



SHIRE
of
DANDARAGAN

AGENDA AND BUSINESS PAPERS

for the

ORDINARY COUNCIL MEETING

to be held

AT THE CERVANTES PINNACLES MOTEL

on

THURSDAY 23 APRIL 2015

COMMENCING AT 5.00PM

(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

1.2 DISCLAIMER READING

“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 D Slyn | |

Staff

| | |
|----------------|--|
| Mr T Nottle | (Chief Executive Officer) |
| Mr I Rennie | (Deputy Chief Executive Officer) |
| Mr S Clayton | (Executive Manager Corporate & Community Services) |
| Mr D Chidlow | (Manager Planning) |
| Mrs B Macaulay | (Planning Officer) |

Apologies

| | |
|-------------|------------------------------------|
| Mr G Yandle | (Executive Manager Infrastructure) |
|-------------|------------------------------------|

Approved Leave of Absence

Councillor L Holmes

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY MEETING HELD 26 MARCH 2015


7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 FINANCE

9.1.1 ESTABLISHMENT OF AN OVERNIGHT CASH DEPOSIT FACILITY FOR THE JURIEBAY SEWERAGE PROJECT (STAGE 1B) - SOUTHERN INITIATIVE FUNDING - FINANCIAL ASSISTANCE AGREEMENT

| | |
|-------------------------|---|
| Location: | Lot 124 Bashford Street, Jurien Bay |
| Applicant: | Department Regional Development & Lands |
| File ref: | Business Classification Scheme / Grants and Subsidies / Programs / Capital Assistance |
| Disclosure of interest: | None |
| Date: | 10 April 2015 |
| Author: | Tony Nottle, Chief Executive Officer |
| Signature of author: |  |

PROPOSAL

For Council to authorise the creation of an Overnight Cash Deposit Facility with the Facility Identification: "Jurien Bay Sewerage Project (Stage 1B)" as per Schedule 7 of the Financial Assistance Agreement (FAA) for the Project.

BACKGROUND

The Jurien Sewerage Project Stage 1 Tender documentation was completed with the detailed design approved by Water Corporation. Stage 1 consists of the following components:

- Stage 1A (Separable Portion A) - Wastewater Pumping Station C and Pressure Main
- Stage 1B (Separable Portion B) - Infill Sewer Reticulation for Visitor and Civic precinct, Health and Aged Care precinct and Jurien Bay District High School precinct.

The Shire initially secured \$3,694,840 through the SuperTowns project. The initial total estimated construction cost of the project was \$4,666,036. This indicated a funding shortfall of \$971,186. The Shire also allowed \$350,000 for design and project management of the project resulting in an estimated total funding shortfall of \$1,321,186.

Due to the estimated shortfall, the Shire sought additional sources of funding in order to complete the project to its full extent.

Discussions with Water Corporation, during the planning stages, indicated that they will contribute approximately \$220,000 in funding as part of a Developer Constructed Works Agreement (DCWA) to divert flow from the existing Pump Station No 7 (Boronia Turn) to Pump Station C.

It is also believed that Water Corporation will contribute approximately \$600/m for the first 570m of DN300 gravity sewer from the new PS C to the corner of Hamersley and Bayliss Street. This is approximately \$342,000. Water Corporation has confirmed that these figures to be reasonably accurate.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

In October 2014, the Shire put forward a Business Case submission, through the Wheatbelt Development Commission, to the Department for Regional Development (DRD) for a further \$1,062,051 of funding. This is through the Royalties for Regions Southern Investment Initiative. As part of this process, the Shire was asked to contribute additional leverage funds. This funding was officially secured in February 2015.

This Business Case focused on securing funds for Stage 1B of the Jurien Bay Sewerage Project, which will progress the development of the Visitor and Civic Multipurpose Facility due to government requirements to be connected to reticulated sewer and enable potential private investment at the Health and Aged Care precinct.

The parameters regarding the funding of this project is that it must successfully undertake:

- Reticulation connection of Stage 1A infrastructure to the Health and Aged Care precinct, Visitor and Civic precinct, and properties included in Stage 1 catchment zone.

As part of the additional funding secured through the Southern Investment Initiative, the Shire was asked to contribute additional leverage funds from our own sources. The Shire put forward \$300,000 in leverage funds, which has accumulated through interest gained on the SuperTowns funding.

The current funding and revised budget for the total Jurien Bay Sewerage Project Stage 1 can be summarised as follows:

| FUNDING | | COMMENTS |
|------------------------------|--------------------|-------------------------------|
| SuperTowns | \$3,694,850 | Secured |
| Shire | \$300,000 | SuperTowns interest |
| WC DCWA PS 7 Diversion | \$220,000 | Estimate from WC |
| WC DN300 Sewer 600m | \$342,000 | Estimate from WC |
| SII Grant | \$1,062,051 | Confirmed February 2015 |
| REVISED TOTAL FUNDING | \$5,618,901 | Revised Project Budget |

The revised project budget with the additional funding is approximately \$5,618,901 which is exclusive of GST.

As a result of this announcement, information had been received from DRD personnel in relation to the establishment of a specific "Southern Initiative Jurien Bay Sewerage Project (Stage 1B) Project Fund" as well as a FAA of which both are now complete. A fully executed copy of the FAA was returned by DRD to the Shire on 27 March 2015. The signed documentation for the establishment of a specific fund account was sent back to the WA Treasury Corporation on the 10 April 2015 for processing.

The FAA will require further detail to be obtained by Shire administration as to more accurate costs of the projects due to their conceptual nature at the time of submission.

COMMENT

The FAA outlines the requirements of the Shire to establish an Overnight Cash Deposit Facility (OCDF) with the Western Australian Treasury Corporation specifically for the purpose of holding the Royalties for Regions funds until such time as agreed milestones are reached at which point funds will be transferred from the OCDF to the Shire's regular Municipal bank account.

The following is an extract from the FAA:

"The full amount of the Funding provided under this Agreement is required to be invested by the Recipient with the Western Australian Treasury Corporation (WATC) until expended as per the Project Budget detailed in Schedule 4.

The Recipient must invest the Funding with the WATC by opening a separate Overnight Cash Deposit Facility (OCDF) and depositing in the OCDF the Funding, within seven (7) days of receipt of the Funding from the Department. This facility gives the Recipient access to their funds at call. Interest is calculated daily and paid monthly.

The Recipient is required to authorise the Wheatbelt Development Commission as a joint signatory to its WATC OCDF account relating to the Funding and all withdrawals / drawdowns will require the approved signatures of both the Department and the Recipient before WATC will release the funds.

The Recipient provides authority for the WATC to send to both the Wheatbelt Development Commission and the Department copies of all investment confirmations and monthly statements as evidence of investments and / or transactions.

The Recipient may invest the whole or any part of the Funding from the OCDF into one or more WATC Short Term Inscribed Stock facility (STIS facility). On maturity of investment of the Funding in a STIS facility, the Funding may be reinvested in a further STIS facility. The Funding must be re-deposited into the OCDF once it is no longer held in a STIS facility.

Any interest earned from either the Recipient's OCDF account or a STIS facility must be deposited into the ODCF and utilised for the Project in accordance with this Agreement."

In addition, to meet the requirements of GST, the initial funds must be deposited into the Shire's Municipal bank account with GST

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

being withheld then an immediate transfer of the grant funds to the OCDF be undertaken.

Council previously endorsed the application of the common seal to the FAA at the meeting held on 26 March 2015 item 9.3.6.

CONSULTATION

- DRD
- Executive Manager Corporate and Community Services
- Executive Manager Infrastructure
- Wheatbelt Development Commission

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The following financial implications are relevant as a result the successful Business Case submission, through the Wheatbelt Development Commission, to the Department for Regional Development for a further \$1,062,051 of funding.

1. the creation of an Overnight Cash Deposit Facility with the Facility Identification: "Jurien Bay Sewerage Project (Stage 1B)" in accordance with Schedule 7 "REQUIREMENT FOR FUNDS TO BE INVESTED WITH THE WESTERN AUSTRALIAN TREASURY CORPORATION (WATC)" included in the Financial Assistance Agreement for the Jurien Bay Sewerage Project (Stage 1B);
2. a budget amendment to recognise non-operating grant income of \$1,062,051;
3. the creation of a reserve titled "Jurien Bay Sewerage Project (Stage 1B)" for the purpose of "fulfilling the requirements, outcomes and achievables identified in the Financial Assistance Agreement for the Jurien Bay Sewerage Project (Stage 1B)";
4. the transfer of \$1,062,051 from the Shire of Dandaragan's Municipal bank account to the Shire of Dandaragan's Overnight Cash Deposit Facility with the Facility Identification: "Jurien Bay Sewerage Project (Stage 1B)"; and
5. the appropriate entry to be made in the Shire of Dandaragan's financial records to recognise \$1,062,051 as belonging to the Jurien Bay Sewerage Project (Stage 1B) reserve.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure

OBJECTIVE 1: Ensure planning and land availability provides opportunity to generate quality growth and economic benefits to the community and Shire

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
|---|---|--|----------------|------------|------------------------------|
| G1-01-A2 | Progress Town Centre Strategy relevant key elements. | Town Centre Strategy Plan | Short | Jurien Bay | Land owners Investors |
| OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised | | | | | |
| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
| G1-02-A1 | Develop civic precinct concept in Jurien Bay. | Town Centre Strategy Plan SuperTowns Growth Plan | Short - Medium | Jurien Bay | CRC DEC Other agencies |
| G1-02-A6 | Lobby for design and installation in-fill sewerage Jurien Bay and surrounds | SuperTowns Growth Plan Coral Coast Tourism Development Priorities | Ongoing | Jurien Bay | Water Corporation |

ATTACHMENTS

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

- Financial Assistance Agreement - Jurien Bay Sewerage Project (Stage 1B)
(Marked 9.1.1)

VOTING REQUIREMENT

Absolute majority

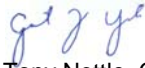

OFFICER RECOMMENDATION

That Council authorise:

- 1. the creation of an Overnight Cash Deposit Facility with the Facility Identification: “Jurien Bay Sewerage Project (Stage 1B)” in accordance with Schedule 7 “REQUIREMENT FOR FUNDS TO BE INVESTED WITH THE WESTERN AUSTRALIAN TREASURY CORPORATION (WATC)” included in the Financial Assistance Agreement for the Jurien Bay Sewerage Project (Stage 1B);**
- 2. a budget amendment to recognise non-operating grant income of \$1,062,051;**
- 3. the creation of a reserve titled “Jurien Bay Sewerage Project (Stage 1B)” for the purpose of “fulfilling the requirements, outcomes and achievables identified in the Financial Assistance Agreement for the Jurien Bay Sewerage Project (Stage 1B)”;**
- 4. the transfer of \$1,062,051 from the Shire of Dandaragan’s Municipal bank account to the Shire of Dandaragan’s Overnight Cash Deposit Facility with the Facility Identification: “Jurien Bay Sewerage Project (Stage 1B)”;**
and

5. the appropriate entry to be made in the Shire of Dandaragan's financial records to recognise \$1,062,051 as belonging to the Jurien Bay Sewerage Project (Stage 1B) reserve.

9.1.2 JURIE BAY SEWERAGE STAGE 1 BUDGET AMENDMENT

| | |
|------------------------------|--|
| Location: | Jurien Bay |
| Applicant: | Executive Manager Infrastructure |
| Folder Path: | Business Classification / Sewerage and Drainage / Tendering / Tender Evaluations |
| Disclosure of Interest: | None |
| Date: | 10 April 2015 |
| Author: | Garrick Yandle, Executive Manager Infrastructure |
| Signature of Author: |  |
| Senior Officer: | Tony Nottle, Chief Executive Officer |
| Signature of Senior Officer: |  |

PROPOSAL

That Council consider a budget amendment for the Jurien Bay Sewerage Stage 1 project, due to additional sources of funding being received in order to cover the costs of expected Tender submissions exceeding the initial budget allocation.

BACKGROUND

The Jurien Sewerage Project Stage 1 Tender documentation was completed with the detailed design approved by Water Corporation. Stage 1 consists of the following components:

- Stage 1A (Separable Portion A) - Wastewater Pumping Station C and Pressure Main
- Stage 1B (Separable Portion B) - Infill Sewer Reticulation for Visitor and Civic precinct, Health and Aged Care precinct and Jurien Bay District High School precinct.

The project Tender was initially advertised in The West Australian on Saturday 27 September 2014 and was also on the Shire website www.dandaragan.wa.gov.au/tenders, with the Tender submissions closing on Friday 24 October 2014 at 2.00pm.

It was recommended that Council consider rejecting all of the initial Tenders for the Jurien Bay Sewer Stage 1 project, due to all received Tenders exceeding the initial funding allocation and project budget, and that Council consider readvertising the Tender, once the outcomes of additional funding applications are known.

Since the initial Tender phase the Shire has been able to secure additional funding.

COMMENT

The Shire initially secured \$3,694,840 through the SuperTowns project. The initial total estimated construction cost of the project was \$4,666,036. This indicated a funding shortfall of \$971,186. The Shire also allowed \$350,000 for design and project management of the project resulting in an estimated total funding shortfall of \$1,321,186.

Due to the estimated shortfall, the Shire sought additional sources of funding in order to complete the project to its full extent.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

Discussions with Water Corporation, during the planning stages, indicated that they will contribute approximately \$220,000 in funding as part of a Developer Constructed Works Agreement (DCWA) to divert flow from the existing Pump Station No 7 (Boronia Turn) to Pump Station C.

It is also believed that Water Corporation will contribute approximately \$600/m for the first 570m of DN300 gravity sewer from the new PS C to the corner of Hamersley and Bayliss Street. This is approximately \$342,000. Water Corporation has confirmed that these figures to be reasonably accurate.

In October 2014, the Shire put forward a Business Case submission, through the Wheatbelt Development Commission, to the Department for Regional Development for a further \$1,062,051 of funding. This is through the Royalties for Regions Southern Investment Initiative. As part of this process, the Shire was asked to contribute additional leverage funds. This funding was officially secured in February 2015. This is subject to Council's decision in relation to item 9.1.1 contained within this agenda.

As part of the additional funding secured through the Southern Investment Initiative, the Shire was asked to contribute additional leverage funds from our own sources. The Shire put forward \$300,000 in leverage funds, which has accumulated through interest gained on the SuperTowns funding.

The current funding and revised budget for the Jurien Bay Sewer Stage 1 project can be summarised as follows:

| FUNDING | | COMMENTS |
|------------------------------|--------------------|-------------------------------|
| SuperTowns | \$3,694,850 | Secured |
| Shire | \$300,000 | SuperTowns interest |
| WC DCWA PS 7 Diversion | \$220,000 | Estimate from WC |
| WC DN300 Sewer 600m | \$342,000 | Estimate from WC |
| SII Grant | \$1,062,051 | Confirmed February 2015* |
| REVISED TOTAL FUNDING | \$5,618,901 | Revised Project Budget |

* This is subject to Council's decision in relation to item 9.1.1 contained within this agenda.

The revised project budget with the additional funding is approximately \$5,618,901 which is exclusive of GST.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Project Superintendent - Cardno

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

POLICY IMPLICATIONS

- Shire of Dandaragan Purchasing Policy and Tender Guide 1.15

FINANCIAL IMPLICATIONS

The initial funding and budget allocation for the project was \$3,694,850 based upon the original SuperTowns funding.

Additional funding sources were sought and achieved as summarised in the table below.

| FUNDING | | COMMENTS |
|------------------------------|--------------------|-------------------------------|
| SuperTowns | \$3,694,850 | Secured |
| Shire | \$300,000 | SuperTowns interest |
| WC DCWA PS 7 Diversion | \$220,000 | Estimate from WC |
| WC DN300 Sewer 600m | \$342,000 | Estimate from WC |
| SII Grant | \$1,062,051 | Confirmed February 2015* |
| REVISED TOTAL FUNDING | \$5,618,901 | Revised Project Budget |

* This is subject to Council's decision in relation to item 9.1.1 contained within this agenda.

The revised funding and project budget is approximately \$5,618,901.

This will require a budget amendment of an additional \$862,000 to be allocated to the Jurien Bay Sewerage Project Stage 1.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

| GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure | | | | | |
|---|---|--|----------------|------------|------------------------------|
| OBJECTIVE 1: Ensure planning and land availability provides opportunity to generate quality growth and economic benefits to the community and Shire | | | | | |
| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
| G1-01-A2 | Progress Town Centre Strategy relevant key elements. | Town Centre Strategy Plan | Short | Jurien Bay | Land owners Investors |
| OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised | | | | | |
| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
| G1-02-A1 | Develop civic precinct concept in Jurien Bay. | Town Centre Strategy Plan SuperTowns Growth Plan | Short - Medium | Jurien Bay | CRC DEC Other agencies |
| G1-02-A6 | Lobby for design and installation in-fill sewerage Jurien Bay and surrounds | SuperTowns Growth Plan Coral Coast Tourism Development Priorities | Ongoing | Jurien Bay | Water Corporation |

ATTACHMENTS

Nil

VOTING REQUIREMENT

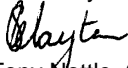

Absolute majority

OFFICER RECOMMENDATION

That Council authorise a budget amendment of approximately an additional income of \$862,000 to the Jurien Bay Sewerage Stage 1 project making the total project budget approximately \$5,618,901 with the additional sources of funding being:

- 1. Water Corporation DCWA contribution towards PS 7 Diversion approximately \$220,000.**
- 2. Water Corporation DCWA contribution towards DN300 Sewer 600m of approximately \$342,000.**
- 3. Shire contribution in leverage funds, which have accumulated through interest gained on the SuperTowns funding up to the value of \$300,000.**

9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2015

| | |
|------------------------------|--|
| Location: | Shire of Dandaragan |
| Applicant: | N/A |
| Folder: | Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports |
| Disclosure of Interest: | None |
| Date: | 14 April 2015 |
| Author: | Scott Clayton, EMCCS |
| Signature of Author: |  |
| Senior Officer: | Tony Nottle, Chief Executive Officer |
| Signature of Senior Officer: |  |

PROPOSAL

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

BACKGROUND

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

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 31 March 2015 was \$2,995,044. 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 percent or \$10,000 threshold for these variances to be reported was set. An explanation of these variances is as follows:

Recreation and Culture

Expenditure is at 78% of Y-T-D budget and is due to less than budgeted salaries, materials and on costs. The cause of this is twofold. Firstly, parks and gardens have been operating at less than full staff capacity. Secondly, timing could mean staff have been spending more time in other areas.

Economic Services

Expenditure is at 84% of Y-T-D budget and is due to less than budgeted expenditure to tourism and promotions.

Other Economic Services

Income is at 136% of Y-T-D budget and is primarily due to a large number of private works jobs undertaken for firebreak compliance.

Expenditure is at 285% of Y-T-D budget and is due to two separate factors.

Firstly, an allocation of staff costs for the Shire's yardman needs to be made to this schedule from recreation and culture. This will be corrected in the 2015/16 budget.

Secondly, on-costs are tracking less than budgeted. This is reviewed three to four times per year and adjustments are made. This is a non-cash variance.

Should Councillors wish to raise any issues relating to the 31 March 2015 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 March 2015 (Doc Id: 49514)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority


OFFICER RECOMMENDATION

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

9.2 INFRASTRUCTURE

9.3 ADMINISTRATION

9.3.1 APPLICATION OF COMMON SEAL

| | |
|------------------------------|--|
| Location: | N/A |
| Applicant: | Shire of Dandaragan |
| Folder Path: | <u>Business Classification Scheme / Governance / Authorisations / Council Seal</u> |
| Disclosure of Interest: | None |
| Date: | 10 April 2015 |
| Senior Officer: | Tony Nottle, Chief Executive Officer |
| Signature of Senior Officer: |  |

PROPOSAL

To seek Council's endorsement for the application of the Shire of Dandaragan's common seal to Form N1 Notification Under Section 70A for a subdivision at Lot 530 Clive Winston and Lana Margaret Moore, CW and LM Moore, "Yere Yere", Dandaragan.

BACKGROUND

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

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

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

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

That Council endorse the affixing of the Shire of Dandaragan's common seal to Form N1 Notification Under Section 70A for a subdivision at Lot 530 Clive Winston and Lana Margaret Moore, CW and LM Moore, "Yere Yere", Dandaragan.

9.4 TOWN PLANNING

9.4.1 WIND PROSPECT WA PTY LTD - PROPOSED RENEWAL AND EXTENSION TO APPROVAL FOR WIND MONITORING TOWERS - DANDARAGAN WINDFARM

Location: Lot 3899 Mullering Road and Lot M454 Dambadjie Road, Dandaragan


Applicant: Wind Prospect WA on behalf of ME Glasfurd Nominees Pty Ltd (Lot 3899) and Kayanaba Holdings Pty Ltd (Lot M454)

Folder Path: Development Services Apps / Development Application / 2011 / 27

Disclosure of Interest: None

Date: 7 April 2015

Author: David Chidlow, Manager Planning

Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer: 

PROPOSAL

The applicant is seeking a further extension of the period of planning approval for the Dandaragan Wind Farm scheduled to lapse on the 14 April 2015.

The applicant is also seeking to separate the approval such that each tower will have a separate planning approval.

BACKGROUND

At its meeting on the 14 April 2011, Council granted conditional planning approval for two temporary wind monitoring towers to form part of the Dandaragan Wind Farm for a period of two (2) years. The conditions of approval are as follows:

1. *All development shall accord with the attached approved plan(s) and specifications dated February 2011 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire; and*
2. *Approval is granted for two years after the date of erection of the towers after which time the towers are to be removed. If the application intends to retain one or both of the towers after this time, a new application will be required to be lodged with the Council.*

Advice to applicant

- *The applicant is advised to liaise with the Civil Aviation Safety Authority and Royal Australian Air Force in relation to the height and location of the wind monitoring towers.*
- *This approval is valid for a period of two (2) years. If the development has not substantially commenced within this period the approval will lapse.*
- *The applicant is advised that there is a right of review (appeal)*

against Council's decision in accordance with the provisions of the Planning & Development Act 2005. In this regard contact should be made with the State Administrative Tribunal on 9219 311 or via website www.sat.justice.wa.gov.au.

On 24 January 2013, Council granted an extension of approval for the wind monitoring towers until 14 April 2015 (the two years to coincide with the original approval date of 14 April 2011).

The applicant states the following justification for the further extension of approval:

"Due to unfavourable market conditions, these proposed temporary wind monitoring towers have not yet been constructed and Wind Prospect WA therefore, requests an extension to the approval for an additional two years. This would provide that construction substantially commences prior to 14 April 2017.

The planning approval for these wind monitoring towers provides that they can remain in place for two years following construction. It is the intention that these wind monitoring towers would remain in place until construction commences at each wind farm at which time the relevant temporary wind monitoring tower would be removed. The timing of commencement of construction of each wind farm is currently uncertain however, the permit for each wind farm requires that the development must be substantially commenced within four years. It is therefore, requested that the planning approval for these wind monitoring masts be amended such that once constructed, the period of time in which the two wind monitoring towers can remain in place to be such that the relevant wind monitoring tower must be removed within three months of construction commencing at the corresponding wind farm or upon expiry of the relevant wind farm planning permit. This would enable the wind monitoring towers to remain in place if an extension to the planning approval for one or both of the wind farms is sought and granted.

Please note that each of the proposed wind monitoring towers is associated with one of the two wind farms - the one located on Lot 3899 with the Waddi Wind Farm; and the one located on Lot M454 with the Yandin Wind Farm. In this context, Wind Prospect WA also requests a separation of the planning approval for each wind monitoring mast and an amendment to the grantee company name on the planning approval. Wind Prospect WA has established two subsidiary companies - Waddi Wind Farm Pty Ltd and Yandin Wind Farm Pty Ltd each of which hold the assets of each respective wind farm. It is therefore, requested that the extension for the proposed wind monitoring tower on Lot 3899 be amended to be granted to

Waddi Wind Farm Pty Ltd and Lot M454 be amended to be granted to Yandin Wind Farm Pty Ltd.”

The proposed sites are on Lot 3899 Mullering Road and Lot M454 Dambadjie Road, Dandaragan, both located east of the Brand Highway. The two properties have a combined area of 1980.8618 hectares (Lot 3899: 1299.7738ha, Lot M454: 692.0880ha) and both used for broad acre and diversified farming.

The masts are to be used to define the wind resources in preparation for the Dandaragan Wind Farm’s project. The masts will contain anemometers which measure wind speed and direction. On both the subject sites, the approval was for an 80 metre high lattice mast with guy wires. The masts are to be located a significant distance from public view.

COMMENT

The request for an extension to the Dandaragan Wind Farm planning approval is considered legitimate based on the requirements of the Local Planning Scheme.

However, it is noted that monitoring towers at other wind farms have remained as they serve a purpose in gathering information on wind speed and direction to better monitor conditions relevant to the wind towers. It is also noted that some of these wind farm projects are longer term projects and it is a waste of time to keep renewing approvals for monitoring towers until the wind farms commence.

It is recommended that the term “temporary” be removed from the approval and that the term of the approval for the monitoring towers be linked to any planning approvals for the wind farms.

CONSULTATION

There is no consultation required for this item.

STATUTORY ENVIRONMENT

Clause 10.5.2 of the Local Planning Scheme No 7 states:

10.5.2 “a written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in Clause 10.5.1.”

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$294.

STRATEGIC IMPLICATIONS

Renewable energy projects deemed compatible with surrounding land uses are encouraged in the Rural Local Planning Strategy.

ATTACHMENTS

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

- Request for extension to approval letter - Dandaragan Wind Farm project (Doc Id: 49239)

(Marked 9.4.1)

VOTING REQUIREMENT



Simple majority

OFFICER RECOMMENDATION

That Council:

- 1. pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No 7 grant an extension to the planning approval granted 14 April 2011 for a wind monitoring tower to Wind Prospects WA Pty Ltd at Lot 3899 Mullering Road, Cataby until expiry of the relevant wind farm planning permit;**
- 2. pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No 7 grant an extension to the planning approval granted 14 April 2011 for a wind monitoring tower to Wind Prospects WA Pty Ltd at Lot M454 Dambadjie Road until expiry of the relevant wind farm planning permit;**
- 3. the monitoring towers are to be removed upon expiry of the approval dates in conditions 1 and 2 above; and**
- 4. that Wind Prospect WA Pty Ltd be informed the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.**

9.4.2 PROPOSED CAMEL DAIRY - LOT 51 KOODJEE ROAD, YATHROO

| | |
|------------------------------|--|
| Location: | Lot 51 Koodjee Road, Yathroo |
| Applicant: | Camilk Australia Pty Ltd |
| File Ref: | Development Services Apps / Development Applications / 2015 / 10 |
| Disclosure of Interest: | None |
| Date: | 8 April 2015 |
| Author: | David Chidlow, Manager of Planning. |
| Signature of Author: |  |
| Senior Officer: | Ian Rennie, Deputy Chief Executive Officer |
| Signature of Senior Officer: |  |

PROPOSAL

The proponent is seeking planning approval for a camel dairy farm located on Lot 51 Koodjee Road, Yathroo.

BACKGROUND

The applicant is seeking approval to keep up to 450 camels and construct a camel dairy for the purpose of producing camel milk for human consumption from approximately 310 camels at Lot 51 Koodjee Road, Yathroo.

The property comprises of approximately 793 hectares.

Lactating camels will be kept in semi-intensive yards measuring 26m x 200m at a rate of 20 camels per yard. Dry camels will be kept in open paddocks of approximately 40 hectares.

Fencing was an issue raised as a concern by the Department of Parks and Wildlife as there is a nature reserve (Bundarra A23934) within 2 km of the proposal. The Department advises that there should be sufficient fencing to prevent infestation of the reserve by feral camels (declared pest). The applicants have provided details of the fencing which includes electric fences to ensure that the camels are retained on the property. A copy of the fencing specification is provided in the attachments.

The proposed dairy will be required to comply with Health Department guidelines and legislation as the product is intended for human consumption.

The objective for "Rural" zoned land in Local Planning Scheme No 7 is:

- *Rural Zone*

To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.

A camel dairy fits under the land use “animal husbandry - intensive”. Under the Scheme this is defined as:

“Animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.

Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are “D” uses (discretionary approval) in a Public Drinking Water Supply Area where Council will have due regard to the potential impact on groundwater quality. The proposed development is not within a public drinking water source reserve.

5.22 PROTECTION OF WATER SOURCES

5.22.2 Groundwater Areas

Groundwater protection areas have been established by the Water and Rivers Commission (now DEC) known as the Jurien Groundwater Area and Gingin Groundwater Area.

Landowners and developers are required to obtain a licence prior to the construction of a bore or well on any property for groundwater extraction except for stock or domestic purposes.

The Department of Parks and Wildlife (the previous DEC) and Department of Water have been consulted on this application.

COMMENT

The Shire and WAPC have adopted the Local Planning Strategy - Rural Land Use and Settlement 2012 (the Rural Strategy) which provides guidance to Council in assessing this type of application.

The following considerations are taken directly from the Rural Strategy and comments provided on each consideration.

Local Planning Strategy - Rural Land Use and Settlement 2012

Appendix 2 intensive agriculture planning considerations when assessing a planning application for intensive agriculture

When Council is considering an application for either Agriculture - Intensive, Agroforestry, Animal Husbandry Intensive and Aquaculture it will take into account the following matters;

Strategic considerations

Council will assess the potential impact of the Application and subsequent development to ensure:

Services and infrastructure are adequate, including the road to be used to transport produce and to access the property, power, water and other requirements or can be adequately upgraded which would be the responsibility of the applicant.

Comment: Suitable sealed and gravel roads and provides good access to the site. The applicant is liaising with service authorities to ensure that suitable infrastructure is provided based on the scale of the proposal.

There is no wider potential for land use conflict from things such as spray drift or smoke between existing and proposed use.

Comment: There will be no impact.

It will have no adverse impact on catchment management and ground and surface water.

Comment: The Department of Water have been consulted on the proposal and comments are provided in the attachments.

It will not sterilise land with potential for urban expansion or other long term land needs.

Comment: There is unlikely to be any urban expansion in the vicinity.

Local considerations

Council will assess proposals for intensive agriculture on the ability of the subject land to accommodate the proposed use, and with due consideration of the risk of off-site environmental impacts and conflict with neighbouring land uses. Factors to be addressed by the proponent and subsequently considered by Council include:

The nature and capability of the land.

Comment: The applicant has advised that a small portion of the land has Bassendean Sands and that this has been taken into account in the assessment of the suitability of the land. The property is not within the Bassendean Sands Special Control Area. The remainder of the land is suitable for general farming including the keeping of stock.

Availability and adequacy of water supply.

Comment: The applicant has advised that there is good quality bore water available on the property for stock and that a rainwater tank will be used for other water needs. There may be a requirement to provide additional bore water of suitable quality and quantity if the Department of Health require.

Sensitivity of adjacent land uses.

Comment: There are no sensitive adjoining land uses.

Remnant vegetation and wetland protection requirements.

Comment: Both dry and milking camels will be kept in fenced areas away from any remnant vegetation.

The proposed site has been cleared.

Comment: The area where both dry and milking camels will be fenced is cleared land.

Crop rotation and / or specific land management requirements.

Comment: Not applicable.

Any particular infrastructure layout or transport access requirements.

Comment: No specific requirements not already addressed.

The requirement for permission to use ground and surface water.

Comment: The applicant is liaising with the Department of Water to satisfy this requirement.

Demonstrate the existing pre-development hydrological regime will be maintained or enhanced where possible.

Comment: The property is not on the 100 year flood plain.

The separation distances and / or buffers with the adjacent uses which are potentially incompatible can be contained on the subject land rather than being a constraint on adjacent land.

Comment: The Bundarra Reserve is within 2 km of the proposal. The applicants will provide suitable fencing to ensure that camels do not escape into the reserve.

The development impacts can be managed on site.

Comment: There is sufficient land to accommodate the development impacts.

The development should not significantly detract from any scenic landscape and / or conservation attributes identified in the locality.

Comment: The development will not significantly detract from any scenic landscape and / or conservation attributes in the vicinity.

Other matters which may be required to be addressed if requested by Council.

Comment: Nil

It is the officer's view that if the site is well managed, there will be minimal impact to neighbouring properties and the environment and is therefore, supported with conditions.

CONSULTATION

The proposal was advertised to surrounding landowners (within a 5 - 10 km radius) and to the below government agencies from 12 March to 10 April 2015.

- Department of Agriculture and Food (Geraldton and Moora)
- Department of Parks and Wildlife (Geraldton)
- Department of Health
- Department of Water (Perth and Geraldton)

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Planning Strategy - Rural Land Use and Rural Settlement

POLICY IMPLICATIONS

- SPP 2.5 Land Use Planning in Rural Areas
- There are no local policy implications relevant to this item

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$544.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Planning Strategy - Rural Land Use and Rural Settlement

ATTACHMENTS.

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

- Application (Doc Id: 49237)
- Location Plan (Doc Id: 49237)
- Elevations (Doc Id: 49237)
- Submission from Department of Parks and Wildlife (Doc Id: 49221)
- Submission from Department of Health (Doc Id: 49542)
- Submission from Department of Agriculture (Doc Id: 49583)
- Submission from Department of Water (Doc Id: 49582)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for a proposed Camel Dairy Farm on Lot 51 Koodjee Road, Yathroo to Camilk Australia Pty Ltd subject to the following conditions of approval:

1. The land use and development shall be undertaken in accordance with the approved and stamped plans.
2. The use and development must be substantially commenced within three years of the date of this approval.
3. The maximum number of camels shall be 450.
4. Crossovers, access and egress to the subject site from Koodjee Road and any road works shall be located and constructed to the satisfaction of the Shire's Chief Executive Officer and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent.
5. All internal roadway surfaces within the site are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit dust generation, to the satisfaction of the Shire's Chief Executive Officer.
6. The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of:
 - a) transportation of materials, goods and commodities to and from the premises;
 - b) appearance of any buildings, works and materials; and
 - c) the emission of noise, vibration, dust, wastewater, waste products or reflected light.
7. The operation of the business complies with the Primary Industries Report Model Code of Practice for the Welfare of Animals - The Camel.



ADVICE:

- Note 1:** Further to this approval, the applicant may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Health Act 1911* which are to be approved by the Shire's Manager Building Services and / or Manager Environmental Health prior to issuing a building licence.
- Note 2:** The Department of Health advises that any form of pest control using pesticides must comply with the Health (Pesticides) Regulations 2011.
- Note 3:** It is advised that the proposal should at all times comply with the provisions of the *Food Act 2008* and related regulations, codes and guidelines and in particular Standard 4.2.4 - Primary Production and Processing Standard for Dairy Products.
- Note 4:** Approval will be required from the Department of Health and Shire of Dandaragan Environmental

Health Officer for any waste water disposal system.

- Note 5:** Subject to groundwater being available, it is recommended that the proposal is required to be in accordance with the following Department of Water publications:
- Water quality protection note 12 Dairy processing plants November 2012.
 - Water quality protection note 22 Irrigation with nutrient-rich wastewater JULY 2008.
 - Water quality protection note 70 Wastewater treatment and disposal - domestic systems June 2010.
 - Australian Drinking Water Quality Guidelines.
- Note 6:** The proponent may also need to obtain a Works Approval from Department of Environment and Regulation, if production from the premises exceeds 100 tonnes per year, and from which liquid waste is to be discharged onto land or into waters.
- Note 7:** The Department of Water advised the applicant contact the Swan-Avon Goldfields office to discuss groundwater licensing requirements.
- Note 8:** The business and operation are to be registered with the Department of Health and required separate approval from the Department of Health.
- Note 9:** The applicant has received a copy of submissions from:
- Department of Health;
 - Department of Water;
 - Department of Agriculture and Food;
 - Department of Parks and Wildlife; and
- have been requested to comply with the relevant government departments.

9.4.3 REQUEST TO NAME LOT 650 ON RESERVE 31303 (KNOWN AS CATALONIA PARK), CERVANTES

Location: Lot 650 Reserve 31303 Cervantes
 Applicant: Marilyn Gazeley on behalf of the Cervantes Historical Society
 Folder Path: Business Classification Scheme / Customer Service / Community Reactions / Requests
 Disclosure of Interest: None
 Date: 2 April 2015
 Author: Barbara Macaulay, Planning Officer
 Signature of Author: 
 Senior Officer: David Chidlow, Manager Planning
 Signature of Senior Officer: 

PROPOSAL

For Council to receive the request from Cervantes Historical Society to name Lot 65 on Reserve 31303 (known as "Catalonia Park") to "Alcala de Henares" and to instruct staff to commence the public consultation process.

BACKGROUND

Marilyn Gazeley, on behalf of the Cervantes Historical Society, requests the renaming of "Catalonia Park" to "Alcala de Henares". A copy of the request is provided in the attachments.

In 2002, the Spanish Consul visited Cervantes and was the guest of honour at a gala dinner at the Cervantes Pinnacles Motel, hosted by the Shire of Dandaragan. On presenting the Shire with a Don Quixote collection and a book on Spain, the Consul requested that a street or park be named in honour of the birthplace of Miguel Cervantes, the city of Alcala de Henares, a UNESCO world heritage site and the home of the Cervantes Institute. Staff at the time welcomed and agreed to this suggestion.

Permission is now requested to fulfil the promise and name the park "Alcala de Henares", erecting signage to that effect and placing a plaque outlining the significance of the name and the area.

COMMENT

Although Lot 650 on Reserve 31303 is known as "Catalonia Park", the name is not registered on the nomenclature database and therefore, the proposal is to be considered as a naming of the park rather than a change of name.

To name a park or reserve the local government must seek approval from the Geographical Names Committee (GNC), Landgate. The Committee after careful consideration of the merits of the proposal will provide advice to the Minister of Lands. Application to name the park should include strong community support for the proposal.

It is the officer recommendation, that the Shire commence the public consultation process to quantify support for the proposal. On completion of the consultation process, the proposal and a schedule of submission will be brought to an ordinary meeting of Council to determine whether an application is made to the Geographic Names Committee.

CONSULTATION

- Department of Lands

STATUTORY ENVIRONMENT

- Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia, Landgate

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. Should public support for the proposal be received and the application to the Geographical Names Committee is successful, the Shire may be required to install new signage at the park.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Request from the Cervantes Historical Society (Doc Id: 49092)
- Location of Lot 650 on Reserve 31303, Cervantes (Doc Id: 49095)

(Marked 9.4.3)

VOTING REQUIREMENT

Simply majority

OFFICER RECOMMENDATION

That Council receive the request by Cervantes Historical Society to name Lot 650 on Reserve 31303 Cervantes to “Alcala de Henares” and instruct staff to commence the public consultation process.

9.4.4 PROPOSED OVERHEIGHT FRONT BOUNDARY FENCE - LOT 31 WARD STREET, JURIE BAY

Location: Lot 31 Cnr Ward Street and Verticordia Place, Jurien Bay


Applicant: S M & K J Haskett

File Ref: Development Services Apps / Building Applications / 2014 / 121

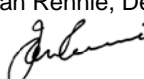
Disclosure of Interest: None

Date: 9 April 2015

Author: David Chidlow, Manager of Planning.

Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer: 

PROPOSAL

The proponent is seeking planning approval for an over height front fence at Lot 31 Cnr Ward Street and Verticordia Place, Jurien Bay.

BACKGROUND

The applicant is seeking approval to construct a fence 1.8 m in height (1.5 solid, 0.3m open aspect) and open aspect gates at Lot 31 Ward Street which is a corner lot with Verticordia Place.

The applicant has submitted the following justification for the proposal.

The reasons we would like to request a higher fence than normal are as described in Clause 7 of the R-Codes - (Under extreme circumstances) these being;

1. *There is a holiday house situated on Ward Street right across the road of our house which is well known for having parties and causing noise and trouble, as well as having a balcony that looks directly into my children's rooms as well as their bathroom and toilet. With a smaller fence on Ward Street pedestrians can also look into our children bathroom from the street view.*
2. *We are going to be putting a pool on the Ward Street yard; therefore we will need a higher fence for privacy and safety.*
3. *The boundary line is 7mtrs back from the road and has a cut off area on the corner to provide lots of vision as well as the two neighbouring homes have a truncated fence providing visibility.*
4. *Upon designing our home our draftsman told us that we could have a 1.8mtr solid fence around our property because it was classed as our back yard, not our front yard. If we have been explained the R-Codes properly by our draftsman we would have positioned our home differently to place our yard at the back of the property, instead of it being in the front like we made it.*
5. *We also feel that having one fence which is the same all the way around will look much better and neater for the street.*
6. *We would be willing to have a 1.5mtr solid fence with 300 mm visible slats the whole way around the property, instead of*

having a solid 1.8mt on Verticordia Street, which will not only look better but will also provide more visibility from the Verticordia Street side.

The Shire of Dandaragan Local Law - fencing sets out the requirements for fencing forward of the building line as follows.

Reg 7. Fences Within Front Setback Areas

A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.

The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

The provision of sub-clause (2) shall not apply to a fence:

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or*
- (b) that does not adjoin a footpath.*

However, corner lots present a problem when it comes to the balance between providing privacy and an open aspect to the streetscape.

The Residential Design Codes support some higher fencing along a portion of corner lots to achieve some privacy as detailed in the below extract from the Explanatory Guidelines to the Codes.

Fences higher than 1.2m should be visually permeable along all street types, including communal streets. Where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road, there may be a case to justify a high wall especially to provide privacy to an outdoor living area. In these circumstances a solid wall of up to 1.8m high would be acceptable for a minimal proportion of the frontage, on approval by the decision-maker and provided the remainder of the frontage provides for views to the street. Design principles are provided in the R-Codes to guide circumstances where a decision-maker could grant such approval.

Ideally, outdoor living areas should be located behind the setback line (R-Code clause 5.3.1), however, in some circumstances the only possible location for an outdoor living area will be in the street setback area. Where a narrow lot faces north to the street, the street setback area may be the only possible area open to winter sun. In these cases, part of the area should be permitted to be screened from view for privacy. Where a private courtyard is unavoidable in the front setback area, screening with dense planting and / or a permeable fence that will provide reasonable privacy is appropriate (refer to figures 36 - 38).

It is normally acceptable for a corner lot to have one side with a solid 1.8m fence and the other fence being 1.2m or 1.5m in height. The applicants are proposing a compromise that will achieve a better effect by having a solid 1.5m fence on both frontages with permeable slats above to a height of 1.8m and with two wide gates constructed of permeable slats. This will give them maximum privacy given the odd shape of the lot and the dwelling and proposed swimming pool to be located in the front setback.

CONSULTATION

The proposal will be discussed with the adjoining neighbours by staff prior to the Council meeting. The applicants have advised that the neighbours have no concerns with their proposal.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7 (Residential Design Codes)
- Local Law - Fencing

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$147.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS.

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

- Applicants submission including photographs (Doc Id: 49335)
- Location Plan (Doc Id: 49333)
- Site Plan (Doc Id: 49334)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION


That Council grant planning approval for a proposed 1.8m front boundary fence at Lot 31 Cnr Ward Street and Verticordia Place, Jurien Bay to a height of 1.8m and in accordance with the approved application subject to the following conditions of approval:

1. The top 300mm of fencing is to be visually permeable as defined by the Residential Design Codes.
2. The two wide driveway gates are to be fully visually permeable as defined in the Residential Design Codes.

ADVICE:

Note 1: Council in granting this approval have taken into account the specific nature of the lot and dwelling design and surrounding neighbourhood and have made a decision based on these specific circumstances. It should not be construed that the Council sets any precedence for this style and height fencing.

9.4.5 ENDORSEMENT OF THE PROPOSED CERVANTES ROAD ENHANCEMENT PROJECT GUIDELINES

| | |
|------------------------------|--|
| Location: | Cervantes Road from Indian Ocean Drive to Aragon Street, Cervantes |
| Applicants: | Cervantes Chamber of Commerce Cervantes Ratepayers and Progress Association Cervantes Culture Committee Cervantes Country Women's Association |
| Folder Path: | Business Classification Scheme / Parks and Reserves / Planning / Gardens and Reserves |
| Disclosure of Interest: | None |
| Date: | 7 April 2015 |
| Author: | Barbara Macaulay, Planning Officer |
| Signature of Author: |  |
| Senior Officer: | David Chidlow, Manager Planning |
| Signature of Senior Officer: |  |

PROPOSAL

For Council to endorse the Cervantes Road Enhancement Project Guidelines.

BACKGROUND

Some time ago a number of community organisations from Cervantes presented to Council the concept of providing a unique entry to Cervantes through the installation of sculptures along Cervantes Road from Indian Ocean Drive to Aragon Street, Cervantes. Councillors and staff met on site to discuss the proposal and also to look at the proposed location of a Don Quixote windvane. At the time, Councillors and staff were supportive of the idea. The meeting was followed by a letter to the Shire seeking support for the entry way concept and the Don Quixote windvane and is included in the attachments. With changes in staff and the proposal not being formally endorsed by Council, staff does not have clear direction on the processing of community requests to commence the installation of sculptures along Cervantes Road or the statutory requirements for such proposals.

Concept proposal to enhance the entry way to Cervantes

The concept proposal for the entry way to Cervantes seeks to re-define the appearance and character of Cervantes Road west of Indian Ocean Drive from that of a rural road to a town entrance road that:

- Welcomes visitors to our town and region in a unique way.
- Builds on the Cervantes cultural experience that has been developed over the last 10 years since the inception of the Cervantes Art Festival.
- Offers community input into expressing the "essence of Cervantes" to our visitors.

To achieve this, the applicants have requested:

- Delineation of the road surface, either through kerbing or white lines to give a perspective to the entrance way.
- Installation of a number of permanent street art fixtures along either side of Cervantes Road interpreting the “essence of Cervantes”.

There are currently two proposed sculptures for the project, the Don Quixote windvane and the fish sculpture. The details and proposed locations of each sculpture are contained in the attachments.

COMMENT

Historically, such proposals by community groups have led to two main issues:

1. No clear guidelines on how to assess the proposal, how the proposal fits in with the Strategic Plan for the area and the statutory requirements for its installation.
2. Lack of clarity on the role of the Shire and its involvement in the proposal. This has led to community groups approaching staff at various stages of the project for help either financially or through providing labour and the Shire has not planned nor budgeted for the request.

Many factors can cause the above issues but have been exacerbated by changes in staff. Internal discussions with staff have identified the need for the proposal to be endorsed by Council subject to conditions to achieve the following aims:

1. Clear guidelines on the location and installation of artworks on Cervantes Road.
2. Potential suitable locations of future artworks.
3. Criteria to assess future proposals.

The placement of art works in public places raises a range of issues with safety and legal responsibilities most important. Public art works by its very nature is distractive and this was a prime issue with the proposed site being the main arterial road into Cervantes and the need to identify “clear zones”. Art work also needs to be durable, low maintenance and made of materials not hazardous to the general public. For these reasons, the proposal was advertised to a range of government and non-government agencies. A schedule of submissions is provided in the attachments.

Based on the schedule of submissions, site visits and consultation with staff, the proposed Guidelines were created to guide staff and applicants to the assessment process for installing art work on Cervantes Road (attachment). It is anticipated that all future proposals are presented to staff as a scoping document so any requested assistance can be defined and organised through community grants. The Cervantes Historical Society is currently

requesting \$432 to purchase limestone blocks for the installation of the fish sculpture.

Benefits of the proposed enhancement to the entrance of Cervantes

The proposal can be best categorised as cultural planning / placemaking which is about identity, history and creating a sense of place. It is also about recognising what is valuable to pass onto future generation. Although it is difficult to abstract a monetary value from cultural planning and placemaking, which includes streetscape and townscape improvements, it does have a range of knock-on effects. This includes improving the social and economic outcomes of a town through tourism and economic development and creating stronger and resilient communities. Creating great places is becoming increasingly important as the world becomes increasingly competitive in the attraction and retention of people and services. The opening of Indian Ocean Drive provides an opportunity for the residents to improve the attractiveness of Cervantes and the proposal offers a unique representation of what is important to its residents in an already burgeoning artistic community with a growing tourism sector.

CONSULTATION

- Shire staff
- Main Roads WA
- Telstra
- Tourism Western Australia
- Water Corporation
- Western Power
- Department of Lands
- Local Government Insurance Services (LGIS)

STATUTORY ENVIRONMENT

- Main Roads Guidelines to Roadside Advertising

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item however, depending on the location of the art work on Cervantes Road, there may be required upgrades to the road verge in the future.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan

GOAL NUMBER TWO: Build high level of amenity and lifestyle

OBJECTIVE 3: Develop, deliver and maintain a high quality of community infrastructure that continues to build the amenity and liveability of the communities

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
|----------|---|---------------------------------|------------|-------|---------------|
| G2-03-A5 | Encourage creative arts and innovative industries that build sense of place and liveability and marketability of the Shire. | Local Tourism Planning Strategy | | | Arts industry |

OBJECTIVE 3: Develop, deliver and maintain a high quality of community infrastructure that continues to build the amenity and liveability of the communities

| CODE | STRATEGIES | LINKS | TIME FRAME | SCOPE | PARTNERS |
|----------|---|-----------|------------|----------|--------------------------|
| G2-03-A3 | Plan for overall cultural precinct in Jurien Bay. Conduct cultural and arts development planning process for whole of Shire. Build on the established event and arts culture in Cervantes. | Workshops | Medium | District | Dept of Culture and Arts |

ATTACHMENTS

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

- Proposed Cervantes Road Enhancement Project Guidelines (Doc ID: 49457)
- Concept proposal to enhance the entry way to Cervantes (Doc ID: 47328)
- Don Quixote windvane proposal (Doc ID: 49459)
- Fish sculpture proposal (Doc ID: 49458)

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council endorse the proposed Cervantes Road Enhancement Project Guidelines.

9.5 HEALTH

9.6 BUILDING

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 SHIRE OF DANDARAGAN - MARCH 2015 COUNCIL STATUS REPORT

Document ID: 49488

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 26 March 2015. **(Marked 9.7.1)**

9.7.2 SHIRE OF DANDARAGAN - EXECUTIVE MANAGER INFRASTRUCTURE REPORT - APRIL 2015

Document ID: 49467

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for April 2015. **(Marked 9.7.2)**

9.7.3 SHIRE OF DANDARAGAN - BUILDING STATISTICS - MARCH 2015

Document ID: 49022

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for March 2015. **(Marked 9.7.3)**

9.7.4 SHIRE OF DANDARAGAN - PLANNING STATISTICS - MARCH 2015

Document ID: 48797

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for March 2015. **(Marked 9.7.4)**

9.7.5 FRANK CREAGH - REPRESENTATION REVIEW

Document ID: 48378

"Since making a submission along with many others on the review I was disappointed to hear that Council on 26th February 2015 deferred making a decision on the four ward system, even though the majority (significant) of submissions supported the four ward system. Disappointed also that Council allowed a Jurien Bay Chamber of Commerce spokesperson to address the meeting despite that person's organisation not making a written submission on the review of the no ward system. Why weren't others allowed the same privilege?"

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.5)**

9.7.6 DAVID KERSLAKE - ELECTORAL BOUNDARIES WA - COMMENCEMENT OF THE 2015 REVIEW OF THE 2017 ELECTORAL BOUNDARIES

Document ID: 48377

"I am pleased to confirm that three Electoral Distribution Commissioners have been appointed to review the State electoral boundaries this year. They are Hon. Neville Owen, Chair of Commissioners, Tom Joseph, State Statistician and myself. Our purpose is to determine new electoral boundaries in Western Australia in preparation for the next State general election in March 2017."

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.6)**

9.7.7 GRAHAM AND LORRAINE LEESON - MOBILE COVERAGE ALTA MARE

Document ID: 48148

"The reason we are writing to you is we are at present living on the corner of Cambewarra and Flying Foam at Alta Mare, this arrangement is only temporary until our new house in town is completed. The mobile phone service is so disappointing out here."

A response has been sent to Mr and Mrs Leeson outlining the current position.

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

9.7.8 WALGA - SUPERTOWN FORUM - MONDAY 9 FEBRUARY 2015 - MEETING NOTES

Document ID: 47721

Attached to the agenda is a copy of the abovementioned meeting notes. **(Marked 9.7.8)**

9.7.9 WALGA - MUNICIPAL WASTE ADVISORY COUNCIL - INFORMATION BULLETIN - ISSUE 207 - 20 MARCH 2015

Document ID:

Inside this issue:

- Supply Side
- Compost in May 2015
- Garage Sale Trail Funding Support
- Has your trusty 'No Junk Mail' Sticker stopped working

9.7.10 WEST MIDLANDS GROUP - ANNUAL REPORT 2014

Document ID: 48494

A copy of West Midlands Group 2014 Annual Report has been received and is available upon request.

9.7.11 MEDIA STATEMENT - OPPORTUNITY TO GET THE FACTS ON GAS INDUSTRY - 19 MARCH 2015

Document ID:

The Kimberly communities of Broome and Derby will have the chance to learn more about gas industry regulations and the contentious topic of 'fracking' at two open days to be hosted by the Department of Mines and Petroleum (DMP) next week.

Attached to the agenda is a copy of the abovementioned media statement. **(Marked 9.7.11)**

9.7.12 WALGA - 2015 ASSOCIATION HONOURS

Document ID: 48146

Nominations for the 2015 WA Local Government Association Honours program opened 16 March 2015 and closes Friday 15 May 2015. Member Local Governments and State Councillors are invited to submit nominations.

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.12)**

9.7.13 WA LOCAL GOVERNMENT GRANTS COMMISSION - METHODOLOGY 2014/15

Document ID: 48607

Attached to the agenda is a copy of the abovementioned methodology 2014/15. **(Marked 9.7.13)**

9.7.14 MEDIA STATEMENT - HON MIA DAVIES MLA - WATER STRATEGY SECURING MID-WEST'S GROWTH

Document ID:

"Matching available and new water sources to agriculture, mining and industry needs in the Mid-West will provide the water security required for the region's continued growth and prosperity", Water Minister Davies said.

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.14)**

9.7.15 MEDIA STATEMENT - HON MIA DAVIES MLA - WATER FOR FOOD FOCUS TURNS TO WA'S MIDLANDS

Document ID:

The State Government's \$40 million Water for Food program has expanded into Western Australia's Midlands.

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

9.7.16 MEDIA STATEMENT - HON MIA DAVIES MLA - GINGIN WATER PLAN SUPPORTS GROWTH AND SECURITY

Document ID:

"Climate-resilient allocation limits and expanded trading rules are two features of a State Government water plan to support future

growth and development in five Shires north of Perth", Water Minister Mia Davis announced.

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

9.7.17 WALGA - LOCAL GOVERNMENT NEWS - ISSUE 12

Document ID: 49137

Inside this issue:

- Meeting with Minister Tony Simpson MLA
- Public Libraries
- Free Training Sessions for GIS Mapping on the Environmental Planning Tool
- Auditor General's Review of Cycling for Perth
- Group Advertising Services
- Training

9.7.18 CENTRAL MIDLANDS SENIOR HIGH SCHOOL - NEWSLETTER NO 2

Document ID: 48894

Inside this issue:

- From the Principal
- Year 7 & 8 Student Council Elections
- School Council Update
- CMSHS Council - Community Representatives
- P & C - Executive
- Highlights of the Interhouse Swimming Carnival
- Results Interhouse Swimming Carnival
- Results Interschool Swimming Carnival
- Hosting a French Student
- Vision Statement

9.7.19 WALGA - LOCAL GOVERNMENT NEWS - ISSUE 10

Document ID: 48498

Inside this issue:

- Association Honours 2015
- Guide for Planning Delegations: Development Applications
- Vacancies on Boards and Committees
- Senate Inquiry into Regional Capitals
- Training
- Sporting Club Equipment

9.7.20 WALGA - ECO-NEWS - ISSUE 3

Document ID: 48634

Inside this issue:

- City of Canning Sustainability Sundowners
- City of Joondalup Environmental Development Community Funding
- Perth Environmental Policy Builds City's Sustainability
- H2O to Go Portable Water Bottle Refill Stations
- Video Provides Backyard Growers with Advice on Fruit Fly Control

- Biosecurity strategy for Western Australia: a reminder to have your say
- Carpobrotus Confusion and Hybridisation Along our Coastline
- Toodyay wins Tidy Towns Award

9.7.21 WALGA - LOCAL GOVERNMENT NEWS - ISSUE 11

Document ID: 48807

Inside this issue:

- Interface Agreement with Brookfield Rail
- Arts and Culture Report Shows Invaluable Role of WA Local Governments
- Promote Easter Road Safety in the Workplace
- WALGA CEO Member on Interim Board of Healthway
- Utility Providers Code of Practice Review
- Training

9.7.22 WALGA - NOTICE OF ANNUAL GENERAL MEETING - WEDNESDAY 5 AUGUST 2015

Document ID: 48871

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.22)**

9.7.23 WALGA - MUNICIPAL WASTE ADVISORY COMMITTEE - INFORMATION BULLETIN - ISSUE 209

Document ID:

Inside this issue:

- E-Waste Funding Approved
- Have you got something to say
- CCTV Overhaul
- Waste recycling business to reduce poverty
- Adelaide recycling centre switches to barcodes

9.7.24 MEDIA STATEMENT - HON COLIN BARNETT MEd MLA - NOONGARS VOTE TO ACCEPT HISTORIC OFFER

Document ID:

Premier Colin Barnett thanked the Noongar people and congratulated the South West Aboriginal Land and Sea Council (SWALSC) following their historic decision to accept the State Government's South West Settlement offer.

Attached to the agenda is a copy of the abovementioned correspondence **(Marked 9.7.24)**

9.7.25 MEDIA STATEMENT - HON LIZA HARVEY MLA - CLOSED CIRCUIT TV STRATEGY FOR WA RELEASED

Document ID:

The role of closed circuit television systems (CCTV) in fighting crime across Western Australia is facing a major overhaul, with the State Government releasing its draft CCTV strategy for public comment.

Attached to the agenda is a copy of the abovementioned correspondence. **(Marked 9.7.25)**

9.7.26 DEPARTMENT OF THE PREMIER AND CABINET - SOUTH WEST NATIVE TITLE SETTLEMENT

Document ID: 48846

The final ILUA authorisation meeting for the South West Settlement has taken place and the Whadjuk native title agreement group endorsed the South West Settlement Indigenous Land Use Agreement. This means that the SW Settlement has been endorsed by a majority of Noongar people eligible to vote at each of the six ILUA authorisation meeting.

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

9.7.27 CULTURE AND ARTS STRATEGIC DIRECTIONS FRAMEWORK - DISCUSSION PAPER

Document ID:

As part of the 2013 structural examination into the Culture and Arts Portfolio, an Arts Leadership Group has been established by the Minister for Culture and the Arts.

Chaired by the Department of Culture and the Arts Director General, Duncan Ord, the Arts Leadership Group consists of chief executives and directors general from key State Government departments, industry and arts organisations.

The role of the Arts Leadership Group is to provide long term strategic direction for culture and arts in Western Australia, and set the infrastructure, policy and funding priorities for consideration by successive State Governments. The first task is to develop a Strategic Directions Framework for the arts and culture sector for the period 2015 - 2030.

The discussion paper can be access at www.dca.wa.gov.au/alg and input can be provided via an online survey. Consultation will be open until 22 May 2015.

For more information please refer to the full email from Duncan Ord attached. **(Marked 9.7.27)**

9.7.28 2012-13 LOCAL GOVERNMENT NATIONAL REPORT

Document ID:

The 2012-13 Local Government National Report (the Report) was presented for tabling in the Parliament of Australia on 30 March 2015 in accordance with the *Local Government (Financial Assistance) Act 1995*. The Report is available on the Department of Infrastructure and Regional Development's website at <http://www.regional.gov.au/local/publications/reports/index.aspx>.

The Report details the distribution of funding provided under the Australian Government Financial Assistance Grant programme to local government for 2012-13 and provides an account of initiatives that seek to improve the efficiency and effectiveness of

local government services to the community. It has been prepared by the Department of Infrastructure and Regional Development in cooperation with local government associations, state and territory governments.

9.7.29 THE WEST AUSTRALIAN NEWSPAPER ARTICLE - "FRACKING FACTS WATERED DOWN BY FEARMONGERS" WRITTEN BY THE HON BILL MARMION MLA

Document ID:

Attached to the agenda is a newspaper article from The West Australian newspaper dated Thursday 9 April 2015 titled "*Fracking facts watered down by fearmongers*" written by The Hon Bill Marmion MLA, Minister for Mines and Petroleum; Housing. **(Marked 9.7.29)**

9.7.30 WALGA - LOCAL GOVERNMENT NEWS - ISSUE 13

Document ID: 49363

Inside this issue:

- Public Libraries
- Waste & Recycle Conference
- Richard Maslen OAM
- Training
- 2015 Asia Pacific Cities Summit & Mayors' Forum

9.7.31 FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT - GLENN STERLE, LABOR SENATOR FOR WA, SENATOR FOR DURACK

Document ID: 49450

Correspondence has been received in relation to the Abbott Government's decision to freeze the indexation of Financial Assistance Grants to local governments. Senator Sterle writes to local governments again in light of figures Labor has obtained which show the true impact of these cuts to local councils. Attached to the agenda is a copy of the correspondence. **(Marked 9.7.31)**

9.7.32 WESTERN AUSTRALIAN LANDCARE AWARDS

Document ID:

The Western Australian Landcare Awards opened on the 23 March 2015. The Awards have been running for 25 years and recognise the many achievements of Landcare across a number of diverse areas, including sustainable farming and Indigenous land management. There are nine national categories to choose from, to fit any kind of Landcare project or local hero, and all winners will be finalists in the 2016 National Landcare Awards. Entries close on 31 May and anyone interested in finding out more or submitting a nomination can visit www.landcareonline.com.au.

9.7.33 WALGA - NOTICE OF ANNUAL GENERAL MEETING

Document ID:

The Annual General Meeting for the Western Australian Local Government Association will be held from 1.30pm to 5.30pm on Wednesday 5 August 2015. This event should be attended by

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

delegates from all member local governments. The closing date for submission of motions is COB Monday 8 June 2015. Attached to the agenda is a copy of the notice. **(Marked 9.7.33)**

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

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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- (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

That the meeting be closed to members of the public at __:__pm 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 RFT 02 / 2015'.

11.1.1 JURIEN BAY SEWERAGE STAGE 1 TENDER RFT 02 / 2015

| | |
|------------------------------|--|
| Location: | Jurien Bay |
| Applicant: | N/A |
| Folder Path: | Business Classification / Sewerage and Drainage / Tendering / Tender Evaluations |
| Disclosure of Interest: | None |
| Date: | 10 April 2014 |
| Author: | Garrick Yandle, Executive Manager Infrastructure |
| Signature of Author: |  |
| Senior Officer: | Tony Nottle, Chief Executive Officer |
| Signature of Senior Officer: |  |

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

AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 APRIL 2015

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING