



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 13 DECEMBER 2016

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 13 DECEMBER 2016

IN THE COUNCIL CHAMBERS,
11-13 WALDECK STREET, DONGARA WA



Darren Simmons
Chief Executive Officer

8 December 2016

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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**AGENDA FOR ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBERS,
11-13 WALDECK STREET, DONGARA ON
TUESDAY, 13 DECEMBER 2016 AT 4.00PM**

PRESENT:	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms E Greaves – Coordinator Executive Services

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1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
 4. **PUBLIC QUESTION TIME**
 5. **APPLICATIONS FOR LEAVE OF ABSENCE**
 6. **PETITIONS**
 7. **CONFIRMATION OF MINUTES**
 - 7.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 NOVEMBER 2016**

A copy of the Minutes of the Ordinary Council Meeting held on 22 November 2016 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 22 November 2016, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 12/16

Subject: Accounts for Payment
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during November 2016.

Officer's Recommendation:

That Council receives the Accounts paid during November 2016, represented by:

Payment Type/Numbers	Total Amount
EFT 20130 - 20228	\$710,856.52
Muni Cheques 31308 - 31333	\$80,962.32
Trust Cheques 3131 - 3134	\$1,400.00
Direct Debit - Credit Card	\$2,557.87
Direct Debit - Click Super	\$45,856.33
Direct Debit - Transport PL281016 - PL281116	\$75,568.00
Grand Total	\$917,201.04

Attachment:

[Accounts for Payment – November 2016](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of November 2016.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Risk Implications:

It is considered that by reviewing the Accounts for Payment any risk arising would be rare and insignificant in measures of consequence and therefore the risk rating would be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

CORPORATE AND COMMUNITY

CC02 – 12/16

Subject: Financial Statements for the Period ending 30 November 2016
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2016 to 31 October 2016.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 30 November 2016, as outlined in the Attachments Booklet – December 2016.

Attachment:

[Financial Statements for the month ending 30 November 2016.](#)

Background:

The Monthly Financial Report to the 30 November 2016 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Statement of Cashflows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

The financial position to the end of November 2016 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$6,857,934	6.3% negative variance
Operating Expenditure	(\$3,357,379)	8.8% positive variance
Net Operating	3,500,556	
Capital Revenue	\$197,866	68.5% negative variance
Capital Expenditure	\$446,238	80.1% positive variance
Cash at Bank – Municipal	\$3,590,150	
Cash at Bank – Reserve	\$2,270,664	
Total Funds Invested	\$6,278,833	
Net Rates Collected	73.71%	
Receivables Outstanding	\$102,686	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Due to the earlier December Council Meeting, the monthly financial statements for November 2016 may require adjustments, which will be reflected in December's financial statements.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Statutory Environment:

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

Section 34 Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil

Risk Implications:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be low.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

PLANNING AND INFRASTRUCTURE

PI01 – 12/16

Subject: Proposed Subdivision (Amalgamation) Lots 11, 57 & 60 Moreton Terrace and 58 & 59 Smith Street, Dongara
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
Proponent: The Trustee for the RJ McDaniell Family Trust & The Trustee for the Scats Family Trust on behalf of Beagle Holdings (WA) Pty Ltd & Decee Pty Ltd
File Reference: WAPC154492 / A403 / A461 / A904 / A521
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

To consider an application to amalgamate lots 11, 57 & 60 Moreton Terrace and 58 & 59 Smith Street, Dongara as referred by the Western Australian Planning Commission (WAPC) for comment by Council.

Officer's Recommendation:

That Council resolves to advise the Western Australian Planning Commission that it supports the proposed amalgamation of Lots 11, 57 & 60 Moreton Terrace and Lots 58 & 59 Smith Street, Dongara (Ref: WAPC154492) as presented in the Attachment Booklet – December 2016, subject to the following conditions and advice notes:

Conditions

- 1. Other than buildings, outbuildings and/or structure shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 11, 57, 60, 58, 59 at the time of subdivision approval being demolished and materials removed from the lot(s).**
- 2. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.**
- 3. Suitable arrangements be made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**

Advice Notes

1. In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

Attachment:

[Amalgamation Application and Plans](#)
[Site Photos](#)

Background:

Council does not determine the outcome of subdivision applications (a proposal to amalgamate is considered a subdivision under the *Planning and Development Act 2005*). Subdivision applications are lodged with and determined by the WAPC. Council acts as a referral agency i.e. Council makes a recommendation on such applications for the WAPC to consider.

The Trustee for the RJ McDaniell Family Trust & The Trustee for the Scats Family Trust submitted a subdivision application in November 2016 on behalf of the landowners, Beagle Holdings (WA) Pty Ltd & Decee Pty Ltd. This application has been referred to the Shire of Irwin by the WAPC. The proposed amalgamation is for 1 lot. More than 3 lots are proposed to be amalgamated, the Shire's Delegation Register does not allow Officers to respond directly to the WAPC. As such, Council must resolve to advise the WAPC of its recommendation.

The subdivision application is for lots 11, 57 & 60 Moreton Terrace and 58 & 59 Smith Street, Dongara. At the July 2015 Ordinary Council Meeting, Council resolved to approve a supermarket on the proposed lots. The subdivision was a requirement of Condition 13 of the Development Approval. The subject lots are currently being cleared in preparation of the construction of the approved supermarket.

Officer's Comment:

The subject land is zoned 'Town Centre' under the Local Planning Scheme No. 5 (LPS 5). As such, the proposal was assessed against the Dongara Town Centre Precinct Plan. The proposed amalgamation is consistent with the relevant provisions of the Local Planning Strategy Policy Area B, Local Planning Scheme No. 5 and the Dongara Town Centre Precinct Plan. The proposed lot size is 4,751m², which meets the minimum lot size provision under the Dongara Town Centre Precinct Plan, which is 300m².

It is recommended that Council supports the subdivision, subject to standard conditions and advice notes, from the WAPC's Model Subdivision Condition manual.

The subdivision application has also been referred to other agencies (i.e. Water Corporation, Western Power etc.) by the WAPC, who will recommend their own conditions and advice notes from the same WAPC manual.

Stakeholder Engagement:

The application was referred to the Shire of Irwin's Development Control Unit. There were no objections, in principle, following referral.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Planning Scheme No. 5
Local Planning Strategy
Dongara Town Centre Precinct Plan

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council supporting the proposed subdivision (amalgamation) is expected to be rare, and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI02 – 12/16

Subject: Retrospective Holiday Accommodation at No. 10 Whelan Street, Port Denison
Reporting Officer: Manager Regulatory Services and Planning Officer
Responsible Executive: Director Planning and Infrastructure
Proponent: Kellie Starick
File Reference: A2136/P742
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider a retrospective development application for proposed Holiday Accommodation at 10 Whelan Street, Port Denison.

Officer's Recommendation:

That Council approves the retrospective development application for the proposed Holiday Accommodation at No. 10 Whelan Street, Port Denison as presented in the Attachments Booklet – December 2016, subject to the following conditions and advice notes:

Conditions

1. The approved development shall be in accordance with the attached stamped plans and details.
2. This approval is valid until 30 June 2017, after which the proponent must seek annual renewal of the approval (see Advice Note 2 and 3).
3. Fixed sound absorbing privacy screens shall be fixed to the first floor front balcony (on the north east elevation of the building) by 5pm on 20 December 2016, as shown marked blue on the approved plans (see First Storey Floor Plan), in order to mitigate noise emissions, to the satisfaction of the Shire of Irwin.
4. A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any given time.
5. The Holiday Accommodation shall only be rented for a maximum period of three (3) months to any one (1) person in any one (1) calendar year.
6. Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to the Council's satisfaction. A receipt book must be kept.

7. Hard wired smoke alarms shall be provided on both floors of the building to the satisfaction of the Shire of Irwin.
8. An emergency response plan (i.e. fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling.
9. A fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851 (see Advice Note 3).
10. There are to be four (4) designated car parking bays associated with the land use to be provided.

Advice Notes

1. Prior to commencement of activities, the premises must be registered with the Shire of Irwin as a Lodging House, with fees payable as per Councils operative Fees and Charges Schedule.
2. In relation to renewal of this Development Approval, prior to 30 June 2018 a written statement (letter or email) must be submitted detailing compliance with the above conditions. This renewal request must be made prior to 30 June of any year that annual approval is required. If a request for renewal is received after 30 June of any year, the request cannot be considered as the development approval will have lapsed.
3. Should the Shire receive any valid complaints about the Holiday Accommodation causing a nuisance or annoyance to the surrounding locality, this approval may not be renewed and may be receded.
4. The proponent is advised that all activities on-site are to comply with the *Environmental Protection (Noise) Regulations 1997*.
5. Prior to the commencement of activities, hardwired smoke alarms, fire extinguisher and fire emergency plans are to be installed to the satisfaction of the Shire of Irwin. Once they have been installed, please contact Regulatory Services on 9927 0000 to arrange an inspection.

Attachment:

[Aerial View](#)

[Site Plan, Floor Plans and Written Submission](#)

Neighbour Submissions – *provided to Councillors under separate, confidential cover.*

[Proponent Response](#)

[Technical Assessment](#)

Background:

On 28 September 2016, the Shire received a complaint regarding noise levels being emitted by holiday makers at 10 Whelan Street, Port Denison (the property). On 29 September 2016, the Shire's Planning Officer informed the landowner of the property that Holiday Accommodation is an unauthorised use on this Lot and that a Development Application (DA) is required. On 8 November 2016, the landowner submitted a DA for change of use from single house to holiday accommodation on the property.

Officer's Comment:

The property is zoned Residential, as such any DA for Holiday Accommodation requires a public consultation period of no less than 14 days. The application was advertised (see Stakeholder Engagement section below) and four submissions were received within the advertising period which outlined a variety of concerns. The concerns are themed and summarised in the table below along with Officer Comments.

Concerns	Officer Comments
Four neighbours are concerned about the level of noise that has been emitted by	As no noise measurements were submitted by neighbours along with their submissions, the Shire cannot quantify or accurately assess the concerns expressed.

<p>guests.</p>	<p>Following negotiations with Officers, the proponent indicated their willingness to implement noise mitigation measures by way of placing an outdoor carpet over the decking (see Attachment 4). They also indicated a willingness to reduce the maximum number of guests.</p> <p>However, Officers recommend in Condition 3 above that fixed sound absorbing privacy screens on the sides and front of the balcony (as marked blue on Attachment 2) would be a more adequate noise mitigation measure. Officers also recommend reducing the number of guests from 12 to 8 – see Condition 4 above.</p>
<p>Concerns on the number of cars parked at the property.</p>	<p>The proposal indicates that there are four parking spaces, all of which are located within the lot boundaries. As Officers recommend a maximum of 8 guests, the proposed parking arrangements are considered adequate.</p>
<p>Concerns on the number of maximum guests permitted at any one given time.</p>	<p>The proponent has expressed willingness to reduce the maximum number of guests at any one given time. Officers recommend a condition allowing a maximum of 8 guests.</p>
<p>Concerns over the threatening and abusive behaviour of guests. Two submissions detail a specific incident.</p>	<p>While this may have been an isolated incident, it does indicate that poorly managed Holiday Accommodation can adversely impact on the amenity of the area and neighbours.</p>
<p>Concerns over whether the building is one or two units, as there are kitchens on both floors.</p>	<p>It seems likely that this building was built as a house, prior to the requirement for Building and Planning approvals, as Officers can find no Building or Planning approvals for the building (other than some more Building Approvals for external additions).</p> <p>The proponent (the current landowner) bought the property in 2015 and inherited its unusual characteristics i.e. 2 kitchens.</p> <p>Should the landowner intend in future to use this building for permanent residential purposes, Officers recommend they seek Development Approval for a Single House (i.e. one kitchen) or for Multiple Dwellings (two dwellings, one on top of the other with a kitchen each).</p>
<p>Concerns over who should be contacted in regards to noise complaints after daylight hours.</p>	<p>As with residential noise complaints, the police may be contacted after daylight hours. The Shire's Environmental Health Officer can be contacted during office hours.</p>
<p>An extract from a tenancy agreement was submitted.</p>	<p>While it is not clear whose tenancy agreement was submitted, it should be noted that Under Local Planning Scheme No. 5, tenancy agreements are not a relevant matters for Council to consider.</p>
<p>One submission is</p>	<p>If development approval is issued, it will not control the behaviour</p>

<p>supportive of the holiday accommodation use, providing tenants are not unruly or uncooperative.</p>	<p>of the tenants. This is the responsibility of the proponent (and/or their agent).</p> <p>If approval is forthcoming, Condition 2 above means that the approval will only be valid until 30 June 2018. Prior to this date, the proponent may submit a renewal application, including a statement detailing compliance with the conditions of the approval. Prior to issuing a renewal, Officers will review this statement and consider any complaints received during this period. If a renewal is granted in 2018, an annual renewal will be required thereafter.</p> <p>The renewal process provides an incentive for the proponent to manage the behaviours of their guests.</p>
<p>Concerns that the property is still currently being used for Holiday Accommodation purposes, without approval.</p>	<p>The proponent has been advised on at least two occasions to cease using the property for Holiday Accommodation purposes until the outcome of application was determined. They were requested to agree to this in writing but, thus far, have not done so.</p>

The proposal is largely satisfactory when considered against Clause 67 – Matters to be Considered of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) (Attachment 5). The most significant matter for Council to consider is the potential noise impacts of guests.

With recommended Conditions 2, 3 and 4 in mind, Officers are effectively recommending temporary approval with noise mitigation measures and a reduced number of guests. Should approval be granted, as recommended, Officers will have the opportunity to assess future applications for renewal, including any relevant complaints. Should Officers consider that the approval should not be renewed (e.g. due to persistent noise complaints), a recommendation to refuse the renewal application will be made to Council at a future meeting.

The poor behaviour of guests is another significant matter raised in the submissions. While the provisions of the planning scheme cannot specifically control the behaviour of guests, by issuing a temporary approval with a renewal requirement, Council can incentivise better management of the property by the proponent.

Despite the above recommendation and given the concerns expressed by neighbour submissions, Council may wish to refuse the application due to potential adverse noise impacts from the proposed Holiday Accommodation on the preservation of the amenity of the locality, which conflicts with Local Planning Scheme No. 5's aim to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area and, therefore, the requirements of orderly and proper planning.

Stakeholder Engagement:

The proposal was advertised from 17 November 2016 to 2 December 2016 for a period of 15 days. The proposal was referred to eight neighbouring properties (Attachment 1). The Shire received four submissions from the properties shown as Submissions A, B, C and D in Attachment 1. The submissions are at Attachment 3.

The proposal was referred to the Shire's external Building and Environmental Health consultant and the Manager Community Capacity. The Shire's Building and Environmental Health Consultant

has no objections, subject to the following which will be included as standard conditions and advice notes:

- The proposal comply with the Local Law for Health, Part 8 – Lodging Houses; and
- Hard wired fire alarms be installed on both floors.

The Shire's Manager Community Capacity supports the proposal as it adds to the availability and diversity of tourism accommodation options in Port Denison, and is located within close proximity to popular tourist attractions.

Financial/Resource Implications:

Nil.

Statutory Environment:

Clause 67 – Matters to be considered: Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Irwin Local Planning Scheme No. 5

Planning Bulletin 99 – Holiday Homes Guidelines

Guidelines – Holiday Homes – Short Stay Use of Residential Dwellings

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council approving the development application is expected to be unlikely and the consequences would be insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

PLANNING AND INFRASTRUCTURE

PI03 – 12/16

Subject: Proposed Subdivision of Lot 2575 Melaleuca Road, Bonniefield
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: WAPC154252 / A9325
Proponent: BSO Development Consultants on behalf of Mr Stephen John & Mrs Lorraine Michelle Mawer.
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

To consider an application to subdivide Lot 2575 Melaleuca Road, Bonniefield as referred by the Western Australian Planning Commission (WAPC) for comment by Council.

Officer's Recommendation:

That Council resolves to advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2575 Melaleuca Road, Bonniefield (Ref:WAPC154252) as presented in the Attachment Booklet – December 2016 provided under a separate cover, subject to the following conditions and advice notes:

- 1. Engineering drawings and specifications are to be submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road(s) are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the applicants cost.**
- 2. A 14 metre truncation is to be provided at the junction of the access way and the road reserve.**
- 3. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Beagle Road in the locations as shown on the plan dated 5 September 2016.**
- 4. Information is to be provided to demonstrate that the measures contained in the bushfire management plan dated 7 June 2016 addresses the following:**

- a) 4.3.3 Water – providing adequate means of water supply for fire fighting purposes (30,000l water tanks) on the proposed lots have been implemented during subdivisional works.
5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
“A mains potable water supply is not available to the lot/s”
6. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
“A reticulated sewerage service is not available on the lot/s”
7. Prior to the commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission.
8. The landowner/applicant installing suitable rural fencing of good standard in accordance with the plan dated 5 September 2016 (attached) to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. In regard to Condition 1, the landowner/applicant is advised that road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayment's, are to be generally consistent with the approved plan of subdivision.

Attachment:

[Subdivision Plans](#)
[Site Photos](#)

Background:

Council does not determine the outcome of subdivision applications. Subdivision applications are lodged with and determined by the WAPC. Council acts as a referral agency i.e. Council makes a recommendation on such applications for the WAPC to consider.

Following receipt of a subdivision referral from the WAPC, at the Ordinary Council Meeting (OCM) on 22 November 2016 Council made the following decision:

OFFICER RECOMMENDATION AND COUNCIL DECISION 081116:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council considers item PI02 Proposed Subdivision of Lot 2575 Melaleuca Road, Bonniefield at the 13 December 2016 Ordinary Council meeting to allow officers to liaise with the proponent in regards to previous contributions made for road construction.

VOTING DETAILS:

CARRIED 7/0

During the meeting and prior to Council making the above decision at the 22 November 2016 OCM, a Councillor suggested that Mr & Mrs Mawer may have already contributed \$40,000 towards the upgrade of Beagle Road. This matter was raised as it relates to the Officer's recommendation for a condition of approval requiring a portion of Beagle Road to be upgraded. A similar condition had formed part of a subdivision approval for the same land issued in 2010.

Following the decision on 22 November 2016, Officers reviewed Shire records and found the following facts:

- In 2006, subdivision application 127267 for two lots, located north of Lot 2575 Melaleuca Road (i.e. Lot 340 now owned by RJ Flint and Lot 341 now owned by SJ Mawer), was approved by the WAPC subject to conditions. Condition 1 required upgrades to Melaleuca Road and Beagle Road. In 2006 Mr & Mrs Mawer paid a road contribution of \$40,000 (including GST) in order to comply with Condition 1. Melaleuca Road and Beagle Road were subsequently upgraded. Beagle Road is currently sealed from Melaleuca Road to the area near the access to Lot 341. Beagle Road is not sealed all the way south to Lot 2575.
- In 2010 Mr & Mrs Mawer submitted a subdivision application for Lot 2575 Melaleuca Road i.e. for different land to the 2006 application. The 2010 application was similar to the current application and was presented to Council at the July 2010 OCM and approved by the Western Australian Planning Commission on 16 August 2010. This subdivision approval was not acted on and lapsed in 2013.

Officer's Comment:

The \$40,000 road contribution paid by Mr & Mrs Mawer was to comply with Condition 1 of the 2006 subdivision approval. This approval relates to land north of Lot 2575 Melaleuca Road. It does not relate to Lot 2575, which is the subject of the 2010 approval and the current application.

Condition 3 in the recommendation above is required to ensure that the portion of Beagle Road from Lot 341 south to Lot 2575 is upgraded to the satisfaction of the local government, as required by Local Planning Policy: Developer contributions for upgrades to roads and footpaths i.e. it must be sealed. Not only would the sealing of this portion of road be consistent with the policy, it would be consistent with previous Council decisions, as is apparent when driving around the Shire's Rural Smallholdings zone.

As stated in the previous item presented at the last OCM, the proposed subdivision is consistent with the relevant provisions of the Local Planning Scheme 5 (LPS 5), or the relevant provisions of the Local Planning Strategy's Policy Area D (Attachment 3). The proposed lot sizes range from 15.001ha to 20.0376, which meet the minimum lot size provision under the LPS 5.

The proposal included a Bushfire Management Plan. This plan referred to water supply for the purpose of firefighting purposes on a lot not owned by the applicant. The Shire will impose a standard condition to ensure that the applicant implements adequate measures for firefighting purposes.

The subdivision application has also been referred to other agencies (Water Corporation, Western Power etc.) by the WAPC, who will recommend their own conditions from the same WAPC manual.

Stakeholder Engagement:

The application was referred to the Shire of Irwin's Development Control Unit. There were no objections, in principle, following referral.

Further consultation was undertaken with the Shire's Finance Team, with regard to Road Contributions.

Financial/Resource Implications:

If Council's decision is in accordance with the above recommendation, there will be no significant financial implications.

Should Council decide to remove Condition 3, the Shire would be burdened with the developer's costs for upgrading Beagle Road.

Statutory Environment:

Local Planning Scheme No. 5

Local Planning Strategy

Policy Implications:

The above recommendation is consistent with the requirements of:

- Council Policy W4 *Land Development – Design and Construction Criteria*, which requires the new road to be sealed; and
- Local Planning Policy: Developer contributions for upgrades to roads and footpaths, which requires a contribution for the upgrading of a portion of Beagle Road.

Risk Implications:

The likelihood of risk arising from Council supporting the proposed subdivision is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

OFFICE OF THE CEO

CEO01 – 12/16

Subject: Annual Meeting of Electors 2016
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider the Minutes of the 2016 Annual Meeting of Electors and endorse any recommendations resolved from this meeting.

Officer's Recommendation:

That Council notes the Minutes of the 2016 Annual Meeting of Electors provided in the Attachments Booklet – December 2016 and the only decision of the meeting as below;

MEETING OF ELECTORS RESOLUTION:

MOVED: Cr Thompson

SECONDED: Cr Kennedy

That the Shire of Irwin's Annual Report for the financial year ending 30 June 2016 be accepted.

CARRIED

Attachment:

[Minutes of Annual Meeting of Electors held 22 November 2016](#)

Background:

Council have historically been issued the minutes and advised of any recommendations from the Annual Meeting of Electors by presenting the minutes through an agenda report at the next Ordinary Council meeting following the Electors Meeting.

Officer's Comment:

The practice of including the Minutes and relevant recommendations from the Annual General Meeting of Electors within an agenda report ensures Council are meeting their statutory obligation

to consider decisions made at the Electors meeting and preserves those Minutes within the Minute Book.

The only recommendation to come out of the 2016 Annual Meeting of Electors was to accept the 2015/16 Annual Report. Any comments or enquiries raised during General Business at the meeting were recorded.

Stakeholder Engagement:

A public notice was issued to advise the community of the Electors Meeting and availability of the 2015/16 Annual Report, which was published in the Geraldton Guardian, the Dongara Denison Local Rag, on the Community Information Sign, on the Shire noticeboard, on the Shire's website and Facebook page.

Statutory Environment:

Local Government Act 1995

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications:

Nil

Risk Implications:

It has been identified that non-compliance as a result of Council not considering the Annual Meeting of Electors Minutes and recommendation would have a moderate consequence however the likelihood is low and is therefore provided an overall risk category of low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

OFFICE OF THE CEO

CEO02 – 02/16

Subject: Hazard Reduction for Priority Areas on Shire-controlled Land
Reporting Officer: Community Emergency Services Manager
Responsible Executive: Chief Executive Officer
File Reference: ES.PL
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To provide Council with a list of Shire-owned properties which have been identified as high priority areas for bushfire hazard reduction and for Council to consider a budget allocation to undertake mitigation work.

Officer's Recommendation:

That Council:

- a) **Notes the Priority List for Bushfire Hazard Reduction, as prepared by the Shire's Community Emergency Services Manager (CESM) as outlined in the table below:**

PIN	Location	Assets / Infrastructure at risk	Perimeter (m)	Preferred Treatment Option	Cost per hour (ex GST)	Hours	Total Estimated cost
1293280	Irwin Rec Centre	Appointed Evacuation / Welfare Centre	575	Mulch	\$500	8	\$4,000
1293277	Irwin Rec Centre	Appointed Evacuation / Welfare Centre	492	Mulch / Mowing			
575107	Hunts Road	(River System) Townsite Protection	381	Mulch / Mowing			
575230	Armstrong Street	(River System) Townsite Protection	690	Mulch / Mowing	\$110	3	\$2,640
575226	Reserve Street	(River System) Townsite Protection	198	Mulch / Mowing			
575277	Reserve Street	(River System) Townsite Protection	345	Mulch / Mowing			
575274	Church Street	(River System) Townsite Protection	221	Mulch / Mowing			
1304262	Clarkson Street	(River System) Townsite Protection	240	Mulch / Mowing			
575127	Clarkson Street	(River System) Townsite Protection	180	Mulch / Mowing	\$110	2	\$1,760
575116	Clarkson Street	(River System) Townsite Protection	304	Mulch / Mowing			
575370	Poole View	(Northern Boundary) Residential Protection	310	Mulch	\$110	1	\$880
11621189	Poole View	(western Boundary) Residential Protection	280	Mulch			
TOTAL ESTIMATED COST							\$9,280

- b) **By Absolute Majority, allocates \$9,280 ex GST to a newly created General Ledger account for Bushfire Hazard Reduction to fund mitigation actions, as outlined in the Priority List above.**

Background:

At the 22 November 2016 Ordinary Council Meeting Council considered a report to adopt a policy to manage requests for vegetation clearance on Shire reserves to reduce Bushfire Attacks Levels:

COUNCIL DECISION 071116:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council:

1. Adopts the Council Policy: Requests for the clearance of vegetation on reserves managed by the Shire of Irwin in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land, as presented in the Attachments Booklet – November 2016; and,
2. Notes that the Shire's Community Emergency Services Manager and Chief Bush Fire Control Officer are developing a priority list of Shire-controlled locations that would benefit from bushfire hazard reduction with such list outlining location, proposed hazard reduction treatment and its estimated cost for Council consideration at its meeting to be held on 13 December 2016.
3. Requests the CEO to present, for Council consideration, a draft Policy providing for the installation of firebreaks on Shire-controlled land to a future meeting of Council.

VOTING DETAILS:

CARRIED 7/0

NOTE: Point 3 of the decision was added to reinforce the importance of having a policy position to help guide bushfire hazard reduction on Shire-controlled land that is consistent with the Shire's requirements for private landowners to reduce fire-related risk.

Officer's Comment:

Council have indicated a desire to adopt a broader, pro-active response to fire-related risk and as such, Officers have engaged with contractors to prepare costings to undertake mitigation work on a number of Shire-owned properties that have been identified as priority or high risk locations.

The Shire has done some preliminary work on identifying high risk areas for the preparation of a Bushfire Risk Management Plan (BRMP) which is a strategic document that identifies assets at risk from bushfire and their priority treatment. In developing a BRMP the Shire will be able to develop a Shire-wide response to bushfire risk and the most appropriate treatment options for Council to consider. It is anticipated that a draft BRMP will be prepared early in the New Year.

The work proposed will include mowing and/or mulching of low lying vegetation and grasses to create firebreaks of up to around 4m in the priority locations where possible. The identified locations in Poole View may extend to 6m in some areas.

Stakeholder Engagement:

The Shire has liaised with the local Bushfire Brigade, though the Chief Bushfire Control Officer and a number of contractors, and considered some of the bushfire risk planning work prepared by the Bushfire Risk Planning Coordinator earlier this year, to develop the priority list and costings for Council to consider.

Financial/Resource Implications:

There is currently no budget allocation for 2016/17 to undertake hazard reduction work on Shire-controlled land therefore, Council will need to consider where funds may be reallocated to undertake this work.

There may be an opportunity for Council to allocate funds now and identify any surplus at Budget Review that can be reallocated for this purpose.

Statutory Environment:

Local Government Act 1995
Bush Fires Act 1954

Whilst there is no statutory requirement for a local government to install firebreaks on Shire-controlled land, Council may choose to do this to address any high risk areas.

Policy Implications:

A Policy is currently being drafted for Council consideration regarding the installation of firebreaks on Shire-controlled land.

Risk Implications:

In undertaking the proposed bushfire hazard reduction work, the Shire significantly lowers the consequential risk related to property, financial, health, environment and reputation with a worst case scenario being catastrophic if considering fire damage, in identified high risk areas.

The likelihood of an event occurring, in consideration of protection work already undertaken on neighbouring properties, is considered to be unlikely.

Therefore the overall risk rating is considered to be High.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.3.3 Develop a Bush Fire Hazard Reduction program.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Tidy Towns Sustainable Committee Minutes and Recommendations to Council:

TIDY TOWNS SUSTAINABLE COMMITTEE MINUTES

That Council receives the Minutes of the Tidy Towns Sustainable Committee meeting held 12 October 2016, as provided within the Attachment Booklet – December 2016.

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council supports a program being developed to raise awareness of ways to re-use and reduce one-off use of plastic with initial funding sourced externally.

9.2.2 Receipt of Aquatic Needs Advisory Committee Minutes and Recommendations to Council:

AQUATIC NEEDS ADVISORY COMMITTEE MINUTES

That Council receives the Minutes of the Aquatic Needs Advisory Committee meeting held 15 November 2016, as provided within the Attachment Booklet – December 2016.

AQUATIC NEEDS ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council:

- 1) Accepts the amended Aquatic Needs Advisory Committee Terms of Reference as attached;**
- 2) Recognises the community priority for an aquatic facility;**
- 3) Supports the continuation of the Committees' objectives in determining an outcome for an aquatic facility, in the Shire of Irwin, by 2022/23; and**
- 4) Makes an annual contribution of \$40,000, indexed annually, to an Aquatic Facility Reserve, beginning in the 2017/18 financial year.**

9.2.3 Receipt of Community Assistance Scheme Committee Minutes and Recommendations to Council:

COMMUNITY ASSISTANCE SCHEME COMMITTEE MINUTES

That Council receives the Minutes of the Community Assistance Scheme Committee meeting held 25 November 2016, as provided within the Attachment Booklet – December 2016.

COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION TO COUNCIL:

That Council:

- 1) Approves the following funding allocations for the Community Assistance Scheme round two of the 2016/2017 financial year as presented in attachment booklet – December 2016 under separate cover.**

ORGANISATION	PROJECT DESCRIPTION	GRANT
<i>Dongara Irwin Race Club</i>	<i>Easter Race Meeting</i>	<i>\$1,000</i>
<i>Port Denison Yacht Club</i>	<i>2017 State Titles – Labour Day Regatta</i>	<i>\$792</i>
<i>Autumn Craft Round Up Inc. Committee</i>	<i>Midwest Autumn Craft Round Up 2017</i>	<i>\$2,000</i>
<i>Dongara Wildfire</i>	<i>RockSolid XVII</i>	<i>\$4,241</i>
<i>Dongara Community Resource Centre</i>	<i>Easter Egg Hunt 2017</i>	<i>\$4,940</i>
<i>Dongara Denison Art Group</i>	<i>Easter Art Exhibition</i>	<i>\$500</i>
	TOTAL	\$13,473

- 2) That Council approves a third Community Assistance Scheme funding round for 2016/17 to open in December 2016 and close in February 2017 with successful applicants' projects to be completed prior to the end of June 2017.**

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at

_____.