



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

**MINUTES (PUBLIC)**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**CERVANTES PINNACLES MOTEL**

**on**

**WEDNESDAY 25 JANUARY 2017**

**COMMENCING AT 4.07PM**

***THESE MINUTES ARE YET TO BE CONFIRMED***

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 4.07pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 10 members of the public present.

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

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

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

### Members

Councillor L Holmes (President)  
 Councillor K McGlew  
 Councillor J Kulisa  
 Councillor M Sheppard  
 Councillor P Scharf  
 Councillor D Richardson

### Staff

Mr I Rennie (Deputy Chief Executive Officer)  
 Mr S Clayton (Executive Manager Corporate & Community Services)  
 Mr G Yandle (Executive Manager Infrastructure)  
 Mr D Chidlow (Manager Planning)  
 Ms M Perkins (Community Development Officer)  
 Mr T O’Gorman (Community Services Coordinator / Club Development Officer)

### Apologies

Councillor D Slyns (Deputy President)  
 Councillor W Gibson  
 Mr Tony Nottle (Chief Executive Officer)

### Approved Leave of Absence

### Observers

Dianne Knight, Margaret Stewart, Sandra Randell, Yvonne Caddy, Judy Peacock, Kerry Howe, Mickey Russell, John Astill, Clinton Strugnell, Greg Morris

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

David Cook

How close to the Dandaragan Town Water Supply could gas be extracted under present legislation and policy?

The following response was provided to Mr Cook following the asking of the question at the Council Meeting of 15 December 2016.

*“The Department of Water is responsible for the management of safeguarding public drinking water sources, while the Department of Health provides assessments of water quality in water supplies to safeguard human health. The Environmental Protection Authority is responsible for the environmental impact assessments for any proposals likely to have significant environmental impacts.”*

As over 96% of Dandaragan residents voted against living in a gas field, will you actively discourage development of gas fields within Exploration Permit 321 (which includes Dandaragan Deep) as clearly there is no **social license** to do so?

Mick Fox

The following response was provided to Mr Fox following the asking of the question at the Council Meeting of 15 December 2016.

*“The Shire of Dandaragan does not have legal jurisdiction in relation to exploration permit approvals or applications, as these functions are the responsibility of State and Federal Government agencies / organisations.”*

### 4 PUBLIC QUESTION TIME

Dianne Knight

Where will the Turquoise Coast Pathway come into Cervantes?

*The President responded by saying that we don't know at this stage and that the question would be taken on notice and a response provided in due course.*

Margaret Stewart

Advised of a number of signs that needed correcting in Cervantes.

Sandra Randell

Walk-way between Drummond Circus and Weston Street. The issue of barriers needs to be addressed.

*The Executive Manager Infrastructure advised he will look at this issue.*

Dianne Knight

Santander Way and Picasso Place walkway lighting needs to be looked at.

*The Executive Manager Infrastructure will investigate.*

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Yvonne Caddy

Asked about sea container in Valencia Street being removed.

*The Deputy Chief Executive Officer advised that the Manager Building Services had written to the owner and requested removal of the sea container.*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor D Slyns - 7 January 2017 – 11 March 2017 inclusive

**COUNCIL DECISION**

Moved Cr Sheppard, seconded Cr Scharf

That leave of absence be approved as follows:

- Cr Slyns – Saturday 7 January 2017 – Saturday 11 March 2017 inclusive.

**CARRIED 6 / 0**

**COUNCIL DECISION**

Moved Cr Scharf, seconded Cr Sheppard

That leave of absence be approved as follows:

- Cr Kulisa – Saturday 16 May 2017 – Wednesday 21 June 2017

**CARRIED 6 / 0**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD THURSDAY 15 DECEMBER 2016****COUNCIL DECISION**

Moved Cr Richardson, seconded Cr Sheppard

That the minutes of the Meeting of Council held 15 December 2016 be confirmed.

**CARRIED 6 / 0**

**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil



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

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 CERVANTES COUNTRY CLUB INC

Location:	Cervantes
Applicant:	Cervantes Country Club Inc.
Folder Path:	Business Classification Scheme / Parks and Reserves / Usage / Leasing
Disclosure of Interest:	Nil
Date:	6 January 2017
Author:	Tony O’Gorman Club Development Officer
Signature of Author:	
Senior Officer:	Scott Clayton Executive Manager Corporate and Community Services
Signature of Senior Officer:	

*Ian Rennie and Cr Holmes disclosed an impartiality interest in this item.*

#### PROPOSAL

To provide a lease over part Reserve 32133 Cervantes to the Cervantes Country Club Inc. for \$1 per annum, for a period of twenty years.

#### BACKGROUND

The Cervantes Country Club Inc. has held a lease over lot 336 of Reserve 32133 on a twenty one year lease up to July 2016. The club provides a clubhouse for the Cervantes Bowls Club, Golf club and the Cervantes Football Club. The Shire of Dandaragan holds a management order over reserve 32133 with powers to lease following approval from the Minister for Lands.

#### COMMENT

The proposed lease is for a twenty year period commencing from 1 March 2017. The lease can only be for a period of twenty years under section 136 of the Planning and Development Act 2005.

The Cervantes Country Club Inc. have erected and maintained a building for the purposes of servicing the sport and recreation organisations within the town of Cervantes. They have operated a restaurant and licensed premises from the building throughout the term of the previous lease.

The club provides vital infrastructure for the sporting and recreation clubs and the community of Cervantes. The proposed lease will need to be advertised for a period of fourteen days for public comment in accordance with Section 3.58 of the Local Government Act.



CONSULTATION

- Department of Lands
- McLeod's Lawyers

STATUTORY ENVIRONMENT

Land Administration Act 1997

Local Government Act 1995 (S3.58)

Planning and Development Act 2005 (S136)

POLICY IMPLICATIONS

Policy 6.5 Reserves

Where Council resolves to lease a Reserve Vested in its control or resolves to lease land owned by it to a local sporting or community organisation, the following notes are to form the basis for the lease agreement:

- (a) Length of lease to be for twenty-one (21) years unless otherwise terminated. (Maximum permissible under management order).
- (b) Annual rental to be "a peppercorn".
- (c) The Lessee shall not carry out any permanent structural improvements on the reserve without the prior written approval from the Council.
- (d) All structural improvements on the reserve shall be and remain at law, the property of the Shire. The Club shall have the sole use, benefit and enjoyment of the reserve and all structural improvements thereon during the operation of the lease.
- (e) The Lessee shall comply with all Acts of Parliament, Orders, Regulations, Local Laws, etc, that apply to the reserve and structural improvements.
- (f) The Lessee shall keep the Reserve area and all structural improvements in a maintained, clean and tidy condition at all times and shall comply with any directions of the Council that may be issued requiring works to have the Reserve area and structural improvements placed in a maintained, clean and tidy condition.
- (g) The Lessee shall not disturb the surface soil and vegetation in a manner likely to cause erosion. If erosion damage does occur, the Club shall take remedial action as directed by the Council.
- (h) The Lessee shall permit the Shire's officers access to the Reserve and structural improvements at all reasonable times to ensure that the lease conditions are being complied with.
- (i) The lease may be terminated by the Council if the Club fails to comply with provisions of the lease agreement. The Council shall give the Lessee at least thirty (30) days notice in writing requiring the Club to rectify the breach of lease before taking action to terminate the lease under this provision.

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- (j) The Lessee shall not assign or part with possession of any Crown lease without prior approval from the Council and the responsible Minister.
- (k) The Lessee shall meet all costs in relation to preparing and stamping the lease document.
- (l) Any leases entered into relating to Council's Reserves are to include a plan completed by a licensed surveyor depicting the area of land to be leased as an attachment to the lease document.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the Shire of Dandaragan as any costs incurred are at the Club's expense.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 2 - Healthy Safe and Active Community.</i>	
<b>Objectives</b>	<b>How the Shire would Contribute</b>
2.4 Provide recreation and community facilities and activities	b) Manage club leases and other community leases

**ATTACHMENTS**

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

- Draft Lease (Doc Id. 79073)
- Management Order over Reserve 32133 (Doc Id. 78927)
- Map of reserve 32133 (Doc Id 79209)
- Aerial view of reserve 32133 (Doc Id 79210)

***(Marked 9.1.1)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Scarf**

**That the Council**

- 1. Agree in principle to lease part of reserve 32133 to the Cervantes Country Club for \$1 per annum, for a period of twenty years**
- 2. advertise the proposed lease of lot 336 Reserve 32133 to be entered into with the Cervantes Country Club for comment from the public in accordance with Section 3.58 of the Local Government Act;**
- 3. All costs associated with providing the Cervantes Country Club with a lease over lot 336 Reserve 32133 to be borne by the Club, including advertising, lease drafting and any costs associated with surveying etc.**



**CARRIED 6 / 0**

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## 9.2 INFRASTRUCTURE SERVICES

### 9.2.1 QUOTATION RFQ 023/15 WASTE COLLECTION AND BIN SERVICES

Location:	Shire of Dandaragan
Applicant:	
Folder Path:	Business Classification / Waste Management / Tendering / Tender Evaluations
Disclosure of Interest:	None
Date:	5 January 2017
Author:	Garrick Yandle, Executive Manager Infrastructure

Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

That Council consider awarding the contract for the Waste Collection and Bin Services.

#### BACKGROUND

The Shire of Dandaragan's waste has been collected by Avon Waste under two separate contracts as follows.

Contract	Services	Annual Contract Estimate (ex GST)
RFT 06/2008 Kerbside domestic refuse collection service with an optional kerbside recycling collection service.	<ul style="list-style-type: none"> <li>▪ Weekly Kerbside Rubbish Collection</li> <li>▪ Fortnightly Kerbside Recycling Collection</li> <li>▪ Street Bins and Jurien Bay Jetty Bins</li> <li>▪ Bulk Bins at Jurien Bay and Cervantes Information Bays</li> <li>▪ Bulk Bins at Jurien Bay Marina Fish Cleaning Facility</li> </ul>	\$ 145,000
RFT 03/2012 Waste collection service from various locations.	<ul style="list-style-type: none"> <li>▪ Waste Transfer from Cervantes and Badgingarra</li> <li>▪ Public Sulo and Static Bins</li> <li>▪ Public Bins at Jurien Bay Marina</li> <li>▪ Waste from Sandy Cape</li> <li>▪ Waste from Overflow Camping</li> </ul>	\$ 80,000
		<b>\$ 225,000</b>

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Note: RFT 03/2012 was originally awarded to Coastal Disposals who on sold the contract to Avon Waste.

Both Contracts expired in 2015, since then the Shire has continued a month by month rolling contract with Avon Waste to continue these services.

Since these Contracts expired Shire Officers have been reviewing both waste collection contracts that the Shire has had in place. This has involved the review and updating of procurement documents, as well as an investigation into the most appropriate procurement and advertising method. The process has also examined the most appropriate length of contract for the Waste Collection Services.

As part of the review of the waste collection contracts and procurement process the Shire of Dandaragan has been in consultation with the Shire of Gingin with regard to undertaking a joint procurement process between the two Shires. Gingin's waste collection contract has also recently expired with Avon Waste. The aim of running a joint procurement process was to seek competitive advantage in economies of scale and hopefully receive cost benefits to both Shires.

The Shires of Dandaragan and Gingin (the Principals) sought to undertake a joint procurement process regarding their waste and recycling collections services. The Principals engaged Talis Consultants Pty Ltd (Talis) to assist with the drafting of the Contracts, development of the Request For Quote (RFQ) documentation and to assist in evaluating the Submissions received in response to the RFQ.

The RFQ for Waste and Recycling Collection Services was developed between the Shire of Dandaragan's Executive Manager Infrastructure, the Shire of Gingin's Executive Manager Regulatory Services and Talis Consultants (Talis). It was advertised through the WALGA eQuotes portal to the WALGA Prequalified *Waste Collection Goods and Services Panel*.

It is proposed to combine both of the Shire of Dandaragan's existing two separate waste collection contract items into a single contract and quotation document. In general the service requirements of the revised Contract will include:

- Weekly kerbside collection of general waste contained in 240 Litre MGB's;
- Fortnightly kerbside collection of comingled recyclables contained in 240 litre MGB's;
- Collection and transfer of waste from the Cervantes Waste Management Facility to the Jurien Bay Waste Management Facility;

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- Collection and transfer of waste from the Badgingarra Waste Management Facility to the Jurien Bay Waste Management Facility;
- Emptying of public and static bins from the Jurien Bay, Cervantes, Badgingarra and Dandaragan town sites during specified times of the year;
- Collection and transfer of waste from the Sandy Cape Recreational Camping Grounds;
- Removal of waste from the public fish cleaning facility located at the Jurien Bay Marina; and
- Emptying of bins at overflow camping area located at the Jurien Bay Community Centre during specified times of the year.
- Collection of waste from identified roadside rest areas on Jurien East Road and Bibby Road.

The Shire of Gingin has also made amendments to their existing waste services scope to include kerbside recycling.

Quotation RFQ 023 / 2015 is for a 84 month period from 1 July 2017 to 30 June 2024.

The Shires of Dandaragan and Gingin (the Principals) released a Request for Quotation (RFQ) on 19 October 2016 for the provision of a variety of Waste Collection and Bin Services including:

- Refuse and Commingled Recycling Collections and Recyclables Processing for a 7 year term; and
- A one off service for Bin Supply and Roll-Out for the Shire of Gingin.

Talis has advised with their recent significant experience in managing such contracts, a longer Contract Term is likely to result in a more competitive and beneficial procurement process as it gives Contractors a greater level of certainty that capital investments (such as vehicles and plant) can be recovered over the life of the Contract, as well as generating a greater level of commitment by Contractors.

As the standard life of a waste collection vehicle is regarded as seven years, it is strongly suggested that the Term of Contract should be at a minimum of seven years. This will allow the life of the vehicle to be written off over the full life of the contract.

Shire Officers are recommending that the proposed term for the Waste Collection Services contract be for an initial 7 years with the option of a 1 year plus 1 year plus 1 year extension. The aim of the longer Term of Contract is to encourage Tenderers to offer an improved waste collection service at a lower cost, which will benefit both the Shire and it's ratepayers.

#### COMMENT

A summary of the procurement process is included in the *Talis Evaluation Report – RFQ Waste Collections and Bin Services* (doc

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Id: 79230). This outlines key components of the procurement process including:

- RFQ Advertising
- Responses
- Evaluation Methodology
- Evaluation of Responses
- Price Schedule Evaluation
- Recommendations
- Contract Discussion

The Contract developed for the RFQ was based on Western Australian Local Government Association's (WALGA's) template *Draft Conditions of Contract for the Supply of Waste Disposal Goods and Undertaking of Various Services in Respect of Waste Collection and Disposal*. The RFQ Documentation was created with two Separable Portions being:

- A. Shire of Dandaragan: Refuse and Commingled Recycling Collections and Recyclables Processing; and
- B. Shire of Gingin: Refuse and Commingled Recycling Collections, Recyclables Processing and Bin Roll-Out.

Each Separable Portion had two Price Schedules;

- An Individual price schedule in the event that separate Contractors are engaged for each Separable Portion; and
- A Collective price schedule in the event that the two (2) Separable Portions are awarded to the same Contractor.

A key objective of the RFQ Process was that by awarding the two Contracts to one Contractor, economies of scale will result in lower overall costs for the Principals. However, the RFQ was devised so that the two separate contracts could be awarded to different Contractors. This offers both Shire's complete flexibility from the procurement process.

Services listed in Separable Portion A and B were split into the two following categories:

- Mandatory; and
- Discretionary.

**Separable Portion A - Shire of Dandaragan: Refuse and Commingled Recycling Collections and Recyclables Processing**

Service Description	Service Type	
	Mandatory	Discretionary
Kerbside Refuse Weekly Collection	X	
Kerbside Commingled Fortnightly Collection and Recycling Services	X	
		X

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Kerbside Commingled Weekly Collection and Recyclable Sorting Services		
Public Place Refuse Collection	X	
Retro fitting bin tracking RFID chips to MGBs	X	
Special Event provision and collection of Receptacles	X	
Provision of Collection of refuse receptacles from the Principals Badgingarra and Cervantes Waste Facilities	X	
Provision, Collection and Sorting Services for Commingled Recyclable receptacles from the Principals Badgingarra, Cervantes, Dandaragan and Jurien Bay Waste Facilities		X
Waste Education Services	X	
Call Centre Services	X	

Mandatory Services will be included in any Contract offered to the Preferred Respondent(s) and is programmed with an estimated service number and frequency.

Discretionary Service may be included in the Contract at the sole discretion of the Principals. These services are generally not currently offered by the Principals, but may be considered if the Preferred Respondent(s) can provide these services at a cost effective rate.

#### **RFQ Process**

To facilitate the procurement, the Principals opted to use an RFQ process through WALGA's Preferred Supplier Panel for Waste Collection Goods and Services. WALGA established this panel to assist Local Governments in procuring waste collection and associated services from pre-qualified Preferred Service Providers. Local Governments can request quotations from the WALGA Panel Members by releasing RFQs through the E-Quotes Portal (the Portal).

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The Principals released the RFQ via the Portal on 19 October 2016, with the initial deadline for Responses closing at 2:00PM 16 November 2016. However, Respondents requested an extension of one week, which the Principals granted with a new closing date of 2:00PM 23 November 2016.

An Evaluation Panel, consisting of one member from each Local Government and a representative from Talis, was established to evaluate the Responses. The Evaluation Panel scored the Responses based on the following Qualitative Criteria.

### **Qualitative Criteria**

<b>Criteria</b>	<b>Weighting</b>
Demonstrated experience in completing similar projects	50%
Skills and experience of key personnel	15%
A demonstrated understanding of the required tasks	15%
Respondent resources	20%
<b>Total</b>	<b>100%</b>

The evaluation of Responses was based on determining a sole Respondent or multiple Respondents that the Evaluation Panel believed best demonstrated the ability to complete the works as described in the RFQ at a competitive price. The quoted prices were assessed together with Qualitative and Compliance Criteria to determine the most advantageous outcome to the Principals. The Principals adopted a best value for money approach to this Request. This means that, although price is considered, the Respondent quoting the lowest price will not necessarily be accepted, nor will the Respondent ranked the highest on the Qualitative Criteria.

### **Respondent Briefing**

A Mandatory Respondent Briefing was held on 25 October 2016 at WALGA's offices. The Briefing was held to give attendees an overview of the RFQ process, explain the structure of the RFQ Contract and to give an opportunity for questions to be asked. The Briefing was attended by:

- Avon Waste;



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- Cleanaway;
- Toxfree; and
- Suez.

### Responses

Two Responses were received by the Shire of Dandaragan prior to the closing time from the following organisations:

<b>Service Description</b>	<b>Respondents</b>
<b>Separable Portion A</b> Shire of Dandaragan: Refuse and Commingled Recycling Collections and Recyclables Processing	<ul style="list-style-type: none"> <li>▪ Avon Waste; and</li> <li>▪ Cleanaway.</li> </ul>

- **Avon Waste**  
 Avon Waste is the incumbent for both Shires, and has been operating throughout Western Australian in waste management for over 35 years. They bring together expertise in managing operations across a wide geographic area, serving local and state governments, as well as the commercial & industrial sectors across Western Australia. They have significant experience providing waste services in the Wheatbelt and rural areas surrounding the Perth metropolitan area.
- **Cleanaway**  
 Cleanaway is the largest Australian owned waste management service provider in Australia and have been operating in WA for over 35 years. They have long standing municipal operations in a number of regional locations in WA including Albany, Esperance, Bunbury, Kalgoorlie and Mandurah. Cleanaway operates a Bayswater Materials Recovery Facility (MRF) but will be operating a "Super MRF" in May 2017.

### Evaluation Methodology

The evaluation of Responses as outlined within the Principals' RFQ was based on the WALGA Method to determine which response provided the best value for money for the Principals. The Evaluation Panel evaluated all Responses for each Separable Portion in accordance with the evaluation methodology specified in the RFQ. The methodology involved the assessment of the Responses in three stages:

- Assessment against Compliance Criteria;
- Assessment against Qualitative Criteria; and
- Price Schedule Evaluation.

### Compliance Criteria

Responses received in response to the RFQ were firstly assessed for Compliance Criteria. The RFQ specified that Responses not

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complying with the Compliance Criteria may be rejected at the sole discretion of the Principals. It should be noted that Talis completed the Compliance Assessment on behalf of the Evaluation Panel as this is a non-subjective process.

### **Qualitative Criteria**

Responses that were not rejected during the Compliance Evaluation were then assessed against the weighted Qualitative Criteria and sub-criteria to measure the relative strength of the Responses as listed in the table below.

### **Qualitative Criteria and sub-criteria maximum points and weighting**

<b>Qualitative Criteria</b>	<b>Sub-Criteria</b>	<b>Weighting</b>
<b>Relevant Experience</b>	<ul style="list-style-type: none"> <li>▪ Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “<b>Relevant Experience</b>”:</li> <li>▪ Provide details of similar work</li> <li>▪ Provide scope of the Respondent’s involvement including details of outcomes</li> <li>▪ Provide details of issues that arose during the project and how these were managed</li> <li>▪ Demonstrate competency and proven track record of achieving outcomes</li> <li>▪ Demonstrate sound judgement and discretion</li> </ul>	<b>50%</b>
<b>Skills and Experience of Key Personnel</b>	<ul style="list-style-type: none"> <li>▪ Respondents should provide as a minimum, information of proposed personnel to be allocated to this project, such as:</li> <li>▪ Their role in the performance of the Contract</li> <li>▪ Curriculum vitae</li> <li>▪ Membership to any professional or business association</li> <li>▪ Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement</li> <li>▪ Any additional information</li> <li>▪ Supply details in an attachment and label it “<b>Key Personnel Skills and Experience</b>”</li> </ul>	<b>15%</b>

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<b>Respondent's Resources</b>	<ul style="list-style-type: none"> <li>▪ Respondents should demonstrate their ability to supply and sustain the necessary:</li> <li>▪ Plant, equipment and materials</li> <li>▪ Any contingency measures or backups of resources including personnel (where applicable)</li> <li>▪ As a minimum, Respondents should provide a current commitment schedule and plant/equipment schedule in an attachment and label it "Respondent's Resources"</li> </ul>	<b>20%</b>
<b>Demonstrated Understanding</b>	<ul style="list-style-type: none"> <li>▪ Respondents should detail the process they intend to use to achieve the Requirements of the Specification. Areas you may wish to cover include:</li> <li>▪ A project schedule/timeline (where applicable)</li> <li>▪ The process for the delivery of the goods/services</li> <li>▪ Training processes (if required)</li> <li>▪ A demonstrated understanding of the scope of work</li> <li>▪ Community Waste Education Plan</li> <li>▪ Call Centre Management Plan</li> <li>▪ Supply details and provide an outline of your proposed methodology in an attachment labelled "Demonstrated Understanding"</li> </ul>	<b>15%</b>

Each sub-criterion was awarded a score out of five in accordance with the scoring system. A Response that met the sub-criterion with no deficiencies was given an awarded score of 4. A Response that had deficiencies and/or did not meet the sub-criterion was given a lower score ranging from 0-3. Responses that exceeded the sub-criterion received an awarded score of 5.

#### **Awarded Scoring System**

<b>Score</b>	<b>Description</b>
<b>0</b>	Inadequate or non-appropriate offer, many deficiencies, does not meet sub-criterion
<b>1</b>	Marginal offer, some deficiencies, partly meets sub-criterion
<b>2</b>	Fair offer, few deficiencies, almost meets sub-criterion
<b>3</b>	Good offer, minor deficiencies, meets sub-criterion

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<b>4</b>	Very good offer, meets sub-criterion
<b>5</b>	Outstanding offer, exceeds sub-criterion

### **Evaluation of Responses**

The evaluation of Responses was undertaken by the Evaluation Panel in accordance with the RFQ. The evaluation of Responses is outlined within the following sections.

### **Compliance Evaluation**

The Compliance Evaluation was carried out to determine if all (or any) Respondents provided the information requested within the RFQ. The Compliance Criteria checked the potential risk that was associated with the various Respondents to assist in the determination of a preferred Respondent.

The RFQ specified that Responses not complying with the Compliance Criteria may be rejected at the sole discretion of the Principals. Responses that were not rejected were then assessed against the weighted Qualitative Criteria and subsequently the Value for Money Evaluation to measure the relative strength of the Responses.

As outlined previously, Talis completed the Compliance Evaluation on behalf of the Evaluation Panel as this was a non-subjective process.

- **Avon Waste**  
Avon Waste's Response was fully compliant however, it was subject to four Clarification Requests during the RFQ process. The Clarification Requests invited Avon Waste to clarify a number of items within the Price Schedule tables for both Separable Portions and qualitative items. Avon Waste submitted clarification to all requests which contained the required information. The Avon Waste Response progressed to the Qualitative Evaluation stage.
- **Cleanaway**  
Cleanaway submitted a comprehensive Response which addressed the majority of the Compliance Criteria. However, Cleanaway's Response requests many changes to the Conditions of Contract including changes to the following items:
  - Environmental Management;
  - Intellectual Property;
  - Extension of Contract;
  - Suspension of the Contract;
  - Step-In Clause;
  - Change of Law Clause;
  - Consequential Loss;

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- Liability;
- Force Majeure Event;
- Termination;
- Insurances; and
- Price Adjustment.

Talis is of the opinion that these changes are material to the Conditions of Contract. Cleanaway's Response could be rejected on the grounds that it does not meet the Compliance Criteria. The Evaluation Panel decided to allow Cleanaway's Response to continue to the Qualitative Assessment stage so that it can be compared against the Compliant Responses in the Value for Money Assessment. In the event that Cleanaway's Response is determined to be the best Value for Money, then the Principals may negotiate the requested changes before selecting a Preferred Respondent.

### **Qualitative Evaluation**

The Qualitative Evaluation was undertaken by the Evaluation Panel to determine a final score for each Respondent. The methodology of scoring the Responses against each Qualitative Criteria and sub-criteria entailed a detailed analysis of the Response provided by each of the Respondents as outline previously.

Each member of the Evaluation Panel marked each Respondent in accordance with the same Qualitative Criteria, using the same scoring template and system. The following sections discuss the Qualitative Evaluation for each Respondent including justification and comments given by Talis.

- **Avon Waste**

Avon Waste submitted a well organised and easy to follow Submission. This is reflected in their high marks across every Qualitative Criterion. Avon Waste provided an abundance of information that demonstrated their understanding of the scope and their capability to provide the services as requested by the Principals.

The weighted scores awarded to Avon Waste are shown in the table below.

### **Qualitative Scoring for Avon Waste**

<b>Relevant Experience (50%)</b>	<b>Key Personnel Skills and Experience (15%)</b>	<b>Respondent's Resources (20%)</b>	<b>Demonstrated Understanding (15%)</b>	<b>Total Score</b>
46	9.6	16.44	12.42	<b>84.49</b>

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As the incumbent for the Principals, Avon Waste was able to demonstrate it possessed a significant amount of relevant experience for the services across both Shires. This was further emphasised by Avon Waste's strong presence in the region, with a number of long standing waste service contracts existing with surrounding Local Governments.

Avon is heavily invested in the region, and has demonstrated a willingness to further commit additional resources to the Shire's by establishing a new depot facility in the Gingin industrial area and expanding this facility's operations into the future.

- **Cleanaway**  
Cleanaway submitted a comprehensive and extensive Response, which included significant information on its resources and processes. Cleanaway's Response scored well across all areas with the exception of relevant experience. The weighted scores awarded to Cleanaway are shown in the table below.

#### **Qualitative Scoring for Cleanaway**

<b>Relevant Experience (50%)</b>	<b>Key Personnel Skills and Experience (15%)</b>	<b>Respondent's Resources (20%)</b>	<b>Demonstrated Understanding (15%)</b>	<b>Total Score</b>
41.33	10.80	16.00	12.17	<b>80.30</b>

#### **Price Schedule Evaluation**

Responses that successfully passed the Compliance Evaluation and were assessed in the Qualitative Evaluation also underwent a Price Schedule Evaluation.

The Price Schedule Evaluation had the following objectives:

- Assess the annual cost of services for each Response; and
- To identify any significant rates that were considered abnormally low or high in respect to the average rate of all Responses.

Prices submitted in the Responses were entered into a financial model which calculated the annual cost of the services for each Response. The annual cost was allocated into Mandatory Services and Discretionary Services to facilitate assessment of these services separately. The annual cost is based on the actual number of services and an estimation of the frequency which 'as required' will be utilised throughout the year.

The average rate and average calculated cost for the three Responses was also determined. Any rate that was significantly

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higher or lower than the average was flagged by the Evaluation Panel as outliers. Any flagged rates may need to be queried with the Preferred Respondent, prior to the execution of a Contract. It is important to note that the RFQ process facilitated by the WALGA Preferred Supplier Panel allows for such negotiations with the Respondents.

### **Price Schedule Evaluation**

The Evaluation Panel used the Price Schedule Evaluation to determine the annual cost of each Response and identify any anomalous Rates.

The Evaluation was completed for the following Price Schedules:

- Collective;
- Individual:
  - Shire of Dandaragan; and
  - Shire of Gingin;

Services were categorised into two categories in the RFQ. This was continued in the Evaluation of Price Schedules with the addition of Combined Services which is the total of the Mandatory and Discretionary Services.

- **Collective**

Firstly, Collective annual costs were calculated from the Collective Price Schedules by inputting the submitted amounts into a model which calculates the annual Collective costs. It should be noted that only Avon and Cleanaway submitted Collective pricing.

The Collective Price Schedule Summary is detailed in the table below.

### **Mandatory Price Schedule Summary for each Submission for Collective Services**

<b>Company</b>	<b>Shire of Dandaragan</b>	<b>Shire of Gingin</b>	<b>Total</b>
<b>Avon Waste</b>	\$288,801.66	\$405,434.38	<b>\$694,236.04</b>
<b>Cleanaway</b>	\$426,835.71	\$486,632.57	<b>\$913,468.28</b>

- **Individual**

Following the Collective Price Schedule Evaluation, Talis then conducted Price Schedule Evaluations on Individual Price Schedules for each of the Principals.

The Individual Price Schedule Summary for the Shire of Dandaragan is detailed the table below.

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**Price Schedule Summary for each Submission for Shire of Dandaragan Individual Services**

<b>Company</b>	<b>Mandatory Services</b>	<b>Discretionary Services</b>	<b>Combined Cost</b>
<b>Avon Waste</b>	\$304,051.37	\$81,975.60	<b>\$386,026.97</b>
<b>Cleanaway</b>	\$481,416.18	\$144,198.51	<b>\$625,614.69</b>

- **Collective or Individual Pricing**  
Comparing the Annual Costs for Collective and Individual Pricing, shows that there are significant savings if the Collective Pricing applies. The Potential Savings are summarised in the table below.

**Potential Savings for Collective Services**

<b>Local Government</b>	<b>Cheapest Individual Price</b>	<b>Avon Collective Price</b>	<b>Savings</b>
<b>Shire of Dandaragan</b>	\$386,026.97 (Avon)	\$316,694.06	<b>\$69,332.91</b>
<b>Shire of Gingin</b>	\$452,745.35 (Avon)	\$426,706.54	<b>\$26,038.80</b>
<b>TOTAL</b>			<b>\$95,371.71</b>

**Recommendations**

Arising from the Evaluation process of all Submissions to RFQ released on 19 October 2016 for the provision of a variety of Waste Collection and Bin Services, the Evaluation Panel recommends as follows:

1. Avon is selected as the Collective Preferred Respondent;
2. Councils assess their waste management service requirements with a view of maximising service efficiencies;
3. Proceed with obtaining Council resolution on the Preferred Respondent; and
4. The Contracts are finalised prior to signing.

**CONSULTATION**

- Chief Executive Officer
- Council via Council Forum

**STATUTORY ENVIRONMENT**



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Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publically invited.

**POLICY IMPLICATIONS**

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

- Limit of proposed Contract exceeds the limit under Delegated Authority 210 provided to the CEO. (Chief Executive Officer is authorised to accept tenders up to a value of \$500,000. All tenders which exceed this value must be referred to Council for evaluation and decision.)

**FINANCIAL IMPLICATIONS**

The following is an indicative indication of annual cost estimates for Waste Collection Services for the Shire of Dandaragan, based upon Avon Waste's proposed pricing schedule and existing service numbers.

<b>Company</b>	<b>Mandatory Services</b>	<b>Discretionary Services</b>	<b>Combined Cost</b>
<b>Avon Waste</b>	\$304,051.37	\$81,975.60	<b>\$386,026.97</b>
<b>Cleanaway</b>	\$481,416.18	\$144,198.51	<b>\$625,614.69</b>

A comparison was undertaken on the rates provided by Avon Waste against what is charged under the current contract. The table below provides an indicative saving of a selection of comparable services within the contract.

<b>Service</b>	<b>Previous Rate</b>	<b>Annual Cost</b>	<b>Quoted Rate</b>	<b>Annual Cost</b>	<b>Est. Annual Saving</b>
<b>Refuse Collection</b>	\$1.03	\$124,205.64	\$0.90	\$108,529.20	\$15,676.44
<b>Recycling Collection</b>	\$2.77	\$167,014.38	\$1.35	\$81,396.90	\$85,617.48
<b>Public Bins</b>	\$1.29	\$14,755.02	\$0.90	\$10,294	\$4,461.02
<b>Jetty Bins</b>	\$6.94	\$1,193.68	\$5.91	\$1,016.52	\$177.16
<b>Comparable Annual Costs</b>		\$307,168.72		\$201,236.62	\$105,932.10

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<b>TOTAL</b>		\$105,932.10
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**STRATEGIC IMPLICATIONS**

2016-2026 Strategic Community Plan

<i>Goal 1 – Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.3 Ensure timely provision of essential and strategic infrastructure	k) Provide household and commercial waste management services

**ATTACHMENTS**

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

- *Talis Evaluation Report – RFQ Waste Collections and Bin Services* (Doc Id: 79230)

**(Marked 9.2.1)****VOTING REQUIREMENT**

Simple Majority

*The Executive Manager Infrastructure advised that the Shire of Gingin had accepted the tender from Avon Waste.*


**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr McGlew, seconded Cr Scharf****That Council:**

- 1. Award the contract for *Waste Collection and Bin Services* as per the scope of services outlined in the Request for Quote documentation
 
  - a. To Avon Waste as the Collective Preferred Respondent as per their submission with agreed points of clarification;**
  - b. For a proposed contract term of 7 years with the option of a 1 year plus 1 year plus 1 year extension, commencing 1 March 2017.****
- 2. Authorise the CEO to review the discretionary services requirements as outlined in the RFQ documentation and implement on an as needs basis, engaging Avon Waste as the preferred contractor to undertake this service when required as per prices outlined in their submission.**

**CARRIED 6 / 0**

### 9.3 GOVERNANCE & ADMINISTRATION

#### 9.3.1 JURIEB BAY AIRSTRIP – ASSIGNMENT OF HANGAR LEASE - ROSE TO LONNON

Location:	Reserve 35408
Applicant:	Mr Bert Rose
Folder Path:	Business Classification Scheme / Council Properties / Leasing Out / Reserves and Public Land
Disclosure of Interest:	None
Date:	20 December 2016
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	

Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To consider a request from Mr Bert Rose for the assignment of his lease of a hangar site to Pete's Parachuting (NW) Pty Ltd (Peter Lonnon).

#### BACKGROUND

Mr Bert Rose has leased a hangar site at the Jurieb Bay Airstrip since 1998. The ten (10) year lease was renewed in 2008 for a further period of ten (10) years.

#### COMMENT

Mr Bert Rose has written to Council advising of his intention to relinquish the lease of his hangar site at the Jurieb Bay Airstrip and to assign the lease to Pete's Parachuting (NW) Pty Ltd (Peter Lonnon).

Because the hangar site is on a Reserve with Council holding a Management Order over the Reserve, it is necessary for Council and the Hon. Minister for Lands to agree to the assignment of the lease. All costs associated with the assignment of the lease will be at the expense of the lessee.

Council's Solicitor has prepared a draft Assignment of Lease document, and if approved by Council will be required to be approved also by Hon. Minister for Lands in order for the assignment to occur.

#### CONSULTATION

- Mr Bert Rose
- Mr Peter Lonnon
- McLeods, Council's Solicitor

#### STATUTORY ENVIRONMENT

Land Administration Act 1997 - S46.3

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

The purchaser of the lease of the Hangar Site will be responsible for all costs associated with the assignment of the lease.

STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

<i>Goal 1 – Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.3 Ensure timely provision of essential and strategic infrastructure	d) Provide and operate the Jurien Bay and Cervantes Airstrips

ATTACHMENTS

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

- Correspondence from Mr Rose (Doc Id: 78837)
- Correspondence from Mr Lonnon (Doc Id: 78828)
- Draft Assignment of Lease document (Doc Id: 78821)

**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Sheppard**

**That approval be granted for the assignment of the lease of portion of Reserve 35408, Lot 502 from Mr Bert Rose to Pete's Parachuting (NW) Pty Ltd (Mr Peter Lonnon) subject to the following conditions:**

- 1. all costs associated with the assignment of the lease be met by the lessee;**
- 2. that the Hon. Minister for Lands approval be granted to the Assignment of the Lease;**
- 3. subject to payment of any outstanding debts against the property; and**
- 4. that the President and Chief Executive Officer be authorised to sign and utilise the Common Seal on the Assignment of Lease document, following the satisfaction of all conditions relating to the assignment.**

**CARRIED 6 / 0**

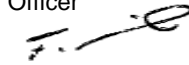
**9.3.2 PUBLIC HEALTH ACT 2016 DELEGATION**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Public Health / Legislation / Acts
Disclosure of Interest:	Nil
Date:	13 December 2016

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Author: Felix Neuweiler, Principal Environmental Health Officer

Signature of Author:



Senior Officer:

Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer:



### PROPOSAL

To delegate powers and duties conferred or imposed on the Shire of Dandaragan by the *Public Health Act 2016* to the Chief Executive Officer.

### BACKGROUND

The recent gazettal of the *Public Health Act 2016* represents a substantial reform and change to the implementation of public health legislation. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that the replacement of the *Health Act 1911* and implementation of the *Public Health Act 2016* is to occur in a staged manner over the next 3 to 5 years.

The *Health Act 1911*, which will be known as the *Health (Miscellaneous Provisions) Act 1911*, and regulations made under this Act will continue to be the main legislative tools used by the Shire's Environmental Health Officer until all provisions of the new Act are proclaimed.

There are five stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government.

Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. This includes authorisation of Environmental Health Officers (EHOs) by local governments to execute the provisions of the Act within their district. Stage 3 is expected to occur on the 24<sup>th</sup> of January 2017.

Sections 21 and 24 of the *Public Health Act 2016* gives enforcement agencies, such as local governments, the ability to delegate powers and duties conferred on it.

### COMMENT

The new *Public Health Act 2016* provides Council the ability to delegate its power and duty to the Chief Executive Officer. This delegation will enable the smooth implementation and administration of the *Public Health Act 2016* in the Shire of Dandaragan.

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**CONSULTATION**

The Department of Health conducted extensive consultation prior to the gazettal of the *Public Health Act 2016* and continues to consult with stakeholders during the implementation of the Act.

**STATUTORY ENVIRONMENT**

Gradual replacement of the *Health Act 1911* and concurrent implementation of the *Public Health Act 2016*.

**POLICY IMPLICATIONS**

Amendment of the Delegations Register.

**FINANCIAL IMPLICATIONS**

There are no financial implications relevant to this item.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 2 – Healthy Safe and Active Community</i>	
Objectives	How the Shire will Contribute
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Absolute Majority

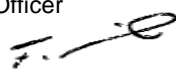
**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Kulisa**

**That Council delegate the powers and duties conferred or imposed on the Shire of Dandaragan by the *Public Health Act 2016* to the Chief Executive Officer.**

**CARRIED BY ABSOLUTE MAJORITY 6 / 0**

**9.3.3 AUTHORISATIONS UNDER THE CRIMINAL PROCEDURES ACT 2004**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Public Health / Legislation / Acts
Disclosure of Interest:	Nil
Date:	23 December 2016
Author:	Felix Neuweiler, Principal Environmental Health Officer
Signature of Author:	

**MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017**

Senior Officer:

Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer:

**PROPOSAL**

To authorise the Chief Executive Officer and Environmental Health Officer to administer and issue infringement notices under the *Criminal Procedure Act 2004* to enforce the amended *Health (Asbestos) Regulations 1992*.

**BACKGROUND**

The current penalties under the *Health (Asbestos) Regulations 1992* (the Regulations) are inadequate and are of particular concern in the context of the management of asbestos where the costs of complying with the regulations can greatly exceed the penalty for non-compliance.

Due to the significant public health risks associated with the mishandling of asbestos cement materials, local governments have advocated for higher penalties and the ability to issue infringement notices as an immediate measure to deter unlawful conduct and encourage compliance.

Although the Regulations will be repealed as part of the broader implementation of the *Public Health Act 2016* this will not occur until the final stages of implementation, which is still approximately 3 to 5 years away. Therefore, as an interim measure until the modern penalty framework of the *Public Health Act 2016* applies, the penalties under the Regulations are to be increased and local governments given the ability to issue infringement notices for offences. These changes will be implemented by the Department of Health and come into operation on 24 January 2017.

**COMMENT**

The *Health (Asbestos) Regulations 1992* will be amended to increase the penalties for offences under the Regulations and to enable local governments to issue infringement notices for specified offences. As the *Health Act 1911* is still in force and does not contain provisions for infringement notices to be issued the *Criminal Procedures Act 2004* will be used for the changes made to the Regulations. Similarly the delegations are also made under this Act.

An infringement notice is a notice that the person to whom it is directed has committed an alleged specified offence under a regulation, and requires payment of a specified monetary amount for the offence within a specified time. Infringement notices provide a cost effective and efficient method of dealing with some offences.

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CONSULTATION

The Department of Health conducted extensive consultation prior to the gazettal of the *Public Health Act 2016* and continues to consult with stakeholders during the implementation of the Act.

STATUTORY ENVIRONMENT

The *Health (Miscellaneous Provisions) Act 1911*; *Health (Asbestos) Regulations 1992*; and *Criminal Procedure Act 2004*.

A local government may appoint a person or class of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*. This appointment must be in writing.

Authorised officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* are the persons who are authorised to issue infringement notices under the Regulations on behalf of the local government.

Approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004* are the persons authorised to extend the period to pay or withdraw an infringement notice. For example, the Chief Executive Officer of the local government may be appointed as the 'approved officer'.

A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

POLICY IMPLICATIONS

An amendment of the Delegations Register would be required.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2 – Healthy Safe and Active Community</i>	
<b>Objectives</b>	<b>How the Shire will Contribute</b>
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances.

ATTACHMENTS

Nil

VOTING REQUIREMENT



Absolute Majority



**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr McGlew, seconded Cr Kulisa**

**That Council authorise the Chief Executive Officer as 'approved officer' and the Environmental Health Officer as 'authorised officer' under Part 2 of the *Criminal Procedure Act 2004* to administer and issue infringement notices for non-compliance under the *Health (Asbestos) Regulations 1992*.**

**CARRIED BY ABSOLUTE MAJORITY 6 / 0****9.3.4 WARD BOUNDARY REVIEW – RECONSIDERATION FOLLOWING PUBLIC CONSULTATION**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Boundaries / Electoral
Disclosure of Interest:	Nil
Date:	16 January 2017
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

For council to reconsider the Ward Boundary Review prepared by Dr Kirsten Martinus from the University of Western Australia following public consultation and to resolve on issues relating to the report.

**BACKGROUND**

At the Council Forum held 13 February 2014, the issue of Council wards was briefly discussed and a request was made for a preliminary report to be prepared for Council's information. Council had discussed the issue on a number of occasions, until at the meeting of 23 October 2014, the following decision was made:

***"AMENDMENT******Moved Cr Kent, seconded Cr Bailey***

***That pursuant to Schedule 2.2 Section 5 (a) of the Local Government Act 1995 Council resolve to initiate a review of wards, based on implementing a four ward system.***

***CARRIED 8 / 0"***

Following that, Council at its ordinary meeting held 26 March 2015 resolved the following:

***OFFICER RECOMMENDATION / COUNCIL DECISION******Moved Cr McGlew, seconded Cr Short***

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*The Shire of Dandaragan recommends to the Local Government Advisory Board that:*

1. *An order to be made under Section 2.2 (1) to divide the district into four wards with boundaries as detailed in the attached map (Option 2).*
2. *An order to be made under Section 2.3 (2) to name four wards Jurien Bay, Cervantes, Badgingarra and Dandaragan (as detailed on the map).*
3. *An order to be made under Section 2.18 (3) to designate the following number of offices of councillor for each ward: Jurien Bay 4, Cervantes 2, Badgingarra 1 and Dandaragan 2.*

*LOST DUE TO LACK OF AN ABSOLUTE MAJORITY 3 / 2  
Cr Kaye McGlew requested that all votes be recorded in the minutes.*

*For: Cr McGlew, Cr Short, Cr Slyns*

*Against: Cr Kent, Cr Gibson*

*“COUNCIL DECISION*

*Moved Cr Kent, Seconded Cr Slyns*

*That Council request the CEO to research the employment of an independent consultant to investigate a system that would identify appropriate representation for the Shire of Dandaragan.*

*CARRIED 3 / 2”*

As a result of this decision, A Sponsored Research Agreement (SRA) between the Shire of Dandaragan and the University of Western Australia was entered into to appoint Dr Kirsten Martinus, School of Earth and Environment at the University of Western Australia, to carry out the Dandaragan Ward Boundary Research project.

The research project commenced with interviews taking place on 2 and 3 August 2016

The final Dandaragan Ward Boundary Project Report was received and a presentation of the report was received by Council at its Forum held on the 27 October 2016. Following the presentation of the report, Council discussed the report at its following Forum held on the 10 November 2016. As a result, the CEO was requested to present it to the 24 November Council Meeting, at which time the following decision was made

*“OFFICER RECOMMENDATION / COUNCIL DECISION*

*Moved Cr Slyns, seconded Cr Gibson*

*That Council:*

1. *acknowledge and receive the Draft Ward Boundary Review Report for the Shire of Dandaragan as attached (Doc Id: 74932); and*

2. *agree to release and advertise the Draft Ward Boundary Review Report for the Shire of Dandaragan inviting submissions from the public closing 13 January 2017.*

*CARRIED 8 / 0"*

**COMMENT**

Due to the fact that Council had previously determined to undertake a Ward Boundary Review, advertising the fact that Council intends to undertake a Ward Boundary Review is not required. This was also confirmed by staff at the Department of Local Government and Communities. Persons who previously made submissions or had been interviewed were provided with a copy of the report for comment.

The timing of the report would require Council to make a final decision by the February Ordinary Meeting of Council in 2017, in order to implement any changes (should there be any) prior to the Annual election to be held in October 2017.

As such the report was released for public comment. This gave the public enough time to submit their comments regarding the report, and also allow for Council's meeting schedule. Submissions closed 13 January 2017.

The following is an extract from the Ward boundary review:

**CONSULTANTS RECOMMENDATION**

*Given the evidence presented at the interviews, through analysis of voting patterns, examination of five factors, consultation with DLGC and understanding of global drivers of amalgamation, the report findings lead to the strong recommendation to continue with the no wards system. This is based on the following rationale.*

1. *The fact that regional areas will continue to experience a disproportionate increase in the population of certain coastal towns over anywhere else, this is driven by processes outside of local, state and even national government control and influence.*
2. *Increasing pressures of local government amalgamation and consolidation by the State government to increase competitiveness and efficiency.*
3. *Consultation with DLGC where it was advised that the plus or minus ten percent is a strong preference of the board, and that there must be a strong motivating argument put forward to move from a no wards to a wards system.*
4. *The importance of quality candidates for the smaller communities, given that someone who is not prepared to put in effort to get elected may very well not be giving the communities the best representation they deserve.*
5. *The never-ending boundary shifting game the council will be*

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*engaged with to accommodate the growth of Jurien Bay compared to the other communities if wards are introduced.*

*This recommendation is also based on the key finding during the interview process that the critical issue motivating this review was the lack of representation not the lack of boundaries. While the absence of one community representative in one-electoral cycle (Badgingarra) is not sufficient to claim a trend, it has highlighted the importance of representation for all four communities and that some of the structural bias towards Jurien Bay (in sheer and proportional voter numbers, as well as demographics) needs to be addressed. The following provides some initial suggestions for how this might be achieved:*

- a. That postal voting be abolished and in-person voting be reinstated as the only option. This will decrease the number of voters, which are likely to be largely those living in Jurien Bay with little interest in local politics or knowledge of running candidates.*
- b. That Council formally acknowledge the importance of representation of all four wards and seek means to provide proper representation for any ward without representation in the future. While this may be through the allocation of a specific Councillor to act in the interests of the community, it must also be recognised that councillors from other communities do not provide the same level of representation as that of a local councillor given distances across and diversity of interests (community groups and others) within the Shire.*
- c. Given the genuine opportunities for candidates from smaller communities to present to a voter base outside of their own areas, for example in Jurien Bay.*

#### CONSULTATION

- Council Forums
- Interviews with key stakeholders
- Department of Local Government and Communities
- Calling of submissions

#### STATUTORY ENVIRONMENT

Schedule 2.2 of the Local Government Act 1995 outlines the processes and requirements of boundary reviews, naming etc.

The process has been carried out in accordance with both Schedule 2.2 and the Department of Local Government and Communities Guideline "How to conduct a review of wards and representation for local governments with and without a ward system."

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The cost of the ward boundary review was \$10,000. There is sufficient budget provision to accommodate this cost.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>GOAL 5: Proactive and Leading Local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.1 High Performing Council	d) Representation for all communities on Council (ward review)

ATTACHMENTS

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

- Draft Ward Boundary Review Report (Doc Id: 74932) – previously distributed to Council
- A copy of submissions received from
  - Mr. J. Astill (Doc Id: 79050)
  - Mr. C Strugnell (Doc Id: 79330)
  - Ardross Estates Pty Ltd (Doc Id: 79372)
  - Mr. Brian E Cahill (Doc Id: 79447)
  - Mr. Lawrie Short (Doc Id: 79470)
  - M & S Kenny (Doc Id: 79636) late submission received after closing date and agenda preparation but circulated with agenda attachments

**(Marked 9.3.4)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

Moved Cr Kulisa, seconded Cr Sheppard

That Council receive the Ward Boundary Review Report for the Shire of Dandaragan (Doc Id: 74932) and acknowledge submissions received.

**CARRIED 6 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Sheppard, seconded Cr Scharf

That following the completion of the review of Council wards, that Council take no further action and retain current the position of having no wards, based on the Ward Boundary Review recommendation.

**CARRIED 6 / 0**

**OFFICER RECOMMENDATION 3 / COUNCIL DECISION****Moved Cr Sheppard, seconded Cr McGlew****That Council reconsider the method of conducting Council elections following the 2017 annual election.****CARRIED 5 / 1****9.4 DEVELOPMENT SERVICES****9.4.1 DEVELOPMENT ASSESSMENT PANEL - COUNCILLOR NOMINATIONS**

Location:	N/A
Applicant:	Department of Planning
File Ref:	Business Classification Scheme / Government Relations / State Liaison / State Government
Disclosure of Interest:	Nil
Date:	5 January 2017
Author:	David Chidlow, Manager of 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 2017.

Current members are;

Cr Judy Kulisa and Cr Darren Slyns as DAP members and

Cr Kaye McGlew and Cr Wayne Gibson as alternate DAP members

At present only Cr Judy Kulisa has completed the required training and is eligible to sit on the panel. Cr Darren Slyns has not completed the required training.

Nominations from Council for DAP members are required by 28 February 2017. Existing members may renominate.

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

COMMENT

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

As soon as DAP members are appointed training will commence. DAP members who successfully complete the training are entitled to the payment of \$425 (\$200 for refresher training) 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. An advice note (State Government Boards and Committees) is provided in the attachments outlining eligibility for payment.

In the event of a member not being able to attend a hearing, an alternate member is chosen in order of listing. Alternate member No. 2 will only be chosen if both members are absent, or if one member and alternate member No.1 is absent.

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: 79553)
- Premier's Circular – State Government Boards and Committees (Doc Id: 79554).

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

*The President called for nominations as DAP Members. Councillors McGlew, Kulisa and Scharf indicated they wished to nominate for the two positions. Ballot papers were issued to all Councillors. Mr Tony O'Gorman JP acted as Returning Officer. As a result of the election, Mr O'Gorman advised that Councillors Scharf and Kulisa received the most votes.*

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Scharf**

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



**Cr Scharf and Cr Kulisa as DAP members; and**

**Cr McGlew as alternate member No 1; and**

**Cr Richardson as alternate member No 2.**

**CARRIED 6 / 0**

**9.4.2 PLANNING APPLICATION – PROPOSED OVERHEIGHT  
OUTBUILDING WITH NIL SETBACK – LOT 861 CNR MOSMAN  
PARADE AND PREVELLY WAY, JURIEN BAY**

Location:	Lot 861 Cnr Mosman Pde and Prevelly Way, Jurien Bay
Applicant:	E Baden & S Harper
Folder Path:	Development Services App / Development Application / 2016 / 79
Disclosure of Interest:	None
Date:	12 January 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 9.82m x 6.5m (64m<sup>2</sup>) with nil side boundary setback along the side boundary, exceeding Council's Policy for setbacks. Lot size is 861m<sup>2</sup>.



### BACKGROUND

The proponent has submitted a proposal to construct a 64m<sup>2</sup> skillion roof outbuilding with a nil setback. The proposed parapet wall height on the nil setback boundary is from 3.3m to 4m and length of 9.82m.

In accordance with Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ (the Policy) the required side boundary setback in accordance with table 2 of the R Codes is 1.5m. Where a parapet / boundary wall is proposed with a skillion roof within 750mm of a boundary a maximum wall height of 3.9m applies. The height of the proposal is 4m and length of the proposal inside the side boundary is 9.82m exceeding the Policy requirements.

The Council at its discretion can approve variations to the Policy if there is sufficient justification which includes no impact on neighbours or streetscape amenity.

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

The lot is currently vacant. The policy states that a Building application will not be approved for an outbuilding on a vacant residential property, unless said property has a substantially commenced dwelling onsite. Should Council decide to approve the application, it should be subject to a condition that the outbuilding is not to be constructed until there is a substantial dwelling onsite.

Council has consistently refused applications for outbuildings that do not fully meet the policy requirements where there is insufficient justification for a variation.

### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 6 January 2017. One submission was received from an impacted neighbour objecting to the proposal. A copy of the submission is included in the attachments.

After discussions with the applicant the plans were amended by removal of a 4.5m high continuous parapet wall along the boundary and reducing the height of the proposed outbuilding.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’

## **Outbuildings**

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5. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of section 5.4.3 P3 the Residential Design Codes where the following area and height requirements can be achieved:

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

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a council decision.
8. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision
10. A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved;
- the higher end of the sloping wall is adequately screened from the roadside;
  - the higher wall is orientated away from the closest common boundary/s;
  - the skillion roof is pitched between the lesser wall span; and
  - boundary setbacks are as per clause 7.
11. A Building application will not be approved for an outbuilding on a vacant residential property, unless said property has a substantially commenced dwelling onsite.

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

<i>GOAL 5: Proactive and Leading local Government</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>

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5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)
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**ATTACHMENTS**

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

- Location plan & Elevations (Doc Id: 79560)
- Submission (Doc Id: 79562)

***(Marked 9.4.2)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 8 December 2016 on Lot 861 Corner Mosman Parade and Prevelly Way, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 8 December 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. the roof and wall material matching the existing dwelling and being of non-reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.
4. the outbuilding shall not to be commenced until substantial construction of the dwelling on site.

**ADVICE NOTES:**

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

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

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Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845"

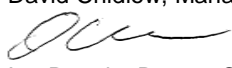

**COUNCIL DECISION**

**Moved Sheppard, seconded Richardson that Item 9.4.2 be deferred pending advice from the adjoining land owner on the amended plan.**

**CARRIED 6 / 0**

**Notation: Council did not adopt the Staff Recommendation as it wished to consider the advice from the adjoining land owner.**

**9.4.3 PROPOSED ROAD CLOSURE – UNMADE ROAD RESERVE OFF CANTABILLING ROAD, HILL RIVER**

Location:	Unmade road between Lots 10157 and 945 Cantabilling Road, Hill River
Applicant:	Zac Roberts
Folder Path:	Business Classification Scheme / Roads / Road Closure / Permanent
Disclosure of Interest:	None
Date:	16 January 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

To consider permanent closure of an unmade road reserve running between Lots 10157 and 945 Cantabilling Road, Hill River including between lots 946, 947, 948 and 10528 in a northerly direction up to Reserve 41933.

To consider the requirement to amalgamate lots 10157 and 10528 in order to avoid Lot 10528 becoming land locked as a requirement of the road closure.

**BACKGROUND**

Lots 10157, 10528 are owned by Chelsea Pty Ltd (Zac Roberts).  
Lot 945 is owned by D D Do, N T Nguyen.  
Lot 946 is owned by D M Jackson  
Lot 947 is owned by W & R Wimmler

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Lot 948 is owned by D B & D M Fewster

Throughout the Shire of Dandaragan there are numerous unmade inaccessible road reserves which currently serve no purpose to the land owners or the Shire of Dandaragan requirements.

Currently the unmade road reserve does not contain any services or Shire infrastructure.

A request from one of the adjoining land owners has been submitted in writing for Council to consider the closure of the road reserve.

The length of road reserve requested to be closed is approximately 3095m (3.095km's). This section of road reserve begins at Cantabilling Road and heads northward and finishes at the southern boundary of Reserve 41933 (which has road access off Jurien Road).

#### COMMENT

Where a road dedicated for public use is proposed to be closed, it may be closed at the request of Local Government under section 58 of the LAA. The Local Government must allow 35 days after the publication in a newspaper for objections and must consider any objection before requesting closure. Regulation 9 of the Land Administration Regulations 1998 specify the procedural requirements of Local Government prior to submitting a request to the Minister for Lands.

The applicant has provided the following reasons for seeking closure of the road.

*Chelsea Pty Ltd is seeking approval to close an unused road which runs north off Cantabilling rd, just to the west and parallel to Nylagarda Rd. The unused road is the boundary between Lot 10157 which is owned by Chelsea Pty Ltd and Lot 945 which is owned by Mr Dinh Dang Do. I have attached a map outlining the area.*

*The unused road is currently a point of contention between our neighbours as there is no defined boundary fence between our properties and maintenance and repairs falls solely to us. There is also a large fuel load that is an extreme fire risk. If the road were to be closed then it would be a simple 50:50 contribution.*

*The adjoining properties, all to the east have access via Nylagarda Rd. The original purpose of the road may have been for access to the rear of our property, however, it was never opened. If we are granted permission to start proceedings to acquire the land then it would be a separate lot number and in the unlikely event of sub division the land could be used for access to the rear of the property.*

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One of the principles which will be considered by Department of Lands (DoL) for a road closure request is:

- Road closure should not occur if there is current use, an expected requirement, or it provides the only dedicated access to a land parcel, or creates a land locked parcel of land.

There will be one lot that will be landlocked by the closure of the road reserve being Lot 10528. This lot is owned by the applicant and can be amalgamated with Lot 10157 Cantabilling road. The amalgamation will result in lots being landlocked. It is recommended that the amalgamation be commenced by the applicant prior to Council making formal application to the DoL. The applicant is aware of this requirement.

**CONSULTATION**

Consultation will be undertaken in accordance with the Land Administration Act if Council agrees to the proposed road closure.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997 Section 58 – Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

**POLICY IMPLICATIONS**

There are no local policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

All costs associated with the road closure will be absorbed by the applicants.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

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

*GOAL 5: Proactive and Leading local Government*

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Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

**ATTACHMENTS.**

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

- Applicants submission (Doc Id: 79555)
- Location Plan (Doc Id: 79556)

**(Marked 9.4.3)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

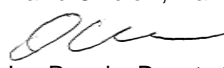
**Moved Cr Scharf, seconded Cr McGlew**

**That Council**

- 1. Advise the applicant that Council supports the request from Chelsea Pty Ltd (Zac Roberts) in the closure of the unmade road reserve between Lots 10157 and 945 Cantabilling Road, Hill River including between lots 946, 947, 948 and 10528 in a northerly direction up to Reserve 41933, subject to WAPC approval for amalgamation of Lot 10528 with Lot 10157 Cantabilling road; and**
- 2. following receipt of confirmation from the WAPC of conditional approval for the amalgamation of Lot 10528 with Lot 10157 Cantabilling road, staff commence consultation to close the unmade road reserve as shown in the attachments and report back to Council following the statutory advertising period as to whether any objections were received.**

**CARRIED 6 / 0**

**9.4.4 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 35 HILL RIVER VIEW, HILL RIVER HEIGHTS**

Location:	Lot 35 Hill River View, Hill River Heights
Applicant:	Brett Johns
Folder Path:	Development Services App / Development Application / 2016 / 76
Disclosure of Interest:	None
Date:	13 January 2017
Author:	David Chidlow, Manager Planning
Signature of Author:	

Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

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PROPOSAL

The applicant seeks planning approval for a 204m<sup>2</sup> outbuilding with wall height of 4.3m and ridge height of 5.1m. The subject site is vacant. Hill River Heights has a restriction of maximum floor area 120m<sup>2</sup> and wall height of 3.6m and ridge height of 4.5m.

BACKGROUND

The subject lot is zoned Rural – Residential. Currently the land is vacant. The proposed outbuilding is to be located approximately 133 m setback from Hill River View and will be located behind a proposed dwelling.

The application requires Council approval as it is in excess of the permitted area and heights for an outbuilding in accordance with the Shire of Dandaragan's Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy (the Policy).

Policy requirement (Hill River Heights)

	Policy	Application	Exceeds policy
Floor area	Up to 120m <sup>2</sup>	204m <sup>2</sup>	84m <sup>2</sup>
Wall height	Up to 3.6m	4.3m	0.7m
Ridge height	Up to 4.5m	5.1m	0.6

Under the Policy Council may approve outbuildings with a floor area up to 300m<sup>2</sup> in aggregate if justified.

COMMENT

A site visit revealed the proposed outbuilding will be located behind a ridge and not visible from Indian Ocean Drive. Photographs of the subject site are provided in the attachments.

The intent of the policy restricting the size of outbuildings in this rural residential area is to minimise the visual impact of outbuildings from Indian Ocean Drive. In this case, the proposed outbuilding will not be visible from Indian Ocean Drive and it is the opinion of the officer that this is sufficient justification to grant a variation.

Similarly, for the same reasons above, the construction of a outbuilding is not supported under the policy prior to a dwelling being constructed. The applicant is keen to build a dwelling, however the restrictions on the size of outbuilding for this specific locality are an impediment to developing the lot. The applicant is seeking planning approval for the outbuilding prior to going to the expense of constructing a dwelling. In this case the visual amenity is not an issue, it is recommended that a condition of approval be that a building permit be obtained prior to the outbuilding being constructed.



**MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017**

The proposal is recommended for approval subject to conditions. Should Council grant approval, an advice note is recommended advising that Council has granted dispensations for this application based on the outbuilding not being visible from Indian Ocean Drive. Approval for similar applications in this subdivision will be assessed on their merits and may not be approved.

**CONSULTATION**

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 5 January 2017 and closed on the 18 January 2017.

At the time of writing this report one verbal response of no objection was received. If any submissions are received prior to the Council meeting date, these will be forwarded to Councillors for consideration.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7

**POLICY IMPLICATIONS**

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

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

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

13. The Council shall not approve outbuildings with a floor area greater than 300 m<sup>2</sup> in aggregate.
16. In the Hill River Heights Rural Residential zone, there is a presumption against placement of outbuildings on lots prior to construction of a dwelling.

**MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017**

Outbuildings will only be approved in the Hill River Heights Rural Residential zone where it can be demonstrated that the visual impact of the proposed outbuilding from Indian Ocean Drive is unobtrusive or where it can be shown that the visual impact can be suitably moderated so it will be unobtrusive.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

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

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

**ATTACHMENTS**

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

- Location Plan (Doc Id: 79557)
- Site, Elevation and Floor Plans (Doc Id: 79558)
- Images of the locality (Doc Id: 79559)

***(Marked 9.4.4)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Kulisa**

**That Council grant planning approval for a proposed outbuilding in accordance with the attached approved plans date stamped 1 December 2016 on Lot 35 Hill River View, Hill River Heights Road subject to the following conditions:**

- 1. All development shall be in accordance with the attached plans date stamped 1 December 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. The applicant is to have an approved Building Permit for a dwelling prior to construction of the outbuilding.**

3. The roof and wall material being of non-reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
4. The outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy;
5. Any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.
6. Should the BAL (Bushfire Attack Level) for this property be assessed at level 40 or FZ (Flame Zone) an application for additional planning approval showing fire hazard mapping for the subject property must be provided and implemented to achieve a BAL of 29 or less prior to construction commencing. Therefore separate approval and additional planning conditions may be imposed based on the applicable BAL level.

**ADVICE NOTES:**

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2:** Council has granted dispensations for this application based on the outbuilding not being visible from Indian Ocean Drive.
- Note 3:** The Council requires any future residence on this property to be located a minimum of 1.8m forward of the proposed outbuilding;
- Note 4:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 5:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 6:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 6 / 0

**9.5 COUNCILLOR INFORMATION BULLETIN****9.5.1 SHIRE OF DANDARAGAN – DECEMBER 2016 COUNCIL STATUS REPORT**

Document ID: 78950

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 15 December 2016. **(Marked 9.5.1)**

**9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JANUARY 2017**

Document ID: 79405

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

**9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2016**

Document ID: 79083

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for December 2016. **(Marked 9.5.3)**

**9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2016**

Document ID: 78587

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for December 2016. **(Marked 9.5.4)**

**9.5.5 HON DONNA FARAGHER MLC – MEDIA STATEMENT – CHANGES SET TO IMPROVE DAP SYSTEM**

Document ID: 78701

- DAP amendments come into effect on February 1, 2017
- Changes will increase transparency and flexibility

Changes to the Development Assessment Panel system were gazetted 16 December 2016 and will come into effect on February 1, 2017 to give local governments time to adjust.

Mrs Faragher said *“these changes will ensure the DAP system remains flexible and responsive to community expectations while continuing to provide the best possible planning outcomes for Western Australia.”*

Attached to the agenda is entire Media Statement **(Marked 9.5.5)**

**9.5.6 WALGA MEDIA RELEASE – TRAINING SUPPORT KEY TO BETTER COUNCILS**

Document ID: 78694

“Continued training support for Local Governments in WA would help confirm if the State Government is serious about improving

Council governance and processes. An increase of 23% per cent of Elected Members attending training courses in the past three years demonstrates that Councils are increasingly committed to improvement. Funding from the Department of Local Government and Communities through the Royalties for Regions, Country Local Government Fund was critical to the delivery of training by WALGA.”

**9.5.7 WALGA – WASTE NEWS – 9 DECEMBER 2016 – ISSUE 22**

Document ID: 78347

In this issue:

- LG Focus: Stirling’ Charity Collaboration
- EMRC Scoops up C&I
- Cash for Community Clean up
- Minister Meeting
- Paintback TCD Tonnages

**9.5.8 WALGA – LOCAL GOVERNMENT NEWS – 9 DECEMBER 2016 – ISSUE 48**

Document ID: 78349

In this issue:

- Review of Effectiveness for Planning Schemes
- HR Forum a Success
- eLearning
- Workshop on Draft State Government Sewerage Policy
- Biosecurity Position and Recommendation Paper
- New Emergency WA Website
- Clean Communities Grant
- Recreational Boating Facilities Scheme Now Open
- Research Grant Funding to Benefit People with Disability

**9.5.9 WALGA – LOCAL GOVERNMENT NEWS – 16 DECEMBER 2016 – ISSUE 49**

Document ID: 78691

In this issue:

- Local Government Amendment (Auditing) Bill 2016
  - LG Risk Vision Launched
  - Updated Environmental Planning Tool
  - Submission to the Joint Standing Committee on the National Broadband Network
  - Training
  - Vacancies on Boards and Committees
  - Survey Seeking Local Government Input
  - Public Health Act 2016 – Commencement of Stage 3
  - National Disability Strategy – Second Implementation Plan
  - MBA Students Seek Industry Experience
- Media Release
- Training Support Key to Better Councils

**9.5.10 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT – MINUTES OF MEETING**

Document ID: 78067

Minutes of the General Meeting of the West Koojan-Gillingarra Land Conservation District available if required.

**9.5.11 DEPARTMENT OF TRANSPORT – COASTAL INFRASTRUCTURE – RECREATIONAL BOATING FACILITIES SCHEME ROUND 22**

Document ID: 78279

The Recreational Boating Facilities Scheme (RBFS) is an established State Government grants program which helps local governments, government departments and statutory authorities to improve publicly available recreational boating infrastructure. Applications close Tuesday 7 February 2017 at 2pm. I invite you to consider submitting one or more applications for RBFS funding to assist you to improve recreational boating facilities in your area. Further information and application forms can be downloaded from website [www.transport.wa.gov.au/rnfs](http://www.transport.wa.gov.au/rnfs)

**9.5.12 DEPARTMENT OF REGIONAL DEVELOPMENT**

Document ID: 78365

“Thank you for your ongoing support and readership of the Department of Regional Development’s (DRD) quarterly newsletter, *In Your Region*.”

**9.5.13 HEARTLANDS WA WHEATBELT – NEW ONLINE BUSINESS DIRECTORY FOR THE WHEATBELT**

Document ID: 78523

“Heartlands WA together with the Northam Chamber of Commerce and the Wheatbelt Business Network have created a Wheatbelt-wide business directory where local residents can search for products and services in their town or neighbouring shire through the following websites: Heartlands WA [www.heartlandswa.com.au](http://www.heartlandswa.com.au), Northam Chamber of Commerce [www.northamchamber.com.au](http://www.northamchamber.com.au) and Wheatbelt Business Network [www.wheatbelfbusinessnetwork.com.au](http://www.wheatbelfbusinessnetwork.com.au).”

**9.5.14 BADGINGARRA PRIMARY SCHOOL**

Document ID: 78707

“Please thank the Shire of Dandaragan on our behalf for their generous donation of our Senior Achievement Award (Yr 4-6) presented by Cr Dahlia Richardson. This award is presented to a student who strives to achieve their potential, demonstrating an eagerness to learn and perseverance at all times, this year’s deserving winner was Grace Peacock.”

**9.5.15 MOORE CATCHMENT COUNCIL – ANNUAL REPORT**

Document ID: 78598

Moore Catchment Council (MCC) Annual Report 2015 / 2016 can be downloaded from website [http://www.moorecatchment.org.au/Newsletters/Annual%20report%202015\\_2016.pdf](http://www.moorecatchment.org.au/Newsletters/Annual%20report%202015_2016.pdf)

**9.5.16 WALGA EVENT: EXPRESSION OF INTEREST**

Document ID: 78774

WALGA will be hosting an Event on Bushfire Planning and Biodiversity Management on Wednesday, 22 February from 9.30am to 3.00pm at the WALGA offices in West Leederville.

Information presented will include:

- Assessment of planning proposals in identified bushfire prone areas;
- Bushfire Attack Level (BAL) reports;
- Preparing Bushfire Risk Management Plans for Local Government;
- Land restoration, monitoring and weed control following fire;
- Fuel characteristics or vegetation of the Swan Coastal Plain;
- Traditional Indigenous fire management techniques;
- Impact of fire on wildlife habitat and predator mobility.

**9.5.17 REGIONAL DEVELOPMENT AUSTRALIA – WHEATBELT E-NEWSLETTER DECEMBER 2016**

Document ID: 78775

In this issue:

- Training Scholarship Valued at \$6,000 each Available for Wheatbelt Not for Profit Organisations
- Mobile Black Spot Funding Round 2 Announced
- Productivity Commission Review into the future direction of the Universal Service Obligation in the Telecommunications Market
- Government and Community News
- Grants and Funding Opportunities

**9.5.18 CENTRAL WEST MEN’S SHED – LEASE LOT 848 MADRID STREET, CERVANTES**

Document ID: 78770

“Due to the many rumours around regarding the Cervantes Men’s Shed, the committee feels it advisable to clarify our preferred options regarding the lease of Lot 848.

Attached to the agenda is full content of correspondence (**Marked 9.5.18**)

**9.5.19 WALGA – PROCUREMENT NEWS – DECEMBER 2016 – ISSUE 31**

Document ID: 78793

In this issue:

- Merry Christmas
- Town Planning
- Energy Services
- Preferred Supplier Program Reconciliation Project
- Financial Services
- Engineering Consulting Services
- Tenderlink – Change of Ownership
- Handy Tip #1
- Preferred Supplier Update
- WALGA Christmas Function

**9.5.20 WALGA – ROADWISE – ROAD SAFETY NEWSLETTER – DECEMBER 2016 – ISSUE 24**

Document ID: 78802

In this issue:

- The Road Safety Network Gets its Road Ribbon on!
- Remembering Road Traffic Victims in Gosnells
- Farewell Gavan Hayllar

- Have You Seen the 'Slow Down, Enjoy the Ride' Video?
- *Tim's Ride* Promotes the 'Share the Roads' Message
- Planning for Road Safety in Onslow
- Carnarvon Seniors Talk Road Safety
- Rio Tinto Taking the Lead
- A Road Safety Trio for the City of Greater Geraldton
- Drink and Drug Driving Education for Workplace Employees
- Schools' Seat Belt Project Winds Up
- Government of Western Australia's Road Safety Community Grants Program

#### 9.5.21 JURIE BAY DISTRICT HIGH SCHOOL

Document ID: 78804

"On behalf of all students, teacher and parents, I wish to thank you for making a donation towards our awards presentation. Your awards were presented to: Indie William-Seery – Year 1 / 2 Encouragement Award, Sascha Slocum – English Award (Year 7/8) and Julie-Anne Carlson – English Award (Year 9/10).

Your generous support of the school is indicative of a community working together to encourage and recognise all of our young achievers."

#### 9.5.22 HON COLIN BARNETT MLA – MEDIA STATEMENT - TOURISM WESTERN AUSTRALIA LEADERSHIP SECURED

Document ID: 78827

- Gwyn Dolphin appointed Chief Executive Officer of Tourism Western Australia

"Premier and Tourism Minister Colin Barnett today welcomed the appointment of Gwyn Dolphin as Chief Executive Officer of Tourism Western Australia. Mr Barnett said Mr Dolphin brought significant marketing, event and leadership expertise, as well as international experience to the role, which would be instrumental in continuing to drive and support the WA tourism industry."

#### 9.5.23 WALGA – ENVIRONEWS – DECEMBER 2016 – ISSUE 21

Document ID: 78918

In this issue:

- Cockburn's Skate2clean Competition
  - Denmark Plastic Recycling Program Partnership
  - Switched on Schools Summit
  - Landcare Sector Celebrates
  - Laverton Flood Study
  - Nappies Shouldn't Dispose our Good Efforts
  - Review of Advice for Planning Schemes not Assessed under the EP Act 1986
  - Environmental Planning Tool Update
  - DER Consultation Act
  - Water Saving tips for the Holidays
- Events and funding opportunities
- Upcoming Events
  - Funding Opportunities



**9.5.24 DEPARTMENT OF TRANSPORT – RADS SUBMISSION FOR 2017-19 FUNDS**

Document ID: 78926

I am writing in relation to the Shire of Dandaragan's submission for Regional Airports Development Scheme (RADS) project funding for provision of power to the hangar sites at Jurien Bay Aerodrome. In this funding round your submission did not rank as highly compared to other submissions which afforded greater value for money.

**9.5.25 WA PLANNING COMMISSION – LPS 7 – AMENDMENT 27 – LOT 1 JURIEN EAST ROAD (KENT) - EXAMINATION OF COMPLEX AMENDMENT DOCUMENTATION PRIOR TO ADVERTISEMENT**

Document ID: 78952

Pursuant to regulation 37(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Western Australian Planning Commission (WAPC) has examined the documents submitted regarding Amendment 27 to the Shire of Dandaragan Local Planning Scheme No.7.

The WAPC advised that Amendment 27 should be modified as per attachment 1 prior to advertising.

Attached to the agenda is entire correspondence and attachment 1 (**Marked 9.5.25**)

**9.5.26 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES**

Document ID: 79064

Minutes of the Local Emergency Management Committee Meeting held Wednesday 14 December 2016 are available for perusal should you require.

**9.5.27 HON MIA DAVIES MLA – MEDIA STATEMENT - \$20 MILLION PROGRAM DRIVING WATER INNOVATION**

Document ID: 79432

- Investment to drive clever irrigated agriculture projects
- Address water challenges through innovation and technology

Ms Davies said the Water Irrigation Innovation Grants program, which was part of the Water for Food program, would encourage new investment to support local industry development in regional, remote and rural areas.

Attached to the agenda is full content of media statement (**Marked 9.5.27**)

**9.5.28 HON JOHN DAY MLA – MEDIA STATEMENT – JURIEN BAY AND WONGAN HILLS HEALTH CARE BOOST**

Document ID: 79436

- ADCO awarded construction tender for Jurien Bay and Wongan Hills health services refurbishments
- Construction to start in January 2017

Work will start in January 2017 on refurbishments to the Jurien Bay Health Centre and the Wongan Hills Health Service, with

builder ADCO Constructions Pty Ltd being awarded the construction tender for both sites.

Attached to the agenda is full content of media statement (**Marked 9.5.28**)

**9.5.29 HON JOHN DAY MLA – MEDIA STATEMENT – FREE AFTER HOURS PHONE GP SERVICE THIS SUMMER**

Document ID: 79435

- 1800-CALL-A-DOC for out-of-hours GP advice via voice or video calls
- Available in the Mid-West, South-West, Great Southern, Wheatbelt and Goldfields

A free after hours GP advice service is available for people in the southern half of Western Australia this summer.

Health Minister John Day said the 1800-CALL-A-DOC (1800 225 523) service would be trialled until the end of March 2017, to help with peak demand for medical services over busy holiday period. Mr Day said this is for people who can't get to a doctor at night or on weekends.

**9.5.30 COASTWEST WAPC – COASTWEST GRANTS 2017 / 18 NOW OPEN FOR APPLICATIONS**

Document ID: 79428

Coastwest Grants are provided by the Western Australian Planning Commission to support projects designed as a response to the challenges facing Western Australian's coastal environments. Closing date is 12pm (midday) Tuesday 21 March 2017. Application kits can be downloaded from the WAPC website at [www.planning.wa.gov.au/coastwest](http://www.planning.wa.gov.au/coastwest)

**9.5.31 WALGA – LOCAL GOVERNMENT NEWS – 13 JANUARY 2017 – ISSUE 1**

Document ID: 79431

In this issue:

- Local Government Vehicle Licence Concession
- Independent Review of the Emergency Services Levy
- Biosecurity Position and Recommendation Paper
- Training
- Vacancies on Boards and Committees
- Training for Local Government Pool Inspectors
- WA State Heritage and History Conference

**9.5.32 DEPARTMENT OF TRANSPORT – DISCONTINUATION OF VEHICLE LICENCE CONCESSIONS**

Document ID: 79116

Correspondence from the Department of Transport (DoT) advising they will discontinue vehicle licence concessions currently offered to WA Local Government Authorities effective from 1 July 2017. For effected vehicles, this will mean that the concession will no longer apply from the first licence expiry date on or after 30 June 2017. Concessions will automatically be discontinued, and no further action from owners is required.

Attached to the agenda is the full content of the correspondence  
(*Marked 9.5.32*)

**COUNCIL DECISION**

Moved Cr Sheppard, seconded Cr McGlew that Council write to the Minister for Transport expressing disappointment at the discontinuation of vehicle concessions to Local Government and the lack of consultation with Local Government on this issue.

**CARRIED 6 / 0**

**9.5.33 DEPARTMENT OF PLANNING – AMENDMENTS TO THE PLANNING & DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011 (DAP REGULATIONS)**

Document ID: 79018

On 13 October 2016, the Minister for Planning Hon Donna Faragher announced changes to the Development Assessment Panel (DAP) system. Throughout 2016, significant consultation with stakeholders, including meetings with all metropolitan local governments has been undertaken. As an outcome of that consultation, as well as recommendations made through the 2015 Parliamentary Inquiry, amendments to the DAP Regulations were identified to improve the operation and effectiveness of the DAP system.

Attached to the agenda is the full content of the correspondence  
(*Marked 9.5.33*)

**9.5.34 DEPARTMENT OF HEALTH – AMENDMENT OF THE HEALTH (ASBESTOS) REGULATIONS 1992)**

Document ID: 79332

During consultation on the *Public Health Act 2016* local government indicated that the penalties under the *Health (Asbestos) Regulations 1992* ('the Regulations') are inadequate and are of particular concern in the context of the management of asbestos where the costs of complying with the Regulations can greatly exceed the penalty for non-compliance.

Attached to the agenda is the entirety of the correspondence  
(*Marked 9.5.34*)

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

**Nil**

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

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

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specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

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

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

Local Government Act 1995

*5.23. Meetings generally open to public*

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

Local Government (Administration) Regulations 1996

**MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017**

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

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

## **11.1 GOVERNANCE & ADMINISTRATION**

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


**Moved Cr Scharf, seconded Cr McGlew**

**That the meeting be closed to members of the public at 4:51pm in accordance with Section 5.23 (2) (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1**

**CARRIED 6 / 0**

**Members of the Public left the meeting.**

### **11.1.1 SALE OF LOT 96 (NO. 74) BASHFORD STREET, JURIE BAY**

Location:	Lot 96 (No. 74) Bashford Street, Jurie Bay
Applicant:	Ray White Real Estate Jurie Bay, on behalf of Jeffrey Lisle Braddock ATF Jurie Bay Trust
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Land Developments
Disclosure of Interest:	Nil
Date:	3 January 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Richardson**

**That Council agree to consider the revocation of Council's motion in relation to the sale of Lot 96 (No. 74) Bashford Street, Jurie Bay in item 11.1.1 of the Ordinary Meeting held on the 24 November 2016.**

**CARRIED 6 / 0**

### **OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

**Moved Cr Richardson, seconded Cr Kulisa**

**That Council's decision for item 11.1.1 from the Council Meeting held on the 24 November 2016 being:**

**"That Council:**

- 1. acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period that no submissions were received in relation to the proposed sale of Lot 96 (No. 74) Bashford Street, Jurie Bay at the value of \$400,000 to BPG Pty Ltd via private treaty;**

2. agree to sell Lot 96 (No. 74) Bashford Street to BPG Pty Ltd via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and
3. authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the sale of Lot 96 (No. 74) Bashford Street Jurien Bay on its behalf.”

Be revoked.

CARRIED BY ABSOLUTE MAJORITY 6 / 0

**OFFICER RECOMMENDATION 3 / COUNCIL DECISION**

Moved Cr Richardson, seconded Cr Scharf

That Council:

1. acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period closing on the 23 December 2016 that no submissions were received in relation to the proposed sale of Lot 96 (No. 74) Bashford Street, Jurien Bay at the value of \$400,000 to Jeffrey Lisle Braddock as trustee for Jurien Bay Trust via private treaty;
2. agree to sell Lot 96 (No. 74) Bashford Street to Jeffrey Lisle Braddock as trustee for Jurien Bay Trust via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and
3. authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the sale of Lot 96 (No.74) Bashford Street, Jurien Bay on its behalf.

CARRIED 6 / 0

Moved Cr Scharf, seconded Cr Richardson that the Meeting be reopened to the public at 4.53pm.

CARRIED 6 / 0

Members of the Public entered the meeting and the President read the motions aloud.

**MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017**

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

**Nil**

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.56pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....