



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

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIEN BAY**

on

**THURSDAY 28 FEBRUARY 2013**

**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**

<b>Members</b>	Councillor S Love	(President)
	Councillor L Short	(Deputy President)
	Councillor M Russell	
	Councillor D Kent	
	Councillor L Holmes	
	Councillor T Bailey	
	Councillor K McGlew	
	Councillor M Sheppard	

<b>Staff</b>	Mr T Nottle	(Chief Executive Officer)
	Mr I Rennie	(Deputy Chief Executive Officer)
	Mr R Pepper	(Manager Technical Services and Works)
	Mr W George	(Manager Building Services)
	Mr T Brokenshire	(Manager Environmental Health)
	Mr D Chidlow	(Manager Planning)
	Mr B Wall	(Project Manager - Special Projects)
	Mr B Bower	(Coordinator - Integrated Planning)

<b>Apologies</b>	Mr S Clayton	(Manager Corporate Services)
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**Approved Leave of Absence** Councillor W Gibson

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 PUBLIC QUESTION TIME**

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

A written request has been received from Councillor Shane Love requesting leave of absence as follows:

- Wednesday 13 February to Sunday 10 March 2013 inclusive



Extract from Councillor Love's written request is as follows:

*"I would like to advise that I intend to be absent from Council on the 13 February to the 10 March. I would like that to be approved by Council at the next opportunity."*

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD 24 JANUARY 2013****7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION, AND COUNCIL APPOINTED DELEGATES REPORTS****8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 FINANCE

### 9.1.1 ACCOUNTS FOR PAYMENT - NOVEMBER 2012

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	25 January 2013
Author:	Scott Clayton, Manager Corporate 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 November 2012.

#### 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 and electronic funds transfer (EFT) listing for November 2012 totalled \$1,034,332.51 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 is the following item relevant to this report:

- cheque and direct debit listings for November 2012 (Doc ID: 11346)

**(Marked 9.1.1)**

#### VOTING REQUIREMENT


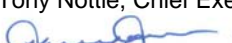
Simple majority



**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 November 2012 totalling \$1,034,332.51 be accepted.**

**9.1.2 ACCOUNTS FOR PAYMENT - DECEMBER 2012**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	25 January 2013
Author:	Scott Clayton, Manager Corporate 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 December 2012

**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 and electronic funds transfer (EFT) listing for December 2012 totalled \$568,166.04 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 is the following item relevant to this report:

- cheque and direct debit listings for December 2012 (Doc ID: 11347)

**(Marked 9.1.2)**



**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 31 December 2012 totalling \$568,166.04 be accepted.**

**9.1.3 ACCOUNTS FOR PAYMENT - JANUARY 2013**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	11 February 2013
Author:	Scott Clayton, Manager Corporate 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 January 2013.

**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 and electronic funds transfer (EFT) listing for January 2013 totalled \$894,260.74 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 is the following item relevant to this report:

- cheque and direct debit listings for January 2013 (Doc ID: 11821)

**(Marked 9.1.3)**

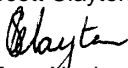

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 31 January 2013 totalling \$894,260.74 be accepted.**

#### 9.1.4 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 JANUARY 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	15 February 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 January 2013.

#### 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 January 2013.

#### 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 January 2013 was \$5,292,067. 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. Council's adopted policy states a 10% threshold for these variances to be reported. An explanation of these variances is as follows:

*Governance*

Income is at 187.7% of Y-T-D budget and is due to various reimbursements such as good driver rebate from the Shire's insurer and advertising rebates.

*General Purpose Funding*

Income is at 138.4% of Y-T-D budget and is due to interest earned on SuperTowns funds. The SuperTowns funds are held in a separate reserve and were excluded from the budget as at the time of adoption, there was insufficient information available on how the funds would be expended and over what time frame. This has now been rectified as a result of a budget amendment made by Council at the Special Meeting of Council held 8 August 2012. This item recognised additional interest income of \$330,000. This variance will continue to appear until the budget review is adopted.

It is important to note that as part of the SuperTowns funding agreement any interest earned must be retained for the purpose of SuperTown and therefore, the interest does not represent additional untied cash.

*Law, Order and Public Safety*

Income is at 234.3% and is due to a non-operating grant from Department of Fire and Emergency Services for the provision of a new fire truck. This amount is directly offset by an increase in the Plant and Equipment asset.

*Recreation and Culture*

Expenditure is at 80.7% of Y-T-D budget. This is due to salaries and materials and contracts being less than budgeted. In the July monthly statements, advice from the Manager Technical Services and Works was that this variance is as a result of parks and gardens staff being redirected to road works including patching, verge maintenance, carpark construction and footpath maintenance. This redirection is expected and is being monitored by the Manager Technical Services and Works.

While the variance still exists, it has remained at the level it was at 31 July 2012.

The following commentary was provided by the Manager Technical Services and Works:

*"At present the Parks and Gardens is running one staff member down but will be rectified in the near future to give a full complement to the Parks and Gardens team. There has been some redirection with staff carrying out road verge maintenance as well as foot path construction"*

Further clarification has been sought as to why this variance continues. The following is information provided by the Manager Technical Services and Works:

*“Salaries*

*The variation in the salaries would be due to the amount of time the Parks and Gardens staff are spending on our road verge maintenance which include verge mowing, verge slashing and slashing of fire breaks. The Parks and Gardens are running .65 of a staff member down at the present time also. We did adjust staff allocation in this year’s budget but still seem to be running slightly behind expectations.*

*Materials*

*The difference in materials and contracts is partly due to holding back on ordering fertiliser, bore pumps reticulation equipment and oval sprinklers, these will be purchased in the coming weeks and would equate to \$40,000 plus.*

*In the coming budget review there may need to be an adjustment from Parks and Gardens to road maintenance budget, where Parks and Gardens staff are spending considerably more time due to extra demand in this area of maintenance.”*

*Economic Services*

Income is at 117.6% of Y-T-D and is due to two large building licence fees collected; one for a temporary camp and the other for a fifteen unit group dwelling development.

Expenditure is at 77.6% of Y-T-D budget. This is primarily due to employee costs being less than budgeted as a result of a vacancy for the Special Projects officer.

*Other Property and Services*

Income is at 211.2% and is due to profit on the sale of Lot 8 Dandaragan Road, Dandaragan. Profit on disposal is a book entry only and does not directly represent an increase in available cash. The proceeds on disposal do normally represent an increase in cash, however, as directed by the Council Decision to dispose of this property, any remaining proceeds from disposal once sale costs have been accounted for will be transferred to the housing reserve.

Expenditure is as 232.0% and is partially due to higher than budgeted overheads being recognised within Plant Repairs. Investigations identify that an overhead allocation was not included in the budget for plant repairs. Therefore, this variance will continue until budget review where the correction can be made. This is a non cash item and does not have an overall effect on the position of the Shire.

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The second part of the variance is due to the recognition of a loss on asset disposal of the single person buildings and the house located at Lot 6 Dandaragan Road.

Should Councillors wish to raise any issues relating to the 31 January 2013 financial statements, please do not hesitate to contact the Manager Corporate 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 January 2013  
(Doc ID: 11817)

**(Marked 9.1.4)**



**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly financial statements for the period ending 31 January 2013 be adopted.**

### 9.1.5 OPERATIONAL CONTRIBUTION TO JURIEBAY YOUTH GROUP

Location:	Shire of Dandaragan
Applicant:	Jurien Bay Youth Group Inc
Folder Path:	BCS / Community Services / Service Provision
Disclosure of Interest:	None
Date:	14 February 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To consider a request from the Jurien Bay Youth Group for a financial contribution to assist with core operations.

#### BACKGROUND

The Shire of Dandaragan has an annual budget for youth services of \$10,000. In addition, a further unspent portion of the 2011/12 budget of \$8,741 was carried over into the 2012/13 budget. To date \$5,212.40 has been spent.

The Shire made a similar operational contribution to the group in 2012.

#### COMMENT

The Jurien Bay Youth Group has been experiencing rapid growth and is now providing regular programs and activities for youth in the Shire of Dandaragan.

However, having limited income earning capacity, they are experiencing difficulty funding operational costs.

The group is now due to renew their insurance for the 2013 calendar year. An estimate of premium for insurance is \$2,548.99.

The Shire of Dandaragan does not provide insurance for community groups, however, an operational contribution can be made to this group so they have sufficient funds to source insurance they deem necessary.

Such a contribution fits within the intent of the youth services budget as the continuous operation of the group is consistent with the Strategic Community Plan, Strategy G03-O5-A3 that states:

*Incorporate youth groups - support provision of operating assistance including building and contribution towards insurance.*

#### CONSULTATION

- Chief Executive Officer



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013**

**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 is a budget of \$18,741 for youth services in 2012/13. As this request complies with the purpose of the “Young peoples’ development strategy” the contribution will come from this budget line item.

Therefore, this contribution will not affect the 2012/13 budget and does not require a budget amendment.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan’s Strategic Community Plan 2011 - 2021

5.15.3 GOAL NUMBER THREE: Focus on community					
OBJECTIVE 5: Young peoples’ development strategy					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-O5-A3	Incorporated youth groups - support provision of operating assistance including building and contribution toward insurance.	Community workshops	Ongoing	District	Youth groups

**ATTACHMENTS**

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

- letter from Jurien Bay Youth Group (Doc ID: 11806)  
**(Marked 9.1.5)**

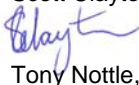

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council make an operational contribution of \$2,548.99 to the Jurien Bay Youth Group to ensure the continual operation of the Group.**


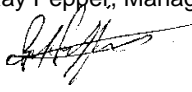
**9.1.6 AUDIT COMMITTEE MEETING MINUTES AND ASSOCIATED RECOMMENDATIONS**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Financial Management / Audit / External
Disclosure of Interest:	None
Date:	19 February 2013
Author:	Scott Clayton, Manager Corporate Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

Due to the Audit Committee meeting being held on Monday 25 February 2013, the officer's agenda report for this item will be provided after this date, just prior to the Council meeting.

## 9.2 WORKS AND PLANT

### 9.2.1 TECHNICAL SERVICES AND WORKS MONTHLY REPORT - JANUARY 2013

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Roads / Reporting / Summaries
Disclosure of Interest:	None
Date:	11 February 2013
Author:	Kerri Renton, Works Support Officer
Signature of Author:	
Senior Officer:	Ray Pepper, Manager Technical Services and Works
Signature of Senior Officer:	

#### PROPOSAL

To notify Council on the progress of the Technical Services and Works department of the Shire of Dandaragan.


#### BACKGROUND

Details of completed and commenced works that have been undertaken within the Shire of Dandaragan's operations over the previous month.

#### COMMENT

This report provides a program summary of the Technical Services and Works for the Jurien Bay and Dandaragan Depots for the month of January 2013 for Council's information and or discussion.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013**

	<b>JANUARY WORKS REPORT 2013</b>	<b>TECHNICAL SERVICES AND WORKS</b>
<b>Location</b>	<b>Work Details</b>	
<b>ALL SHIRE ROADS</b>		
Yandin, Bidgerabbie, Blackarrow, Nth West Roads and Marchagee Track	Replacement of guide posts	
Various roads in Cervantees and Jurien Bay	Replaced road signs	
<b>ROAD MAINTENANCE</b>		
Badgingarra, Cervantes, Rowes and Dandaragan Roads	Patching	
<b>UNSEALED ROADS NETWORK</b>		
Sandy Cape and Hansen Bay roads		
Muthawandery, Barberton West, Kayanaba, Walyer Walyer, Agaton Roads and Marine Drive	Completed a single cut summer grade	
<b>SEALED ROADS NETWORK</b>		
SLK 43.10 to SLK 48.90 Dandaragan Road	Section Completed	
SLK 17.95 to SLK 20.80 Dandaragan Road	Commenced removal of old bitumen	
<b>PARKS AND OPEN SPACE NETWORK – Gardens, Parks, Ovals, POS, Swales</b>		
Playground inspections	Jurien Bay	
Green waste removal	Jurien oval	
<b>REFUSE SITES</b>		
Jurien Bay Refuse Site	Reticulation maintenance	
<b>INFRASTRUCTURE</b>		
Badgingarra oval	Badgingarra Bore Pump installed	
<b>FOOTPATHS</b>		
<b>VERGE MAINTENANCE</b>		
Beachridge Estate	Mowing, whipper snipping and spraying	
Koonah Road, Badgingarra Road Dandaragan Road	Slashing works commenced	
Walyer Walyer road MVF140	Completed Clearing	
<b>SEPTIC</b>		
5 jobs completed		
<b>CEMETERY MAINTENANCE</b>		
<b>DRAINAGE</b>		

Extra works to add to table /Comments:

**CONSULTATION**

- Parks and Gardens Supervisor Jurien Bay
- Works Supervisor Dandaragan
- Manager Technical Services and Works

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

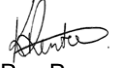

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the progress report of the Technical Services and Works department of the Shire of Dandaragan be received and noted.**

## 9.2.2 WITHDRAWAL OF PART B FROM TENDER 07 / 2012 - JURIEN BAY LIGHT INDUSTRIAL AREA AND RE-AWARDING PART B OF TENDER 07 / 2012

Location	Jurien Bay
Applicant:	N/A
Folder Path:	BCS / Roads / Tendering / Tendering Evaluations
Disclosure of Interest:	None
Date:	12 February 2013
Author:	Kerri Renton, Works Support Officer
Signature of Author:	
Senior Officer:	Ray Pepper, Manager Technical Services and Works
Signature of Senior Officer:	

### PROPOSAL

That Council award Tender 07 / 2012 to Bitutek for the full contract of hot bitumen reseals with 10mm pre-coated aggregate, located in Jurien Bay Light Industrial Area (LIA).

### BACKGROUND

Tender 07 / 2012 full contract for supply and spread of two coat emulsion seal with 14mm and 7mm aggregate plus hot bitumen reseal with 10mm pre-coated aggregate, was advertised in The West Australian on Saturday 20 October 2012. Tender closed at 3.30pm on Friday 16 November 2012. A recommendation was submitted to a Council meeting held on the 22 November 2012 that Council award Tender 07 / 2012 to:

1. Bitutek for the completion of project works (A) consisting of full contract of a two coat emulsion seal on Dandaragan Road; and
2. Boral Asphalt for the completion of project works (B) consisting of full contract works for a hot bitumen reseal on four roads in Jurien Bay LIA, four roads being Limestone Way, Zircon Street, Gypsum Street and Coalseam Drive.

Proceeding the distribution of letters outlining the outcome of the Tender 07 / 2012 and Council resolution, contracts were drawn up and issued to the winning companies for signing. After a period of two months and various phone calls, Boral's Account Manager, Mr Ronan Moore, advised us via email of the rejection to undertake the works offered under part (B) of the Tender contract 07 / 2012.

A copy of the email is attached to the report.

### COMMENT

A consortium of companies tendered for the work and the rejection of part (B) from Boral Asphalt would now be offered to another bidder.

Council will have the opportunity to re-examine its tender offers and make selection from the table below.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013**

TENDERS	(A) Dandaragan Road Two Coat Emulsion Seal 25,550m <sup>2</sup>	(B) Jurien Bay Light Industrial Area Hot Bitumen Reseal 13160m <sup>2</sup>	Total (A) & (B) exc GST
Boral Asphalt (Rejected offer Part B)	\$172,845.75	\$47,192.00	\$220,037.75
RNR	\$167,224.40	\$81,789.40	\$249,013.80
Bitutek (Awarded Part A)	\$147,679.00	\$72,473.46	\$220,152.46

Manger Technical Services and Works has contacted a Bitutek representative to obtain (if offered), their consideration to undertake the complete works required under the scope outlined in part (B) of Tender 07 / 2012. The outcome to this discussion has acquired a positive response from Bitutek.

#### CONSULTATION

- Manager Technical Services and Works

#### 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 2012/13 budget makes the following materials and contracts provisions for the LIA works:

- Limestone Way           \$13,493
- Zircon Street            \$8,819
- Gypsum Street         \$14,303
- Coalseam Drive         \$9,376
- **Total**                   **\$45,991**

If this tender is awarded, a budget amendment is required increasing the total project by \$26,482.

#### STRATEGIC IMPLICATIONS

There are no strategic implications to this item.

#### ATTACHMENTS

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

- email from Ronan Moore, Boral Account Manager, advising decline of contract (Doc ID: 11760 )

**(Marked 9.2.2)**

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**



**That Council:**

- 1. accept the withdrawal of Tender 07 / 2012 Part B, Jurien Bay Industrial Area by Boral Asphalt;**
- 2. award Tender 07 / 2012 Part B, Jurien Bay Industrial Area to Bitutek for \$72,473.46; and**
- 3. authorise a budget amendment for the total amount of \$26,482.**



### 9.3 ADMINISTRATION

#### 9.3.1 SANDRA SMITH - REQUEST TO KEEP THREE DOGS

Location:	90 Bashford Street, Jurien Bay
Applicant:	Sandra Smith
Folder path:	BCS / Laws and Enforcement / Policy / Dogs
Disclosure of Interest:	None
Date:	18 February 2013
Author:	Chris Carey, Senior Ranger
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To inform Council of an application received from the occupant of the property located at Lot 88 (90) Bashford Street, Jurien Bay to keep more than two dogs; and to seek a decision on that application.

#### BACKGROUND

Council received an application to keep more than two dogs at Lot 88 (90) Bashford Street, Jurien Bay; the number of dogs being three.

The applicant made the Shire of Dandaragan aware that they had three dogs.

The three dogs relating to this application are one female Jack Russell aged 13 years, one female Chihuahua aged two months and one male Chihuahua aged two months.

Letters to six adjoining neighbours were posted out by the Shire to advise them that Council had received an application to keep more than two dogs at Lot 88 (90) Bashford Street, Jurien Bay and seeking their comments of any objection or no objection to this application with any conditions they wish Council to impose.

Of the surveys received back from adjoining property owners, three did not have any objection and there was no response received from the other three. One of the property owners indicated that quarterly inspections are carried out on the animals living conditions.

The reason for the application to keep more than two dogs as stated in writing by the applicant is that the daughter who lives with the applicant has a dog. The applicant has stated that once her daughter moves out that she will only have two dogs.

The applicant has registered all three dogs with the Shire of Dandaragan.

COMMENT

Since receiving this application, two property inspections to the applicants address have been carried out by Ranger Services. These occurred on the 8 January and 5 February 2013. Ranger Services confirms that suitable means exist at the property to effectively confine the dogs. In addition, the fencing consists of corrugated colorbond to a height of 1.8m. The yard area was tidy and clean with sufficient food and water. All dogs were in good condition and displayed good behaviour and temperament.

CONSULTATION

- Adjoining neighbours at 88 and 92 Bashford Street, 4 Lindsay Street, and 31, 35 & 37 Padbury Street, Jurien Bay

STATUTORY ENVIRONMENT

The *Dog Act 1976 Part V (The keeping of dogs S26)* and Council's Dogs Local Law 2001 Part 3 S3.2 deal with the limitation as to number/s of dogs in a townsite.

POLICY IMPLICATIONS

*Dog Act 1976 Part V (The keeping of dogs S26 (5))* any person who is aggrieved:

- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item as fees associated with this procedure have been met at the cost of the applicant.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- written application from Sandra Smith to keep more than two dogs (Doc ID: 11822)
- copy of letters from Council to adjoining neighbours (Doc ID: 10916)
- return of correspondence from adjoining neighbours from 4 Lindsay Street and 88 & 92 Bashford Street (Doc ID: 10918)

**(Marked 9.3.1)**

VOTING REQUIREMENT


Simple majority

**OFFICER RECOMMENDATION**

**That Council grant the application to Sandra Smith to keep more than two dogs located at 88 (90) Bashford Street, Jurien Bay with the following conditions:**

- 1. all dogs are to be registered at all times;**
- 2. the dogs are not to cause a nuisance to neighbours;**
- 3. in the event of one of the dogs dying or being removed from Lot 88 (90) Lesueur Drive, Jurien Bay the number of dogs permitted to be kept at the property shall revert to two;**
- 4. all dogs are effectively confined to the property;**
- 5. in the event of any breach of the *Dog Act 1976* or the Shire of Dandaragan Dogs Local Law, this approval will be revoked or varied at any time; and**
- 6. in the event that the applicant relocates to another townsite address within the Shire a new application will be required.**

**9.3.2 APPLICATION OF COMMON SEAL**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	BCS / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	13 February 2013
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 following documents:

- Financial Assistance Agreement - Royalties for Regions Project, between the Department of Regional Development and Lands and Shire of Dandaragan on behalf of Coastal Alliance CLGF 2011/12 Regional Group Project for the Digital TV Rebroadcasting Service; and
- a Grant Agreement (being the Application) between the Department of Local Government and the Shire of Dandaragan for the Cat Act Implementation Grant Program Miscellaneous Costs.

**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**

Not applicable

**CONSULTATION**

Not applicable

**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to this item.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT


Simple majority

**OFFICER RECOMMENDATION**

**That Council endorse the affixing of the Shire of Dandaragan's common seal to the following document(s):**

- 1. Financial Assistance Agreement - Royalties for Regions Project, between the Department of Regional Development and Lands and Shire of Dandaragan on behalf of Coastal Alliance CLGF 2011/12 Regional Group Project for the Digital TV Rebroadcasting Service; and**
- 2. a Grant Agreement (being the Application) between the Department of Local Government and the Shire of Dandaragan for the Cat Act Implementation Grant Program Miscellaneous Costs.**

### 9.3.3 EXECUTION OF DOCUMENTS

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Governance / Authorisations / Delegations Register
Disclosure of Interest:	None
Date:	19 February 2013
Author:	Tony Nottle Chief Executive Officer
Signature of Author:	

#### PROPOSAL

For Council, under the current legislative framework, to provide authorisation to specified staff to sign documents on behalf of the Shire of Dandaragan that do not require the affixing of the common seal.

#### BACKGROUND

In order to carry out its functions efficiently and effectively, a local government has the ability to delegate its powers and duties to the Chief Executive Officer (CEO) (or to another staff member, in some cases).

With respect to the execution of documents on behalf of the Shire the CEO currently does not have delegated authority to execute documents and apply the common seal of the Shire of Dandaragan on behalf of Council generally.

Amendments to the *Local Government Act 1995*, in 2010, have amended the statutory requirement with respect to affixing the common seal and execution of documents generally.

As a consequence of some confusion with respect to the legal requirements for a document to be validly executed on behalf of a local government, amendments were made to Part 9 of the *Local Government Act 1995*, by inserting new sections 9.49A and 9.49B.

Section 9.49A clarifies that local governments may use the common seal to execute documents or alternatively have them signed on behalf of the local government by authorised persons, thus overcoming a common law view that the Seal must be used in all circumstances. Section 9.49B sets out the details of contract formalities.

A consequential amendment was also made to section 5.43 (limits on delegations to the CEO) which specifies that that the power of the Council to authorise a person to sign documents cannot be delegated to the CEO.

These amendments will therefore, require an amendment to the current delegation of authority to the CEO with respect to the signing of documents under Seal. Currently a delegation does not exist.

Additionally, there is a requirement to specify persons authorised to sign documents that do not require the affixing of the common seal.

This report deals only with the authorisations for signing of documents. The amendment required to any delegations is handled under a separate report - Review of Delegations.

### COMMENT

In view of the range of documents that would be impacted by this report, and the issue identified by the Department of Local Government, the item was discussed with internal staff, staff from another local government and other professionals in the industry. In discussions, there seems to be only a hand full of local governments who comply with this issue. The Shire of Kalamunda is one of those local governments. The contents and format of this report reflect a similar report to their Council.

The Shire of Kalamunda had previously sought legal advice in relation to this matter, and as such a similar report was produced.

The recommendation ensures that documents and contracts can be put together following the necessary approvals where delegations and / or resolutions are required to be enacted upon.

### CONSULTATION

Public consultation is not required with respect to this issue. The report addresses an issue raised in a recent audit conducted by the Department of Local Government.

### STATUTORY ENVIRONMENT

Section 9.49A - Execution of Documents, provides:

- (1) *A document is duly executed by a local government if:-*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of:-*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local*

*government, either generally or subject to conditions or restrictions specified in the authorisation.*

- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorization.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

Section 9.49B - Contract formalities, provides:-

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*

*Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.*

The proposals contained in the officer's recommendation will ensure that the Shire of Dandaragan complies with the requirements introduced to the *Local Government Act 1995* and addresses points raised by the recent audit from the Department of Local Government.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications flowing from this issue.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan's Strategic Community Plan 2011 - 2021

5.15.5 GOAL NUMBER FIVE: Build a proactive and leading local government
---

OBJECTIVE 4: Establish corporate governance and risk management processes that build the capacity of the Shire to be highly effective in meeting community outcomes and managing associated risks
---



ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority


**OFFICER RECOMMENDATION**

**That Council authorises the following officers of the Shire of Dandaragan to sign documents on behalf of the Shire of Dandaragan, as specified:**

- **the Chief Executive Officer;**
- **the Deputy Chief Executive Officer;**
- **the Manager Planning;**
- **the Manager Corporate Services;**
- **the Manager Technical Services and Works;**
- **the Manager Building Services; and**
- **the Manager Environmental Health;**

**any document, including Deeds, that is necessary or appropriate to be signed for these officers to carry out their functions and duties under any written law.**

### 9.3.4 REVIEW OF DELEGATIONS

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Governance / Authorisations / Delegation Register
Disclosure of Interest:	None
Date:	19 February 2013
Author:	Tony Nottle Chief Executive Officer
Signature of Author:	

#### PROPOSAL

Currently the Chief Executive Officer (CEO) has initiated a review of the Shire of Dandaragan delegations. This also includes a review of the Shire policies and procedures. It is anticipated this review will take approximately three to four weeks. It is appropriate these tasks take place concurrently.

The CEO intends to provide drafts of the delegations and policies as they become available to discuss at briefing sessions.

This report, requests Council to consider, the addition of three new delegations. The CEO is of the opinion that these three delegations will deal with the few issues identified by the Department of Local Government in its audit recently undertaken. It is deemed appropriate by the CEO to bring forward these delegations in advance of the completion of the review.

#### BACKGROUND

In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).

Section 5.46 of the *Local Government Act 1995* requires each Council to review its delegations at least once every financial year. This review is currently taking place.

In order to address an issue raised by the Department of Local Government during its audit, the following three new delegations have been drafted for Council consideration:

1. Delegation 140 - Tenders and Expressions of Interest;
2. Delegation 141 - Appointment of "Authorised Persons"; and
3. Delegation 142 - Common Seal.

#### COMMENT

In view of the issue identified by the Department of Local Government, the CEO is of the opinion that the three new delegations attached will address any concerns. The CEO is also of the opinion, that it is prudent to request Council to consider these prior to the completion of the delegation review. This will enable the Shire staff to move forward with the projects identified by the Council in the 2012/13 budget with renewed compliance.

The CEO has included, in Delegation 140, a consideration for

Council to grant delegation for the CEO to accept tenders up to and including \$50,000. This has been done for the purpose of ensuring projects proceed expediently. It is fairly common practice for local governments to have a delegated limit by which the CEO can accept tenders.

The three new delegations have been drafted in accordance with the Departments guideline on delegations.

### CONSULTATION

Public Consultation is not required with respect to this issue. The report addresses an issue raised in the audit conducted by the Department of Local Government.

### STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* states that:-

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

*(Absolute majority required)*

*Limits on delegations to CEO's - s.5.43; Requirement for review - s.5.46.*

Similar provisions apply in other Acts and the Shire's Local Planning Scheme No 7.

The proposals contained in the officer's recommendation will ensure that the Shire of Dandaragan addresses issues raised by the audit from the Department of Local Government.

### POLICY IMPLICATIONS

Council's policies are to be reviewed to ensure that any limitations on delegation are clearly stated.

### FINANCIAL IMPLICATIONS

There are no financial implications flowing from this issue. Any costs associated with the review of the delegations and policies will be covered within the 2012/13 budget.

### STRATEGIC IMPLICATIONS

- Shire of Dandaragan's Strategic Community Plan 2011 - 2021

5.15.5 GOAL NUMBER FIVE: Build a proactive and leading local government
---

OBJECTIVE 4: Establish corporate governance and risk management processes that build the capacity of the Shire to be highly effective in meeting community outcomes and managing associated risks
---

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. notes that a review is currently being undertaken of the Delegation Register; and**
- 2. adopts the following delegations (copy of delegations over page):**
  - Delegation 140 - Tenders and Expressions of Interest;**
  - Delegation 141 - “Authorised Persons”; and**
  - Delegation 142 - Common Seal.**

<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013</b>
---

<b>Title:</b>	<b>Tenders and Expressions of Interest</b>		
<b>Delegation No:</b>	<b>140</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted		Date Last Reviewed:	

Legislation:	Local Government Act 1995, s. 3.57; Local Government (Functions and General) Regulations 1996, Part 4, Division 2.
Power or Duty of the Local Government which is being delegated:	<p><b>3.57. Tenders for providing goods or services</b></p> <p>(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.</p>
	<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.57 of the <i>Local Government Act 1995</i>.</p> <p>In respect of choice of tender, the Chief Executive Officer is authorised to accept tenders up to a value of \$50,000. All tenders which exceed this value must be referred to Council for evaluation and decision</p>

<b>Council Policy:</b>	Purchasing
Administration Policy/Procedure:	n/a

Notes	
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**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013**

<b>Title:</b>	<b>Appointment of "Authorised Persons"</b>		
<b>Delegation No:</b>	<b>141</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.9.10
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions</p> <p>(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorized person.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 9.10 of the <i>Local Government Act 1995</i>.</p> <p>Applies to the appointment of authorised persons or classes of persons under the <i>Local Government Act 1995</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and those local laws which have been made under these Acts.</p>	

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes</b>	<p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>The Department of Local Government &amp; Regional Development's Guideline No. 17 (<i>Delegations</i>, January 2007) states that-</p> <p>"Section 2 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> effectively incorporates the provisions of that Act into the <i>Local Government Act 1995</i>, and therefore the delegation provisions of the <i>Local Government Act 1995</i> apply to the <i>Local Government (Miscellaneous Provisions) Act 1960</i>.</p>
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<b>AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 28 FEBRUARY 2013</b>
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<b>Title:</b>	<b>Common Seal</b>		
<b>Delegation No:</b>	<b>142</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Section 9.49A (2) of the Local Government Act 1995
<b>Power or Duty of the Local Government which is being delegated:</b>	The common seal of a local government is not to be affixed to any document except as authorised by the local government
The Chief Executive Officer is delegated authority to affix the common seal of the Shire of Danadaragan to any document which requires the affixing of the common seal to be validly executed.	

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes</b>	<p><b>Local Government Act 1995</b>  <b>9.49A. Execution of documents</b>  (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government</p>
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### 9.3.5 DISSOLUTION OF DANDARAGAN EAST AND DANDARAGAN WEST BUSH FIRE BRIGADES

Location:	Shire of Dandaragan
Applicant:	Dandaragan East / Dandaragan West Bush Fire Brigades
Folder Path:	BCS / Emergency Services / Volunteers / Brigades
Disclosure of Interest:	None
Date:	14 February 2013
Author:	Matthew Dadd, CESC
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to acknowledge the dissolution of Dandaragan East and Dandaragan West Bush Fire Brigades (BFB) and unite both Brigades under one banner, being called Dandaragan Bush Fire Brigade under the *Bush Fires Act 1954* section 41, 42.

#### BACKGROUND

At the recent meeting for Fire Control Officers held 10 October 2012, Mr Richard Allen (Chief Bush Fire Control Officer) proposed the merging of Dandaragan East and Dandaragan West BFB by cancelling both Brigades registration to form one united BFB. There has been no formal meeting held by either Brigade for many years and there is confusion as to who are the elected office bearers. The intention to merge both Brigades is to establish and maintain a new command structure, hold regular meetings, training sessions and re-establish community involvement.

#### COMMENT

Staff supports the decision to cancel the registration of the Dandaragan East and Dandaragan West BFB to form one Brigade unit, called Dandaragan Brigade.

#### CONSULTATION

- Chief Bush Fire Control Officer
- Fire Control Officers
- Brigade members from both Brigades

#### STATUTORY ENVIRONMENT

- *Bush Fires Act 1954*, section 41, 42
- Bush Fire Brigades Local Laws, section 2.7, 2.8

#### *41. Bush fire brigades*

- (1) *For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*



- (2) *A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.*
- (2a) *A local government is to notify the Authority as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).*
- (3) *A local government may at any time cancel the registration of a bush fire brigade.*

*[Section 41 inserted by No. 65 of 1977 s. 37; amended by No. 60 of 1992 s. 22; No. 14 of 1996 s. 4; No. 38 of 2002 s. 32.]*

#### *42. Local governments may join in establishing bush fire brigade*

- (1) *Two or more local governments may by agreement join in establishing, maintaining, and equipping with appliances, equipment and apparatus, a bush fire brigade to act as the bush fire brigade of each local government under and for the purposes of this Act.*
- (2) *The bush fire brigade and its members shall be registered as provided for in section 41, but the application for registration may be made by any one local government a party to the agreement on behalf of the local governments which are parties to the agreement.*

*[Section 42 amended by No. 14 of 1996 s. 4; No. 38 of 2002 s. 33.]*

#### *Bush Fire Brigades Local Law*

##### *2.7 Dissolution of bush fire brigade*

*In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.*

##### *2.8 New arrangement after dissolution*

*If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.*

#### POLICY IMPLICATIONS

- **Shire of Dandaragan's policy 3.3 Bush Fire Advisory Committee Meetings**

FINANCIAL IMPLICATIONS

Council will be responsible for the costs associated with advertising.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Attached to the agenda is the following item relevant to this report:

- letter received from Andrew Roberts requesting the disbandment of the Dandaragan East and West BFB to form one BFB (Doc ID: 10183)

**(Marked 9.3.5)**

VOTING REQUIREMENT

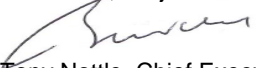

Simple majority

**OFFICER RECOMMENDATION**

**That Council agree:**

- 1. to the dissolution of the Dandaragan East and Dandaragan West Bush Fire Brigades; and**
- 2. to establish the Dandaragan East and Dandaragan West Bush Fire Brigades as one Brigade named; Dandaragan Bush Fire Brigade.**

**9.3.6 BUS SERVICE, JURIEN BAY - INTEGRITY COACH LINES**

Location:	Jurien Bay
Applicant:	N/A
Folder Path:	BCS / Traffic and Transport / Service Providers / Bus Services
Disclosure of Interest:	N/A
Date:	19 February 2013
Author:	Brian Wall, Project Manager - Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

For Council to consider forwarding a letter to the Minister for Transport advising of Council's concerns in regard to the loss of the existing bus service, and offering their support for a subsidy to be established to Integrity Coach Lines to ensure the continuation of the daily coach service that operates through Jurien Bay and Cervantes.

**BACKGROUND**

As of Friday 15 February 2013, Integrity Coach Lines stopped operating a bus service from Perth to Geraldton, which includes direct service into Jurien Bay. Integrity have been operating the service for seven months and advised that besides the service making a loss of approximately \$1,200/month, the loss of their ticket agent in Geraldton has forced them to discontinue the service.

Integrity Coach Lines investigated options to secure ticket agents in Geraldton to no avail, and they have also contacted the Public Transport Authority requesting support in providing a subsidised service, again with no success.

Greyhound Australia have also recently formally advised that they will be discontinuing their service to Jurien Bay as of 8 March 2013, citing the route is not viable, leaving the only coach service to Jurien Bay being provided by TransWA who's service only travels the Brand Highway and drop Jurien Bay passengers at the Jurien Bay intersection on Brand Highway.

**COMMENT**

A direct bus service into Jurien Bay is critical, given the only transport option to get directly to the town of Jurien Bay from Perth available to people now will be personal vehicles.

The loss of the service not only affects residents of Jurien Bay, it will also affect tourist visitation and has the potential to significantly affect future development of the town, in particular tourism.

It will also affect health service patients who also use the service as transport to Perth.

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It seems nonsensical that the State Government can identify Jurien Bay as a SuperTown however, not assist in providing an essential service into the town.

Integrity Coach Lines is keen to continue the service and is confident the service can prove to be viable however, in the initial stages a subsidised service would ensure an immediate service to the town continues.

Council should support business who provide a service to the community and believe that a letter of support for a subsidised service into Jurien Bay be forwarded to the Minister for Transport, identifying Council's concern to the loss of the service and supporting Integrity in their attempts to secure a subsidy to continue the current service.

Lobbying State Government Ministers may also assist in securing a long term bus service to the community of Jurien Bay.

The Nationals Candidate for Moore, Mr Shane Love has already forwarded a letter to the Minister advising his concerns and the impact the loss of a direct bus service into Jurien Bay will have to the local community and future growth of the town.

**CONSULTATION**

- Integrity Coach Lines
- Jurien Bay Community Resource Centre

**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**

- Shire of Dandaragan's Strategic Community Plan 2011 - 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
OBJECTIVE 3: Ensure Shire is "open for business" and support industry and business investment to drive growth strategy					
G1-O3-A4	Work with business community to ensure region is attractive and ready for private investment and build skills/knowledge of workforce to create excess economic capacity.	Community workshops	Short	District	CoC's Progress Associations

**ATTACHMENTS**

Attached to the agenda is the following item relevant to this report:

- correspondence received from Greyhound Australia (Doc ID: 11794)

**(Marked 9.3.6)**

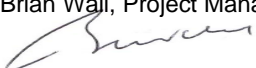
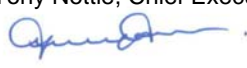
VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to forward a letter to the Minister for Transport and Minister for Regional Development and Lands impressing Council's concerns that the loss of the existing daily bus service and the negative impact this will have on the local community, and future development of the town, and the need for assistance to be provided by the State to support the continuation of a bus service directly into the Jurien Bay townsite and the Turquoise Coast region.**

### 9.3.7 TENDER 01 / 2013 - SUPPLY OF DIGITAL EQUIPMENT AND INSTALLATION FOR JURIE BAY AND CERVANTES

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	BCS / Corporate Management / Tendering / Tender Documents
Disclosure of Interest:	None
Date:	23 January 2013
Author:	Brian Wall, Project Manager - Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To award Techtel the extra component of their tender, redundancy equipment, for Tender 01 / 2013 for supply of digital equipment and installation for Jurie Bay and Cervantes.

#### BACKGROUND

Tenders for the supply and installation of equipment for the digital conversion were advertised in The West Australian 5 January 2013, and closed Monday 21 January 2013. Assessment of the tenders was undertaken immediately and an item was presented to Council as new business of an urgent nature at Council meeting held Thursday 24 January 2013.

At this meeting, Council resolved the following:

*That Council award Tender 01 / 2013 supply of digital equipment and installation to tender applicant Techtel for the tendered amount of \$191,266 incl GST subject to the Country Local Government Fund Digital Rebroadcasting Shire of Dandaragan Financial Assistance Agreement approval.*

The total funding for this project is \$296,706, with \$277,000 being funded from Country Local Government Fund.

#### COMMENT

Given the cost for the associated components to complete the project were unknown, it was advisable to award only part of the tender, thus allowing the major components of the conversion to be ordered in preparation for the install, and the remaining part (redundancy) of the tender being awarded after confirmed prices for the other components (rigging, antennas etc) had been received.

As final costs for the other components (rigging, antennas etc) have now been received, Council is now requested to award the remaining part of the Techtel tender, being the redundancy section tendered at a cost of \$43,976; making the awarded tender to Techtel to total \$235,242.

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**CONSULTATION**

- Mike Ryan, Communication & Wireless Services P/L

**STATUTORY ENVIRONMENT**

- Section 3.57 of the *Local Government Act 1995*
- Part 4 of the *Local Government (Functions and General) Regulations 1996*
- *Local Government (Functions and General) Amendment Regulations 2007*
- *The Trade Practices Act (Cth) 1974*

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

Council has been awarded \$277,000 funding by the Country Local Government Fund through the Royalties for Regions program by the Department of Regional Development and Lands. The Shire of Dandaragan has also budgeted \$19,706 for this project, giving a total project budget of \$296,706.

**STRATEGIC IMPLICATIONS**

Council's existing Strategic Plan has identified the need for conversion from analog to digital television services in the towns of Jurien Bay and Cervantes.

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
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-A9	Television Services:  Access Vast, lobby WIN and GWN for Turquoise Coast TV; and  Support regional lobbying to produce friendly guidelines for self-help terrestrial retransmission for Jurien Bay and Cervantes.  Continue to lobby broadcasters to take on terrestrial retransmission at given population points.	Backcasting workshop  Community workshop	Medium  Short  Short	Region  Region  Coastal	WDC

**ATTACHMENTS**

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

- assessment matrix (Doc ID: 11145)
- tender comments (Doc ID: 11225)

**(Marked 9.3.7)**

**VOTING REQUIREMENT**

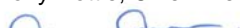
Simple majority

**OFFICER RECOMMENDATION**

**That Council award Techtel the final component of their tender, redundancy equipment, to the value of \$43,976, giving them a total contract of \$235,242 for the supply and installation of equipment for the digital conversion.**



### 9.3.8 JURIEN BAY VISITOR AND CIVIC CENTRE FINAL CONCEPT DESIGN

Location: Bashford Street, Jurien Bay  
 Applicant: N/A  
 Folder Path: BCS / Council Properties / Urban Design  
 Interest: Nil  
 Date: 7 February 2013  
 Author: Tony Nottle, Chief Executive Officer  
 Signature of Author: 

#### PROPOSAL

For Council to consider the recommendation of the Project Reference Group (PRG) to adopt the draft design of the Jurien Bay Visitor and Civic Centre (JBVCC) as per the attachments provided.

#### BACKGROUND

Through the State Government's Regional Centres Development Plan (SuperTowns) the Shire of Dandaragan was successful in obtaining part funding towards its Jurien Bay Town Centre Enhancement Strategy in June 2012. This project was split into two major areas being the Civic Precinct Stage 1 Development (Jurien Bay Visitor and Civic Centre) and the Jurien Bay Sewer Project (Stage 1).

A Project Reference Group (PRG) was established at Council's Special Meeting held on the 8 August 2012 as per the following resolution:

*Moved Cr McGlew, seconded Cr Russell*

*That Council;*

1. *establish the SuperTowns Project Reference Group consisting of the following:*
  - *Council staff (CEO, PMSP or others as required) x 2*
  - *Councillors x 2*
  - *Jurien Bay Community Resource Centre x 1*
  - *Department of Environment and Conservation x 1*
  - *Wheatbelt Development Commission Representative x 1*
  - *Jurien Bay Chamber of Commerce x 1*
  - *Jurien Bay District High School (Principal and VET Coord) x 2*
  - *Jurien Bay Progress Association x 1*
  - *Community Member x 1*
  - *Independent Chairperson x 1*
2. *appoint Cr's McGlew, Sheppard and Short (proxy) as its representatives on the SuperTowns Project Reference Group.*

**CARRIED 8 / 0**

Since the appointment of the PRG the architect (Saleeba Adams Architects) representing Norman Disney & Young (NDY) has

liaised with Council staff, and the PRG to finalise the concept design for the JBVCC.

As a result of various briefings, meetings and design discussions the PRG resolved at its recent meeting held on the 6 February 2013 the following (minutes yet to be confirmed):

*Moved Cr M Sheppard, seconded L Marsden*

*That the Project Reference Group:*

- 1. Endorse the concept plans as provided with the following amendments:
 
  - a. replace concertina doors in rear kitchen to incorporate a server; and*
  - b. swap rear staff room with data room (access to data room via staff room).**
- 2. Recommend the attached concept plan to Council for consideration and adoption.*

*CARRIED 6 / 3*

*Cr McGlew requested her vote against the motion to be recorded*

#### COMMENT

Over the various meetings of the PRG a Project Design Brief was prepared and subsequently endorsed by Council, and various design changes were considered. As a result of this recommendation by the PRG above, it is now time for Council to consider the final concept design.

Whilst it was preferred that the whole PRG group would endorse the plan, it is common with such a significant community project not to be able to please all parties and achieve 100% endorsement.

Given discussions at the PRG and at the recent Council Forum held Thursday 14 February, it was obvious from some members that the concern of the current design is the location of the front desk and the immediate access or impact of tourist information.

Whilst these concerns are noted and have been extensively discussed through the PRG process they should not affect the construction design of the building as they can be rectified through internal design of the unfixed infrastructure.

The Shire's Project Manager - Special Projects is currently in discussions with professional office interior designers who are confident they can design the interior of the foyer by the location of unfixed infrastructure furniture / items to satisfy the concerns raised by members of the PRG, in particular the immediate tourist impact.

Council needs to be aware that major changes to the design of the building at this stage would not only increase the cost of the project but also delay the project significantly (also incurring further costs).

These costs have been outlined in the financial implications of the report.

Should Council agree with the officer and PRG recommendation, the architect will prepare the detailed documentation to commence the tender and building approval processes.

#### CONSULTATION

- Project Reference Group
- Norman Disney & Young
- Saleeba Adams Architects

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no current policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

Whilst there are no financial implications to this item, modification to the design at this stage of the project will incur significant cost, and associated delays will continue to increase the construction costs; which will significantly affect the bottom line of the entire project.

Council has been provided with a cost estimate (see attached) of implications should the PRG and officer recommendation not be endorsed. The following is an extract from the advice from Norman Disney & Young:

*"...Should Council choose not to endorse the design at the scheduled Council meeting of 28 February, for which we believe approval has been recommended at committee level, and require redesign, then costs for such redesign could be in the vicinity of an additional \$50,000 / \$60,000 dependent upon the scale of review required.*

*Should Council choose to call a halt to the existing architectural services and look to engage a new design consultant, the costs could be significant. A new consultant would require briefing and then undertake a full design process. Direct costs would be similar to the design fees to date, perhaps some \$175,000 for a complete new design.*

*Council would also need to settle outstanding fees to the incumbent designer. Should a dispute occur, Council may not be*

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*able to progress the project until those matters are resolved in accordance with the contract. You also need to consider the more intangible costs of renewed community consultation, staff contributions and general time and opportunity costs.*

*Putting the project back by at least a further four to six months would incur escalation costs also. Additionally, under the Royalties for Regions scheme, allocated monies need to be expended to specified guidelines....”*

The PRG and Council staff have previously been advised that estimated additional costs for construction are \$25,000 per month.

Due to various reasons and delays in the PRG process, the project is already two months overdue in accordance with the original timeline.

**Current costs to date:**

Costs to date on design process and project management as per Contract with Norman Disney & Young \$210,138

**Potential costs for re-design**

Costs to date	\$210,138
Re-design estimate	\$50,000 - \$60,000
Additional Construction costs (2 months)	\$50,000

**Total \$310,138 - \$320,138**

**Potential costs for re-starting the process**

Costs to date	
Re-start process	
Additional construction costs (4 - 6 months)	\$200,000 - \$300,000

**Total \$585,138 - \$685,138**

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan’s Strategic Community Plan 2011 - 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
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-O2-A1	Develop civic precinct concept in Jurien Bay.	Town Centre Strategy Plan  SuperTowns Growth Plan	Short - Medium	Jurien Bay	CRC  DEC  Other agencies

### ATTACHMENTS

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

- PRG minutes 6 February 2013 (unconfirmed) (Doc ID: 11807)
- copy of correspondence received from Norman Disney & Young (Doc ID: 11774)
- final concept design as endorsed by PRG 6 February 2013 including (Doc ID: 11878)
  - site plan
  - floor plan
  - perspective front view
  - perspective rear view
  - artists impression front foyer

**(Marked 9.3.8)**

### VOTING REQUIREMENT

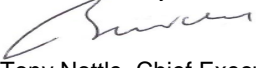

Simple majority

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. receive and endorse the final concept plan of the Jurien Bay Visitor and Civic Centre as recommended by the Project Reference Group and detailed in the attachments; and**
- 2. authorise the Chief Executive Officer to continue to progress the Jurien Bay Visitor and Civic Centre project as per the final concept plan.**

**9.3.9 JURIEB BAY SUPERTOWNS PROJECT REFERENCE GROUP**

Location:	N/A
Applicant:	N/A
Folder Path:	BCS / Council Properties / Urban Design / Civic Precinct
Interest:	None
Date:	7 February 2013
Author:	Brian Wall, Project Manager - Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

For Council to consider discontinuing the Project Reference Group (PRG).

**BACKGROUND**

Through the State Government's Regional Centres Development Plan (SuperTowns) the Shire of Dandaragan was successful in obtaining part funding towards its Jurien Bay Town Centre Enhancement Strategy in June 2012. This project was split into two major areas being the Civic Precinct Stage 1 Development (Jurien Bay Visitor and Civic Centre) and the Jurien Bay Sewer Project (Stage 1).

A PRG was established at Council's Special Meeting held on the 8 August 2012 as per the following resolution:

*Moved Cr McGlew, seconded Cr Russell*

*That Council;*

1. *establish the SuperTowns Project Reference Group consisting of the following:*
  - *Council staff (CEO, PMSP or others as required) x 2*
  - *Councillors x 2*
  - *Jurien Bay Community Resource Centre x 1*
  - *Department of Environment and Conservation x 1*
  - *Wheatbelt Development Commission Representative x 1*
  - *Jurien Bay Chamber of Commerce x 1*
  - *Jurien Bay District High School (Principal and VET Coord) x 2*
  - *Jurien Bay Progress Association x 1*
  - *Community Member x 1*
  - *Independent Chairperson x 1*
2. *appoint Cr's McGlew, Sheppard and Short (proxy) as its representatives on the SuperTowns Project Reference Group.*

**CARRIED 8 / 0**

Since the appointment of the PRG the architect (Saleeba Adams Architects) representing Norman Disney & Young (NDY) has liaised with Council staff, and the PRG to finalise the concept design for the Jurien Bay Visitor and Civic Centre (JBVCC).

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**COMMENT**

Whilst the PRG have been very constructive in the initial planning stages of the concept design in liaison with the consultants and Council, their role in the remaining stages of the project is no longer required, given the project process will now require a more formal process to be followed, based on technical specifications, tender and contract requirements.

There will still be a need to communicate to the general public however, this will be done via various newsletters, updates and media releases.

**CONSULTATION**

Council has briefly discussed whether there remains a need for the PRG to remain in place following a decision that is to be made on the final concept design.

**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to this item.

**POLICY IMPLICATIONS**

There are no current policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications to this item.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan's Strategic Community Plan 2011 - 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure					
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-O2-A1	Develop civic precinct concept in Jurien Bay.	Town Centre Strategy Plan  SuperTowns Growth Plan	Short - Medium	Jurien Bay	CRC  DEC  Other agencies

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

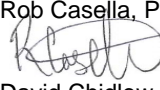
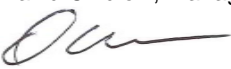
Simple majority

**OFFICER RECOMMENDATION**

**That Council discontinue the Project Reference Group for the future stages of Jurien Bay Visitor and Civic Centre project.**

## 9.4 TOWN PLANNING

### 9.4.1 SUBDIVISION APPLICATION - LOT 3555 BOUNDARY ROAD, YATHROO

Location:	Lot 3555 Boundary Road, Yathroo
Applicant:	SAS Surveyors on behalf of RJ and JS Barrett
Folder Path:	BCS / Land Use and Planning / Subdivision / Request
Disclosure of Interest:	None
Date:	18 January 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

#### PROPOSAL

An application has been received by the Shire of Dandaragan (the Shire) to subdivide a rural lot into three rural lots located at Lot 3555 Boundary Road, Yathroo.

#### BACKGROUND

The location has a current area of 1251.7079ha. The applicant wishes to subdivide the lot into three lots with proposed lots covering an area of (lot 1) 422.2074ha, (lot 2) 422.1408ha and (lot 3) 407.3597ha.

The subject lot is currently used for broadacre pastoral farming with plantations for the Forest Products Commission. The site is relatively cleared land with traces of remnant vegetation scattered throughout the lot and relatively flat land, ranging from 180m AHD in the western portion, to 230m AHD to the eastern border of the lot.

#### COMMENT

Under the Local Planning Scheme the subject lot is zoned Rural. The proposed subdivision is in accordance with the Shire's Draft Rural Local Planning Strategy (the Strategy), section 8.1.1 minimum rural lot sizes, stating:

*Council supports the State's aims and objectives as outlined in this section but is not supportive on the overall restrictions on the subdivision of rural zoned land. Council feels that an acceptable balance can be achieved by allowing a minimum lot area which is large enough to:*

- *not attract rural lifestylers who would normally purchase rural residential and rural smallholdings;*
- *not greatly influence land values so rural land value are maintained;*
- *not lead to a demand for additional services and infrastructure;*  
*and*
- *retain lots large enough to continue to be used for broadscale agriculture.*



*The minimum lot size in the Rural zone will be 300ha for any property and any proposed smaller lots would only be supported when they are consistent with other relevant State policies and the approved LPS.*

It is suggested that in supporting the granting of approval, a number of conditions be imposed to ensure the best management of the proposed lots are serviced and provided for. These include the need for a proposed building envelop for all major structures to be developed within, to ensure management and firebreak orders can be adhered to.

If necessary, the proponent is to cap all bores in the event the purchaser does not have intentions of continuing the farming practice that utilises the bore or identify the bore(s) to be retained.

The proponent is to construct and drain formal access way(s) to the two additional lots to the specification of the Manager Technical Services and Works. Finally a condition for the proponent to put a notification on the lot advising the potential purchaser there is no reticulated sewerage system available on the lot.

These conditions are required to ensure the properties are ready for sale and the requirements reduce the burden on the purchaser.

#### CONSULTATION

No consultation required to this item

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- State Planning Policy 2.5 - Agricultural and Rural Land Use Planning
- Development Control Policy 3.4 - Subdivision of Rural Land

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

- Local Planning Strategy - Rural Land Use and Settlements

#### ATTACHMENTS

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

- subdivision application (Doc ID: 11008)  
**(Marked 9.4.1)**

#### VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 3555 Boundary Road, Yathroo in accordance with drawing number 12227APP subject to the following:

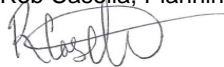

**Conditions:**

1. prior to commencement of subdivisional works, a detailed plan identifying building envelop(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission;
2. arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or well to be retained on the land; and
3. the proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specification of the local government.

**Advice:**

- All landowners are required to comply with the Shire of Dandaragan Fire Break Orders.

#### 9.4.2 PLANNING APPLICATION - RESIDENTIAL CODE VARIATION FOR PROPOSED SHED - LOT 474 (16) BETTONG AVENUE, JURIE BAY

Location: Lot 474 (16) Bettong Avenue, Jurien Bay  
 Applicant: Swan Aussie Sheds on behalf of B and J Wall  
 Folder Path: Development Services Apps / Development Application / 2013 / 7  
 Disclosure of Interest: None  
 Date: 8 February 2013  
 Author: Rob Casella, Planning Officer  
 Signature of Author:   
 Senior Officer: David Chidlow, Manager Planning  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant is seeking planning approval for a proposed outbuilding (shed) on Lot 474 (16) Bettong Avenue, Jurien Bay for the purpose of housing a boat.

#### BACKGROUND

The proposed shed is to be a total of 45m<sup>2</sup> (10m x 4.5m) with a roof height of 3.6m. The proponent also proposes to establish the wall within 750mm of the side and rear boundary.

#### COMMENT

Under the Shire of Dandaragan's (the Shire) Local Planning Policy 8.6 - Outbuildings 'Residential Areas' (LPP 8.6) a shed is permitted to having an area 80m<sup>2</sup> and a wall height of 3.6m, providing the outbuilding's external appearance is non-reflective.

Providing the outbuilding does not detract from the streetscape or the amenity of residents or neighbouring properties, the development shall be permitted.

For a parapet / boundary wall proposal, LPP 8.6 clause 8 states that:

*Where a parapet / boundary wall is proposed (ie a wall within 750 mm 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.*

This implies the proposed application is a variation of the R-Codes and the LPP 8.6, requiring Council approval for the proposed shed.

On inspection of the site and the local area, the proposal is not uncommon and actually complements the area. Neighbour consultation was sought and given 14 days to respond to the proposed development, closing on the 21 February 2013. Any submissions will be presented to Council on the day.

As the proposed shed provides minimal if not, no impacts on the visual amenity of the area and does not detract from the streetscape it is recommended the proposal be granted by Council.

#### CONSULTATION

Neighbour consultation has taken place for the adjoining land owners that would be affected by the proposed shed. The advertising period closed on the 21 February 2013 with a total of three submissions received.

#### STATUTORY ENVIRONMENT

- Residential Design Codes

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 - Outbuilding - Residential Areas

#### FINANCIAL IMPLICATIONS

The applicant has paid a planning application fee of \$139.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- development application (Doc ID: 11664)
- schedule of submissions (Doc ID: 11904)

**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant approval to Swan Aussie Sheds on behalf of B and J Wall for a proposed shed in accordance with the attached approval plans Q2301 on Lot 474 (16) Bettong Avenue, Jurien Bay subject to the following:**

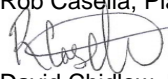
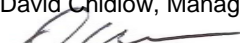
**Conditions:**

- 1. the development shall be carried out in accordance with the approved plans dated 4 February 2013 as well as the specifications submitted with the application and shall not be altered and or modified without the approval of the Shire; and**
- 2. the shed shall be constructed of a material that is of a colour similar to the existing dwelling and / or fence;**

**Advice:**

- **That the applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.**

### 9.4.3 PLANNING APPLICATION - RESIDENTIAL CODE VARIATION FOR PROPOSED SHED - LOT 90 (38) LESUEUR DRIVE, JURIE BAY

Location:	Lot 90 (38) Lesueur Drive, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of K Trown and R Carey
Folder Path:	Development Services Apps / Development Application / 2013 / 3
Disclosure of Interest:	None
Date:	8 February 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant is seeking planning approval for a proposed outbuilding (shed) on Lot 90 (38) Lesueur Drive, Jurien Bay.

#### BACKGROUND

The proposed shed is to be a total of 60m<sup>2</sup> (10m x 6m) with a roof height of 3.6m. The proponent also proposes to establish the wall within 750mm of the side and rear boundary.

#### COMMENT

Under the Shire of Dandaragan's (the Shire) Local Planning Policy 8.6 - Outbuildings 'Residential Areas' (LPP 8.6) a shed is permitted to having an area 80m<sup>2</sup> providing the outbuilding external appearance is non-reflective.

As stated in the Shire LPP 8.6 clause 8:

*Where a parapet / boundary wall is proposed (ie a wall within 750 mm 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.*

This implies the proposed application is a variation of the R-Codes and the LPP 8.6, requiring Council approval for the proposed shed.

On inspection of the neighbouring lots to the rear, Lot 14 Passmore Close has an established brick shed along the boundary fence of substantial height. Lot 12 Passmore Close, directly to the rear of the subject lot, has introduced an extension to the rear boundary fence to increase the height reducing the visual impact on both rear properties.

Neighbour consultation was sought and given 14 days to respond to the proposed development, with one neighbour to the side and one neighbour to the rear of the subject lot expressed they have no objection.

As the proposed shed provides minimal if not, no impacts on the visual amenity of the area and does not detract from the streetscape it is recommended the proposal be granted approval by Council.

#### CONSULTATION

Neighbour consultation has taken place for the adjoining landowners that would be affected by the proposed shed. The advertising period closed on the 14 February 2013 with a total of two submissions.

#### STATUTORY ENVIRONMENT

- Residential Design Codes

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 - Outbuilding - Residential Areas

#### FINANCIAL IMPLICATIONS

The applicant has paid a planning application fee of \$139.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- proposed development (Doc ID: 11531)
- schedule of submissions (Doc ID: 11665)

**(Marked 9.4.3)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant approval to Swan Aussie Sheds on behalf of K Trown and R Carey for a proposed shed in accordance with the attached approval plans Q1412 on Lot 90 Lesueur Drive, Jurien Bay subject to the following:**

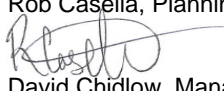
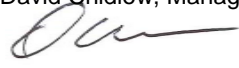
**Conditions:**

- 1. the development shall be carried out in accordance with the approved plans dated 30 January 2013 as well as the specifications submitted with the application and shall not be altered and or modified without the approval of the Shire; and**
- 2. the shed shall be constructed of a material that is of a non-reflective finish.**

**Advice:**

- **That the applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.**

#### 9.4.4 PLANNING APPLICATION - PROPOSED HORSE SHELTER - LOT 65 CAMBEWARRA DRIVE, JURIEN BAY

Location:	Lot 65 Cambewarra Drive, Jurien Bay
Applicant:	Northwest Shedmasters on behalf of E and K Dick
Folder Path:	Development Services Apps / Development Application / 2013 / 6
Disclosure of Interest:	None
Date:	11 February 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for an open shed to provide a source of shelter for their horses on Lot 65 Cambewarra Drive, Jurien Bay.

#### BACKGROUND

The subject lot is located in Alta Mare on the corner of Cambewarra Drive and Zendora Road, Jurien Bay. The lot comprises an area of 5.27ha. The site is zoned Rural Residential and currently accommodates an existing shed on the lot.

The proponent wishes to develop an artificial shelter for their horses, to be located outside of the building envelope towards the north-east corner of the lot. It is proposed that the open shed is to have a height of 3m and an area of 33.5m squared (5m x 6.7m). A copy of the proposed development is provided in the attachments.

#### COMMENT

The proposal is formally a shed minus the walls and is considered necessary to provide shelter for the owners horses from the climatic conditions. The subject lot currently has no trees on the site, lacking the ability to provide natural shade for the animals.

The proposed development falls well within the requirements of the Shire of Dandaragan's (the Shire) Local Planning Policy 8.5 - Outbuildings: Rural Residential and Special Use - Rural Development Zones (LPP8.5) allowing a maximum area of 162m<sup>2</sup> (216m<sup>2</sup> provided neighbour and Council approval) and a permitted wall height of 4.0m (ridge 5.5m) or 4.2m wall height provided written approval from neighbours and Council.

In situating the shed outside of the building envelope, it breaches the development requirements for the Alta Mare precinct although, the proposed development is to cater for the livestock permitted on the site and contributes to the rural nature of the lot.

The proposal complies with the Shire's Local Planning Scheme No 7 (the Scheme) required setbacks under Clause 1.2 of Schedule

13 - Specific Conditions for Rural Development on Victoria Location 10751, requiring:

*1.2 All building envelopes and development on any lot shall be setback a minimum of 30 metres from the front lot boundaries, 50 metres from rear lot boundaries and 15 metres from side lot boundaries.*

The proponent has achieved a 20m setback from both side boundaries (being a corner block having no defined rear and side boundary). The subject shelter is to be situated in a low lying area of the lot, minimising its protrusion above eye level from the adjoining road networks and neighbouring lots.

In terms of the scale of the development within the Alta Mare locality, it is the officer's view that the fully open 'shed' will have an insignificant impact on the amenity of the area and should be granted conditional approval by Council.

#### CONSULTATION

In accordance with Clause 9.4.3 of the Scheme, a notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval. The advertising period is from 8 February 2013 and closes on the 22 February 2013. Currently there have been no submissions. A copy of the schedule of submissions will be presented to Council on the day if any comments are received in that time.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- Local Planning Policy 8.5 - Outbuildings: 'Rural Residential' and 'Special Use' - Rural Development Zone

#### FINANCIAL IMPLICATIONS

The proponent has paid a standard planning approval application fee of \$139.00.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- development application (Doc ID: 11688)  
**(Marked 9.4.4)**

#### VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION**

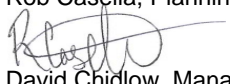
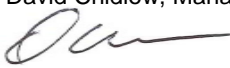
That Council grant planning approval to Northwest Shedmasters on behalf of E and K Dick for the development of a horse stable shelter (open shed) on Lot 65 Cambewarra Drive, Jurien Bay (Alta Mare) in accordance with the attached approved plans Drawing No SM2017-SP1 on the following: Conditions:

1. all development shall be in accordance with the attached approved plans submitted with the application and subject to any modifications required as a consequence of any conditions of this approval;
2. the approved development shall be constructed of materials and colours sympathetic to the character of the locality; and
3. the endorsed approved plans shall not be altered without the prior written approval of the local government.

**Advice**

- This is planning approval only and not a building permit. A building permit must be obtained for this development.

#### 9.4.5 PLANNING APPLICATION - OUTBUILDING - LOT 735 (28) HAMELIN AVENUE, JURIE BAY

Location:	Lot 735 (28) Hamelin Avenue, Jurien Bay
Applicant:	Brett William Hunt
Folder Path:	Development Services Apps / Development Applications / 2013 / 05
Disclosure of Interest:	None
Date:	12 February 2013
Author:	Rob Casella, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for a proposed 'outbuilding' (shed) to be located on Lot 735 Hamelin Avenue, Jurien Bay comprising an area of 63.25m<sup>2</sup> (6.913m x 9.15m).

#### BACKGROUND

The subject lot is zoned Residential, located in the Beachridge Estates precinct. Currently, there is an existing single storey dwelling situated on the lot.

Clause 7 of the Local Planning Policy 8.6 (LPP8.6) states:

*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.*

Under the Residential Design Codes (R-Codes), the minimum setbacks require a wall length 9m to 10m to maintain a setback of 1.5m and 1m setback where a wall length is 9m or less where a wall height of 3.5m or less is achieved for walls with no major openings.

The attached plan shows that the side setback is in compliance, while the proposed rear setback does not comply with the R-Codes as the wall length is in excess of 0.15m of the required length to be eligible for the 1m setback.

#### COMMENT

Due to the minute scale of the proposal, 0.15m will have little impact on the area of over shadowing on the neighbours property, particularly as the height of the proposed shed is to only be 3m.

It is still a requirement in the Shire of Dandaragan's (the Shire) LPP8.6 that neighbour consultation be required as the proposal is still a variation of the R-Codes. In a bid to ensure a speedy delivery of planning approval the report has been submitted ahead

of the closing date of the advertising period, in anticipation that there will be little to no objection to the proposal.

#### CONSULTATION

Neighbour consultation has taken place for the adjoining landowners that would be affected by the proposed shed. The advertising period closed on the 22 February 2013. Any submissions made subsequent to the agenda deadline will be presented to Council on the day of the meeting.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 - Outbuildings 'Residential Areas'

#### FINANCIAL IMPLICATIONS

The applicant has paid a planning application fee of \$139.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this matter.

#### ATTACHMENTS

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

- planning proposal (Doc ID: 11691)  
**(Marked 9.4.5)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed shed on Lot 735 Hamelin Avenue, Jurien Bay in accordance with the attached approved plans date stamped 4 February 2013 on the following:**


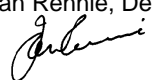
**Conditions:**

- 1. all development shall be in accordance with the attached approved plans submitted with the application and subject to any modifications required as a consequence of any conditions of this approval;**
- 2. the materials and colours for the proposed carport are to match the materials and colours of the corresponding components of the existing residence and to be of a non - reflective nature; and**
- 3. the endorsed approved plans shall not be altered without the prior written approval of the local government.**

#### **Advice**

- **This is planning approval only and not a building permit. A building permit must be obtained for this development.**

#### 9.4.6 APPLICATION FOR BUILT STRATA - SUMMIT HOMES ON BEHALF OF ARDROSS ESTATES PTY LTD - 15 GROUPED DWELLINGS - LOT 1371 MOONLIGHT CRESCENT, JURIE BAY

Location:	Lot 1371 Moonlight Crescent, Jurie Bay
Applicant:	Summit Homes Pty Ltd on behalf of Ardross Estates Pty Ltd
Folder Path:	DAS / Development Application / 2012 / 42
Disclosure of Interest:	None
Date:	18 February 2013
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The proponent seeks approval for 15 lot built strata subdivision for 15 grouped dwellings at Lot 1371 Moonlight Crescent, Jurie Bay on behalf of Ardross Estates Pty Ltd.

#### BACKGROUND

The subject site is located within Beachridge Estate, at the corner of Middleton Boulevard and Moonlight Crescent and has a site area of 4,326m<sup>2</sup>. The north-eastern boundary of the subject land adjoins Bashford Street Special Development Zone 1 (SDev1) in the Local Planning Scheme No 7 (LPS7).

The proposed development has planning approval for 15 grouped dwellings. The strata is in accordance with the approved plans.

On 26 May 2009, the Western Australian Planning Commission (WAPC) resolved to delegate its power to issue a certificate of approval under s25 of the *Strata Titles Act* to all local governments, except for those applications that:

1. propose the creation of a vacant lot;
2. propose vacant air stratas in multi-tiered strata scheme developments; and
3. where, in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:
  - (a) a type of development; and/or
  - (b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

An instrument of delegation regarding these arrangements was made under s16(3)(e) of the *Planning and Development Act 2005* and gazetted on 9 June 2009.

Note - the term "built strata" refers to a strata plan for existing dwellings or buildings, or a building which is proposed to be

constructed, and where there are no vacant lots.

#### COMMENT

This application follows the development approval granted in September 2012 and is in accordance with the approved plans.

#### CONSULTATION

There are no requirements for consultation for this item as there is no additional impact on services above the previously approved grouped dwellings.

#### STATUTORY ENVIRONMENT

- *Strata Title Act s25*
- Residential Design Codes
- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The applicant has paid a fee to the value of \$8,148.40.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- unit 1 - 15 site plans (Doc ID: 8460)

**(Marked 9.4.6)**

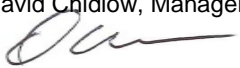
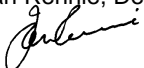
#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council issue a certificate of approval for built strata for 15 grouped dwellings on Lot 1373 Moonlight Crescent, Jurien Bay, subject to all development shall be in accordance with the building licence and planning approved plans and any conditions imposed.**

### 9.4.7 DEVELOPMENT ASSESSMENT PANEL - COUNCILLOR NOMINATIONS

Location: N/A  
 Applicant: Department of Planning  
 Folder Path: BCS / Development and Building Controls / Legislation / Regulations  
 Disclosure of Interest: Nil  
 Date: 18 February 2013  
 Author: David Chidlow, Manager Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

To consider a request from the Department of Planning to nominate two local government members and two alternate local government members to the Development Assessment Panel (DAP) due to the expiry of all current DAP members terms of appointment.

#### BACKGROUND

Correspondence has been received from the Department of Planning advising that current appointments of all local government DAP members expire on 26 April 2013.

Current members are:

Cr Shane Love and Cr Michael Sheppard  
as DAP members

and

Cr Lawrie Short and Cr Tim Bailey  
as alternate DAP members

Nominations from Council for DAP members are required by 28 March 2013. Existing members may renominate.

In the event that more nominations are received than positions, a secret ballot will be taken.

#### COMMENT

DAP regulations prevent a DAP member from attending a meeting without first completing mandatory training. As soon as DAP members are appointed training will commence. DAP members who successfully complete the training are entitled to the payment of \$400 from the Department. Members who are not entitled to payment of sitting, training and DAP attendance fees include Federal, state and local government employees, active or retired judicial officers and employees of public institutions.

Council should be aware that failure to nominate a total of four

names by the said due date, the Minister will appoint members from the community.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

- Part 11A of the *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*

#### 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:

- correspondence from Department of Planning (Doc ID: 11007) **(Marked 9.4.7)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council resolves to advise the Minister for Planning that it nominates:**

Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
as DAP members

and

Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
as alternate DAP members

#### 9.4.8 REVOKE OF PLANNING APPROVAL - THE WAVES AT JURIE TOURIST DEVELOPMENT - LOT 450 HILL STREET AND LOT 671 DALTON STREET, JURIE BAY

Location: Lot 450 Hill Street and Lot 671 Dalton Street, Jurie Bay


Applicant: DesignInc Perth Pty Ltd on behalf of Lineview Investments Pty Ltd

Folder Path: BCS / Land Use and Planning / Subdivision / Requests


Disclosure of Interest: None

Date: 18 February 2013

Author: David Chidlow, Manager Planning

Signature of Author: 

Senior Officer: Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer: 

#### PROPOSAL

The applicant has advised that an error was made in their submission to Council for application for change of allocation of unit numbers given permanent residential status. Council is asked to revoke its decision of 20 December 2012 and that a new corrected application will be made in the coming months.

#### BACKGROUND

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

This was followed by a second planning application requesting the approval from Council to allow 25% of the development to be sold as permanent residences.

*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.*

The most recent application was for the percentage of units sold as permanent residential be increased to 45%. At its meeting held on 20 December 2012, Council granted approval to Lineview Holdings Pty Ltd for request to allocate units four to six and 15 to 20 to be available for permanent residential.

It has since been 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.

#### COMMENT

To rectify this anomaly, Council is requested to revoke its approval of 20 December 2012 and cancel the planning approval issued. This returns all units to their previous use. The applicants will then



be required to submit a fresh application with the correct information and consent of owners as required by their own strata management processes.

#### CONSULTATION

Nil required at this stage

#### STATUTORY ENVIRONMENT

Local Planning Scheme No.7 Section 8.3 - Amending or Revoking a Planning Approval:

*The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.*

#### POLICY IMPLICATIONS

- Planning Bulletin 83/2011 - Planning for Tourism

#### 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:

- correspondence from DesignInc (Doc ID: 10249)

**(Marked 9.4.8)**

#### VOTING REQUIREMENT

Absolute majority for Officer Recommendation 1 and 2

If Council wishes to revoke the decision of Council passed at the ordinary meeting held 20 December 2012, it is necessary for at least one third of the members (whether vacant or not) of the Council to support consideration of the matter before the motion can be moved (*Administration Regulation 10, Local Government Act 1995*).

This means the support of three elected members is necessary before the next stage of the process - consideration of the revocation of the motion.

To be successful, the revoked motion must be carried by an absolute majority.

**OFFICER RECOMMENDATION 1**

**That Council agree to consider to revoke the resolution for item 9.4.3 from the Council meeting of the 20 December 2012.**

**OFFICER RECOMMENDATION 2**

**That Council's decision for item 9.4.3 from the Council meeting held 20 December 2012 being:**

**“That Council grant approval to Lineview Holdings Pty Ltd for request to allocate units four to six and fifteen to twenty to be available for permanent residential.”**

**be revoked.**

**9.5 HEALTH**

**9.6 BUILDING**

## 9.7 COUNCILLOR INFORMATION BULLETIN

### 9.7.1 DEPARTMENT OF AGRICULTURE AND FOOD - FACTSHEET - GM CROPS AND LOCAL GOVERNMENT

Document ID: 11009

Included in this factsheet:

- Legal Background
- 2010 Approval of GM Herbicide Tolerant Canola
- Local Government and GM Crops
- Survival of Roadside Canola

### 9.7.2 WALGA INFOPAGE - STATE CCTV STRATEGY - LOCAL GOVERNMENT CCTV REQUIREMENTS

Document ID: 11011

Key Issues:

- Results from a 2012 WALGA survey into Local Government CCTV networks have indicated the need for a coordinated approach to the implementation and management of CCTV in WA.
- The Minister for Police has written to the Association expressing support for the development of a CCTV Strategic Plan.
- WALGA is interested in receiving feedback on Local Government CCTV networks to inform the development of a CCTV Strategic Plan.

*A copy of this correspondence was distributed to Council via email on 5 February 2013.*

### 9.7.3 WALGA INFOPAGE - REVIEW OF THE EMERGENCY SERVICES ACTS

Document ID: 11009

Key Issues:

- The 2006 Community Development and Justice Standing Committee *Inquiry into Fire and Emergency Services Legislation Report* recommended the amalgamation of the *Fire Brigades Act 1942*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1998*.
- DFES is coordinating a review into the legislation, starting with gathering information on what issues there may be with the legislation, and whether there is anything missing from the legislation which could improve community safety.
- WALGA is interested in receiving feedback from Local Governments to inform a sector-wide position on the existing legislation, and the development of the amalgamated Emergency Services Act.

*A copy of this correspondence was distributed to Council via email on 5 February 2013.*

### 9.7.4 WALGA INFOPAGE - STATE PLANNING STRATEGY (DRAFT)

Document ID: 11013

Key Issues:

- The Minister for Planning launched the draft State Planning Strategy on Wednesday, 19 December 2012.
- The State Planning Strategy sets a vision to 2050.

**9.7.5 WALGA LOCAL GOVERNMENT NEWS - ISSUE NO 1.13 - 14 JANUARY 2013**

Document ID: 11014

Inside this issue:

- Metropolitan Local Government Reform - Meeting of Metropolitan Mayors and Presidents
- Light Rail and Express Busways on Local Roads
- 2013 Local Government Remuneration Survey Invitation
- Road Assets and Expenditure Report 2011 / 12
- Free Procurement Workshop and Handbook Guide
- Local Government Heavy Vehicle Workshop - Geraldton
- GM Crops and Local Government
- Officer Training

**9.7.6 DEPARTMENT OF ENVIRONMENT AND CONSERVATION - LITTER FINES INCREASED AND NEW LITTER OFFENCE**

Document ID: 11017

Amendments to the Litter Act which allowed for new penalties were passed in August 2012. Now the *Litter Act Regulations* have been amended and were gazetted on the 11 January 2013 allowing for increased fines for littering and also introducing a new offence of littering that creates a public risk to people, property or animals.

More information is on hand.

**9.7.7 DEPARTMENT OF PLANNING - DRAFT STATE PLANNING STRATEGY**

Document ID: 11018

On 19 December 2012 the Hon John Day MLA, Minister for Planning released the draft State Planning Strategy for public comment.

Required by Western Australian law, the State Planning Strategy is a high-level strategy designed to pursue and implement the Government's drive for a liveable, diverse, connected and collaborative State.

More information is on hand.

**9.7.8 SALARIES AND ALLOWANCES TRIBUNAL - LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS REMUNERATION**

Document ID: 11044

On 30 June 2012, the Salaries and Allowances Tribunal issued its first determination which required Local Governments to remunerate their CEOs within the terms of the aforementioned

determination. The only exceptions are those CEO's who qualify under section 43 of the *Local Government Act 1995*.

More information is on hand.

**9.7.9 TOURISM WESTERN AUSTRALIA - STATE GOVERNMENT STRATEGY FOR TOURISM IN WESTERN AUSTRALIA 2020**

Document ID: 11048

On 10 December 2012 the Honourable Kim Hames MLA, Minister for Tourism released the *State Government Strategy for Tourism in Western Australia 2020* ("the strategy").

A copy of the "Strategy at a glance" document summarising key elements of the strategy for your reference is on hand. The detailed strategy document can be found by visiting [http://www.tourism.wa.gov.au/About\\_Tourism\\_Western\\_Australia/Pages/Strategic\\_plan.aspx](http://www.tourism.wa.gov.au/About_Tourism_Western_Australia/Pages/Strategic_plan.aspx)

**9.7.10 THE ROYAL AUTOMOBILE CLUB OF WA - RAC ELECTION CAMPAIGN**

Document ID: 11066

Since the last State election, congestion on Western Australian roads has worsened, the number of people and cars moving into the state has soared, and the pressure on our infrastructure is greater than ever.

For the first time, the RAC will run a significant public campaign on behalf of its members, highlighting transport, road safety and cost of motoring issues in the lead up to the State election on March 9.

More information is on hand.

**9.7.11 WALGA INFOPAGE - LIVEABLE NEIGHBOURHOODS REVIEW**

Document ID: 11088

Key Issues:

- The Department of Planning has initiated the review of the WAPC's Liveable Neighbourhoods and related planning policies.
- Liveable Neighbourhoods contains a wide range of interrelated land use, development and community service information, not limited to planning.
- Your input is sought to help identify issues to inform the review.

*A copy of this correspondence was distributed to Council via email on 5 February 2013.*

**9.7.12 WALGA INFOPAGE - LOCAL GOVERNMENT CONSULTATION WORKSHOP - DRAFT CODE OF PRACTICE FOR ONSITE SEWERAGE MANAGEMENT**

Document ID: 11089

Key Issues:

- The new Code of Practice for Onsite Sewerage Management

has been released for comment.

- The Code will reduce risks of failure and mismanagement of onsite systems and ultimately the risk to public and environmental health.
- WALGA is holding two regional workshops to facilitate feedback from Local Governments.

*A copy of this correspondence was distributed to Council via email on 5 February 2013.*

**9.7.13 WALGA LOCAL GOVERNMENT NEWS - ISSUE NO 2.13 - 21 JANUARY 2013**

Document ID: 11090

Inside this issue:

- Local Government Consultation Workshops - Draft Code of Practice for Onsite Sewerage Management
- Regional Airports Development Scheme 2013/14 and 2014/15 Now Open
- Free Procurement Workshop and Handbook Launch - Last Chance to Register
- Officer Training
- Elected Member Training
- City of Vincent Relationship Declaration Register
- Coastal Application and Protection (CAP) Grant Application Open
- New Litter Penalties for Western Australia

**9.7.14 DEPARTMENT OF SPORT AND RECREATION - PUBLIC OPEN SPACE FRAMEWORK - CHIEF EXECUTIVE OFFICERS**

Document ID: 11091

The Department of Sport and Recreation (DSR) are pleased to advise that the *Classification Framework for Public Open Space* has been released. The framework is the product of a robust and extensive consultation, with the wide range of stakeholders involved with the planning, design and management of open space across Western Australia.

A copy of the above mentioned document is on hand.

**9.7.15 DEPARTMENT OF PLANNING - STATUS OF COASTAL PLANNING IN WESTERN AUSTRALIA**

Document ID: 11092

The Department of Planning, on behalf of the Western Australian Planning Commission conducts a biennial audit of the status of coastal planning in WA.

On hand is a copy of the latest *Status of Coastal Planning in Western Australia*.

**9.7.16 MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN - ISSUE 169 - JANUARY 2013**

Document ID: 11385

Inside this issue:

- Changes to SA - Zerowaste says goodbye
- Leaving the Big Smoke - Meghan Fuery is leaving the team
- E-Waste gets \$200,000 WATEP announced
- Peed off with packaging - APC complaints line
- Have you done your bit - report and clean WA
- Laying down the law on littering - greater penalties for litter bugs
- Wheatbelt benefits - funding for transfer stations in the Wheatbelt
- Tidy Towns - winners for 2012
- Sticky situation - Adelaide City Council Vs chewing gum
- Recycling records broken - E-Waste in Canberra
- Ocean overrun by plastic patches - plastic pollution
- Recycling goes Gangnam style - encouraging the younger generations to recycle
- Single men rubbish at recycling - recent study conducted in uk
- Banning the bottle - plastic bottle ban hits US

#### **9.7.17 WALGA LOCAL GOVERNMENT NEWS - ISSUE NO 3.13 - 28 JANUARY 2013**

Document ID: 11387

Inside this issue:

- Local Government Elections 2013 - WAEC postal voting arrangements
- Free Procurement Workshop and Handbook Launch - change of venue
- State Election Campaign
- Financial Assistance Grants Review - Have Your Say
- Extension - 2013 Local Government Remuneration Survey Invitation
- Local Government Heavy Vehicle Workshop - Geraldton
- MWAC Information Bulletin
- Officer training
- Elected member training

#### **9.7.18 NACC MEDIA RELEASE - NEW PARTNERSHIP TO HELP COMMUNITIES PREPARE FOR FUTURE COASTAL HAZARDS**

Document ID:

The Shire of Dandaragan, Shire of Gingin and the Northern Agriculture Catchment Council NACC have formed a new partnership that will help communities along Western Australia's Central Coast take the first steps in preparing for coastal hazards such as inundation and long term erosion.

Coastlines respond to a variety of process such as winds, waves, rainfall runoff, currents, storm surges and sea level variations.

More information is on hand.



**9.7.19 NACC MEDIA RELEASE - GRANTS FROM \$5,000 TO \$50,000 TO HELP LOCAL COMMUNITY GROUPS IN THEIR DELIVERY OF NATURAL RESOURCE MANAGEMENT**

Document ID:

Local community groups and organisations are now able to apply for funding support through a new government program developed to support on-ground action as well as build their capacity and skills to manage their productive lands, and, our natural inland and coastal environments more sustainable.

Last week the Minister for Agriculture, Fisheries and Forestry, Senator Joe Ludwig announced the new Australian Governments community Landcare Grants program as a component of the Australian Government's Caring for our Country initiative.

More information is on hand.

**9.7.20 TORRENS RESILIENCE INSTITUTE - DEVELOPING A MODEL AND TOOL TO MEASURE COMMUNITY RESILIENCE**

Document ID: 11612

Torrens Resilience Institute has recently completed a project for the Australian Government National Emergency Management Program entitled 'developing a model and tool to measure community resilience'. On 7 December 2009 the Council of Australian Governments (COAG) agreed to adopt a whole-of-nation resilience based approach to disaster management which recognises that a national, coordinated and cooperative effort is required to enhance Australia's capacity to withstand and recover from emergencies and disasters.

More information is on hand.

**9.7.21 WALGA - GUIDELINES FOR INCORPORATING CLIMATE CHANGE IMPACTS INTO THE LOCAL GOVERNMENT PLANNING FRAMEWORK**

Document ID: 11538

One of the key roles of Local Government is to provide planning and associated decision making services for its community. By incorporating climate change considerations into these processes, Local Government will be able to make decisions that not only limit their exposure to climate change impacts and potentially avoid future costs and liabilities, but ensure its communities are resilient to climate change impacts.

More information is on hand.

**9.7.22 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT - MINUTES OF THE OGM HELD 4 DECEMBER 2012**

Document ID: 11544

Attached to the agenda is a copy of the above mentioned minutes.  
**(Marked 9.7.22)**

**9.7.23 MINISTER FOR PLANNING - STATE PLANNING POLICY 3.1 - RESIDENTIAL DESIGN CODES**

Document ID: 11545

As a State Planning Policy, the review of R-codes will be considered by the Western Australian Planning Commission and the Minister for Planning with final approval resting with His Excellency the Governor. Once approved, the amended R-Codes will take effect upon publication in the Government Gazette. As at 30 January 2013, the review of the R-Codes had not yet been finalised.

**9.7.24 WALGA INFOPAGE - CLASSIFICATION FRAMEWORK FOR PUBLIC OPEN SPACE**

Document ID: 11549

Key Issues:

- The Classification Framework for Public Open Space has been finalised.
- The Department of Sport and Recreation will work closely with the Department of Planning to ensure this new classification framework is reflected within the relevant planning policies.

**9.7.25 WALGA LOCAL GOVERNMENT NEWS - ISSUE NO 4.13 - 4 FEBRUARY 2013**

Document ID: 11553

Inside this issue:

- Federal Election
- Metropolitan Mayors Forum
- Get Ready for the 2013 Blessing of the Roads Campaign
- Extension - 2013 Local Government Remunerations Survey Initiative
- Local Government Heavy Vehicle Workshop - Geraldton
- Officer training
- Elected member training
- 2013 desk calendar pads
- Upcoming WA Coastal Conference - Balancing Communities and Coasts

**9.7.26 ALGA - 2013 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS**

Document ID: 11584

The 2013 National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between 16 - 19 June.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2013 NGA under this year's theme 'Foundations for the Future - Twenty 13'. This reflects the important opportunities an election year offers.

**9.7.27 PUBLIC SECTOR COMMISSION - 2013 PREMIER'S AWARDS FOR EXCELLENCE IN PUBLIC SECTOR MANAGEMENT**

Document ID: 11613

The Awards are an opportunity to recognise the wealth of innovative and creative projects being undertaken by the public sector in the delivery of better services to the Western Australian community.

The 2013 Award categories are as follows:

- Developing the economy
- Improving government
- Improving Indigenous outcomes
- Managing the environment
- Revitalising the regions
- Strengthening families and communities
- Western Australia in Asia (new in 2013)

An online nomination is all that is initially required with nominations opening on Monday 1 April 2013 and closing on Tuesday 30 April 2013. All nominations are submitted by <http://www.publicsector.wa.gov.au/news-events/premiers-awards>

#### **9.7.28 STATE HERITAGE OFFICE - A NEW APPROACH TO HERITAGE SERVICES**

Document ID: 11639

The Heritage Council, in association with the WA Local Government Association (WALGA), is pleased to announce a new approach to heritage advisory services that gives local governments greater choice and flexibility in finding their preferred consultant. From April 2013, WALGA will operate a Preferred Supplier Panel, which will list consultants who have been approved to offer Heritage Advisory Services. Local governments will be able to seek quotes through WALGA's eQuotes system and engage the consultant that best matches their needs and budget.

More information is on hand.

#### **9.7.29 NACC - PATHWAYS TO INCREASE CROPPING PROFIT AND SOIL HEALTH BY CONTROLLED TRAFFIC FARMING IN WA**

Document ID:

Is subsoil compaction a problem at your farm?

Explore current knowledge and experts' ideas on:

- Steps to implementing controlled traffic.
- Maintaining seeding efficiency (large scale machinery) while controlling farming traffic.
- Calculating dollar value of CTF and possible strategies to fit in high seeding capacity, liming, straw spreading and window burning.
- Machinery options and the practicalities of converting into controlled traffic farming systems.

Workshops will be held in Yuna, Coorow, Burracoppin and Gnowangerup. More information is on hand.

### 9.7.30 WALGA INFOPAGE - COMMUNITY SAFETY AND CRIME PREVENTION

Document ID: 11752

Key Issues:

- The Community Safety and Crime Prevention Advisory Group continues to support WALGA in identifying current and emerging issues.
- WALGA is inviting member feedback from all Councils in regard to community safety and crime prevention issues of concern in their communities.

### 9.7.31 WALGA INFOPAGE - AGE FRIENDLY COMMUNITIES

Document ID: 11753

Key Issues:

- The Department of Communities has recently released An Age Friendly WA: The Seniors Strategic Planning Framework.
- WALGA is inviting member feedback from all Councils in regard to their age-friendly planning and implementation.

### 9.7.32 WALGA INFOPAGE - CORRESPONDENCE FROM THE MINISTER FOR COMMERCE - BUILDING ACT

Document ID: 11754

Key Issues:

- WALGA sought legal advice on behalf of the sector to clarify a number of aspects of the Building Act 2011. Following State Council's resolution this advice was forwarded to the Minister for Commerce in order to seek a formal response.
- A copy of the advice received from the Minister for Commerce is on hand.

### 9.7.33 WALGA LOCAL GOVERNMENT NEWS - ISSUE NO 5.13 - 11 FEBRUARY 2013

Document ID: 11755

Inside this issue:

- Elected member fees and allowances
- *Local Government (Uniform Provisions) Amendment Regulations 2013*
- Procurement Workshops for regional Western Australia
- Officer training
- Elected member training
- Draft Determinations - correcting GST and fuel tax errors
- Practitioner's Certificate in Mediation Course

### 9.7.34 THE ROADS FOUNDATION - ROAD CAREERS IN WESTERN AUSTRALIA

Document ID: 11756

The ROADS Foundation was established to work with local communities to help address skills shortages in the civil construction industry by coordinating and facilitating traineeship programs. The Foundation is funded by the West Australian Local Government Association and Main Roads WA, and aims to assist all employers of trainees in the civil construction industry with the

at times daunting task of employing, retaining and monitoring trainees.

More information is on hand.

**9.7.35 WALGA INFOPAGE - SUPREME COURT DETERMINATION - ELECTION SIGNAGE AND LOCAL PLANNING SCHEMES**

Document ID: 11511

Key Issues:

- Recent Supreme Court determination on temporary election signage and local planning schemes.
- A review of individual local planning scheme or local planning policy requirements may be required.

**9.7.36 WHEATBELT DEVELOPMENT COMMISSION - BOARD NOMINATIONS 2013**

Document ID: 11890

Correspondence has been received advising that local government, community and ministerial vacancies currently exist on the Wheatbelt Development Commission Board. Nominations are open until close of business 5 April 2013. For more information contact Teresa Drew on 9622 7222 or [teresa.drew@wheatbelt.wa.gov.au](mailto:teresa.drew@wheatbelt.wa.gov.au).

**9.7.37 WALGA INFOPAGE - NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (NDRRA) - DETERMINATION 2012**

Document ID: 11873

Key Issues:

- The Commonwealth released a new Determination on 18 December 2012 for the Natural Disaster Relief and Recovery Arrangements (NDRRA).
- The Determination provides guidelines for the implementation of State arrangements including Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA).
- The Determination introduces and seeks to define an 'essential public asset' and provides guidelines for 'betterment' of essential public assets when making a claim under Category D.
- The Determination also introduces amendments to Category C measures and the compulsory acknowledgement that funding is from the Commonwealth.

**9.7.38 WALGA INFOPAGE - TECHNICAL ADVISORY GROUP - LIVEABLE NEIGHBOURHOODS REVIEW**

Document ID: 11871

Key Issues:

- Department of Planning has initiated the review of the WAPC's Liveable Neighbourhoods and related planning policies.
- A Technical Advisory Group (TAG) is being established to assist in the review process; WALGA is a member of the TAG.
- WALGA will be establishing several LN Local Government Advisory groups to ensure that local government views and

issues are incorporated into the review process.

- Nominations to be involved in the Local Government Advisory Groups are to be sent by the 13 March 2013.

**9.7.39 LOCAL GOVERNMENT NEWS - ISSUE NO 06.13 - 18 FEBRUARY 2013**

Document ID: 11874

Inside this issue:

- October 2013 Election - Implications for local government of early resignation of elected members
  - If an elected member whose term ends in October 2013 provides notice between Saturday, 19 January 2013 and Saturday, 20 July 2013 of the intention to vacate office early, the Council may request the approval from the Electoral Commissioner to allow the vacancy to remain unfilled until the ordinary election day on Saturday, 20 October 2013. See s4.17(2) of the *Local Government Act*.
- Overseas recruitment
- Launch of Emergency Management Online Training
- Reminder: Banners in the Terrace reservation form due
- Earth hour "switch to renewables"
- Officer training
- Elected member training

**9.7.40 ANNUAL GENERAL MEETING OF ELECTORS HELD 24 JANUARY 2013 - MINUTES**

Document ID: 11894

A copy of the minutes from the Annual General Meeting of Electors held 24 January 2013 for the Shire of Dandaragan is attached to the agenda. (**Marked 9.7.40**)

**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 minutes 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*

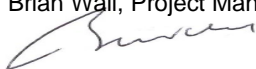
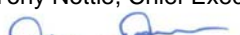
- (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision 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.*

## 11.1 ADMINISTRATION

### OFFICER RECOMMENDATION

That the meeting be closed to members of the public at \_\_\_\_\_ in accordance with Section 5.23 (2) (e) (ii) of the *Local Government Act 1995* to allow Council to discuss Item 11.1.1 'Department of Environment and Conservation office lease'.

#### 11.1.1 DEPARTMENT OF ENVIRONMENT AND CONSERVATION OFFICE LEASE

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	BCS / Council Properties / Usage / Tenancy Agreements
Disclosure of Interest:	None
Date:	19 February 2013
Author:	Brian Wall, Project Manager - Special Projects
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	



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

**13 CLOSURE OF MEETING**