



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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS JURIEN BAY**

**on**

**THURSDAY 27 NOVEMBER 2014**

**COMMENCING AT 5.01PM**

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.01pm 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 Slyns	

### Staff

Mr T Nottle	(Chief Executive Officer)
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)
Mrs B Macaulay	(Planning Officer)
Miss D Kerr	(Council Secretary & PA)

### Apologies

### Approved Leave of Absence

Nil

**Observers** There were 11 members of the public present.

### 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 4 PUBLIC QUESTION TIME

#### **Paul Robb – Cervantes Resident**

Does the Shire have a position or policy regarding fracking within the Shire?

*The Chief Executive Officer advised that there was no Shire Policy regarding fracking at this time.*

What measures has the Shire undertaken to assess the growing concerns regarding the impacts of proposed fracking within the Shire?

Will the Shire undertake to adopt and accept a policy of not supporting fracking within the Shire until a guarantee is given that there be no impact to the groundwater in our Shire? This is to support our neighbouring Shires of Coorow and Carnamah who have adopted similar policies.

#### **Tony Lambert – Cervantes Resident**

Council may be aware that owing to government and industry avoidance of public consultation township communities are compelled to undertake this essential process themselves via self-conducted surveys. Accordingly we ask for and on the record that if these local surveys unambiguously confirm unified opposition to fracking; will Council honour its constitutionally mandated obligation to represent the express direction from the community majority to oppose this industry with every means at its disposal.

Is Council aware of the 7 – 9% failure rate of drilling wells occurring during the first year of operation? All drilling wells without exception inevitably fail in the fullness of time. The industry deliberately obscures the perpetual flaw by disingenuously espousing the initial strength of reinforced steel and concrete linings, but championing new well-integrity is a calculated distraction since gas will unfailingly migrate upward through the massively extended fissures regardless. In addition the global upsurge of fracking-induced seismic-triggering presents the unacceptable risk of snapping drill wells like straws. If drill wells are put into place a meckering scale event disrupting the tight geology of Dandaragan would irretrievably and permanently pollute all water reserves.

Has Council taken into consideration the monstrous downstream effect of massive rumbling trucks conveying noxious gas payloads 24 hours per day, 7 days a week without relief year in year out? This is greatly exacerbated by the appalling noise and dreadful smells from power and processing plants (this aspect alone has wiped out tourism industries all around the globe – usually the first casualty since no one wants to visit the wastelands of toxic gasfields) – or investigated the known lethal effects of evaporation ponds poisoning the air and land over vast distances.

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Is Council aware of the great many non-polluting free energy and propulsion technologies unlawfully suppressed by criminal influences of the fossil fuel industry?

**Ron Snook – Jurien Bay Resident**

What is Council's position, as to the prospect of conventional and unconventional gas extraction within the Shire's boundaries, and does the Council intend to canvas the electors in regard to this matter?

**Carol Pietersen – Jurien Bay Resident**

What strategy has the Shire evolved to deal with the possibility of our groundwater becoming polluted and unusable by the gas fracking process as gas occurred in other places?

What research was undertaken by the Shire to ensure the toxic mining waste currently being deposited in the Jurien Bay Landfill area does not, at any time now or in the future, leach out into our groundwater supply?

**Tony Lambert – Cervantes Resident**

Tony will be doing a video to post on social media and asked if in future he could record such meetings for this purpose?

*The Chief Executive Officer advised that Council's Standing Order Local Law 8.5.1 did not allow observers to record or video any Ordinary Meetings of Council without approval.*

All of these questions were taken on notice and a written response will be given within 14 days.

*All members of the public left the Council Chambers.*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL DECISION**

Moved Cr Bailey, seconded Cr Sheppard

That leave of absence be approved as follows:

- Councillor T Bailey – Saturday 21 March 2015 through to Sunday 12 April 2015
- Councillor L Short – Wednesday 7 January 2015 through to Wednesday 14 January 2015
- Councillor M Sheppard – Sunday 1 March 2015 through to Wednesday 1 April 2015
- Councillor L Holmes – Saturday 14 March 2015 through to Thursday 30 April 2015
- Councillor W Gibson – Friday 30 January 2015 through to Friday 20 February 2015



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- Councillor D Kent – Sunday 1 February 2015 through to Tuesday 10 February 2015

CARRIED 9 / 0

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES OF ORDINARY MEETING HELD 23 OCTOBER 2014

**COUNCIL DECISION**

Moved Cr Short, seconded Cr Kulisa

That the minutes of the Ordinary Meeting of Council held 23 October 2014 be confirmed.

CARRIED 9 / 0

### 6.2 MINUTES OF SPECIAL MEETING HELD 13 NOVEMBER 2014

**COUNCIL DECISION**

Moved Cr Bailey, seconded Cr Kent

That the minutes of the Special Meeting of Council held 13 November 2014 be confirmed.

CARRIED 9 / 0

## 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS

Cr McGlew

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- 24 October 2014</li> <li>- 24 October 2014</li> <li>- 28 October 2014</li> <li>- 29 October 2014</li> <li>- 30 October 2014</li> <li>- 3 November 2014</li> <li>- 6 November 2014</li> <li>- 12 November 2014</li> <li>- 13 November 2014</li> <li>- 13 November 2014</li> <li>- 17 November 2014</li> <li>- 18 November 2014</li> <li>- 21 November 2014</li> <li>- 24 November 2014</li> </ul> | <ul style="list-style-type: none"> <li>Regional DHAG, AHAC, MHAC Forum in Northam – through LHAG Moora</li> <li>Lions District Convention Opening Ceremony</li> <li>Badgingarra BCA Meeting</li> <li>Jurien Bay District High School Year 12 Farewell Assembly, Shire Chambers</li> <li>Cervantes Community Recreation Centre Working Party</li> <li>Dandaragan Community Centre Meeting</li> <li>State Library WA Board Meeting</li> <li>Local Emergency Management Committee</li> <li>Council Forum JB</li> <li>Cervantes Community Recreation Centre Working Party</li> <li>Education Working Party</li> <li>Tronox, Munbinea Road, Carrot Farm, Council Visit</li> <li>Avon Midland Zone Meeting – Goomalling</li> <li>Shire of Dandaragan Roadwise inaugural</li> </ul> |
|---|--|

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 NOVEMBER 2014
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meeting

Cr Bailey

- |                    |                                   |
|--------------------|-----------------------------------|
| - 11 November 2014 | Canover Bushfire Brigade          |
| - 25 November 2014 | Canover Bushfire Brigade          |
| - 25 November 2014 | Badgingarra Community Association |
| - 20 November 2014 | Research Station Road Trip        |

Cr Sheppard

- |                    |   |
|--------------------|---|
| - 5 November 2014  | Jurien Bay Progress Association                               |
| - 19 November 2014 | Jurien Bay Chamber of Commerce                                |
| - 10 November 2014 | Jurien Bay Sport and Recreation Centre Annual General Meeting |

Cr Short

- |                    |   |
|--------------------|---|
| - 29 October 2014  | Municipal Waste Advisory Council                                |
| - 31 October 2014  | Moore Catchment Council AGM                                     |
| - 6 November 2014  | Moore Catchment Council Finance                                 |
| - 8 November 2014  | Aggies Cottage Management Committee                             |
| - 11 November 2014 | Municipal Waste Advisory Council                                |
| - 12 November 2014 | Advance Dandaragan  |
| - 14 November 2014 | Moore Catchment Council Regional Achievement Awards (finalists) |
| - 19 November 2014 | Water Corporation Custom Advisory Committee                     |
| - 21 November 2014 | Avon Midland Zone Meeting – Goomalling                          |

Cr Holmes

- |                    |   |
|--------------------|---|
| - 23 October 2014  | Wheatbelt Development Commission – Moora      |
| - 30 October 2014  | Cervantes Chamber of Commerce                 |
| - 3 November 2014  | Cervantes Ratepayers and Progress Association |
| - 26 November 2014 | Cervantes Chamber of Commerce                 |

Cr Kulisa

- |                    |   |
|--------------------|---|
| - 24 October 2014  | Jurien Bay District High School Year 12 Final Assembly      |
| - 29 October 2014  | Jurien Bay District High School Year 12 Graduation Ceremony |
| - 8 November 2014  | Indian Ocean Festival                                       |
| - 17 November 2014 | Education Working Party                                     |

**COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Short**

**That the delegates' reports to 27 November 2014 as presented be accepted.**

**CARRIED 9 / 0**



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

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 FINANCE

#### 9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 OCTOBER 2014

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder: Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports  
 Disclosure of Interest: None  
 Date: 11 November 2014  
 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 October 2014.

#### 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 October 2014.

#### 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 October 2014 was \$6,011,756. 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. An explanation of these variances is as follows:

*Governance*

Income is at 439% of Y-T-D budget and is due to a dividend payment from the Shire's insurance service, LGIS.

*Other Economic Services*

Expenditure is at 216% of Y-T-D budget and is due on cost allocations for overheads, plant operation costs and plant depreciation costs.

Should Councillors wish to raise any issues relating to the 31 October 2014 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 October 2014 (Doc Id: 44302)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Holmes, seconded Cr Kulisa**

**That the monthly financial statements for the period ending 31 October 2014 be adopted.**

**CARRIED 9 / 0**

**9.1.2 ACCOUNTS FOR PAYMENT – OCTOBER 2014**

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure  
 Disclosure of Interest: None  
 Date: 13 November 2014  
 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 and direct debit listing for the month of October 2014.

**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 October 2014 totalled \$1,361,214.71 for the Municipal Fund.

**CONSULTATION**

- Chief Executive Officer

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

There are no adverse trends to report at this time.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

**ATTACHMENTS**

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

- Cheque, EFT and direct debit listings for October 2014 (Doc Id:42346)

**(Marked 9.1.2)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr McGlew, seconded Cr Slyns****That the Municipal Fund cheque and EFT listing for the period ending 31 October 2014 totalling \$1,361,214.71 for the Municipal Fund be accepted.****CARRIED 9 / 0****9.1.3 MOORA FRAIL AGED LODGE CONTRIBUTION**

Location: Moora Frail Aged Lodge Inc.  
 Applicant: Moora Frail Aged Lodge Inc.  
 Folder Path: Business Classification Scheme / Public Health / Service Provision / Aged Care Homes  
 Disclosure of Interest: Nil  
 Date: 17 November 2014  
 Author: Tony Nottle, Chief Executive Officer  
 Signature of Author: 

**PROPOSAL**

For Council to consider a budget amendment to support the Moora Frail Aged Lodge Inc. for the amount of \$10,000.

**BACKGROUND**

In Council's 2012/13 Annual Budget, Council endorsed an amount of \$10,000 to support the Moora Frail Aged Lodge should they be successful in securing funding towards the upgrade.

Following Council's adoption of its Budget the Chief Executive Officer verbally communicated the allocation to the Chair of the Moora Frail Aged Lodge Inc. Mrs. Cynthia McMorran. However the amount was not communicated to the committee via written means by the Shire.

**COMMENT**

The Moora Frail Aged Lodge Inc. were successful in achieving funding for their project. However, as the committee were not aware of the Shire's commitment an invoice was never sent for the contribution, and subsequently the amount was not carried over into the following financial year.

Council had committed to the \$10,000 contribution and the Moora Frail Aged Lodge Inc. has queried if the contribution is still forthcoming. An invoice has since been sent (attached).

**CONSULTATION**

Moora Frail Aged Lodge Inc.  
 Executive Manager Corporate & Community Services

**STATUTORY ENVIRONMENT**

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its

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municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

#### POLICY IMPLICATIONS

The Shire of Dandaragan signed a Memorandum of Understanding in 2010 agreeing to work together to secure aged care services and facilities to the region.

#### FINANCIAL IMPLICATIONS

An amount of \$10,000 ex GST would be required which is not currently allocated for in the 2014/15 budget.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER TWO: Build high level of amenity and lifestyle					
OBJECTIVE 2: Well networked and community based aged care industry that attracts new residents and allows community members to age in their home communities					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G2-O2-A2	Support home and community care, residential day care, and residential in-home care.	Aged Care Strategy	Ongoing	District	HACC

#### ATTACHMENTS

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

- Copy of Email and invoice from Moora Frail Aged Lodge Inc. (Doc Id: 42450)

**(Marked 9.1.3)**

#### VOTING REQUIREMENT

Absolute majority

#### OFFICER RECOMMENDATION / COUNCIL DECISION

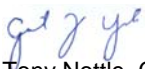

**Moved Cr McGlew, seconded Cr Holmes**

**That Council agree to a budget amendment to include the expenditure of \$10,000 ex GST to be contributed towards the Moora Frail Aged Lodge Inc. as per its previous budget discussions and its commitment given previously in the 2012/13 financial year.**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

## 9.2 INFRASTRUCTURE

### 9.2.1 PRIME MOVER CHANGEOVER 2014/15

Location: Dandaragan Depot  
 Applicant: Shire of Dandaragan  
 Folder Path: Business Classification Scheme / Plant and Equipment Stores / Tendering / Tender Evaluations  
 Disclosure of Interest: None  
 Date: 17 November 2014  
 Author: Garrick Yandle, Executive Manager Infrastructure  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

For Council to consider the changeover of 2 x prime mover trucks as outlined in the 2014/15 Shire Budget.

#### BACKGROUND

In the 2014/15 Budget the Shire has allocated funds for the replacement of 2 x prime mover trucks. The Budget allocation for purchase of new trucks and sale of existing trucks with changeover is summarised as follows:

TRUCK	PURCHASE	SALE	CHANGEOVER
Mack	\$ 250,000	\$ 75,000	\$ 175,000
Hino	\$ 250,000	\$ 50,000	\$ 200,000
<b>TOTAL</b>	<b>\$ 500,000</b>	<b>\$ 125,000</b>	<b>\$ 375,000</b>

In October 2014 the Infrastructure team conducted a process to initiate the replacement of these vehicles. It consisted of an advertised Public Tender for the sale of the existing trucks, plus an eQuote process with WALGA Preferred Supplies for the purchase of new vehicles, with the option for the trade of existing vehicles.

The following specifications were list for the supply of new trucks:

- Day Cab
- Long nose
- On / Off road Truck
- Min. 500hp
- Bonnet painted flat black
- Road train rated
- 4 post heavy duty alloy bullbar
- Spot lights with covers
- Ball race turntable
- Alloy deck plate in front of turntable
- Spring rubber rear guards
- Bonnet bug deflector
- Windscreen stone guard
- Side tipper hydraulics (hot-shift PTO) in cab controls
- Suspension: spring front air bag rear
- Two amber revolving lights



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- LED rear tail lights
- UHF Radio
- Window tinting
- Dash mat
- Tool box on side of chassis

A summary of submissions received with changeover costs is as follows:

Vendor	Geraldton Truck and Machinery Brokers	Westrac	Kenworth
<b>Truck 1</b>		\$ 256,300	\$278,349
<b>Truck 2</b>		\$ 256,300	\$278,349
<b>Total Purchase</b>		\$ 512,600	\$556,697
<b>Mack Trade</b>	\$ 25,000	\$ 24,750	
<b>Hino Trade</b>	\$ 28,000	\$ 37,620	
<b>Total Trade</b>	\$ 53,000	\$ 62,370	\$ -
<b>Changeover</b>		<b>\$ 450,230</b>	<b>\$556,697</b>

Vendor	Freightliner	Western Star	Volvo	WA Iveco
<b>Truck 1</b>	\$253,236	\$295,629	\$273,340	\$ 195,100
<b>Truck 2</b>	\$253,236	\$295,629	\$273,340	\$ 215,800
<b>Total Purchase</b>	\$506,472	\$591,258	\$546,680	\$ 410,900
<b>Mack Trade</b>	\$ 39,050	\$ 24,000	\$ 15,000	\$ 33,000
<b>Hino Trade</b>	\$ 40,040	\$ 27,000	\$ 20,000	\$ 33,000
<b>Total Trade</b>	\$ 79,090	\$ 51,000	\$ 35,000	\$ 66,000
<b>Changeover</b>	<b>\$427,382</b>	<b>\$540,258</b>	<b>\$511,680</b>	<b>\$ 344,900</b>

Smith Broughton Auctioneers were also contacted to gauge an idea of what each existing vehicle may potentially bring at auction, should this be a more suitable option. Indicative sale figures were:

- Mack - \$20,000 - \$25,000
- Hino - \$35,000 - \$40,000

These figures are comparable to what was received in the tender and trade process. It is thus considered that at this point, putting them up for auction is not a suitable option.

The changeover costs for all quotes, bar the WA Iveco quote, are somewhat greater than those proposed in the initial budget.

All suppliers visited the Dandaragan Depot with demonstration models of their proposed vehicles. Various staff members were

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given the opportunity to test drive the vehicles and provided feedback to the Dandaragan Operations Supervisor. Various reputable trucking contractors were contacted to gather information regarding potential truck purchases to gauge which particular make of truck would be the most appropriate to purchase.

COMMENT

Based upon the quotes and trade prices received and feedback from industry the preferred truck is the WA Iveco with the changeover over figure of \$344,900. This is less than the budgeted changeover figure by \$30,100.

CONSULTATION

Operations Supervisor – Dandaragan  
Chief Executive Officer

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

- Limit of proposed Contract exceeds the limit under Delegated Authority 103 provided to the Chief Executive Officer (\$100,000).

FINANCIAL IMPLICATIONS

The following is a summary of the changeover cost for the preferred supplier:

<b>VENDOR</b>	<b>WA IVECO</b>
<b>Truck 1</b>	\$ 195,100
<b>Truck 2</b>	\$ 215,800
<b>Total Purchase</b>	\$ 410,900
<b>Mack Trade</b>	\$ 33,000
<b>Hino Trade</b>	\$ 33,000
<b>Total Trade</b>	\$ 66,000
<b>Changeover</b>	<b>\$ 344,900</b>

This is less than the budgeted changeover figure by \$30,100.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report.

ATTACHMENTS

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

- Freightliner Primemover Quote (Doc Id: 42521)
- WA Iveco Primemover Quote (Doc Id:42753)

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- WA Iveco trade-in valuations (Doc Id:42754)  
*(Marked 9.2.1)*

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Short, seconded Cr McGlew**


**That Council authorise the Chief Executive Officer to award the changeover of 2 x prime movers to WA Iveco for a changeover price of \$344,900 and details as follows:**

VENDOR	FREIGHTLINER
<b>Truck 1 – 2012 WA Iveco ISX Powerstar 7200</b>	\$ 195,100
<b>Truck 2 - 2014 WA Iveco ISX Powerstar 7200</b>	\$ 215,800
<b>Total Purchase</b>	\$ 410,900
<b>Mack Trade</b>	\$ 33,000
<b>Hino Trade</b>	\$ 33,000
<b>Total Trade</b>	\$ 66,000
<b>Changeover</b>	<b>\$ 344,900</b>

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

### 9.3 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:	11 November 2014
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 Lease Agreement between the Shire and Jurien Bay Kart Club Inc.

**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.

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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 urgently and Council's endorsement is sought retrospectively.

**COMMENT**

Nil

**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 Kulisa**

**That Council endorse the affixing of the Shire of Dandaragan's common seal to the Lease Agreement between the Shire and Jurien Bay Kart Club Inc.**



**CARRIED 9 / 0**

**9.4 TOWN PLANNING**

**9.4.1 LOCAL PLANNING POLICY – MOBILE AND ITINERANT VENDORS AND COMMERCIAL ACTIVITIES ON RESERVED LAND (INCLUDING FORESHORE)**

Location:	Whole Shire
Applicant:	N/A
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Policies

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Disclosure of Interest:	None
Date:	17 January 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

**PROPOSAL**

That Council consider adopting the revised Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore) Policy.

**BACKGROUND**

At its meeting on 24 August 2014 Council resolved to endorse the draft Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore) (The Policy) for advertising purposes to be advertised for 21 days. The draft Policy was advertised in the Central Midlands and Advocate Express, Shire Matters (Cray Tales) and a copy of the draft policy was sent to business owners within the Shire. The advertising period is now closed and a Schedule of Submissions is provided in the attachments.

The Policy is a response to the increase in enquiries and planning applications for mobile and commercial activities on reserves reflecting the growing tourism industry within the Shire. It is also a response to Council's resolution at its meeting on 16<sup>th</sup> December 2010 that Council prepare a local planning policy for 'Commercial Activities on Foreshore Land'.

**COMMENT**

The Policy addresses the need to regulate and control applications of this nature in the interest of public safety, environmental protection and the protection of the Shire's existing permanent retail and service base. The Policy sets minimum standards in the processing of applications providing clearer guidelines on the information required from applicants.

An increase in commercial activities and mobile traders can improve the vibrancy and attraction of the Shire as a destination rather than a place to drive through. This can have a positive economic impact on existing business with an increase in the service base. It is of strategic importance for the growth of the tourism industry within the Shire given the opportunities from the opening of Indian Ocean Road and the growth of the northern corridor in Metropolitan Perth. The Policy aims to capture this opportunity but the process has to be carefully managed to ensure such activities do not conflict with the Shires permanent businesses or lead to the degradation of the Shire's natural assets.

The majority of the submissions were from permanent business owners concerned with traders taking business away from existing

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businesses and not returning anything to the community (eg: rates and sponsoring community events). The Officer considers this a valid submission and in response has increased the minimum distance for vendors to operate from existing permanent outlets while that outlet is open from 100m to 300m.

In response to the submissions a few minor modifications to the Policy were made to assist in clarification of the Policy. This included not-for-profit groups and charities exempt from fees and charges and the power of the Chief Executive Officer to grant exemption to charges.

Main Roads WA was consulted as part of the advertising period to determine its position on mobile traders in resting areas and reserves under its control. The current position of Main Roads WA is not to allow any commercial traders on road reserves apart from charity groups as part of Driver Reviver campaign. The policy has been amended to clarify the position of Main Roads to road trading will not be permitted within Reserves controlled by Main Roads unless permission is received from Main Roads WA.

To assist in the clarification of when a permit or licence is required, added to the policy is an explanation the policy only applies to land vested to the Shire for its management and control and land not under the control of the Shire will require the applicant to seek the necessary statutory approvals from the managing authority.

To provide the Shire with the flexibility and scope to amend the permit or licencing agreement for traders and commercial operators, it is suggested planning approval is initially given for 1 year and subject to renegotiation after the first year. Thus the following clause has been added:

*10.8 All agreements are for one year and subject to review after the first year. The Shire reserves the right to decline the renewal of, or amend the conditions of the agreement in the future.*

Similarly, clause 3.18 includes the same provision for mobile and itinerant traders.

#### CONSULTATION

- Central Midlands and Coastal Advocate
- Business owners within the Shire
- Main Roads WA

Notice of the proposed local planning policy was advertised for public comment for a period of 21 days in accordance with the provisions of the Shire's Local Planning Scheme No.7

#### STATUTORY ENVIRONMENT

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although

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Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2 of the Scheme.

The policy does not exempt compliance with all other requirements of the Shire of Dandaragan Local Planning Scheme and any other policy of Council.

#### POLICY IMPLICATIONS

After considering submissions, if Council decides to adopt the policy it will be included in the Shire's Policy Manual.

#### FINANCIAL IMPLICATIONS

The policy will introduce two new fees, a Reserve User Fee of \$500 and an Agreement Preparation Fee of \$150 for commercial operators on foreshore land which may be waived at the discretion of the Chief Executive Officer.

#### STRATEGIC IMPLICATIONS

The policy will assist in the procedural and governance aspects of the Shire's development control responsibilities. This includes providing direction and guidance on the minimum standards required by traders and commercial operators for conducting business within the Shire.

#### ATTACHMENTS

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

- Schedule of Submissions (Doc Id: 42427)
- Revised Local Planning Policy Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore (Doc Id: 42432)

***(Marked 9.4.1)***

#### VOTING REQUIREMENT

Simple majority

#### OFFICER RECOMMENDATION

Moved Cr Bailey, seconded Cr Short

That Council:

1. Note the submission received during the advertising of the Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore) as outlined in the attachments;
2. Pursuant to Clause 2.4.2(b) of Local Planning Scheme No.7 adopt the Policy as outlined in the Revised Policy in the Attachments; and
3. Following final adoption of the Policy, notification of the final adoption shall be published once in a newspaper circulating the Scheme area, in accordance with clause 2.4.3(a) of the Local

Planning Scheme No.7.

#### **AMENDMENT**

**Moved Cr Kent, seconded Cr McGlew**

**That Council:**

1. **Note the submission received during the advertising of the Local Planning Policy Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore) as outlined in the attachments;**
2. **Pursuant to Clause 2.4.2(b) of Local Planning Scheme No.7 adopt the Policy as outlined in the Revised Policy in the attachments including the following changes:**
  - **all references in the policy that state 300m be reduced to 100m**
  - **50% discount for the Reserve User Fee for the first two years of operation – 11.4.1**
  - **remove the word food in 4.1 to change to ‘of an outlet’; and**
3. **Following final adoption of the Policy, notification of the final adoption shall be published once in a newspaper circulating the Scheme area, in accordance with clause 2.4.3(a) of the Local Planning Scheme No.7.**

**CARRIED 9 / 0**

**The amendment became the motion and was carried 9 / 0.**

#### **9.4.2 PROPOSAL TO OPERATE BUSINESS FROM RESERVE 28541 – AQUATIC ADVENTURES**

Location:	Reserve 28541
Applicant:	Todd Wilkes
File Ref:	Development Services Apps / Development Application / 2014 / Aquatic Adventures
Disclosure of Interest:	Nil
Date:	14 November 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

#### **PROPOSAL**

The Council is in receipt of a planning application to conduct a paddle board, kayak and glass bottom boat hire business from Reserve 28541.

#### **BACKGROUND**

Todd Wilkes, trading as Aquatic Adventures is proposing a hire business from Reserve 28541. Council previously granted approval for a Kayak hire business at its meeting 25 March 2010, this business is no longer in operation and Aquatic Adventures will take over the operation. Aquatic Adventures will operate further north than the previous location of JB Kayak Hire to allow the hire



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of glass bottom boats for hire which are excluded from use in the non-motorised vessel area on the foreshore. Provided in the attachments are the following documents:

- Planning application
- Todd Wilkes qualifications
- Site Plan

The link to the website is [www.aquaticadventuresjurienbay.com](http://www.aquaticadventuresjurienbay.com)

In summary the application states:

- Hiring of four electronic powered glass bottom boats (two sit down and two lay down), four stand up paddleboards, kayaks and snorkelling gear;
- Beach volleyball at no extra charge;
- Operation hours from 8am to 5pm;
- Trading area of approximately 50m<sup>2</sup> above the high water mark;
- Safety of hirers and public will be managed through the provision of personal floatation devices, the supervision of all hirers at all times, qualified first aider being present, first aid equipment;
- An inflatable tender vessel with an electric motor to rescue any glass bottom boat or kayak;
- Access to beach using motor vehicle and trailer from the access track north of the old jetty;
- Stand up paddleboard lessons and guided tours; and
- Public Liability Insurance of \$20 million has been obtained.

The proponent requires the following approvals from the Shire of Dandaragan:

1. Approval to use or occupy local government property in accordance with the Shire's Local Government Property Local Law;
2. A trading permit in accordance with the Shire's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
3. Approval to drive a vehicle on local government property to access the trading area.

### **Zoning**

Reserve 28541 has a designated purpose of 'Foreshore Management and Recreation' under a Management Order vested with the Shire, and a zoning of 'Parks and Recreation' under the Shire of Dandaragan Local Planning Scheme No.7 (the Scheme). It is considered the proposal for Aquatic Adventures are a form of recreation consistent with the vested purpose and zoning of Reserve 28541.

Under the Jurien Bay Marine Park Zoning Scheme the area is zoned General Use. The proposed activity is considered "Surface Water Sports" and consistent with the approved use of this area.

### **COMMENT**

There are a number of matters that need to be considered in determining the proposal.

The applicant is required to obtain an approval to use or occupy local government property in accordance with the Shire of Dandaragan Local Government Property Local law which states:

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

Clause 1.4 of the Shire of Dandaragan Local Government Property Local Law outlines that local government property applies throughout the district for a distance 200m seaward from the watermark at ordinary spring tides. The local law provides for either a permit or written agreement to use local government property.

The Council has previously determined similar applications for commercial activities on the Shire's Reserves. At its ordinary Council of Meeting March 2010 for JB Kayak Hire the Council resolution was the Shire enter a three year agreement with the applicants for the utilisation of Reserve 28541.

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

### **Clause 10.2 Local Planning Scheme No.7**

Being a 'Use Not Listed' in the Scheme there are no specific development criteria set out in the Scheme for the assessment of the current proposal. However, clause 10.2 lists the matters to be considered by Council in making a determination of any planning proposal. The relevant clauses include:

- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (i) the compatibility of a use or development with its setting;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (w) whether the proposal is likely to cause soil erosion or land degradation.

Clause 10.2 (f) of the Scheme includes due regard to any relevant

Local Planning Policy adopted by the local government. The Shire's draft Local Planning Policy Mobile and Itinerant Vendors and Commercial Activities on Reserves (including Foreshore) is presented as an item at this Council Meeting and recommended for adoption. The adoption of such a policy will assist in the assessment and management of commercial activities on the Shires Reserves. Of relevance to this application and to assist Council in its determination, Clause 9.4 of the draft Policy states:

Council will be guided by the following criteria in the assessment and determination of applications:

- (a) Demonstrated successful experience in the activity to a high professional standard;
- (b) Demonstrated history and experience or environmentally acceptable operations;
- (c) Demonstrated appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological process and possible constraints;
- (d) Demonstrated experience in meeting Agreement conditions, including the prompt payment of fees;
- (e) Demonstrated ability to provide appropriate safety requirements and duty of care responsibilities;
- (f) Demonstrated capability to promote interpretive and educational information that ensures clients are receiving instructions in minimal impact techniques, environmental protection and ethics of appropriate behaviour; and
- (g) Demonstrated \$20 million public liability insurance cover.
- (h) Public liability insurance cover must be held in Australia.

The growth of the tourism industry is an important strategic objective for the Shire identified in the Local Tourism Planning Strategy, Jurien Bay Growth Strategy and Jurien Bay City Centre Strategy. It is considered Aquatic Adventures will offer another tourism product to encourage the attraction and retention of visitors to the Shire. If managed correctly, and the environmental impact monitored it provides an opportunity for the Shire to grow its sustainable tourism industry.

#### CONSULTATION

- Department of Transport
- Department of Parks and Wildlife

The application was advertised in the Central Midlands and Coastal Advocate Newspaper for a period of 14 days pursuant to Clause 9.4.3(b) of the Shire Local Planning Scheme No.7.

At the time of writing this report no submissions have been received. Should any submissions be received these will be forwarded to Councillors.

#### STATUTORY ENVIRONMENT

##### *Local Planning Scheme*

With the Jurien Bay foreshore designated a 'Local Reserve' under the Shire of Dandaragan Local Planning Scheme No.7, any activity of a commercial nature is subject to planning approval being issued by the Council. Specifically, Part 3, Clauses 3.4.1 and 3.4.2 of the Scheme state:

*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.*

Clause 10.2 principally relates to matters that in the opinion of the local government are relevant to the use or development including impact on the amenity of the local area.

#### *Reserve Management Order*

The Shire has a management order for Reserve 28541. Should the Shire enter into an Agreement with the applicant, a copy of the Agreement will need to be signed by the applicant, one to be signed by the Shire and forwarded to the Minister of Lands to be endorsed.

#### *Local Law - Local Government Property*

Part 3 of the Shire of Dandaragan Local Law – Local Government Property relates to the need for a permit to conduct an activity of Shire property, although Clause 3.1 states:

*3.1 This part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.*

#### POLICY IMPLICATIONS

The Shire has a draft Mobile and Itinerant Traders and Commercial Activities on Reserves (including Foreshore) Policy as an Item at this Council Meeting recommended for adoption.

#### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147. However, should the Council adopt the Draft Mobile and Itinerant Traders and Commercial Activities on Reserves

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(including Foreshore) Policy the applicant may be charged a Reserve User Fee of \$500 and Agreement Preparation Fee of \$150.

### STRATEGIC IMPLICATIONS

The Shire of Dandaragan Local Tourism Planning Strategy vision is:

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

### ATTACHMENTS

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

- Planning application (Doc Id: 42410)
- Todd Wilkes qualification (Doc Id: 42411)
- Site Plan (Doc Id: 42413)
- Aquatic Adventures Liability Cover Note (Doc Id: 42412)

**(Marked 9.4.2)**

### VOTING REQUIREMENT

Simple majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Short, seconded Cr Kulisa**

**That the Shire of Dandaragan enter into a licence agreement with Todd Wilkes trading as Aquatic Adventures for the utilisation of Reserve 28541, subject to the following conditions:**

- 1. This approval, granted for a period of 1 year from the Council decision date, is non-exclusive and allows for equal access and right of use of Reserve 28541 and associated infrastructure by the general public and others.**
- 2. That the agreement is with the individual parties not the business or company.**
- 3. That the agreement is non transferable.**
- 4. That other users of the beach are not requested or encouraged to move once they have established themselves.**
- 5. That the proponent be in possession of an Australian approved public liability insurance policy to a minimum value of \$20 million for the period of the approval.**
- 6. That the proponent does not depart from the approved pathway or route without amendment or deviation other than for reasons of safety unless otherwise approved by the local government.**
- 7. In consideration of conservation of sensitive coastal dune formations no sand dunes or natural vegetation is to be traversed.**
- 8. In the event of damage to infrastructure or the**

environment the Shire may seek costs for repair and restoration works.

9. All activities are to comply with the Department of Fisheries and Department of Parks and Wildlife Commercial Operator Licencing requirements, the Jurien Bay Marine Park Management Plan, the Zoning Scheme and relevant legislation.
10. That a person in charge of the operation is present while the business is operating.
11. That vehicle access be permitted utilising the existing track from the Heaton and Doust Street intersection for the set-up of the trading area only.
12. Prior to the commencement the applicant shall:
  - a. Submit a copy of a current public liability insurance policy held in Australia to a minimum value of \$20 million for the period of this approval.
  - b. Submit a copy of an Omnibus Licence for the Vehicle.
  - c. Submit approval from the Department of Parks and Wildlife
13. In response to an issue of public safety (as determined by the Chief Executive Officer) all tours operations shall cease until the matter has been resolved to the satisfaction of the local government.
14. That additional conditions may be included in the agreement at the discretion of the Chief Executive Officer.

#### ADVICE NOTES

**Note 1:** In regards to condition 1, the applicant may be required to pay a reserve user fee and agreement preparation fee in accordance with proposed Council Policy for Mobile and Itinerant Traders and Commercial Activities on Reserves (including foreshore).



**Note 2:** The applicant is advised that a right of appeal against Council's decision exists in accordance with the provisions of the Planning and Development Act, 2005. In this regard contact should be made with the State Administrative Tribunal on 9219 3111 or via website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)

**CARRIED 9 / 0**

#### 9.4.3 TURQUOISE COAST DEVELOPMENT – DETAILED SITE PLAN – BEACHRIDGE ESTATE – MINOR AMENDMENT NO 3

Location:	Jurien Bay
Applicant:	Mitchell Goff & Associates on behalf of Ardross Estates Pty Ltd
Folder Path:	Business Classification Scheme / Land Use and Town Planning / Planning / Development Control Plans
Disclosure of Interest:	Scott Clayton, Executive Manager Corporate & Community Services (proximity interest)

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	Garrick Yandle, Executive Manager Infrastructure (proximity interest)
Date:	10 November 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

*Mr Garrick Yandle, Mr Scott Clayton, Cr Judy Kulisa and Cr Tim Bailey disclosed an impartiality interest due to owning property within this vicinity.*

### PROPOSAL

That Council consider making a minor amendment to the Turquoise Coast Development Detailed Site Plan (known as the Beachridge Estate Residential Design Guidelines) to include additional lots for which discretion on front build-to line applies and deleting Appendix 3 and replacing with a new list of approved plant materials.

### BACKGROUND

The Beachridge Estate at Jurien Bay is subject to Design Guidelines to guide the urban design of the Turquoise Coast Development to achieve the shared vision of the Shire of Dandaragan and Ardross Estates Pty Ltd. The Design Guidelines have been adopted by Council as a "Detailed Site Plan" under Schedule 12 of the Local Planning Scheme No7.

Mitchell Goff & Associates on behalf of Ardross Estates Pty Ltd have made an application for two minor amendments to the Design Guidelines to include additional lots in which discretion is to be exercised in assessing the setbacks and replacing the "Approved Plant Materials" with a revised list to reflect current development in plant species modification and availability. MGA have provided the following reasoning for the amendment:

*In particular, strategic environmental advice from the EPA recommended the adoption of measures to ensure that groundwater quality did not suffer as a result of urbanization in view of the location of Jurien Bay in relation to the Jurien Bay Marine Park. To achieve these objectives, a swale drainage system was employed utilizing native vegetation resulting in road run-off being infiltrated at source and through a bio-filter system. Road designs avoided grassed verges requiring the application of fertilizers to cultivate lawns, avoiding nutrients entering the road drainage system in response to these environmental objectives. To further the achievement of these objectives, houses have been brought forward on their lots to reduce the incentive to landscape with lawns and exotic plants demanding higher water and fertilizer use. A pallet of native plants has been prescribed for front garden use accordingly.*

*It has been found however, that there are difficulties associated with achieving the reduced front setback where lots are irregularly*

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*shaped and, from time to time, the pallet of plant materials requires updating to better reflect the plants available on the market. This amendment therefore addresses these issues in relation to the estate as it is developed to the present day.*

Appendix 2 of the Detailed Site Plan provides a list of irregular shaped lots which are exempt from the need to build to the prescribed 3 metre setback. The amendment proposes to add the following lots to Appendix 2:

<b>LOT No.</b>	<b>STREET</b>
583	Parakeet Bend
584	Parakeet Bend
606	Beachridge Drive
704	Beachridge Drive
693	Bettong Avenue
701	Bettong Avenue
627	Crusoe Crescent
722	Crusoe Crescent

Appendix 3 of the Detailed Site Plan provides a list “Approved Plant Materials”. A revised list is proposed by this amendment and is included in the attachments.

#### COMMENT

The procedure for amending a Structure Plan is contained within Local Planning Scheme No 7, Schedule No 12.is;

*18. The Council may approve or permit any change or departure from an approved Structure Plan which in the opinion of the Council:*

- a. is minor;*
- b. does not affect any State interest;*
- c. has minimal impact upon any person other than the proponent;*
- d. does not affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan.*

*But any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (10) and considered in accordance with the procedures outlined in sub paragraphs (11) to (17).*

This report supports that all of the above four (4) criteria are met to satisfy the additional lots to Appendix 2 and the revised “Approved Plant Materials” replacing Appendix 3 as minor amendments as outlined by MGA Town Planners.

#### CONSULTATION

Nil



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STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

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 is the following item relevant to this report:

- MGA Town Planners Detailed Site Plan – Beachridge Estate Amendment No.3 (Doc Id: 39647)
- The current Beachridge Estate Design Guidelines (Doc Id: 42548)
- Location of amended lots (Doc Id: 42546)

**(Marked 9.4.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr Bailey, seconded Cr Sheppard**

**That Council in accordance with clause 5.15 and Schedule 12 of the Shire of Dandaragan Local Planning Scheme No.7, resolves to amend the Turquoise Coast Development – Detailed Site Plan by adding to the following lots to Appendix 2 of the Detailed Site Plan – Lots for which Discretion on Front Build-To Line Applies, as follows:**

<b>LOT No.</b>	<b>STREET</b>
583	Parakeet Bend
584	Parakeet Bend
606	Beachridge Drive
704	Beachridge Drive
693	Bettong Avenue
701	Bettong Avenue
627	Crusoe Crescent
722	Crusoe Crescent

**CARRIED 9 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**



**Moved Short, seconded McGlew**

**That Council in accordance with clause 5.15 and Schedule 12 of the Shire of Dandaragan Local Planning Scheme No.7, resolves to amend the Turquoise Coast Development –**

**Detailed Site Plan by Deleting Appendix 3 – Approved Plant Materials List and replacing it with a new list (Doc Id: 39647).**

**CARRIED 9 / 0**

**9.4.4 PLANNING APPROVAL – PROPOSED EXTENSION TO OUTBUILDING (SHED) – LOT 275 DALTON STREET, JURIE BAY**

Location: Lot 275 Dalton Street, Jurien Bay  
 Applicant: Barry Glorie  
 Folder Path: Development Services App / Development Application / 2014 / 67  
 Disclosure of Interest: None  
 Date: 11 November 2014  
 Author: Barbara Macaulay, Planning Officer  
 Signature of Author:   
 Senior Officer: David Chidlow, Manager Planning  
 Signature of Senior Officer: 

**PROPOSAL**

That Council consider planning approval for an extension to an existing shed with a proposed nil setback on the rear boundary and reduced side setback on Lot 275 Dalton Street, Jurien Bay.

**BACKGROUND**

The proponent has an existing shed measuring 6m x 9m with a wall height of 3m. The proposal is to increase the wall height to 3.6m and extend the length to 12m. The total area of outbuilding is 72m<sup>2</sup>.

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy) and the Residential Design Codes, the applicant is seeking the following variations:

1. The permitted wall height within 750mm of the rear boundary.
2. The required setback of 1.5m from the side boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The proposal has a wall height of 3.6m.

In accordance with Table 2a of the Residential Design Codes (R-Codes) a wall with a height of 3.6m and 12m in length is to be setback 1.5m. The proposal is for a 1.2m setback from the side boundary.

**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:

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

The applicant is in the fortunate circumstances the proposed extension will abut an existing parapet wall of the rear neighbour measuring 3.95m in height and 9.11 in length. Hence the proposed extension of a wall height of 3.6m and length of 6m is smaller in scale than the existing development of adjoining lot 286 Heaton Street, Jurien Bay.

The adjoining landowner at 11 Dalton Street was contacted by the Officer to seek comment on the dispensation of 30cm on the side setback to reduce the setback to 1.2m (1.5m required). The neighbour had no objection to the proposal considering an existing shed is located adjacent to the proposal and thus the impact of the visual amenity would be negligible.

The proposal is recommended for approval.

#### CONSULTATION

Landowner of 11 Dalton Street was contacted by Officer seeking comment on the reduced side boundary setback. The owner has given support for the proposal.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas

#### **Outbuildings**

1. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of Clause 3.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

<b>Outbuilding External Appearance</b>	<b>Permitted Area of Outbuilding</b>	<b>Permitted Wall Height</b>	<b>Permitted Ridge Height</b>
Reflective Cladding	12m <sup>2</sup>	2.4m *	4.2m *
Non-Reflective Cladding or Masonry	80m <sup>2</sup> , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
* Note that total wall / ridge heights are measured from the ground level at the closest common boundary			

2. When giving consideration to an application for an outbuilding,

the Shire of Dandaragan shall have regard to the performance criterion contained in section 3.10.1 P1 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.

3. 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.
4. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

#### 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:

- Aerial Plan (Doc Id: 42298)
- Development Application (Doc Id: 42299)

**(Marked 9.4.4)**

#### VOTING REQUIREMENT

Simple majority

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

**Moved Cr McGlew, seconded Cr Short**

**That Council grant planning approval for the proposed Outbuilding (shed) in accordance with the attached approved plans date stamped 15 October 2014 on Lot 275 Dalton Street, Jurien Bay subject to:**



- 1. all development shall be in accordance with the attached plans date stamped 15 October 2014 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; and**
- 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”**
- Note 5:** The applicant be advised that this approval has been granted special dispensation for reduced setback by Council due to the location and size of existing adjoining outbuildings on the neighbouring properties boundaries.

CARRIED 9 / 0

**9.4.5 PLANNING APPROVAL – SEA CONTAINER STORAGE UNITS – LOT 1159 BOULLANGER WAY, JURIEN BAY**

Location:	Lot 1159 Boullanger Way, Jurien Bay
Applicant:	Kim Meers
Folder Path:	Development Services App / Development Applications / 2014 / 61
Disclosure of Interest:	None
Date:	17 November 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

*Cr Bailey disclosed a financial interest as he currently owns a similar business in Jurien Bay.*

**PROPOSAL**

The applicant seeks approval for sea container storage units within the Industrial area of Jurien Bay with no brick frontage.

**BACKGROUND**

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The proposal is for 84 sea containers measuring approximately 6.06m x 2.44m with a height of 2.6m. The proposal will be used as a storage facility with access to the site via a keyless gate system (see attachments). There will be no employees on site.

Under the Shire of Dandaragan's (the Shire) Local Planning Policy 8.9 Shipping Containers it states:

*The placement of a shipping container on land in a 'Rural', 'Industrial' or 'Harbour' zone is exempt from requiring Shire approval, provided that they:*

- a. are located behind the prescribed front boundary setback for the property;*
- b. that containers in 'Industrial' and 'Harbour' zones are painted a uniform colour if more than one container is onsite; and*
- c. are in a satisfactory state of repair.*

The sea containers are proposed to be all the same colours and in a satisfactory state of repair (see attachments). In accordance with the Shire's Local Planning Scheme No 7 (the Scheme) Table 2: Site and Development Requirements, the front setback required is 7.5m and the side setbacks are to be determined by Council. The proposed facility has a front setback of 7.5m, a rear setback of 4.5m and a side setback of 7.7m and 6m and thus complies with the requirements of the Scheme.

#### COMMENT

In previous Local Planning Schemes a condition of development in the Industrial area was for buildings to have a brick frontage. This has led to uniform development within the Industrial area. This development condition was omitted from the current Scheme (No 7) on the advice from the Minister of Planning this provision could be better addressed at the development control level through a Local Planning Policy. As yet, no policy has been produced.

The proposal is for no brick frontage and a site visit revealed a brick frontage is a consistent development feature in the surrounding area. Approval of the development will be setting a precedent but considering the proposal is not a building in the traditional sense but a group of sea containers and that there will be no office on site, it is the Officer recommendation that due to the unique nature of this proposal, a brick frontage not be a condition of planning approval. However it is recommended a Local Planning Policy for Development in the Industrial Area is formulated to rectify this issue and maintain the uniform standard for the Industrial zone in the future.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

- Local Planning Policy 8.9 – Shipping Containers.

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:

- Site plan (Doc Id: 42414)
- Proposed sea containers (Doc Id: 42415 )
- Proposed entrance system (Doc Id: 42416)

**(Marked 9.4.5)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr Slyns, seconded Cr Kent**

**That Council grant planning approval for the proposed sea container storage units in accordance with the attached approved plans date stamped 6 October 2014 on Lot 1159 Boullanger Way, Jurien Bay subject to:**

- 1. All development shall be in accordance with the attached plans dated 6 October 2014 submitted with the application and subject to any modifications required as a consequence of an condition of this approval;**
- 2. Sealed and marked car parking bays to be provided at the rate of 1 per 100m<sup>2</sup> g.l.a;**
- 3. Landscaping area of 10% to be installed and maintained to the satisfaction of the Manager Planning Services;**
- 4. All sea containers to be painted the same colour and kept in a satisfactory state of repair; and**
- 5. The endorsed approved plans shall not be altered without the prior written approval of the local government.**

**ADVICE NOTES:**

**Note 1: The applicant be advised this is planning approval only and not a building permit.**

**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 8 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

**Moved Cr Slyn, seconded Cr Holmes**

**That Council prepare a local planning policy for development in the industrial zone that includes the provision for brick frontages of buildings in the industrial zone.**



**CARRIED 6 / 2**

*Scott Clayton left the Council Chambers at 5.52pm.*

*Cr Bailey returned to the Council Chambers at 5.57pm and the President read aloud the decisions.*

*Scott Clayton returned 5.57pm.*

**9.4.6 REQUEST FOR PERMANENT ACCOMMODATION – THE WAVES AT JURIEN TOURIST DEVELOPMENT – LOT 450 HILL STREET AND LOT 671 DALTON STREET, JURIEN BAY**

Location:	Lot 450 Hill Street and Lot 671 Dalton Street, Jurien Bay
Applicant:	DesignInc Perth Pty Ltd on behalf of Lineview Investments Pty Ltd
Folder Path:	Business Classification Scheme / Land Use and Planning / Subdivision / Requests
Disclosure of Interest:	None
Date:	14 November 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

**PROPOSAL**

That Council consider a request from DesignInc on behalf of the Strata Management for permanent accommodation on all 20 units which form “The Waves” tourism development.

**BACKGROUND**

At its meeting on 18 January 2007, Council granted approval for the construction of 20 units for the purpose of tourist



accommodation.

In May 2009 the applicant requested Council approval to allow 25% of the development to be sold as permanent residences. Despite the Officer recommendation that approval not be granted the Council resolved:

*That approval be granted to Lineview Holdings Pty Ltd in regard to the request to allocate units nine to 13 to be available for dual use (permanent and holiday accommodation) the original application being 100% tourism (holiday accommodation) and the possible planning precedent that could be set by approving such a request, retrospectively.*

In January 2013 a second request was made to increase the no-occupancy restriction to 45%. At its meeting held on 24 January 2013 Council granted approval to Lineview Holdings Pty Ltd request to allocate units four to six and 15 to 20 to be available for permanent residential. This planning approval was subsequently revoked at the February 2013 Council Meeting when it was discovered that two units had their permanent residential status removed (units 2 and 3) without the consent of the owners of these units due to a mix up by the strata managers.

The current proposal is for all 20 units to be used as permanent residential and short stay accommodation. The applicant has provided the following justification for the request:

*Over the last few years financing requirements for such developments have drastically changed. In addition, banks do not support developments in regional and coastal towns. This has caused 3 out of the five original syndicate members to sell out of the consortium as they could not sustain the financial pressures and a new partner has to be found. The current syndicate had to access various funding arrangements including private equity (which is very expensive) to refinance and pay out the Westpac Bank. To complete the entire development, the following are required in order that the syndicate can procure further sales and the project finance required:*

- a) Sale of Unit 21 (PT 21)*
- b) Change of classification of all units to "Dual Occupancy"*
- c) Change of classification – Class 1A*
- d) Disabled Units 13 & 14*

This application is for the approval of (b) only. In regards to this request the applicant has stated:

*With the approval of the large hotel development at Lot 62, Roberts Street (Opposite the jetty), Jurien will be well catered with tourist accommodation, and the classification of all units in the Waves at Jurien development as Dual Occupancy units is therefore unlikely to jeopardize the supply of tourist*

*accommodation in Jurien. In addition, most if not all the current Dual Occupancy units in Stage 1 of the project have been rented and are available for rental.*

#### COMMENT

The subject site is zoned Tourism and in accordance with Local Planning Scheme No7 the objective of the Tourism Zone is:

*To provide for tourism development and uses associated with tourism development, including retail and servicing development where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.*

In accordance with the Shire Local Tourism Strategy (the Strategy) the site is classified as a Non-Strategic Tourism Site and recommended to retain the "Tourist zoning". The Strategy states encouragement should be given for the amalgamation of the sites with adjoining Tourist zoned Crown land (Lots 349 and 337 Dalton Street).

In regards to residential components within tourism developments the Strategy recommends the maximum proportion be such that the site retains a dominant tourism function and character, and shall be determined by the Council between zero and 45 per cent inclusive. Determination of the relevant percentage is site specific and will depend on a number of relevant matters. It should be considered the subject lot contains a section of beachfront of high tourism amenity and therefore the Strategy recommendation is that at least 75% shall be retained for tourism purposes.

Planning Bulletin 83/2013 Planning for Tourism provides further guidance when determining the extent of the residential development within tourism sites:

- Whether the site has the capacity to be developed for a mix of uses and can also deliver a sustainable tourism outcome that will result in the size, type and quality of tourist accommodation appropriate to the site and location.
- The suitability and sustainability of non-tourism accommodation development within the broader planning and settlement context of the site.
- Assessment of the existing tourist accommodation facilities in the area which takes into consideration the capacity for new tourism development and the projected demand/range of tourist accommodation in a precinct, locality or region.
- In all cases, the scale of residential development should complement the tourism component and priority given to locating the tourism component on those areas of the site providing the highest tourism amenity (e.g. the beachfront).
- Residential units are designed to encourage integration into the management/letting pool for the tourism facility.
- Innovative master planning of the site to integrate residential and tourism components of the site to both enhance the tourism

component of the site and to ameliorate potential conflicts that may arise, such as noise, between tourist accommodation and permanent residents.

- Provision of appropriate lot sizes that will attract the desired tourism operator and type of tourism accommodation required.
- The intensity and compatibility of land use and development including consideration of lot sizes, building heights, scale and character of development and the potential impacts on the surrounding area.
- Compliance with the relevant State and local government policies and guidelines.
- The location of all units on the site shall provide for ease of tourism access through the site.
- The tourism component of a mixed use development shall incorporate those facilities normally associated with tourist accommodation developments such as recreation, entertainment facilities and integrated management facilities.
- Appropriate staging so that the tourism development and provision of facilities occurs concurrently to the mixed use and/or residential development.
- Where strata titling is proposed for tourist accommodation, appropriate management arrangements in a management statement which ensures that all tourist units will be let out for tourism purposes, preferably by an on-site letting agent (manager).
- Conversion of an existing tourism development to facilitate a residential component should not be supported without demonstrating the development will provide a quality tourism outcome or a resultant tourism benefit. Examples include a major refurbishment or increase in the number of tourism units, renovations and/or development of public spaces and new facilities such as pool or restaurant.

The role of Tourism plays an important part in the strategic growth of Jurien Bay as identified in the Shire's Local Tourism Planning Strategy, the Jurien Bay Growth Plan and the Jurien Bay City Centre Strategy Plan. Approving 100% of the development to contain a residential component raises the issue of setting a precedent for other land owners of tourism sites to follow suit even though such considerations are site specific. Determination of the percentage of the residential component on any tourism site will be site specific and the allocation of such components within the site should be a matter of careful deliberation. The identification of the subject lot as "non-strategic but recommended for retention" combined with part of the lot occupying the beachfront, it is the Officers opinion the site should retain a dominant tourism function. The identification, protection and retention of tourism sites not only allows appropriate development to occur in the short term but also protects land for specific purposes in the long term.

The Officer recommends the request to include permanent residential uses as an approved use for all units not be supported

in accordance with the recommendations for determining residential components on tourism sites in the Shire's Local Tourism Planning Strategy.

#### CONSULTATION

- Tourism WA
- Department of Planning

#### STATUTORY ENVIRONMENT

Local Planning Scheme No.7

#### POLICY IMPLICATIONS

- Planning Bulletin 83/2011 – Planning for Tourism

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

Local Tourism Planning Strategy

#### Recommendation 2

Initiate a Scheme Amendment to the Shire of Dandaragan Local Planning Scheme No. 7 (or omnibus amendment) to include the following site and development requirements within the Tourist zone in Part 5: General Development Requirements:

The site and development requirements for the Tourist zone shall include, but not be limited to:

- The occupation of any tourist accommodation unit by any person is limited to a maximum of three months in any 12-month period.
- The maximum proportion of residential restriction units shall be such that the site retains a dominant tourism function and character as determined by the Council.

#### ATTACHMENTS

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

- Correspondence from DesignInc (Doc Id: 42309)

**(Marked 9.4.6)**

#### VOTING REQUIREMENT

Simple majority

#### OFFICER RECOMMENDATION

Moved Cr Bailey, seconded Cr McGlew



That approval not be granted to DesignInc in regard to the request to allocate all units for permanent and short term accommodation at Lots 450 Hill Street and 671 Dalton Street, Jurien Bay for the following reasons:

1. The proposal is not consistent with the objectives of the "Tourist" Zone in Local Planning Scheme No.7 which states "To

- provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development”.
2. The proposal is not consistent with the Shire of Dandaragan Local Tourism Planning Strategy which states “The maximum proportion of residential restriction units shall be such that the site retains a dominant tourism function and character as determined by the Council”.
  3. The proposal is not in keeping with proper and orderly planning.

LOST 4 / 5

**COUNCIL DECISION****Cr Kent, seconded Cr Kulisa****That the applicant be requested to present their proposal at an Ordinary Meeting of Council or a Council Forum.****CARRIED 9 / 0****9.4.7 APPLICATION FOR MOBILE FOOD/COFFEE VAN ON VARIOUS SHIRE RESERVES**

Location:	Various Reserves in the Shire
Applicant:	Sharon McMahon
File Ref:	Development Services Apps / Development Application / 2014 / 68
Disclosure of Interest:	Nil
Date:	17 November 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

**PROPOSAL**

That Council consider an application to operate a mobile van selling coffee, bottled/package drinks, snacks and souvenirs at various reserves managed by the Shire.

**BACKGROUND**

The applicant proposes to sell coffee and other packaged beverages from a van at various locations in the shire, but not at locations within 300m of any premises open for business selling similar items.

The proponent requires a trading permit in accordance with the Shire’s Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

**COMMENT**

The Shire’s draft Local Planning Policy Mobile and Itinerant Vendors and Commercial Activities on Reserves (including

Foreshore) is presented as an item at this Council Meeting and recommended for adoption. The adoption of such a policy will assist in the assessment and management of commercial activities on the Shires Reserves.

The growth of the tourism industry is an important strategic objective for the Shire identified in the Local Tourism Planning Strategy, Jurien Bay Growth Strategy and Jurien Bay City Centre Strategy.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

The proponent requires the following approvals from the Shire of Dandaragan:

- A trading permit in accordance with the Shire's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

#### POLICY IMPLICATIONS

The Shire has a draft Mobile and Itinerant Traders and Commercial Activities on Reserves (including Foreshore) Policy as an Item at this Council Meeting recommended for adoption.

#### FINANCIAL IMPLICATIONS

The applicant is required to pay a trading in public places permit fee of either \$100 for one month or \$600 for 12 months.

#### STRATEGIC IMPLICATIONS

The Shire of Dandaragan Local Tourism Planning Strategy vision is:

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

#### ATTACHMENTS

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

- Trading in Public Places Application (Doc Id: 42433)  
**(Marked 9.4.7)**

#### VOTING REQUIREMENT

Simple majority

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

**Moved Cr Holmes, seconded Cr Bailey**

**That the Shire of Dandaragan grant planning approval to Sharon Macmahon for the operation of a mobile/itinerant coffee cart in accordance with the attached approved plans dated 19 September 2014 subject to the following conditions:**

1. All vehicles must be registered as per the requirements of the Motor Traffic Act.
2. Trading within a reserve controlled by Main Roads WA will not be permitted unless permission is received from Main Roads WA.
3. Vendors shall not obstruct traffic, pedestrians, entrance ways to shops and laneways.
4. Approval for Trading in Public Places permit is strictly limited to one-year. Inspections and reviews of the service may be conducted by the Shire of Dandaragan. The Shire of Dandaragan reserves the right to decline the renewal of, or amend the conditions of all Trading in Public Places permits in the future.
5. Vendors are not permitted to operate within 100m of a food outlet selling a similar food product if that outlet is open.
6. Vendors are required to obtain permission from event organisers when attending events (For example festivals, charity markets and sporting events).
7. Trading on Bashford Street, Jurien Bay and Aragon Street, Cervantes is prohibited.
8. Any rubbish or waste associated with the business is the responsibility of the Vendor. If not complied to, Council may revoke the licence to operate or an infringement will be issued.
9. A vendor's operation, including the vehicle, cart or stall, must be in accordance with the requirements of the Food Act 2008.
10. A vendor's operation must be in accordance with the Noise Control Act 1975 and regulations thereunder, and the Factories, Shops and Industries Act, if required.
11. A vendor's vehicles, carts, stalls etc. must be made available for inspection by the Manager of Environmental Health for a health clearance certificate which is required to obtain approval. A fee for the inspection, as set out in Council's fees and charges policy, will exist.

**CARRIED 9 / 0**

*Mr Scott Clayton left the Council Chambers at 6.22pm.*

## **9.5 HEALTH**

## **9.6 BUILDING**

## **9.7 COUNCILLOR INFORMATION BULLETIN**

**9.7.1 SHIRE OF DANDARAGAN – OCTOBER 2014 COUNCIL STATUS REPORT**

Document ID: 42459

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 23 October 2014. **(Marked 9.7.1)**

**9.7.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – NOVEMBER 2014**

Document ID: 42422

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for November 2014. **(Marked 9.7.2)**

**9.7.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2014**

Document ID: 41822

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for October 2014. **(Marked 9.7.3)**

**9.7.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2014**

Document ID: 41810

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for October 2014. **(Marked 9.7.4)**

**9.7.5 STATE ADMINISTRATIVE TRIBUNAL – WOODINGS & ANOR AND SHIRE OF DANDARAGAN**

Document ID: 41477

Attached to the agenda are the reasons for decision and orders made in the above matter. **(Marked 9.7.5)**

**9.7.6 WALGA MEDIA RELEASE – STATE SHOULD WEAR REFORM FUNDING SHORTFALL**

Document ID: 41741

*"The State Government should be held responsible if the community ends up wearing the cost of metropolitan Council reform*

*The WA Local Government Association reinforced its position that the State Government should provide adequate funding had been allocated for the process".*

Attached to the agenda is a copy of the above mentioned Media Release. **(Marked 9.7.6)**

**9.7.7 HON COLIN BARNETT – MEDIA STATEMENT – AGREEMENT FINALISED IN SW ABORIGINAL SETTLEMENT**

Document ID:

*"Premier Colin Barnett today congratulated the South West Aboriginal Land and Sea Council (SWALSC) on the completion of negotiations with the Western Australian Government on the final content of an agreement for the surrender of any native title rights across the entire south-west."*



Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.7)**

**9.7.8 WALGA – ECO-NEWS – ISSUE 10**

Document ID: 41476

Inside this issue:

- Esperance Quagi Beach Conservation Works
- Employee Innovation Helps Residents Measure Fuel Loads
- Shire of Murray Achieves Waterwise Status
- Sorento Beach Coast Care Project
- Bush Skills for the Hills Workshop – Water Quality Sampling
- Waterwise Councils Share Water Efficiency Knowledge
- Eneabba to Trail CBH Mobile Testing Unit During Harvest

**9.7.9 WALGA MEDIA RELEASE – SECTOR WELCOMES END TO UNCERTAINTY**

Document ID: 41443

*“Today’s reform announcement by the State Government brings some relief to metropolitan Councils and their communities after a prolonged period of uncertainty.*

*The WA Local Government Association acknowledged that while the announcement was a major milestone, the process of reform had just begun.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.9)**

**9.7.10 DEPARTMENT OF PLANNING – DRAFT STATE PLANNING POLICY 5.2 – TELECOMMUNICATIONS INFRASTRUCTURE**

Document ID: 41366

The revised *Draft State Planning Policy 5.2 (SPP 5.2) – Telecommunications Infrastructure* is now released for public comment. If you would like to provide comment on the revised policy please visit:

[www.planning.wa.gov.au/telecommunicationsreview2](http://www.planning.wa.gov.au/telecommunicationsreview2)

**9.7.11 MUNICIPAL WASTE ADVISORY COMMITTEE – INFORMATION BULLETIN – ISSUE 198**

Document ID:

Inside this issue:

- Tagging Time
- Compost Preferred Supplier Tender
- Ministers Meeting
- Problems with Product Stewardship
- Renovation Roulette
- Victorian EPA Revises Landfill Guidelines

**9.7.12 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – CANOVER BUSHFIRE BRIGADE – NEW FIRE APPLIANCE SUITABILITY**

Document ID: 41310

*“Upon consultation with Richard Wilson the Acting Director of*

*Asset Planning & Delivery, Corporate Services and Mark Wootton Manager Fleet and Equipment Services from the Department of Fire and Emergency Services, I hereby advise you that by seeking to keep your old fire appliance we would request that your existing vehicle undertake a full assessment and service to ensure its suitability of continuance of service.”*

*Note: This letter is no longer applicable*

**9.7.13 WALGA – ROADSIDE CONSERVATION COMMITTEE – ROADSIDE ENVIRONMENTAL WEEDS LIST**

Document ID: 41198

The Roadside Conservation Committee recently released a Roadside Environmental Weeds List. This list was produced by the Roadside Conservation Committee as part of their role to provide information for Local Government. The *Roadside Environmental Weeds List Verge Note* is on hand.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.13)**

**9.7.14 CORAL SEINOR – FIREBREAKS**

Document ID: 40974

*“I am writing to you with my concerns over the recent firebreak made at the rear of our property. We understand firebreaks have to be done in our town for safety reasons, however we are so disappointed to discover the Shire did the firebreaks this year wider than before exposing all the roots and sand along the way. We now have a huge problem when the wind blows it is sending all the exposed sand all through our house and over my washing when on the line. I am asking if next year the Shire would consider doing the firebreaks during the late winter months so the wet weather will keep the sand at bay. I do hope this matter can be discussed at your next meeting of Council for next year.”*

**9.7.15 AUSTRALIAN GOVERNMENT – NATIONAL YOUTH AWARDS**

Document ID: 40971

*“The awards are an Australian Government initiative and the national event and celebration of National Youth Week. The awards acknowledge, recognise and celebrate the achievements of Australia’s young people through six Award categories, and comment the positive news reporting of young people through a seventh award category.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.15)**

**9.7.16 ATTORNEY GENERAL; MINISTER FOR COMMERCE – REGIONAL CHRISTMAS TRADING EXTENSIONS**

Document ID: 40968

The Hon Michael Mischin MLC, Minister for Commerce, is currently considering options to extend retail trading hours in the Perth metropolitan area during the 2014 Christmas period.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.16)**

**9.7.17 CONSERVATION COUNCIL OF WESTERN AUSTRALIA – RADIOACTIVE WASTE AND SHIRE OF DANDARAGAN**

Document ID: 40966

*“The Conservation Council WA is Western Australia’s peak environment group representing around 100 local environment and conservation groups.*

*We are writing to all WA’s local Council’s regarding the Federal Governments plans for long term radioactive waste storage which may affect your local area.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.17)**

**9.7.18 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 40**

Document ID: 41279

Inside this issue:

- Vacancies on Boards and Committees
- Austroads Workshop
- Pocket RAMM Workshop Registrations
- WALGA Tax Service Workshop
- WA Volunteer 50 Years of Service Badge
- Western Australian Mountain Bike Strategy Draft Open For Comment
- IPWEA Public Works Training Week
- Act-Belong-Commit 2014: As We Are Art Award
- Training

**9.7.19 MIDWEST DISTRICT OPERATIONS GROUP ADVISORY COMMITTEE MEETING – 10 SEPTEMBER 2014 – CARNAMAH BOWLING CLUB**

Document ID:

Attached to the agenda is a copy of the minutes from the above mentioned meeting. **(Marked 9.7.19)**

**9.7.20 MEDIA STATEMENT – HON TERRY REDMAN MLA – \$13.3M ROYALTIES FOR REGIONS BOOST FOR PROJECTS**

Document ID:

*“Projects that help attract investment and improve the quality of life in regional Western Australia may be eligible for funding under the latest round of the State Government’s Royalties for Regions Regional Grants Scheme and Community Chest Fund.”*

Attached to the agenda is a copy of the above mentioned media release. **(Marked 9.7.20)**

**9.7.21 MEDIA STATEMENT – HON JOHN DAY MLA AND HON TERRY REDMAN MLA – \$750,000 IN REGIONAL EVENTS SUPPORT UP FOR GRABS**

Document ID:

*“Are you organising a cracking regional event – or have a great idea for one? Then you could be eligible to apply for a cash grant between \$5,000 and \$50,000 under Tourism WA’s Regional Events Scheme funding scheme which is now open.”*

Attached to the agenda is a copy of the above mentioned media release. **(Marked 9.7.21)**

**9.7.22 GORDON AND JUDITH WALSH – CERVANTES CARAVAN PARK RAC TAKEOVER**

Document ID:

Attached to the agenda is a copy of Mr & Mrs Walsh’s letter to RAC regarding RAC Tourism Assets and Pinnacles Holiday Park. **(Marked 9.7.22)**

**9.7.23 DEAN SMITH – LIBERAL SENATOR FOR WESTERN AUSTRALIA – WA LIBERAL PARTY’S NEW PATRON SENATOR FOR DURACK**

Document ID: 42093

*“I am writing to introduce myself as the WA Liberal Party’s new Patron Senator for Durack. As you will be aware, Melissa Price was elected as the new Member for Durack in September 2013, and in June this year, Senator Alan Eggleston retired from the Senate, after 18 years of service to WA.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.23)**

**9.7.24 DEPARTMENT OF FIRE AND EMERGENCY SERVICES (DFES) STRATEGIC PLAN 2012 – 2024**

Document ID: 42087

On 1 October 2014, the Minister for Emergency Services, the Honourable Joe Francis MLA launched our new Strategic Plan 2012-2024. *DFES’ Strategic Plan 2012 – 2024* builds on DFES’ 2012 publication, *New Beginnings 2024*, and will remain a dynamic document with regular review periods to allow for changes in their operating environment.

A copy of the new Strategic Plan 2012-2024 is on hand.

**9.7.25 DANDARAGAN BOWLING CLUB INC – 2014 CITIZEN AND YOUNG CITIZEN OF THE YEAR AWARDS**

Document ID: 42045

*“The committee of the Dandaragan Bowling Club wish to express concern regarding the implementation of the selection criteria of the Citizen and Young Citizen of the Year Awards.*

*It is acknowledged that many applicants have a long history of community services. However, the committee feels that as it is a nominee’s contribution over the preceding twelve months, contributions outside of this time zone should not be articulated at the presentation ceremony or recorded on the nominees application form. The committee believe that the criteria should be*

*solely on the relevant year.”*

**9.7.26 REGIONAL DEVELOPMENT AUSTRALIA WHEATBELT WA – ANNUAL REPORT 2013 / 2014**

Document ID: 42040

A copy of RDA Wheatbelt’s annual report is on hand.

Attached to the agenda is a copy of the covering correspondence.  
**(Marked 9.7.26)**

**9.7.27 JURIE BAY DISTRICT HIGH SCHOOL – USE OF COUNCIL CHAMBERS**

Document ID: 42030

*“On behalf of the School, I would like to thank the Shire of Dandaragan for providing the use of the Council Chambers on Wednesday 29<sup>th</sup> October 2014 for our Year 12 Presentation evening. The use of the Chambers provided a formal setting which added to the sense of occasion.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.27)**

**9.7.28 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 42**

Document ID: 41776

Inside this issue:

- Parliamentary Review of Development Assessment Panels
- State Confirms No Additional Reform Funding
- WALGA Employee Relations – Support for Reform
- Movember Industry Challenge
- Netherlands Cycling Tour; Learning for Perth
- Community Inclusion and Participation Grants
- National Stronger Regions Fund
- Subsidy for Graffiti Removal Course
- Introduction to WA Planning

**9.7.29 WALGA – MUNICIPAL WASTE ADVISORY COMMITTEE INFORMATION BULLETIN – ISSUE 199**

Document ID:

Inside this issue:

- TV Troubles
- Landfill Levy Increase – Impacts on the Non-Metropolitan Area
- Tagging Trials
- LitterBusters Launch
- HHW Update

**9.7.30 WALGA – VACANCIES ON BOARDS AND COMMITTEES**

Document ID: 40940

A copy of WALGA’s current vacancies on boards and committees is on hand and was emailed to Councillors on 18 November 2014.

Nominations closed 20 November 2014.

**9.7.31 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 43**

Document ID:

Inside this issue:

- Emission Reduction Fund Legislation Passes through the Senate
- Vacancies on Boards and Committees
- Security and Local Government
- Comment Sought: Draft Guidance Statement on Regulatory Principles
- MACC Tool and Guidelines Webinar
- Update: National TV & Computer Recycling Scheme
- AAPA National Workshop Series: Safety at Roadworks
- Age Friendly Communities Forum

**9.7.32 GHD – RURAL WATER SUPPLY ASSISTANCE PROGRAM – OFFER OF SERVICES TO ASSIST WITH SUBMISSIONS**

Document ID: 42247

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.32)**

**9.7.33 MEDIA RELEASE – HON DEAN NALDER MLA – APPLICATIONS NOW OPEN FOR BIKEWEEK 2015 GRANTS**

Document ID:

*“Community groups, organisations and local governments can now apply to share in \$30,000 in grants to support local cycling events and activities as part of Bikeweek 2015.”*

Attached to the agenda is a copy of the above mentioned Media Release. **(Marked 9.7.33)**

**9.7.34 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 44**

Document ID:

Inside this issue:

- WALGA President Elected Head of ALGA
- Metropolitan Reform Breakfast & Workshop
- 2015 WA Local Government Convention Accommodation & Parking
- 2014 Road Ribbon for Road Safety Campaign
- Street Lighting Discussion Paper – Released for Comment
- Security and Local Government Forum
- Civic Sunday
- Changing Times, Emerging Generations – Seminar
- Training

**9.7.35 WALGA – MEDIA RELEASE – WALGA PRESIDENT ELECTED HEAD OF ALGA**

Document ID: 42323

*“The WA Local Government Association is proud to announce that President, Mayor Troy Pickard, was today elected President of the Australian Local Government Association at its Annual General Meeting in Tamworth, New South Wales.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.35)**

**9.7.36 ADVANCE DANDARAGAN COMMITTEE INC – CITIZEN AND YOUNG CITIZEN OF THE YEAR AWARDS**

Document ID: 42331

*“Advance Dandaragan would like clarification of the rules for the choice of the Citizen of the Year and Junior Citizen of the Year.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.36)**

**9.7.37 BADGINGARRA PRIMARY SCHOOL – END OF YEAR BOOK PRIZE**

Document ID: 42383

*“We are very grateful for the Shire of Dandaragan’s continued support in sponsoring the Academic Award for 2014.*

*The school will purchase a book on the Shire’s behalf prior to the evening and would welcome you or a representative to present it.*

*The Concert & Presentation Night will be held at 7.00pm on Friday December 12<sup>th</sup> at the Badgingarra Community Hall.*

*We would appreciate if you could inform us of who will be presenting the award on behalf of the Shire.”*

**9.7.38 MELISSA PRICE MP – FEDERAL MEMBER FOR DURACK – GREEN ARMY ROUND 2 OPEN FOR APPLICATION IN DURACK**

Document ID: 42392

*“Applications are open for community-led Green Army projects that support practical, grassroots environment and heritage conservation activities across Durack, which includes the northern Wheatbelt, Midwest, Gascoyne, Pilbara and Kimberley.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.38)**


**10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING****10.1 ADMINISTRATION**

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

To consider the appointment of Councillor Tim Bailey as a member of WALGA’s Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions.

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Short, seconded Cr Sheppard****That the following new business of an urgent nature be considered by Council:****To consider the appointment of Councillor Tim Bailey as a member of WALGA's Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions.****CARRIED 9 / 0****10.1.1 APPOINTMENT OF CR TIM BAILEY ON WALGA'S MAIN ROADS ADVISORY GROUP FOR MANAGEMENT OF STRAYING STOCK IN PASTORAL REGIONS**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / Meetings / Representatives
Disclosure of Interest:	None
Date:	25 November 2014
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**PROPOSAL**

To consider the appointment of Councillor Tim Bailey as a member of WALGA's Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions.

**BACKGROUND**

In June 2012 the Minister for Transport endorsed the recommendations in the Report on Fencing Roads in Pastoral Regions prepared by the Pastoral Fencing Working Group (PFWG). A key recommendation of that report was the establishment of an Advisory Group by Main Roads WA to facilitate effective management of the issues caused by straying stock on road in the pastoral regions.

The reason for the vacancy follows the resignation of Cr Peter Kneebone from the Shire of Derby West Kimberley. The term of office is to be determined upon appointment.

**COMMENT**

Cr Tim Bailey has applied for the advertised vacancy on WALGA's Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions and an item to Council is necessary to endorse his nomination or not.

Meetings by this Group are held quarterly or as required.

**CONSULTATION**

- Cr Tim Bailey



**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to this item.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

Elected members representing the Shire of Dandaragan as Council endorsed delegates are eligible to claim travel expenses. It is assumed that the Western Australian Local Government Association would be responsible for any expenses.

Policy No 1.7	Adopted - April 2005	Amended - 27 May 2010
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### **1.7 TRAVELLING EXPENSES - MEMBERS AND NON MEMBER DELEGATES**

**OBJECTIVE**

To establish the basis upon which Council will reimburse travel expenses incurred by Councillors and appointed delegates (who are not Council members) in the course of representing the community in cases other than that determined by the Local Government Act 1995.

**POLICY STATEMENT**

1. All Councillors and Council appointed delegates (who are not Council members) will be paid the Local Government Officers' Award rate per kilometre for all travelling expenses incurred in attending the following:
  - annual and special and general meetings of electors;
  - officially called civic receptions;
  - visits by Ministers of the Crown to the Council or with it;
  - Council inspection tours;
  - Council authorised meetings with government agencies;
  - other Council called meetings of Councillors and staff;
  - committee meetings;
  - official meetings as delegates of Council;
  - ordinary meetings of Council;
  - official Locality Inspections; and
  - Council authorised conferences / seminars / professional development courses.
2. Reimbursement of travel expenses *will not be paid* where members of Council attend:
  - a) social engagements (other Councils' annual dinners, sporting clubs, community groups and other organisations' functions);
  - b) meetings, functions etc where they are not the nominated Council representative; and
  - c) road / locality inspections that have not been convened by a resolution of Council.
3. Where acting as a Council representative, that requires travel outside of the Shire, and travel by motor vehicle is appropriate, travel should be undertaken by Council vehicle where available and appropriate, otherwise private vehicle use is allowed.
4. Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, seminars, training courses, meetings and functions, will be reimbursed by the Council.
5. Reimbursement of travel expenses are to paid only on receipt of a formal claim from a member of Council or non member delegate and are to be calculated on the number of kilometres between the member's principal place of residence or work within the Shire to the venue and return.

All claims for payment should be received at the Shire office no later than 30 June of each financial year.

A suitable claim form will be provided by the Manager Corporate Services upon request.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item

ATTACHMENTS

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

- WALGA's notice for the vacancy on Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions (Doc Id: 42712)

**(Marked 10.1.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Holmes, seconded Cr Short**

**That Council endorse Councillor Tim Bailey's nomination to become a member of WALGA's Main Roads Advisory Group for Management of Straying Stock in Pastoral Regions.**

**CARRIED 9 / 0**

## 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 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

*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 INFRASTRUCTURE

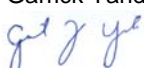
### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Kent, seconded Cr Short**

**That the meeting be closed to members of the public at 6:30pm in accordance with Section 5.23 (2) (e) (ii) and (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 'Jurien Bay Sewerage Stage 1 Tender Review'.**

**CARRIED 9 / 0**

### 11.1.1 JURIEN BAY SEWERAGE STAGE 1 TENDER REVIEW

Location:	Jurien Bay
Applicant:	Executive Manager Infrastructure
Folder Path:	Business Classification / Sewerage and Drainage / Tendering / Tender Evaluations
Disclosure of Interest:	None
Date:	13 November 2013
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 NOVEMBER 2014**

Signature of Senior Officer:



*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 Bailey**

**That Council reject all tender submissions for Tender 03/2014 'Jurien Bay Sewer Project' due to the value of tenders significantly exceeding the current project funding.**

**CARRIED 9 / 0**

**COUNCIL DECISION**

**Moved Cr Kent, seconded Cr Bailey**

**That the meeting be reopened to the public at 6.31pm.**

**CARRIED 9 / 0**

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

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 6.31pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....