



SHIRE
of
DANDARAGAN

MINUTES - PUBLIC

of the

ORDINARY COUNCIL MEETING

held at the

DANDARAGAN COMMUNITY RECREATION CLUB, DANDARAGAN

on

THURSDAY 26 OCTOBER 2017

COMMENCING AT 4.04PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.04pm and welcomed those present.

1.2 ELECTION AND DECLARATION OF PRESIDENT AND DEPUTY PRESIDENT

Election for President

The Chief Executive Officer advised that he had received one written nomination for Councillor Holmes. The Chief Executive Officer then called for nominations from the floor, none were forthcoming therefore the Chief Executive Officer declared the nomination period closed. Being that there was only the one nomination for President, the Chief Executive Officer announced that Councillor Holmes had been elected unopposed to the office of President for a period of two (2) years.

Councillor Holmes then made the declaration in the prescribed form before Peter Scharf, JP. The forms were duly signed.

Councillor Holmes then assumed the Chair at 4.07pm.

Election for Deputy President

The President advised that she had received two written nominations, one for Councillor Scharf and one for Councillor Slyn. The President then called for nominations from the floor, none were forthcoming therefore the President declared the nomination period closed.

An election was run by secret ballot and the results were:

Councillor Scharf – 5 votes

Councillor Slyn – 4 votes

The Chief Executive Officer announced that Councillor Scharf had been elected with a result of 5 votes to 4 and that he was elected to the office of Deputy President for a period of two (2) years.

Councillor Scharf then made the declaration in the prescribed form before Ann Eyre, JP. The forms were duly signed.

As part of the Shire of Dandaragan's tradition, Councillor Holmes, the Presiding Member congratulated the Deputy President and new Councillors in recognition of their election to the Council. Councillor Holmes also thanked Peter Scharf and Ann Eyre, JP, for conducting the ceremonies.

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1.3 DISCLAIMER READING

The disclaimer was read aloud as there were 3 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

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

Staff

Mr T Nottle	(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 M Perkins	(Community Development Officer)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

Richard Cooper, Raelene Hurst , Lawrie Short

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2017**4 PUBLIC QUESTION TIME**

Nil

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

Moved Cr Slyn, seconded Cr Eyre

The leave of absence be approved as follows:

Councillor W Gibson – Sunday 4 November 2017 through to Thursday 9 November 2017.

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28 SEPTEMBER 2017****COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Scharf

That the minutes of the Ordinary Meeting of Council held 28 September 2017 be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President announced that the Chief Executive Officer had submitted his resignation after seven and a half years to take up a new position at the City of Busselton.

The President thanked Mr. Nottle on behalf of the Council for his commitment and passion for the Shire of Dandaragan during his time as Chief Executive Officer.



8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 JURIEBAY COMMUNITY RESOURCE CENTRE OUTGOINGS

Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Office Locations
Disclosure of Interest:	Nil
Date:	16 October 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

Due to an administrative oversight outgoings for the office lease of a section of the Juriebay Civic Centre (Centre) by the Juriebay Community Resource Centre (JBCRC) have not been charged since the commencement of the lease.

BACKGROUND

The JBCRC entered into a peppercorn lease arrangement with the Shire of Dandaragan (Shire) effective 31 July 2014. However, the JBCRC has advised they didn't commence actual tenancy until April 2015.

COMMENT

In August 2017, as a result of an administrative review of agreement, it became evident that the JBCRC had never been charged for their portion of outgoings at the Centre.

The JBCRC were written to explaining the situation and were advised that they would be sent regular invoices for outgoings in accordance with the terms of the lease on a regular basis commencing 1 July 2017.

In addition, they were also advised that *“back charges for the period of tenancy up to the 30 June 2017 will be communicated to you once the Shire has made a decision as to how this figure is to be calculated.”*

Utilising the calculation provisions in the lease agreement, from the commencement of the lease, outgoings for the period up to 30 June 2017 equate to an average of \$564.68 ex GST per month.

Therefore, for the 2 years and 11 months the tenancy has been active this would equate to a back charge of \$19,763.64 ex GST.

This information was presented at the Council Forum held 12 October 2017.

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The financial plight of Community Resource Centres in general under current funding models and the fact that no provision for this income was made in the 2017 / 2018 Shire budget was discussed.

Council may wish to consider charging the JBCRC twelve months' worth of average outgoings as an adequate compromise.

CONSULTATION

- Jurien Bay Community Resource Centre
- Council via Forum 28 September 2017

STATUTORY ENVIRONMENT

Despite there being no provision for the outgoings income in the 2017 / 18 budget the proposal to charge only twelve months' worth of outgoings would still amount to a write-off for the remaining uncharged portion in accordance with Section 6.12 of the Local Government Act 1995.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* Absolute

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Despite the proposal recommending a partial write off of a debt, as no provision was made for this income in the 2017 / 18 budget the effect of this proposal would result in an increase in income of \$6,776.16 ex GST.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 3: Strong and Connected Community</i>	
Objectives	How the Shire will contribute
3.1 Support strong community resource services	a) Support the Community Resource Centres in Dandaragan and Jurien Bay through provision of peppercorn leases and outsourcing of services

ATTACHMENTS

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2017

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

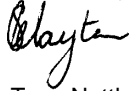

Moved Cr Shanhun, seconded Cr McGlew

That Council:

1. Acknowledge an outstanding debt of \$19,763.64 ex GST for outgoing for the period 31 July 2014 to 30 June 2017 at the Jurien Bay Civic Centre for the Jurien Bay Community Resource Centre leased area in accordance with the lease agreement, and;
2. in accordance with section 6.12 of the Local Government Act 1995, write-off \$12,987.53 ex GST of the outstanding outgoing for the period 31 July 2014 to 30 June 2017 at the Jurien Bay Civic Centre for the Jurien Bay Community Resource Centre leased area as identified in the lease agreement.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	16 October 2017
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 September 2017

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 September 2017.

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 September 2017 was \$8,198,576. The composition of this equates to Current Assets minus Current Liabilities less

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Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

Note 14 of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 30 September 2017 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 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 September 2017 (Doc Id: 99849)

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(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

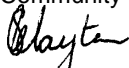

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Richardson

That the monthly financial statements for the period 30 September 2017 be adopted.

CARRIED 9 / 0

9.1.3 ACCOUNTS FOR PAYMENT – SEPTEMBER 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	16 October 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of September 2017.

BACKGROUND

As part of the Local Government Act 1995, Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for September 2017 totalled \$1,008,945.09 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the September 2017 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

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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 September 2017
(Doc Id: 99933)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Shanhun

That the Municipal Fund cheque and EFT listing for the period ending 30 September 2017 totalling \$1,008,945.09 for the Municipal Fund be accepted.



CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 GOVERNANCE & ADMINISTRATION

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9.3.1 TURQUOISE COAST VISITOR CENTRE WORKING GROUP

Location:	N/A
Applicant:	Turquoise Coast Visitor Centre Working Group
Folder Path:	Business Classification Scheme / Economic Development / Programs / Tourism
Disclosure of Interest:	Nil
Date:	16 October 2017
Author:	Alison Slyns, Economic Development Coordinator
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to receive the Turquoise Coast Visitor Centre Working Group's (TCVCWG) meeting minutes dated 13 October 2017 and endorse the Terms of Reference for the group.

BACKGROUND

In April 2016 the Turquoise Coast Visitor Centre was successful in obtaining a \$17,573 grant from Tourism Western Australia in their 'Regional Visitor Centre Sustainability Grant' program through Royalties for Regions. As part of this grant, the centre engaged tourism consultancy firm Economic Transitions to develop a Business Plan.

At Council's Forum on 23 February 2017 Kim Hewson from Economic Transitions presented the draft Plan and Council continued discussion on the plan at the Forum dated 9 March 2017.

Further to those discussions an item was presented at the Council Meeting on 23 March 2017. At this meeting it was agreed that Council establish a Working Group to configure an appropriate Terms of Reference to further review and develop the Turquoise Coast Visitor Centre Business Plan (5 - Year Plan) 2016 - 2021 to provide support to the visitor centre service in implementing the Plan.

The decisions from the Council Meeting were as follows:

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Slyns, seconded Cr Kulisa

That Council acknowledge and receive the Turquoise Coast Visitor Centre Business Plan (5 Year Plan) 2016-2021 Doc ID: 79720.

CARRIED 8 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Sheppard

That Council:

- 1. Agree to establish a Turquoise Coast Visitor Centre Working Group to establish and appropriate Terms of Reference to be presented to Council by 31 May 2017 to further review and develop the Turquoise Coast Visitor Centre Business Plan*

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- (TCVCBP) (5 Year Plan) 2016-2021 to provide support to the Turquoise Coast Visitor Centre service.*
2. Agree that the newly established Turquoise Coast Visitor Centre Working Group consist of:
 - a. 2 x Councillor representatives, those being:
 - i. Cr Slyns, (Proxy Cr Kulisa)
 - ii. Cr Scharf, (Proxy Cr Gibson)
 - b. 2 x community representatives
 - c. 2 x business representatives
 - d. 1 x Parks and Wildlife representative
 3. Request the CEO to advertise for the vacant community and business representatives.

CARRIED 8 / 0

Interest in joining the TCVCWG was confirmed from:

- Brad Rushforth (Parks and Wildlife Services representative)
- Ann Eyre (community representative)
- Lauren Douglass (community representative)
- Wade Clatworthy (business representative)
- Karri-Skye Holland (business representative)
- Kim Hewson (business / community representative)

COMMENT

An informal meeting for the TCVCWG was held on Tuesday 20 June 2017 but due to multiple absences of group members from this meeting and throughout July and August 2017 the first official TVCVWG meeting was held Friday 13 October 2017. At this meeting the group developed the Terms of Reference and clarified key recommendations raised in the Plan, to be discussed at future meetings.

CONSULTATION

- Council via Council Forum
- Turquoise Coast Visitor Centre Working Group

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this report.

POLICY IMPLICATIONS

There are no policy implications in relation to this item. However, the Plan may suggest a direction that Council may wish to consider in a policy at a future time.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report. However, the implementation of the Plan may incur financial costs, which would be subject to Budget consideration in the future.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife c) Expand and improve the visitors' centres network

ATTACHMENTS

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

- 20171013 Visitor Centre Working Group minutes 13 October (Doc Id: 99732)
 - 20171010 Visitor Centre Working Group TOR (Doc Id: 99594)
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Scharf, seconded Cr McGlew

That Council:

Receive the Turquoise Coast Visitor Centre meeting minutes from 13 October 2017.

CARRIED 9 / 0

OFFICER RECOMMENDATION 2

That Council:

Endorse the Turquoise Coast Visitor Centre Working Group Terms of Reference to enable TCVCWG to provide recommendation to Council regarding the Turquoise Coast Visitors Centre Business Plan (TCVCBP).

CARRIED 9 / 0

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Slyns

That Council:

Endorse the Turquoise Coast Visitor Centre Working Group Terms of Reference to enable TCVCWG to provide recommendation to Council regarding the Turquoise Coast Visitors Centre Business Plan (TCVCBP) with the following changes:

Role/Purpose to read:

“The Visitor Centre Working Group, as a working party of Council, will review and develop the Business Plan and provide recommendations to Council on the future direction of tourism services at the Turquoise Coast Visitor Centre.”

Roles and Responsibilities to read:

“The Working Group is responsible for:

- *Reviewing the Key Recommendations from the Turquoise Coast Visitor Centre Business Plan (5 Year Plan) 2016-2021;*
- *Providing recommendations based on the review of the Key Recommendations for the future of the Turquoise Coast Visitor Centre in line with best-practice visitor centre management models including but not limited to:*
 - *Introduction of a membership program;*
 - *Provision of sub-let opportunities;*
 - *Implementation of an overarching governance structure;*
 - *Changing the name of the visitor centre;*
 - *Introduction of technology*
- *Maintaining focus on the role and purpose of the group.”*

Meetings to read:


“Meetings

- *Meetings will be chaired by either one of the Council representatives to be agreed upon from time to time;*
- *Meeting agendas and minutes will be provided by the Shire of Dandaragan;*
- *Meetings will be held no less than quarterly;*
- *All members of the Working group shall have one vote when considering recommendations to Council;*
- *The quorum for the meeting shall be at least 50% of the number of members.”*

CARRIED 9 / 0

Reason for change: Council wished to amend the Terms of Reference to more accurately reflect its view from its previous decision made on the 23 March 2017. This places an emphasis on the reviewing of the documentation and providing recommendation back to full Council.

9.3.2 ELECTION OF DELEGATES TO VARIOUS COMMITTEES AND ORGANISATIONS

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / Meetings / Representatives
Disclosure of Interest:	None
Date:	18 October 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

To elect Council representatives to various committees and organisations.

BACKGROUND

The Shire of Dandaragan provides representation to a range of community organisations as well as its own working groups. Delegates to these organisations are elected immediately following the election of each new Council and effectively serve a term of two years.

COMMENT

After the 2015 elections took place, there were some changes to committees and working groups. Those changes were:

- Removal of the Roadwise Committee.
- Addition of a representative and proxy for the Gingin-Kalbarri Sub-Regional Planning Steering Group.
- Addition of a representative for the Central West Coast Senior Citizen Group Inc.

Since the amendments to the Western Australian Planning Commission Development Assessment Panel (DAP) process, there will also be a requirement to fill the remaining seats left vacant following the election, (should they be required). The current membership consists of:

Members –
 Cr Peter Scharf
 Cr Judy Kulisa
 Alternate Members –
 Cr Kaye McGlew
 Cr Dahlia Richardson

Should Councillor Kulisa be re-elected, she will remain on the DAP

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until her term expires. However, if Cr Kulisa is not re-elected, Council will need to nominate a replacement.

Council has also previously appointed two Council representatives to the Turquoise Coast Visitors Centre Working Group which currently consists of:

Members:

Cr Darren Slyns

Cr Peter Scharf

Proxy Members:

Cr Judy Kulisa

Cr Wayne Gibson

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Council Policy 1.7 applies.

FINANCIAL IMPLICATIONS

Elected members representing the Shire of Dandaragan as Council endorsed delegates are eligible to claim travel expenses in accordance with Policy 1.7.

STRATEGIC IMPLICATIONS

A number of the delegate positions relate to working groups or committees that have direct involvement with specific actions within the Shire of Dandaragan Community Strategic Plan.

ATTACHMENTS

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

- Current list of delegates to outside committees and organisations as at 29 October 2015 (Doc Id: 99935)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Richardson

That Council suspend standing orders at 4.36pm.

CARRIED 9 / 0

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COUNCIL DECISION

Moved Cr Eyre, seconded Cr Gibson
That Council resume standing orders at 4.54pm.

CARRIED 9 / 0

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr McGlew
That Council appoint the following delegates for the term of
the current Council:

Advance Dandaragan	Cr McGlew, Cr Slyns (proxy)
Aggies Cottage Management Committee (Wolba Wolba)	Cr McGlew
Audit Committee (Shire of Dandaragan)	Cr Eyre, Cr Scharf, Cr McGlew, Cr Slyns
Avon Midland Zone WALGA	President & Deputy President, Cr Slyns
Badgingarra Community Centre Management Committee	Cr Richardson
Badgingarra Community Association	Cr Richardson, Cr Gibson (Proxy)
Central Coast Health Advisory Group	Cr Richardson, Cr Eyre
Central West Coast Senior Citizen Group Inc.	Cr Holmes, Cr Scharf (Proxy)
Cervantes Chamber of Commerce	Cr Holmes, Cr Shanhun (Proxy)
Cervantes Community Recreation Centre Inc	Cr Holmes, Cr McGlew (Proxy)
Cervantes Ratepayers and Progress Association	Cr Gibson, Cr Clarke (Proxy)
Community Grants	Cr Holmes, Cr McGlew, Cr Richardson, Cr Slyns
Dandaragan Community Centre Management Committee	Cr McGlew
Dept of Transport - Marine Advisory Committee - Cervantes	Cr Slyns
Dept of Transport - Marine Advisory Committee – Jurien Bay	Cr Scharf
Gingin-Kalbarri Sub-Regional Planning Steering Group	Cr Scharf, Cr Holmes
Jurien Bay Chamber of Commerce	Cr Shanhun, Cr Gibson (Proxy)
Jurien Bay Community Resource Centre Committee	Cr McGlew, Cr Shanhun (Proxy)
Jurien Bay Community Centre Management Committee	Cr Gibson
Jurien Bay Ratepayers and Progress Association	Cr Eyre
Jurien Bay Airport Working Party	Cr Gibson, Cr Scharf
Lancelin Defence Training Area Management Advisory Committee	Cr Scharf, Cr Gibson
Leeuwin Scholarship Panel	Cr Shanhun, Cr Scharf, Cr Slyns, Cr Richardson
Local Emergency Management Committee	Cr Slyns, Cr Scharf (Proxy)
Mid-West / Wheatbelt Joint Development Assessment Panel	Member Cr Scharf

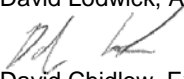

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Existing members do not require re-nomination as this is a Ministerial Appointment.	Member Cr Eyre Alternate Member Cr McGlew Alternate Member Cr Richardson
Moora Local Health Advisory Group	Cr Richardson
Moore Catchment Council	Cr McGlew, Cr Richardson (Proxy)
Moora Sub Regional Road Group	Cr Gibson, Cr McGlew (Proxy)
Northern Growth Alliance (Chittering, Dandaragan & Gingin)	Shire President Deputy President (proxy)
Turquoise Coast Visitor Centre Working Group	Cr Scharf Cr Shanhun Cr Slyns (Proxy)
West Koojan - Gillingarra Land Conservation District Committee	Cr McGlew

CARRIED 9 / 0

9.4 DEVELOPMENT SERVICES

9.4.1 PROPOSED PYLON SIGN - LOT 219 CADIZ STREET CERVANTES

Location:	Lot 219 Cadiz Street, Cervantes
Applicant:	Mark Knowles
File Ref:	Business Classification Scheme / Laws and Enforcements / Local Laws / Signs and Hoardings
Disclosure of Interest:	None
Date:	10 October 2017
Author:	David Lodwick, Acting Manager of Planning.
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for a pylon sign to be erected within the property boundary of the subject land to advertise the existing 'Cervantes Bar and Bistro' business.



BACKGROUND

The property is zoned 'Commercial' under the local planning scheme and is 5316m² in area.

An existing tavern is located on the property and has been subject of extensions and renovations over the years. The development site has frontage to both Cadiz Street and Alva Way.

COMMENT

The size is 1830mm x 1235mm
Pole to underside is 3500mm

The plans identify the proposed location of the pylon sign as approximately 3m to 4m within the confines of the property and adjacent to an existing car parking area fronting Alva Way.

The sign will be illuminated.

CONSULTATION

Nil

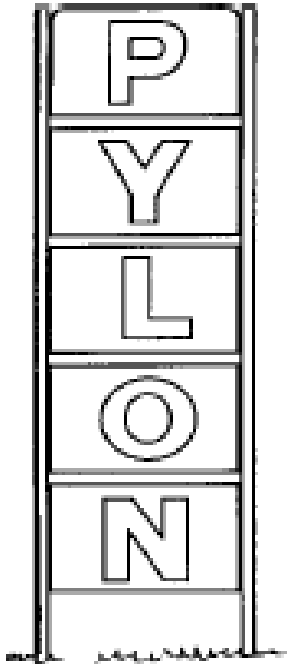
STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

LPP 8.6 Advertising Devices (extract below)

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<p style="text-align: center;">Pole or Pylon Sign</p> 	<p>DEFINITION: A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added.</p> <p>REQUIREMENTS:</p> <ol style="list-style-type: none"> a) Max 6m above the level of the ground immediately below it; b) Not exceed 4m² in area unless approved by the Shire; c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions; d) Not within 2m of side boundaries of the lot on which is it erected unless the lot abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2m; e) Not be within 6m of another sign erected on the same lot; <p>Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all pylon signs to be incorporated into one sign in which case:</p> <ol style="list-style-type: none"> a) All of the constituent or infill signs are of an equal size; and b) One constituent or infill sign is provided for each business, shop or unit on the lot. <p>APPLICATION: Requires Planning Approval (Council Approval).</p>
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FINANCIAL IMPLICATIONS

The applicant has paid a sum 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:

- Applicant's submission including site plans, sign wording and colour scheme, and specifications (Doc Id: 99634)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanahun, seconded Cr Scharf

That Council grant approval for proposed Pylon Sign at Lot 219 Cadiz Street Cervantes in accordance with application dated 6 October 2017 and subject to the following conditions:

- 1. Signage shall accord with the attached plan(s) and specifications dated 6 October 2017 and subject to any**

modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.

2. Use of low level of illumination only to Council's satisfaction.
3. No flashing or pulsating of Sign.
4. The Sign to be setback a minimum of 2 metres from side boundary in accordance with Council Policy.

Note 1: 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 2: 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.

CARRIED 9 / 0

Garrick Yandle declared an impartiality interest due to parents in-law owning the adjoining property at Lot 297 (18) Dalton Street, Jurien Bay.

9.4.2 PLANNING APPROVAL – CARPORT (PROPOSED RCODE VARIATION) - LOT 298 DALTON STREET, JURIEN BAY

Location:	Lot 298 Dalton Street, Jurien Bay
Applicant:	Outdoor World Wangara
Folder Path:	Development Services Apps / Development Applications / 2017 / 51
Disclosure of Interest:	None
Date:	12 October 2017
Author:	David Lodwick, Acting Manager of Planning.
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The applicant seeks planning approval to construct a 'carport' on the subject land. The structure is essentially proposed for storage of a large boat.



BACKGROUND

The property contains an existing approved dwelling and an approved outbuilding (48m²) located behind the main dwelling. The subject land is R12.5 and located within a built up residential area of the Jurien Bay townsite.

COMMENT

Under the Residential Design Codes a 'Carport' is defined as:

"A roofed structure designed to accommodate one or more motor vehicles unenclosed except that to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."

The proposed carport on submitted drawings is shown of dimension 11m x 4.620m = 50.82m² with wall height (3.830m) and ridge height (4.440m) to the colorbond surfmist dome roof. It is identified as open on the north side facing the existing shed and supported by 4 columns with a parapet wall along the boundary of the adjoining land on the southern side (lot 297). A 1m rear boundary setback is proposed.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' *"All garages and carports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m."* The application contravenes both floor area and wall height.

The Council may consider applications for carports and garages that exceed the size limitations defined above, where certain criteria are met. However in this case, the application does not meet criteria a) and b) of the Policy.

The application also does not comply with the side setback requirement of the Residential Design Codes which requires that a

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wall without major opening with wall height of 4m or less and length of 11m or less to be setback a minimum of 1.5m from a side boundary. The proposed side setback is nil.

CONSULTATION

The application was referred to the adjoining neighbours with a two week comment period until 16 October 2017. No responses were received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- State Planning Policy 3.1 Residential Design Codes (R-Codes)

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’

“POLICY STATEMENT

Carpports and Garages

1. *All garages and carports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m.*
2. *The Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria are, in the opinion of Council, satisfactorily addressed;*
 - a) *the garage or carport is attached to and forms part of the adjoining dwelling;*
 - b) *the garage or carport is situated under the roof line of the adjoining dwelling;*
 - c) *the garage or carport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);*
 - d) *the garage or carport will not have an impact on the streetscape or amenity of the area; and*
 - e) *the garage or carport complies with any design guidelines adopted by Council.*
3. *All carports and garages shall be constructed of materials that match or complement the dwelling on the site.*
4. *The use of zincalume wall cladding in garages and carports will not be permitted.”*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Applicant submitted plans (Doc Id: 99687)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Eyre

That Council refuse planning approval for the proposed carport on Lot 298 Dalton Street, Jurien Bay for the following reasons:

- 1. the proposed development does not comply with Table 2a of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;**
- 2. the proposed carport does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the specified floor area and wall height maximums for a carport;**
- 3. the proposed development would detract from the visual amenity of neighbouring properties;**
- 4. the proposed development does not comply with orderly and proper planning for the locality;**
- 5. Approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted Policy.**

Advice Notes:

Note 1: 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 PROPOSED SEASONAL WORKERS ACCOMMODATION –
LOT 3608 COOMBERDALE WEST ROAD BADGINGARRA**

Location:	Lot 3608 Coomberdale West Road, Badgingarra
Applicant:	Joseph Ling – Agrifresh Pty Ltd
Folder Path:	Development Services Apps / Development Applications 2017 / 54
Disclosure of Interest:	None
Date:	10 October 2017
Author:	David Lodwick, Acting Manager of Planning.
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The Council is in receipt of an application for seasonal workers accommodation on the subject land.

Application letter dated 18 September 2017 from Joseph Ling Managing Director of Agrifresh Pty Ltd states:

“Agrifresh is a locally owned orchard operating in Dandaragan. We established the orchard in 2005 and now is one of the largest citrus producers in Western Australia. We supply premium citrus and mango in domestics and export markets.

Over the last 3 years, we have identified a need for building our own accommodation for our seasonal workers.

1) Purpose of the accommodation

- a. Safety of employees – over the years, we have had several serious accidents and near misses. For instance: Numerous crashes by the roadside, car of 5 passengers rollover, car of 2 ladies crashed and had to be lifted by helicopter to be operated on.*
- b. Our ‘start and finish time varied, and often is too dangerous for workers to be travelling on the road during dusk and dawn back to their accommodation, which often 30-40 minutes away.*
- c. Backpackers are a prominent employee so we need to accommodate them as often they are not willing to come unless there is assurance of accommodation nearby.*

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- d. *New HARP and SQF standard requirement by national vendor supply contract to Coles and Woolworths.*

2) *Numbers Accommodated*

- a. *We have all our key employees (4) who live in existing housing on the farm. They are mainly supervisors, manager.*
- b. *We will employ up to 30-40 seasonal workers during the season as pickers (20 person) and packers (10 person).*
- c. *We also source extra 10-15 local workers from Badgingarra, Dandaragan, Moora.*
- d. *The number of people who will utilise the accommodation varies depending on task required in the orchard.*

3) *Period of Operation*

- a. *The facility will not be OPEN all the time. It will only be made available when we have a larger group of seasonal workers onsite. Below shows the type of work we do during different phases of the orchard.*

Month	Harvest	People
February	Mango harvest	About 20-25 people
May-Sept	Citrus harvest	About 30-35 people
Aug-Oct	Pruning	About 4 people

- b. *During the operation period of the accommodation, we have committed to employ a care-taker to oversee the accommodation. This will ensure that people staying there are safe and facilities are well taken care of.*

4) *Practice Involved*

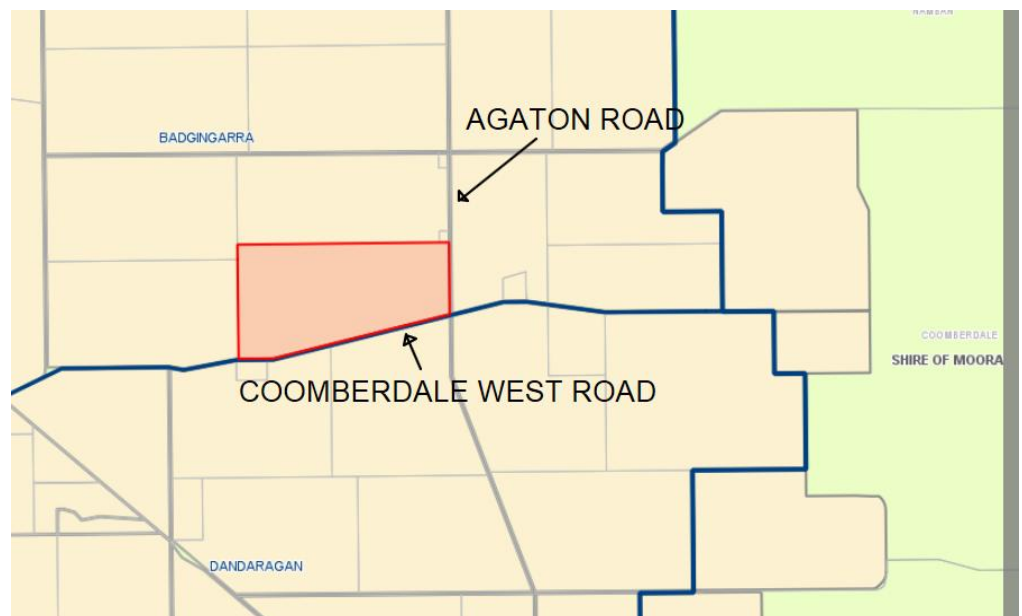
- a. *The seasonal workers are employed by hourly rate or by bin rate, depending on the team they are in. We adhere to horticultural award rate in all our employment contract.*
- b. *We have strict biosecurity protocol on-site, therefore, all seasonal workers are inducted to meet our quality standard and duty of care. This is important as our fruits are exported to some high protocol market (e.g. China).*
- c. *We always build healthy culture within our team. We regularly organise BBQ and team building exercise to motivate and encourage them. Because of the remoteness of our location, we create facilities for recreational activities for them to enjoy and family environment.*

5) *Benefits the Business brings to the area*

- a. *Since operating in Dandaragan for 13 years, we have been providing employment opportunities to many local residents (including Aboriginal).*
- b. *Promoting the region, Agrifresh has been awarded Business of the Year 2016 by WBN, selected by Premier office to push tourism 'WA Worth Sharing' international campaign, Finalist in Exporter of WA and many more.*
- c. *We drive interest back into horticulture sector by training young people in our business and created a career path for them.*

I hope and trust that the Shire of Dandaragan would support our growth requirement in developing this desperately needed accommodation site."

A locality plan of the site is shown below.



BACKGROUND

Agrifresh began onsite operations in 2005 following planning approval in January 2005 for the establishment of a 200ha citrus orchard. The business expanded into the Mango industry in 2012 with a 45ha orchard. In 2013, a building licence was issued for a large packing facility shed (3600m²) equipped with grading equipment and cool room facility.

Council previously supported 'in-principle' an application for onsite accommodation for workers on Loc 3608 Coomberdale West Road, Badgingarra at its meeting of 21 September 2006 subject to the following conditions:

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- a) *Submission of a properly designed and detailed site plan inclusive of landscaping, access and proposed drainage;*
- b) *The use of high quality second-hand buildings as approved by Council's Manager Building Services;*
- c) *The development maintaining high visual appearance and amenity; and*
- d) *The advertising of the proposal in accordance with clause 6.2.2 of the Shire of Dandaragan Town Planning Scheme No.6."*

The above application was not progressed and has expired, hence the fresh application now lodged for consideration of Council.

COMMENT

'Seasonal Workers Accommodation' is best classified as a 'Use Not Listed' under the Shire's Local Planning Scheme.

Clause 3.4.2 of the Scheme provides:

"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."*

Access/egress to the proposed accommodation is proposed off both Agaton and Coomberdale West Road, with the development located in the south east corner of the property near the intersection of these roads. The proposal will have minimal visual and amenity impact to neighbouring land with the proposed development being located on a large rural landholding well away from built up areas. Also, some vegetation already exists along the frontage of these two respective roads. Wastewater will be addressed by way of four septic systems and potable water will be provided.



The submitted plans provide for 10 dongas (14.4m x 4.2m) with 4 partitioned bedrooms in each donga. The applicant advises that each room will have its own bathroom, toilet, TV and fridge. Adjacent to the dongas are some recreational facilities (e.g. basketball court) not yet constructed. Also, shown on plans central to the development is a prefabricated mess building (approx.165m²) with kitchen, dining, laundry and indoor recreation facilities.

The proposal has been advertised, similar to the previous proposal. The current application is now brought before Council for determination.

CONSULTATION

Adjoining landowners were notified to provide comment and the proposal was advertised in the 'Craytales' (4 October to 18 October) for same period. No responses were received.

STATUTORY ENVIRONMENT

- The Planning Act 2005
- The Shire of Dandaragan's Local Planning Scheme No.7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Planning fee of \$1440 has been paid by the applicant.

STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Photos of Dongas (Doc Id: 99373)
- Site Plans, Floor Plan of Dongas, Floor Plan of Mess Building (Doc Id: 99620)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION



Moved Cr Gibson, seconded Cr McGlew

- A. Determine that the use of seasonal workers accommodation at Lot 3608 Coomberdale West Road Badgingarra is consistent with the objectives and purposes of the Rural zone and;**
- B. Grant approval to the proposal for seasonal workers accommodation in accordance with application dated 25 September 2017 including letter dated 18 September 2017 and amended plans received 28 September 2017 subject to the following conditions:**
- 1. The accommodation being for the exclusive use of persons employed or contracted in the operation of the existing business – Agrifresh Pty Ltd.**
 - 2. Duration of occupation to be restricted to the months of February, May, June, July, August, September, October.**
 - 3. The proposed development site being screened from view by additional native plantings of trees and bushes directly adjacent to and surrounding the dongas to the satisfaction of the local authority.**
 - 4. All drainage from the development site to be retained on site to the specification and satisfaction of the local authority.**
 - 5. Compliance with relevant health regulations including the provision of approved on site effluent disposal systems to the standards and requirements of the local authority and/or the Health Department of WA.**
 - 6. Any food premises to be approved and registered by the local authority.**
 - 7. All waste generated from the accommodation site being appropriately contained with arrangements being made for its removal not less than once a week, during operation of the accommodation.**

8. Provision of potable water being to the satisfaction of the Shire's Principal Environmental Health Officer and the Health Department of WA with all sampling, analysis and/or treatment costs being borne by the landowner.
9. Preparation and implementation of a Fire Management Plan to the satisfaction of the Local Authority.
10. Driveway access and carparking area for the development to be constructed and drained to an appropriate gravel standard to the satisfaction and specification of the Executive Manager Infrastructure.
11. The applicant implementing a Management Plan to the satisfaction of the Local Authority that includes:
 - a) Site Management;
 - b) Vehicles;
 - c) Rubbish;
 - d) Noise;
 - e) Dealing with complaints;
 - f) Safety and Emergency Procedures;
 - g) Visitors.

CARRIED 9 / 0

9.4.4 SCHEME AMENDMENT NO 35 INITIATION AND CONSENT TO ADVERTISE - JURIE BAY CITY CENTRE STRATEGY

Location:	Various locations
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Scheme Amendment 7.35
Disclosure of Interest:	None
Date:	16 October 2017
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

This submission seeks to initiate a Scheme Amendment to rezone and introduce various zoning controls over the various landholdings within the Jurie Bay City Centre Strategy (JBCCS) Plan Area ('the subject land') under the Shire of Dandaragan Local Planning Scheme No.7 (LPS 7).

The rezoning introduces appropriate management controls relating to land use, development, design of development, servicing, to provide for a sustainable form of development as envisaged by the JBCCS Plan.

The Scheme Amendment also provides an opportunity to update elements of LPS 7 to be more consistent with the *Planning and*

Development (Local Planning Schemes) Regulations 2015 (‘the Regulations’). However, the Amendment is not intended to be the mechanism for a comprehensive review of LPS 7 as required under regulation 65 of the Regulations, which shall be undertaken at a later stage.

BACKGROUND

The JBCCS Plan was adopted by the Shire of Dandaragan in 2012. The JBCCS Plan provided a clear direction for the future planning, development and management of the Jurien Bay City Centre. The adoption of the JBCCS Plan followed extensive public consultation and engagement, which indicated that the existing community values recognised the laid back and friendly character of the town, but also recognised the future potential of the town and the need to address deficiencies and aspects that should be improved.

The implementation of the plan is highly dependent on provision of mains sewer being constructed in the town centre precinct. With the completion of the sewer pump station and commencement of works for various stages of infill sewer, it is timely for the Shire of Dandaragan to implement a Scheme Amendment to support more intense development and allow for future sewer dependent development as envisaged in the JBCCS Plan. Another trigger that supports zoning changes is the opportunity for redevelopment of Lot 96 Bashford Street, which is currently constrained by virtue of the existing zoning from being redeveloped as envisaged under the JBCCS Plan.

COMMENT

The JBCCS Plan is the primary strategic planning document which has informed the preparation of Scheme Amendment 35 and accordingly, this Scheme Amendment Report should be read in conjunction with the JBCCS Plan.

The JBCCS Plan divides the City Centre into six precincts as illustrated on the Land Use Map provided in the attachments and are described as follows:

- A - Northern
- B – Central
- C – Southern
- D - Eastern
- E - Civic Uses
- F - Community Uses

The six precincts form the basis for describing the role, land use, character and key development standards of height, bulk and the relationship of buildings and parking to the street for most land uses. As envisaged by the JBCCS Plan, the precinct descriptions have formed the basis for the zones and development controls proposed by Scheme Amendment No. 35. In this regard, key elements of the JBCCS Plan reflected in the Amendment include:

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- Retaining land designated for commercial use within the 'Commercial' zone;
- Retaining land designated for tourism use within the 'Tourist' zone;
- Including land designated for tourism/residential use within the 'Tourist' zone;
- Including land designated for office/residential and commercial/residential uses within a 'Mixed Use' zone;
- Recoding residential land as dual coded, generally as R12.5/25.

OBJECTIVES OF THE MIXED USE ZONE

Clause 3.2 will be amended to include the following objective for the Mixed Use Zone, in accordance with the Regulations:

- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.

ZONING TABLE AMENDMENTS

Table 1 – Zoning Table shall be amended to introduce the Mixed Zone. The permissibility of the various Use classes under the Mixed Use zone are included at the Zoning Table.

Various other minor amendments to the Zoning Table to correct existing anomalies are also highlighted in the Zoning Table.

ADDITIONAL PROVISIONS

LPS 7 currently contains the following provision relating to the requirement for a licensed wastewater disposal service as a prerequisite for subdivision above the R12.5 density code:

'4.2.6 At the time of subdivision, land with a Residential Density Code above R12.5 must be provided with a licensed wastewater disposal service. AMD 26 GG 17/07/2015'

It is suggested this clause be replaced with the following clause under 4.3 - Special Application of Residential Design Codes:

'4.3.1 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.'

In order to incentivise higher quality built form on corner lots, including improved residential streetscapes and improved passive surveillance to both primary and secondary streets, many local

planning schemes in Western Australia provide a density bonus for subdivision and development of corner lots. In some cases, a Local Planning Policy is also prepared to facilitate improved built form outcomes.

A new clause 4.3.2 could be included to this effect, as follows:
'For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy.'

In relation to Lot 303 Dalton Street which is currently coded Residential R17.5, an R12.5/25 coding is recommended, on the basis that sewer is already available within Dalton Street (and existing clause 4.2.6 would limit subdivision to R12.5 if the lot itself was not connected to the reticulated sewer service).

Within the City Centre, it is proposed the Residential Design Code for mixed use, multiple dwelling or where permissible, grouped dwelling development in the Mixed Use or Tourist Zone shall be up to a maximum of R80. In order to qualify for development up to R80, a local planning framework in the form of a Local Development Plan or Local Planning Policy should be developed which would establish Design Guidelines in relation to achieving high quality built form, site responsive design, mixed uses, landscaping, access and parking etc. A new clause 4.3.3 is recommended to this effect.

The Shire of Dandaragan has previously received Scheme Amendment applications seeking to provide for increased residential land use (with no limit on length of occupancy) within the Tourist zone. Currently LPS 7 does not clearly state that it is an objective of the Tourist zone to limit residential development. In order to prevent development of key Tourist zoned land parcels for residential development with no limitation on the length of occupancy, an additional provision is recommended for inclusion under clause 3.2 Objectives of the Zones as follows:

- *To allow limited residential uses where appropriate.*
 Generally, appropriate locations for residential development on Tourist zoned land would be in those locations recommended by the JBCCS Plan for tourist/residential development. The development of Local Development Plans or a Local Planning Policy addressing the requirements of a new clause 4.3.3 would also assist in guiding planning decision making in relation to this issue.

AMENDED SCHEME MAPS

Scheme Maps depicting the subject land have been amended generally in accordance with the recommendations of the JBCCS Plan as illustrated on the Land Use Map included in the attachments.

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Where the Land Use Map designates Tourism/Residential land use, this has been shown as 'Tourist' zone. Where the Land Use Map designates Office/Residential or Commercial/Residential, this has been shown as 'Mixed Use' zone.

AMENDMENTS TO PUBLIC PURPOSE RESERVES

Minor amendment to public purpose reserves are proposed to reflect the existing nature of land use of public purpose reserves within the area subject to Scheme Amendment No. 35.

INFRASTRUCTURE REQUIREMENTS

4.7.1 Reticulated Sewer Infill Programme

As referenced under section 2.5 of this Report and reflected in the sewer infill staging plans included at Appendix B, a key driver of the Scheme Amendment is the progressive implementation of the sewer infill programme.

A new Scheme provision is proposed to ensure residential development and subdivision at the higher (R25) density code only occurs where lots are connected to reticulated sewer.

CONSULTATION

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

STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Council has approved funding of \$20,000 towards the preparation of this Scheme Amendment.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use planning across the Shire, with focus on coastal settlement and town centre strategy b) Strategic projects with a focus on planning and land availability for health precinct and further residential development c) Activate Growth Plan
1.5 Facilitate industry, population and visitor attraction and growth to expand and diversify the regional	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership

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economy	with the Department of Parks and Wildlife
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

ATTACHMENTS

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

- Scheme Amendment No 35 (Doc Id: 99990)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Richardson

That Council:

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

- 1. Rezoning Lots 283-289 Heaton St from Residential R12.5 to Tourist.**
- 2. Rezoning Lots 1&2 Hasting St and Lots 251-258 Bashford St Residential R12.5 to Tourist.**
- 3. Rezoning Lots 429 – 434 from Residential R12.5 to Tourist.**
- 4. Rezoning Lots 37 & 38 Grigson St and Lots 50-60 Padbury St from Residential R12.5 to Tourist.**
- 5. Rezoning Lots 1 & 2 Heaton St and Lot 690, 11 & 12 Dalton St and pt Lot 259 – 262 and Lots 369 & 370 and pt Lot 1215 Doust St from Residential R12.5 to Mixed Use.**
- 6. Rezoning Lots 162 Batt St and Lots 130-142 Bashford St and Lots 143 & 144 Whitfield Rd from Residential R12.5 to Mixed Use.**
- 7. Deleting Additional Use 4 and rezoning Lots 129 Batt St from Residential R12.5 to Mixed Use.**
- 8. Deleting Additional Use 1 and rezoning Lots 1 & 2 Padbury St, Lots 78-81, 92, 96-98 Cook St and Lot 95 Bashford St from Residential R12.5 to Mixed Use.**
- 9. Recoding all residential zoned lots within the City Centre area from Residential R12.5 to Residential R12.5/25.**
- 10. Reclassifying Lot 675 Bashford St from Public Purposes: Fire Services to Public Purposes: Emergency Services.**
- 11. Reclassifying Lot 674 & 676 Bashford St from Public Purposes: Church to Public Purposes.**
- 12. Reclassifying Lot 125 Bashford St from Public Purposes: Utility to Public Purposes: Emergency Services.**
- 13. Introducing objectives for the Mixed Use zone under Clause 3.2 as follows:**

- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
 - *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*
14. Introducing an additional objective for the Tourist Zone under Clause 3.2 as follows:
- *To allow limited residential uses where appropriate.*
15. Deleting Clause 4.2.6 and introducing Clause 4.3.1 and 4.3.2 as follows:
- '4.3.1 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.'*
- '4.3.2 For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy.'*
16. Introducing Clause 4.3.3 as follows:
- 'Within the City Centre, the Residential Design Code for any mixed use, multiple dwelling or, where permissible, grouped dwelling development in the Mixed Use or Tourist Zone shall be up to a maximum of R80. In order to qualify for residential development up to R80, a local planning framework in the form of a Local Development Plan or Local Planning Policy should be developed which would establish design guidelines addressing matters including, but not limited to achieving high quality built form, site responsive design, mixed uses, landscaping, efficient access and parking.'*
17. Amending the Table 1: Zoning Table by introducing the permissibility of use classes under the Mixed Use zone and amending various land use permissibility anomalies as indicated in boldtext as follows:

TABLE 1: ZONING TABLE

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Special Use Zone: Use in accordance with Schedule 4 Special Development Zone: Use in accordance with Schedule 8

Use Classes	P-Permitted			D – Discretion			A – Advertising			X – Not Permitted		
	Residential	Commercial	Industrial	Harbour	Marine Services	Mixed Use	Rural	Rural Residential	Tourist	Special Development		
Aged or Dependent Persons	A	X	X	X	X	X	X	X	D			
Agriculture Extensive	X	X	X	X	X	X	P	X	X			
Agriculture Intensive	X	X	X	X	X	X	D*	X	X			
Agroforestry	X	X	X	X	X	X	D*	X	X			
Animal Husbandry Intensive	X	X	X	X	X	X	D*	X	X			
Aquaculture	D	D	D	D	D	X	D	X	X			
Bed and Breakfast	A	P	X	X	X	P	A	D	P			
Cabin	X	X	X	X	X	X	A	A	P			
Caravan Park	X	X	X	X	X	X	X	X	P			
Caretakers Dwelling	D	D	D	D	X	D	D	D	D			
Chalet	X	X	X	X	X	X	A	A	A			
Child Care Premises	X	D	X	X	X	D	X	X	X			
Cinema / Theatre	X	P	X	X	X	D	X	X	P			
Civic Use	X	D	X	A	X	D	X	X	D			
Club Premises	X	D	X	D	X	D	X	X	D			
Community Purposes	X	D	X	D	X	D	A	X	D			
Consulting Rooms	A	P	D	X	X	P	X	X	X			
Convenience Store	A	P	D	X	D	D	X	X	D			
Corrective Institution	X	X	D	X	X	X	D	X	X			
Cottage Industry	A	D	P	X	X	D	D	D	D			
Single House	P	D	X	X	X	X	P	P	D			
Educational	D	D	X	D	X	D	X	X	X			
Exhibition Centre	X	D	D	X	X	D	X	X	X			
Extractive Industry	X	X	X	X	X	X	A	X	X			
Fast Food Outlet	X	P	D	D	D	D	X	X	D			
Fuel Depot	X	X	A	D	D	X	X	X	X			
Funeral Parlour	X	A	D	X	X	X	X	X	X			
General Industry	X	X	P	X	X	X	X	X	X			
Group Dwelling	A	X	X	X	X	X	X	X	D			
Holiday House	D	X	X	X	X	P	P	P	P			
Home Occupation	D	D	X	X	X	D	P	D	D			
Hospital	X	D	X	X	X	X	X	X	X			
Hotel	X	P	X	A	X	A	X	X	P			
Industry Rural	X	X	P	X	X	X	A	X	X			
Light Industry	X	X	D	D	D	X	X	X	X			
Market	X	P	D	X	X	D	X	X	D			
Mining Industry	X	X	P	X	X	X	A	X	X			
Motel	X	P	X	X	X	A	X	X	P			
Motor Vehicle Repairs	X	P	P	X	X	X	X	X	X			
Multiple Dwelling	A	X	X	X	X	P	X	X	D			
Night Club	X	D	X	X	X	X	X	X	P			
Office	X	P	A	D	D	P	X	X	X			

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Roadhouse AMD 6 GG 30/11/12	X	D	X	X	X	X	X	X	X
Park Home	X	X	X	X	X	X	X	X	P
Place of Worship	A	X	X	X	X	D	A	X	D
Reception Centre	X	D	X	X	X	D	X	X	D
Residential Building	D	X	X	X	X	D	X	X	D
Resort	X	X	X	P	X	A	A	X	P
Restaurant	A	P	X	A	D	P	X	X	P
Rural Pursuit	X	X	X	X	X	X	P	D	A
Serviced Apartment	X	X-D	X	P	X	P	X	X	P
Service Industry	X	X	P	D	D	D	X	X	X
Service Station	X	P A	D	A	X	A	X	X	D
Shop	X	P	D	A	D	D	X	X	D
Showroom AMD 6 GG 30/11/12	X	D	D	D	X	D	X	X	X
Tavern	X	P	X	A	X	A	X	X	P
Trade Display	X	P	P	D	D	D	X	X	X
Veterinary Centre	X	D	D	X	X	A	A	X	X
Warehouse	X	D	P	D	D	X	X	X	X

* Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are "D" uses in a Public Drinking Water Supply Area where Local government will have due regard to the potential impact on groundwater quality. (See 5.22)

18. Amending the Scheme Map accordingly.
19. Resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 35 is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:
The amendment is consistent with the Jurien Bay City Centre Strategy that has been approved by the Shire of Dandaragan; (Section 34).
20. Authorise Council officers to prepare the scheme amendment documentation.
21. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
22. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 35 to the Environmental Protection Authority;
23. pursuant to regulation 37 (2) of the Regulations, provides two copies of Amendment 35 to the Western Australian Planning Commission
24. proceed to advertise the amendment to the local planning scheme without modification.

CARRIED 9 / 0

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9.4.5 PROPOSED RELOCATION OF A TRANSPORTABLE OFFICE BUILDING AND CONVERSION TO DWELLING USE – LOT 72 JURIEN BAY VISTA, JURIEN BAY HEIGHTS

Location:	Lot 72 Jurien Bay Vista, Jurien Bay Heights
Applicant:	P & J Emmanuel
Folder Path:	Development Services Apps / Development Applications / 2017 / 40
Disclosure of Interest:	None
Date:	17 October 2017
Author:	David Lodwick, Acting Manager of Planning.
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

Council is in receipt of a proposal to relocate a transportable office building (Donga) onto Lot 72 Jurien Bay Vista, Jurien Bay Heights and then convert into a dwelling on the subject land.



BACKGROUND

Previously, Council under delegation issued a development approval and building license for a 66.5m² outbuilding on the subject land. The shed is approximately 70 metres from the front boundary and 30 metres from the side. Other property improvements include an existing driveway and 135,000 litre water tank. Also, located on the property is a portable toilet, tractor and and two caravans. The property is just over 4 hectares in area.



COMMENT

Council does not have a Policy which effectively deals with this type of proposal.

Council's Local Planning Policy 8.1 'Relocated Dwellings' is used to regulate *"any dwelling which is of prefabricated construction, constructed by a manufacturer and transported to a predetermined site, placed on stumps or other Council approved materials and used for the purpose of human habitation."*

However, this proposal is for a 12m x 3m Donga, (manufactured as a transportable 'office'), which is proposed to be relocated onto Lot 72 and then converted into a dwelling. The donga is proposed to be redesigned to incorporate two bedrooms, a living room and sink and cupboards as shown on the applicant's sketch plans. The applicant has also provided a floor plan of the office building from the manufacturer.

The donga is identified on the submitted site plan for placement behind the existing shed and approximately 4m from same. A BAL assessment for the Donga has been undertaken by an accredited assessor, as the property is located within a Bush Fire Prone area. A BAL 19 was determined which would allow for such development to occur on site.

Under the Building Code of Australia, to convert an office building (Class 5) to a dwelling (Class 1), the following 'Required Facilities' are outlined under Clause 3.8.3.2 of the Code:

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

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Under point (b) above, scope exists for facilities to be detached from the main building (Donga). In this regard, it is noted that the existing approved shed adjacent to the proposed donga location, contains a lean-to addition with shower, toilet and laundry. Such facilities were not identified on the original plans of the outbuilding, which was granted a building license as a general purpose shed. The applicant has been requested to provide building specifications of the existing addition to the building department.

Appropriate cooking facilities would also need to be provided in the Donga, to convert the Donga into a habitable dwelling.

The applicant advises that a bore has been installed near the front of the block adjacent to the power supply and provides potable water (800 gallons/hour) to a 135,000 litre rainwater tank adjacent to the existing shed with shutoff valves for watering the garden or for drinking water from the tank. This supply of potable water would appear to meet the intent of requirement 7.1 of the Jurien Bay Heights development guidelines which states: *“Each dwelling shall be provided with a supply of potable water comprising not less than 120,000 litres of storage directly connected to the necessary roof catchment area to provide this supply.”*

Such housing type has not been approved previously within ‘Jurien Bay Heights’ and the granting of approval of same would set an undesirable precedent for similar applications in the future. Furthermore, the proposal could be considered to be in conflict with Clause 2.1 of the Development Criteria for Jurien Bay Heights in respect of amenity impacts to neighbouring land, although visual impact may be mitigated to some extent by placement behind the existing shed.

Clause 2.1 reads:

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

As such, refusal of the application is recommended.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Development to be undertaken in accordance with the provisions of *Shire of Dandaragan Town Planning Scheme No.7, Planning and Development Act 2005* and *Building Code of Australia*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$147.

STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

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

<i>Goal 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

- Site Plan, Existing and Proposed New Floor Plan of Donga and Photo of Donga (Doc ID: 99900)
(Marked 9.4.5)

VOTING REQUIREMENT

Simple Majority

David Chidlow left the room at 5.10pm and re-entered at 5.11pm.

Scott Clayton left the room at 5.11pm and re-entered at 5.12pm

OFFICER RECOMMENDATION

Moved Cr Gibson, seconded Cr Eyre

Council refuse the application for relocation and conversion of a transportable office building (donga) for dwelling use at Lot 72 Jurien Bay Vista, Jurien Bay Heights for the following reasons:

1. Approval of the application would set an undesirable precedent for future applications for such housing type within the 'Special Use – Rural Development' zone.
2. Council considers that this type of transportable building will not satisfactorily blend in with the rural development landscape and will have undue adverse impact on the visual amenity of the adjoining sites and surrounding locality in contravention of Clause 2.1 of the Development Criteria for the Estate as listed under Schedule 9 of the Shire of Dandaragan Local Planning Scheme No.7.
3. The proposed development does not comply with the orderly and proper planning for the locality.

LOST 1 / 8

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

Council grant planning approval to relocate the proposed transportable building (donga) to Lot 72 Jurien Bay Vista, Jurien Bay, and convert/re-design for dwelling for a period of three (3) years subject to:

1. All development shall be in accordance with application and plans dated 7 August 2017 unless required to be amended hereunder.
2. The proposed transportable dwelling is to be removed by 26 October 2020 or on completion / habitation of a separate permanent dwelling on the subject lot whichever occurs first.
3. The converted dwelling to be connected to an effluent disposal system in accordance with local authority requirements.
4. The area around the effluent disposal systems shall be planted with indigenous trees and shrubs by the land owner and be maintained to the satisfaction of the local authority.
5. The roof and wall material to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site.
6. A bond of \$2000 is to be submitted by the applicant. The bond money is to be refunded when the structure is removed.
7. Existing shed is not be used for habitable purposes.

CARRIED 9 / 0

The Officer Recommendation was not adopted as Council considered a variety of housing types was appropriate for this area.

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER 2017 COUNCIL STATUS REPORT

Document ID: 99763

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 28 September 2017. **(Marked 9.5.1)**

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

Document ID: 99870

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

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9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2017

Document ID: 99371

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

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – SEPTEMBER 2017

Document ID: 99126

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

9.5.5 OFFICE OF THE AUDITOR GENERAL – LOCAL GOVERNMENT AMENDMENT (AUDITING) ACT 2017

Document ID: 99085

Attached to the agenda is correspondence from the Auditor General Mr. Colin Murphy in relation to Local Government Amendment (Auditing) Act 2017. *(Marked 9.5.5)*

Council requested the CEO to raise its concern with the Avon Midland Zone of WALGA regarding the potential increased costs associated with the outsourcing of the Audits by the Auditor General's Office.

9.5.6 WALGA – STATE AND LOCAL GOVERNMENT PARTNERSHIP AGREEMENT

Document ID: 99196

Attached to the agenda is a copy of the recently signed State and Local Government Partnership Agreement which promotes a robust and productive working relationship between two spheres of government. *(Marked 9.5.6)*

9.5.7 PRIME MINISTERS RESPONSE TO GST IN WESTERN AUSTRALIA

Document ID: 99659

Attached to the agenda is a copy of correspondence from the Prime Minister Mr Malcolm Turnbull in response to concerns regarding the unprecedentedly low level to which WA's relativity has fallen. *(Marked 9.5.7)*

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

Mr Garrick Yandle, Mr Scott Clayton, Mr David Chidlow, Ms Michelle Perkins and 3 members of the public left the room at 5.23pm.

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify

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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.

Local Government (Administration) Regulations 1996

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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 Gibson

That the meeting be closed to members of the public at 5:24pm in accordance with Section 5.23 (2) (h) 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 'Private & Confidential' – Chief Executive Officer 2016/2017 Performance Review and Item 11.1.2 'Private & Confidential' – Resignation of the Chief Executive Officer.

CARRIED 9 / 0

Mr Tony Nottle left the room at 5.25pm and re-entered at 5.28pm.

11.1.1 PRIVATE & CONFIDENTIAL – CHIEF EXECUTIVE OFFICER 2016 / 2017 PERFORMANCE REVIEW

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / Anthony Nottle
Disclosure of Interest:	Nil
Date:	18 October 2017
Author:	Cr. Leslee Holmes, 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 / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

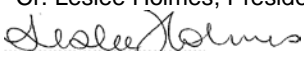
That Council:

- 1. Endorses the finding that the Chief Executive Officer's performance over the 2016 / 17 year in review has met and / or exceeded the expected requirements;**
- 2. That the President, on behalf of Council, write to the CEO acknowledging another rewarding year for both the CEO and the community;**
- 3. Endorse the recommendation within the report that the Chief Executive Officer cash component be increased by 2% from the anniversary date (28 August 2017) of the Employment Contract with Mr. Anthony Graham Nottle and the Shire of Dandaragan.**

CARRIED 9 / 0

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11.1.2 PRIVATE & CONFIDENTIAL – RESIGNATION OF THE CHIEF EXECUTIVE OFFICER AND RECRUITMENT PROCESS

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / Anthony Nottle
Disclosure of Interest:	Nil
Date:	18 October 2017
Author:	Cr. Leslee Holmes, 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 Eyre

That Council receive the resignation of the CEO Mr. Anthony Graham Nottle as per the attached letter of resignation dated 16 October 2017 (Doc Id: 99934)

CARRIED 9 / 0

COUNCILLOR RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Richardson, seconded Cr McGlew

That Council agree to appoint Anne Lake Consultancy as per the proposal outlined in the attachment (Doc Id: 100139)

CARRIED 9 / 0

COUNCILLOR RECOMMENDATION 3 / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

1. In accordance with section 5.8 of the Local Government Act 1995 and by absolute majority, establishes a CEO Recruitment Committee, with the following membership:
 - President
 - Deputy President
 - Councillor McGlew
2. In accordance with section 5.16 of the Local Government Act 1995 and by absolute majority, delegates authority to the CEO Recruitment Committee as follows:
 - a) Local Government (Administration) Regulations 1996, Regulation 18C, limited to:
 - i. Determining the selection criteria for recruitment and selection for the position of CEO.
 - ii. Determining the advertising, recruitment and preliminary selection process.
 - iii. Determining the preliminary short-list of candidates and undertaking the preliminary interviews.

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- iv. Making recommendations for Council's consideration of short-listed candidates for second round of interviews, if required.
- b) Local Government (Administration) Regulations 1996, Regulation 18A, limited to:
 - i. Determining other information, relevant to the position and the recruitment process, to be provided to applicants.
- c) Local Government Act 1995, section 5.39(3)(b), limited to:
 - i. Determining the performance criteria to be included in the employment contract.
 - ii. Determining the total remuneration package to be offered in the recruitment advertisement.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

COUNCILLOR RECOMMENDATION 4 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Eyre

That Council agree to appoint Mr. Scott Peter Clayton to the position of Acting CEO from the 27 December 2017 until the commencement of the permanent CEO following the recruitment process. This appointment will not exceed a 12 month period.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

Moved Cr Gibson, seconded Cr Scharf that the Meeting be reopened to the public at 5.46pm.

Staff and 3 members of the public re-entered the room at 5.47pm and the President read the motions aloud.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 5.51pm.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2017

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date