three issues to be considered are:

1. Does the proposal detract from the Streetscape?
2. Does the proposal affect the visual amenity of neighbouring properties?
3. Does the proposal match the existing residence?

The proposal is recommended for approval based on the following reasons:

1. The design and colours of the outbuilding will blend with the dwelling under construction and will not detract from the streetscape or the neighbouring properties amenity;
2. The outbuilding complies with all of the requirements of the Outbuildings Policy excepting for a reduced setback along one boundary.
3. The outbuilding has been modified so that the lower height wall is on the side boundary as requested by the affected neighbour.
4. There has been no objection from neighbours.

### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 28 August and closed on 11 September 2015.

One verbal comment was provided by the adjoining neighbour requesting that the lower wall height be closer to the boundary.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.
- Residential Design Codes.

### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas

*Clause 2. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.*

*Clause 10. A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved:*

- *the higher end of the sloping wall is adequately screened from the roadside;*
- *the higher wall is orientated away from the closest common boundary/s;*
- *the skillion roof is pitched between the lesser wall span; and*
- *boundary setbacks are as per clause 7.*

*Clause 7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.*

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FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 58793)
- Outbuilding Plan (Doc Id: 58794)

**(Marked 9.4.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Kent**

**That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 24 August 2015 on Lot 658 Hamelin Avenue, Jurien Bay subject to:**

- 1. all development shall be in accordance with the attached amended plans date stamped 24 August 2015 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. the roof and wall material being of non reflective nature and colour;**
- 3. 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.**

**ADVICE NOTES:**

**Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.

**Note 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.

**Note 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.

**Note 4:** The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with


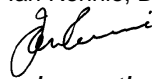


**Part XIV of the Planning and Development Act  
within 28 days of the date of this decision to:**

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

**CARRIED 9 / 0**

**9.4.4 REQUEST FROM JURIEB BAY MEN'S SHED TO ERECT AN  
OSPREY NEST TOWER ON RESERVE 51200**

Location:	Reserve 51200
Applicant:	Jurien Bay Men's Shed
Folder Path:	Business Classification Scheme / Parks and Reserves / Planning / Gardens and Reserves
Disclosure of Interest:	None
Date:	14 September 2015
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

*Cr Mike Sheppard disclosed an impartiality interest due to being a member of the Jurien Bay Men's Shed.*

**PROPOSAL**

The Jurien Bay Community Men's Shed is requesting Council approval for the erection of an 11m (max) high Osprey Nest and Pole at Reserve 51200 (adjacent to the Island Point (South Point) Foreshore carpark).

**BACKGROUND**

The Jurien Bay Community Men's Shed submits:

*The Jurien Bay Community Men's Shed is requesting Council approval for the erection of an Osprey Nesting Pole at the above Shire managed reserve at South Point. This nesting pole will be similar in most respects to the pole erected by the Men's Shed and Western Power, on Department of Transport land, just north of the Sea Search and Rescue building at the Marina, in May of this year. This nest site has attracted the interest of a breeding pair of Ospreys. The South Point pole will be slightly shorter by about 2 metres. The nest pole comprises a recycled Telstra aluminium microwave dish, as shown in the attached photographs, mounted on a Western Power timber pole using galvanised bolts and brackets. This project can be completed at no cost to the Shire with all materials and labour being free of charge. Western Power will install the pole to their standard power pole installation specification. We are not requesting the Council to commit funds or labour to this project, either now or in the future however, we would ask that the Council cover any insurance that may be required. We feel that this is a worthwhile project that will add*

*another small item of interest to the town.*

Reserve 51200 is currently vested to the Shire of Dandaragan with a Management Order for "Foreshore Management". The only condition on the order is for the reserve to be utilised for the designated purpose of "foreshore management" only.

Due to applications from tourist businesses to traverse this reserve in February 2015 Council requested the Department of Lands to amend the Management Order for Reserve 51200 by:

- amending the designated purpose from "Foreshore Management" to "Foreshore Management and Recreation" only; and
- including the power to licence for the designated purpose for any term not exceeding 10 years from the date of the licence subject to the approval of the Minister for Lands being first received to each and every licence. Pursuant also to the provisions of section 19 of the Land Administration Act 1997.

Advice from the Department of Lands is that this amendment has been approved, however it is currently being processed by Landgate prior to issuing a formal amendment to the management order. The change has no impact on this proposal excepting that the Shire will take into consideration the nest when assessing any applications for recreation/tourism purposes in the vicinity.

#### COMMENT

In considering an application for development on a Local Reserve, the Local Government is required to have due regard for the ultimate purpose of the Reserve. In this case the Reserve is intended to be used for "Foreshore Management and Recreation". The term foreshore management covers a broad spectrum of uses and the construction of a tower for the purposes of nesting for bird species can easily fall within the management of the foreshore's fauna.

The only issue of concern associated with constructing any development on the foreshore is any potential visual impact that may interfere with coastal views for both residential and tourist vista perspectives. Whilst views are not generally protected under planning laws, there can be community opposition to any structures close to the beach.

The nearest dwellings are approximately 400m distant from the proposed pole and the Men's Shed have provided a photo of the current Osprey nest and pole in the marina area taken at approximately the same distance away (400m). The pole to be located on Reserve 51200 is 2m shorter than the one at the Marina and will have little to no impact on the views from residential areas. In addition, the osprey nest will be an attraction to both residents and tourists.

The proposal is supported with conditions.

#### CONSULTATION

- LGIS

#### STATUTORY ENVIRONMENT

Section 3.4 of Local Planning Scheme No.7 states:

##### *3.4. USE AND DEVELOPMENT OF LOCAL RESERVES*

*3.4.1. A person must not —*

- (a) use a Local Reserve; or*
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

*3.4.2. In determining an application for planning approval the local government is to have due regard to —*

- (a) the matters set out in clause 10.2; and*
- (b) the ultimate purpose intended for the Reserve.*

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Submission from Jurien Bay Men's Shed showing images of proposal as well as site location (Doc Id: 58856)
- Copy of current management order over Reserve 51200 (Doc Id: 58857)

***(Marked 9.4.4)***

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Slyns, seconded Cr Short**

**That Council grant planning approval to the Jurien Bay Community Men's Shed to construct an osprey nest and pole on Reserve 51200 as detailed and located in the approved plans subject to the following condition:**

- 1. all development shall be in accordance with the attached plans subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local**

- government;
2. the Jurien Bay Community Men's Shed shall be responsible for the construction and maintenance of the structure to the satisfaction of the Shire of Dandaragan;
  3. the pole and nest is to be removed by the Jurien Bay Community Men's Shed in the event that the pole is not maintained or coastal processes result in the structure becoming hazardous;
  4. the applicant is to provide a signed maintenance agreement for the structure and surrounds between the Shire and the Jurien Bay Community Men's Shed to the satisfaction of the Chief Executive Officer;
  5. the structure is to be installed to the specifications and standards of Western Power; and
  6. the asset is to be recorded in the Shire's property schedule for insurance purposes.

**CARRIED 9 / 0**

## **9.5 COUNCILLOR INFORMATION BULLETIN**

### **9.5.1 SHIRE OF DANDARAGAN – AUGUST 2015 COUNCIL STATUS REPORT**

Document ID: 55805

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 August 2015. **(Marked 9.5.1)**

### **9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – SEPTEMBER 2015**

Document ID: 58817

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for September 2015. **(Marked 9.5.2)**

### **9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – AUGUST 2015**

Document ID: 57985

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for August 2015. **(Marked 9.5.3)**

### **9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – AUGUST 2015**

Document ID: 57978

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for August 2015. **(Marked 9.5.4)**

### **9.5.5 MEDIA STATEMENT – FRIDAY 21 AUGUST 2015 – HON TERRY REDMAN MLA & HON MIA DAVIES MLA – LAND TENURE BOOST FOR IRRIGATED AGRICULTURE**

Document ID:

*"The State Government today announced a new process for land*

*tenure charges which will stimulate economic development and investment in intensive irrigated agriculture projects across Western Australia.”*

Attached to the agenda is a copy of the above mentioned media statement. **(Marked 9.5.5)**

**9.5.6 WALGA – MUNICIPAL WASTE ADVISORY COUNCIL – INFORMATION BULLETIN – ISSUE 218**

Document ID:

Inside this issue:

- Nominate now for Rural Landfill Working Group
- Register for the Conference!
- State Government Bag Ban Confusion
- Sustainability Workshop
- WA Beach Win
- Bright Spark
- Reverse E-waste Cancelled

**9.5.7 REGIONAL DEVELOPMENT AUSTRALIA WHEATBELT ENEWSLETTER – AUGUST 2015**

Document ID:

Inside this issue:

- Regional Development Australia – National Forum
- RDA Wheatbelt Initiatives
- Wheatbelt Digital Action Plan
- Regional Children’s Services Plan
- Community and Government Information
- Grants and Funding Opportunities
- Calendar of Events

Attached to the agenda is a copy of the above mentioned eNewsletter. **(Marked 9.5.7)**

**9.5.8 MEDIA STATEMENT – THURSDAY 27 AUGUST 2015 – HON TONY SIMPSON MLA – AWARDS TO CELEBRATE OUTSTANDING YOUNG PEOPLE**

Document ID:

*“Youth Minister Tony Simpson today called on West Australians to nominate outstanding young people for the WA Youth Awards 2015.*

*It’s important that we recognise and celebrate those young people, aged 12 to 25 years, who are making an extraordinary contribution to their community and to the lives of others.”*

Attached to the agenda is a copy of the above mentioned media statement. **(Marked 9.5.8)**

**9.5.9 MAIN ROADS WA – HEAVY VEHICLE SERVICES – UPDATE**

Document ID:

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.9)**

**9.5.10 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – ISSUE 8**

Document ID: 57865

Inside this issue:

- Local Government Road Safety Awards – call for nominations
- Great Southern Road Safety Conference highlights
- Promoting child car restraint use at Kids Fest
- “I slow down...” campaign
- Mid West road safety projects receive grant funding
- Onslow Road Users Group farewells a road safety champion
- *Towards Zero* display trailer returns to the Kimberley region
- Belt Up – you’re worth holding onto
- Wheatbelt road safety news
- Turning their minds to road safety
- Students Advising Youth (SAY) Project 2015
- Road safety events, conferences and resources
- Australian Road Safety Foundation Awards 2015

**9.5.11 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 32**

Document ID:

Inside this issue:

- Waste & Recycle 2015 – Registrations Open
- Youth Advisory Councils
- Save the Date: 2016 WA Transport and Road Forum
- Environmental Protection Authority Interim Strategic Advice: Information Session
- Local Government Environmental Capacity Survey
- Nominate for Rural Landfill Working Group
- Large Scale Biodiversity Planting Assistance Available – Seeking Expressions of Interest
- Training

**9.5.12 WALGA – FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT**

Document ID:

*“The Australian Local Government Association is conducting a national campaign to highlight the importance of Financial Assistance Grants to Australian Local Governments. The campaign aims to reverse the damaging three year indexation freeze on FAGs payments that was implemented in the 2014-15 Federal Budget.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.12)**

**9.5.13 DEPARTMENT OF PLANNING – GAZETTAL OF PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

Document ID: 56100

*“I am pleased to advise you that the Planning and Development (Local Planning Scheme) Regulations 2015 have been gazetted today, to take effect on 19 October 2015. As you may be aware, these Regulations are a key part of the State’s Phase Two*

*Planning Reform agenda, and aim to streamline and simplify planning processes across the State.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.13)**

**9.5.14 WALGA – DEPARTMENT OF ENVIRONMENT REGULATION – REGULATORY REFORM AGENDA**

Document ID: 55769

*“The Department of Environment Regulation are progressing a regulatory reform agenda with a number of key outcomes in the coming months. The reforms are intended to provide a clearer regulatory framework and assist with a more consistent approach to regulation.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.14)**

**9.5.15 WALGA – ENVIRONEWS – ISSUE 5**

Document ID: 57755

Inside this issue:

- City of Bayswater – 440 Trees and Counting
- Shire of Esperance – Castletown Quays Rehabilitation Project
- City of Bayswater – Edible Gardens
- Moora Plants for Carnaby’s on National Tree Day
- International Pledges to Cut Greenhouse Gas Emissions
- Biosecurity Blitz – Join the Pest Reporting Community
- Keep Australia Beautiful Week 24-31 August
- Plastic Free Morning Tea
- Survey about Local Government Environment Capacity
- Applications Open for Innovative Low Carbon Schools Program
- Upcoming DER Regulation

**9.5.16 DEPARTMENT OF PLANNING – PLANNING IN BUSHFIRE-PRONE AREAS**

Document ID: 55874

*“I am writing to you as a previous submitter during the consultation process on SPP 3.7 Planning in Bushfire Prone Areas and associated Guidelines. I am pleased to advise that all the submissions have been considered and that changes to the documents have been approved by the Western Australian Planning Commission based on an analysis of these submissions.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.16)**

**9.5.17 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 33**

Document ID: 57821

Inside this issue:

- Review of Local Government Grants Scheme for Emergency Services
- DER Guidance Statement on Separation Distances – Seeking

Comment

- New Planning and Development (Local Planning Schemes) Regulations 2015
- LGC15 Presentations Available
- Graffiti Networking Forum
- ROMAN II Workshop: Effective Works Programming
- Utility Providers Code of Practice – Revised
- Advancing Active Living in 2015
- WA State Trails and Outdoors Conference 2015
- Training

**9.5.18 STATE HERITAGE OFFICE – HERITAGE BILL 2015 (EXPOSURE DRAFT)**

Document ID: 55876

*“Minister for Heritage, the Hon Albert Jacob MLA, has released the Heritage Bill 2015 (Exposure Draft) for public comment.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.18)**

**9.5.19 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – 2015/16 FINAL FINANCIAL ASSISTANCE GRANT ALLOCATIONS**

Document ID: 55898

*“The WA Local Government Grants Commission (the Commission) has been advised by the Commonwealth Department of Infrastructure and Regional Development that the 2015/16 Commonwealth Financial Assistance Grants (FAGs) have been formally approved.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.19)**

**9.5.20 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2015 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

Document ID: 56083

*“Last month, the President of the Australian Local Government Association (ALGA), Mayor Troy Pickard, invited Mayors and Shire Presidents from across the country, providing them with an outline brochure and inviting them to ALGA’s 2015 National Local Roads and Transport Congress. The Congress is to be held in Ballarat, Victoria, from 17-19 November 2015.*

*We are writing to follow up Mayor Pickard’s invitation.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.20)**

**9.5.21 RURAL HEALTH WEST – ACKNOWLEDGE A DOCTOR WHO PROVIDES OUTSTANDING SERVICE TO YOUR COMMUNITY**

Document ID: 56084

Each year, Rural Health West recognise rural doctors who have provided outstanding or extraordinary services to their



communities.

Nominations are now open for the 2016 Rural Health West Doctors' Service Awards.

To download a nomination form visit [www.ruralhealthwest.com.au/doctorserviceawards](http://www.ruralhealthwest.com.au/doctorserviceawards)

#### **9.5.22 STATE EMERGENCY MANAGEMENT COMMITTEE – RISKS POSED BY NATURAL HAZARDS**

Document ID: 56144

*“Local government in Western Australia (WA) are all too aware of the risks posed by natural hazards such as bushfires, cyclones and storms. The Northcliffe fires in 2015, the Perth storm of 2010 and Cyclone Vance in 1999 are just 3 examples of frequently occurring natural hazard events that are a very real and constant threat to our local communities throughout WA.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.22)**

#### **9.5.23 WALGA – CIVIC SERVICE**

Document ID: 56148

*“The Dean of Perth is co-hosting, with WALGA, a Civic Service at St George’s Cathedral to celebrate and give thanks for the work of current and new Mayors, Presidents and Councillors.”*

The event will be held on Sunday 22 November 2015, commencing at 5.00pm at St George’s Cathedral, St George’s Terrace, Perth.

Attached to the agenda is a copy for the above mentioned correspondence. **(Marked 9.5.23)**

#### **9.5.24 WA PRIMARY HEALTH ALLIANCE – INTRODUCING YOUR LOCAL WHEATBELT TEAM**

Document ID:

*“On behalf of the WA Primary Health Alliance (WAPHA) we would like to introduce you to your local Wheatbelt team and provide you with information on the new Country WA PHN, which commenced operation on 1 July 2015.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.24)**

#### **9.5.25 AVON-MIDLAND COUNTRY ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION – MINUTES OF THE ZONE MEETING HELD FRIDAY 21 AUGUST 2015**

Document ID:

Attached to the agenda is a copy of the above mentioned minutes. **(Marked 9.5.25)**

#### **9.5.26 BADGINGARRA COMMUNITY ASSOCIATION INC – MINUTES**

**OF THE MEETING HELD TUESDAY 25 AUGUST 2015**

Document ID:

Attached to the agenda is a copy of the above mentioned minutes.  
**(Marked 9.5.26)**

**9.5.27 THE HON TONY SIMPSON MLA – COMMUNITY DEVELOPMENT ROUNDTABLE – PUBLICATIONS**

Document ID: 57938

*“The following resources have been provided to help community sector organisations and local governments work together to build strong, vibrant and successful communities:*

1. *Community development: A guide for local government elected members; and*
2. *Working effectively with local governments: A guide for community sector organisations.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.27)**

**9.5.28 DR KIM HAMES MLA – EXPRESSIONS OF INTEREST – INTERIM CHAIRS AND MEMBERS FOR WA HEALTH SERVICE BOARDS**

Document ID: 57948

*“On 17 June 2015, I announced significant reforms to the governance of the WA health system, including new legislation to replace the outdated Hospital and Health Services Act 1927.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.28)**

**9.5.29 WALGA – MUNICIPAL WASTE INFORMATION BULLETIN – ISSUE 219**

Document ID:

Inside this issue:

- Have you registered?
- Separation anxiety
- Charity bin dumping
- Less litter but look out for loads
- Con exposes residents to asbestos
- Illegal dumping conviction

**9.5.30 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – COMMUNITY DEVELOPMENT – A GUIDE FOR LOCAL GOVERNMENT ELECTED MEMBERS**

Document ID:

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.30)**

**9.5.31 MEDIA STATEMENT – HON JOHN DAY BSC BDSC MLA – PLANNING CHANGES FOR MOBILE PHONE TOWERS**

Document ID:

*“The planning policy that guides where mobile phone towers can be located in the community has been revised to reflect changes*

*in technology and industry practices.”*

Attached to the agenda is a copy of the above mentioned Media Statement. **(Marked 9.5.31)**

**9.5.32 MEDIA STATEMENT – HON TONY SIMPSON MLA & HON TERRY REDMAN MLA – CARAVANNING ENTHUSIASTS GET IN ON THE ACT**

Document ID:

*“West Australians are being invited to have a second and final say on proposed changes to the State’s caravan and camping laws.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.32)**

**9.5.33 MEDIA STATEMENT – HON BILL MARMION BE MBA MLA – GAS PROMISING FOR KIMBERLEY JOBS AND FAMILIES**

Document ID:

*“Mines and Petroleum Minister Bill Marmion said the direct involvement of up to 30 of the Yungngnora people of Nookanbah in a just-completed gas well stimulation program highlighted the extraordinary promise of the Kimberley gas industry.”*

Attached to the agenda is a copy of the above mentioned Media Statement. **(Marked 9.5.33)**

**9.5.34 MEDIA STATEMENT – HON JOE FRANCIS MLA & HON TERRY REDMAN MLA – FUEL CARD ROLLOUT FOR REGIONAL VOLUNTEERS**

Document ID:

*“Emergency services volunteers will be given help with fuel expenses under a \$7.6 million State Government program to provide fuel cards to eligible volunteer groups.”*

Attached to the agenda is a copy of the above mentioned Media Statement. **(Marked 9.5.34)**

**9.5.35 SEGRA – LEADING AND GROWING SUSTAINABLE REGIONS – 2015 REGISTRATION**

Document ID:

The Sustainable Economic Growth for Regional Australia (SEGRA) conference provides a single forum in which people with a deep commitment to regional Australia can discuss issues and advance options and solutions for the future. Drawing over 200 delegates from across Australia, it is now recognised as the nation’s most credible and independent voice on issues affecting regional Australia.

The conference will be held in Bathurst NSW from 20 – 22 October 2015.

Attached to the agenda is a copy of the 2015 Registration. **(Marked 9.5.35)**

**9.5.36 THE WEST AUSTRALIAN – TUESDAY 1 SEPTEMBER 2015 – PORTER DECLARES RED TAPE SUCCESS**

Document ID:

*“Australia cannot become more competitive globally while one in 11 employees spends their day on red tape, the Prime Minister’s hand-picked “deregulation tsar” Christian Porter will tell a business audience in Perth today.”*

Attached to the agenda is a copy of the above mentioned newspaper article. **(Marked 9.5.36)**

**9.5.37 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – CARAVAN PARKS AND CAMPING GROUNDS ACT REVIEW – COMMENTS SOUGHT ON SECOND CONSULTATION PAPER**

Document ID: 57999

*“I am pleased to announce that the second public submission period for DLGC’s review of the Caravan Parks and Camping Grounds Act 1995 has commenced.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.37)**

**9.5.38 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 34**

Document ID: 58212

Inside this issue:

- Environmental Protection Authority Interim Strategic Advice: Information Session
- Better Practice Review Program
- Invitation to State NRM Conference: Finding the Balance
- Draft Visual Defect Assessment Manual for Local Government Roads: Workshop Invitation
- Energy Efficient Public Lighting: Submissions Summary Available
- Sustainability Workshop
- Training
- St George’s Cathedral Service & Government House Ballroom Reception
- What’s on for Local Government

**9.5.39 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 35**

Document ID: 58789

Inside this issue:

- WALGA Governance review – Final Reminder
- Metropolitan Local Government Reform – Lessons Learnt Paper
- User Guide: Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks
- 10m Funding Announcement for Recycled C&D Waste
- Local Government Officers’ Heritage Group
- Vacancies on Boards and Committees
- ROMAN II Workshop: Effective Works Programming
- Citizenship Discussion Paper – Scanlon Foundation

- Training

**9.5.40 NATIONAL NATIVE TITLE TRIBUNAL – APPLICATION FOR REGISTRATION ON THE REGISTER OF INDIGENOUS LAND USE AGREEMENTS – W12015/009 YUED INDIGENOUS LAND USE AGREEMENT**

Document ID: 58345

*“The above application was lodged with the Native Title Registrar (the Registrar) of the National Native Title Tribunal on 29 June 2015.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.40)**

**9.5.41 AUSTRALIA DAY WA – PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS 2016**

Document ID: 58736

*“Thank you for your continued support of the Premier’s Day Active Citizenship Awards. These long standing awards recognise the individuals and groups making outstanding contributions in your local community.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.41)**

**9.5.42 DEPARTMENT OF LANDS – FUNCTIONAL CHANGES TO REGIONAL AND METROPOLITAN SERVICES**

Document ID: 58820

*“The Department of Lands is changing the way it delivers services to provide a greater focus on the customer through a more consistent and timely Crown land administration process.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.42)**

**9.5.43 PUBLIC TRANSPORT AUTHORITY – SERVICES TO TRAVEL INDIAN OCEAN DRIVE**

Document ID: 58822

*“As you are aware Transwa initiated two services to travel on Indian Ocean Drive per week from 1 August 2014 to meet the needs of the Lancelin, Cervantes, Jurien Bay, Green Head and Leeman communities.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.43)**

**9.5.44 DEPARTMENT OF WATER – EMERGENCY FARMLAND WATER SUPPLY PLANNING – SUMMER 2015/16**

Document ID: 58824

*“Winter rainfall has been low in the majority of the dryland agricultural area and there are preliminary reports that farm dam levels are currently low. There is the potential for some landholders to experience water shortages during the coming*

*summer months.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.44)**

**9.5.45 WESTERN AUSTRALIAN PLANNING COMMISSION – TOWN PLANNING SCHEME NO.7 – AMENDMENT NO.21**

Document ID: 58849

*“I refer to your letter of 30 September 2014 and advise that the Minister for Planning has granted final approval to the above amendment on 3 September 2015.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.5.45)**

**9.5.46 WALGA – SUMMARY MINUTES – STATE COUNCIL MEETING – SEPTEMBER 2015**

Document ID:

Attached to the agenda is a copy of the Summary Minutes from the 4 September 2015 State Council Meeting. **(Marked 9.5.46)**

The full Minutes can be found on the WALGA website - <http://walga.asn.au/MemberResources/StateCouncilDocuments/Agendas&Minutes/2015.aspx>

**9.5.47 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – ISSUE 9**

Document ID:

Inside this issue:

- Have you seen us online lately
- Showcasing the Swan RoadWise Committee
- Enjoy the ride at the right place in Esperance
- Recognising Albany’s Michael Calton and the Coolgardie Men in Sheds
- Heading south for the Queen’s birthday long weekend?
- Kojonup Probus puts stars on cars
- Shire of Denmark RoadWise Committee acknowledged
- Community group drives the way to improve highway safety in Byford
- New Used Car safety Ratings Buyers’ Guide
- Road safety events, conferences and resources
- Like the Esperance Enjoy the Ride campaign?

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

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

Section 5.23 of the Local Government Act 1995 stipulates that all Council

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2015</b>
--

Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

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

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

Local Government Act 1995

*5.23. Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;**
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —**
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or**
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;**
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government’s property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2015</b>
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Local Government (Administration) Regulations 1996

4A. Meeting, or part of meeting, may be closed to public — s. 5.23(2)(h)

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

## 11.1 GOVERNANCE & ADMINISTRATION

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Short**


**That the meeting be closed to members of the public at 5:37pm in accordance with Section 5.23 (2) (a) and (2) (e) (ii) & (iii) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss:**

- **Item 11.1.1 ‘Disposal of Land (Lease) – Jurien Bay Caravan Park’;**  
**and**
- **Item 11.1.2 ‘Chief Executive Officer 2014 / 2015 Performance Review’.**

**CARRIED 9 / 0**

*Members of the public left the room at 5.37pm.*

### **11.1.1 DISPOSAL OF LAND (LEASE) – JURIEN BAY CARAVAN PARK**

Location:	Reserve 27406, Lot 271 Roberts Street, Jurien Bay
Applicant:	Bluetree Holdings P/L - Jurien Bay Tourist Park (John and Danuta Layman)
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Caravan Parks
Disclosure of Interest:	Nil
Date:	11 September 2015
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

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

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Short, seconded Cr McGlew**

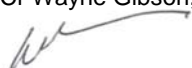
**That Council, after considering submissions received following advertising of the disposition of property by way of lease in accordance with Section 3.58(3) of the Local Government Act 1995, agree to lease Reserve 27406, Lot 271 Roberts Street, Jurien Bay (Jurien Bay Caravan Park), to Bluetree Holdings Pty Ltd for the initial amount of \$65,000 ex GST per annum for a period of 35 years in accordance with the lease document endorsed by Council on the 27 August 2015 (Doc Id: 54846).**

**CARRIED 9 / 0**



MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2015
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### 11.1.2 CHIEF EXECUTIVE OFFICER 2014/2015 PERFORMANCE REVIEW

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / Anthony Nottle
Disclosure of Interest:	Nil
Date:	13 September 2015
Author:	Cr Wayne Gibson, President
Signature of Author:	

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

#### **COUNCILLOR RECOMMENDATION 1 / COUNCIL DECISION**

Moved Cr McGlew, seconded Cr Slyns

That Council agree as follows:

1. That the Chief Executive Officer Review has been completed in accordance with statutory and best practice principles.
2. That the Key Result Areas be accepted for the period 2014/2015 as per the attached documentation.
3. That the Chief Executive Officer cash component be increased by 2% from the anniversary date of the Employment Contract with Mr Anthony Graham Nottle and the Shire of Dandaragan.

**CARRIED 9 / 0**

#### **COUNCILLOR RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Short, seconded Cr Holmes

That Council agree to appoint Anne Lake Consultancy to undertake the performance appraisal process of the Chief Executive Officer for the 2015/2016 financial year.

**CARRIED 7 / 2**

#### **COUNCIL DECISION**

Moved Cr Holmes, seconded Cr Short

That the meeting be reopened to the public at 5.42pm.

**CARRIED 9 / 0**

*Staff and three members of the public re-entered the meeting and the Deputy Chief Executive Officer read aloud the motion for item 11.1.1 and the President read aloud the motion for 11.1.2.*

### 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2015**

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 5.45pm.

These minutes were confirmed at a meeting on .....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....

*The President, Cr Wayne Gibson expressed his appreciation to retiring Councillors Kent and Bailey for their work while on Council. He also wished those Councillors re-nominating for Council, good luck for the forth coming elections.*