



APPENDICES

ORDINARY MEETING

To Be Held

Wednesday, 30 August 2017
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

8.3 Title: Eaton Town Centre / Hands Creek Drainage

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Luke Botica – Director Engineering & Development Services
Legislation: Local Government Act 1995

Background

In 2010, Council adopted concept plans for the implementation of a lake and drainage system adjacent to the current Shire office and improvements along Hands Creek. The plans have been included in the Shire's Parks & Reserves Asset Management Plan (PRAMP) and project scheduled in the 10 Year Plan – Expansion & Upgrades. The following diagrams are snapshots from the adopted concept drawings (SOD 095-09 and SOD 084-10). Full drawings are available in the PRAMP.



The PRAMP states the following regarding the project:

Hands Avenue Creek / Eaton Drive / Council Office Precinct

This creek has deteriorated due to siltation, erosion, weed infestation and inadequate remedial activities undertaken in the past. This project aims to stabilise the creek and improve its condition by:

- Reducing water flow rate velocity down the creek by use of a compensating basin near the Shire Office or other means of stormwater detention or bypass.
- Potential for creating a lake or other storage for irrigation water supply.
- Creating a water quality improvement system for stormwater i.e. implementation of WSUD principles.
- Stabilisation of the creek embankments.
- Aesthetic improvements to both the creek area and the area adjacent to the Shire Office in accordance with the Eaton Town Centre Plan.
- This project incorporates a lake system or other storage means that will assist in drainage and irrigation. This project aims at improving the appearance of the area surrounding the Shire office and is in accordance with the Eaton Town Centre Plan.

Due to recent development proposals for the Eaton Town Centre, the 2010 plan for the lakes and drainage system will need to be reviewed and amended to accommodate the proposed changes to the area. Due to the proposed expansion of the Shire Office; proposed new library; proposed changes to the adjoining Council Drive; the need to maintain the skate park in the area; and combined with an increase in demand for developable land in the town centre, it would be prudent to reconsider this project.

The Committee is requested to consider the relocation of the drainage basin to the other side of Eaton Drive by creating a wetland that incorporates WSUD on the section of Hands Creek between Eaton Drive and Cudliss Street. The remaining section of Hands Creek between Cudliss Street and Pratt Road would be redeveloped in accordance with the 2010 plan. The following aerial shows the potential area for a wetland basin.



Legal Implications - None.

Strategic Community Plan

The development of a lake and drainage system adjacent to the office together with improvements to Hands Creek has been included in the PRAMP since 2010.

Environment

The potential benefit to the environment is a significant aspect of this project.

Precedents

Staff examined the option of installing underground storage under the new carpark associated with the pavilion project. Detailed analysis revealed that the Shire would not be able to achieve the required storage capacity and would be at a significant cost.

Budget Implications

The current budget has the following allocations:

	Expenditure	Grants	P&G Reserve	Net Cost
J11602 Hands Avenue - Filtration	\$201,571	\$100,786	\$100,785	\$0
J11603 Hands Avenue - Drainage A	\$63,654	\$31,827	\$31,827	\$0
J11604 Hands Avenue - Drainage B	\$244,007	\$122,004	\$122,003	\$0

It should be noted that no grant funding has been secured at this point in time.

The current PRAMP 10 Year Plan – Expansion & Upgrades indicates the following project amounts in relation to the Eaton Town Centre and Hands Creek:

	2017-2018	2021-2022	2022-2023
<u>Expenditure</u>			
Hands Avenue (Shire Office) - Reticulation	\$27,318		
Eaton Town Centre - Landscaping	\$265,225		
Hands Avenue - Furniture		\$36,897	
Hands Avenue - Landscaping		\$116,838	
Hands Avenue - Lights		\$122,987	
Hands Avenue - Art			\$38,003
<u>Grants (estimated)</u>			
Hands Avenue (Shire Office) - Reticulation	\$13,659		
Eaton Town Centre - Landscaping	\$132,613		
Hands Avenue - Furniture		\$18,447	
Hands Avenue - Landscaping		\$58,419	
Hands Avenue - Lights		\$61,494	
Hands Avenue - Art			\$0
Net Cost to be funded from P&G Reserve	\$146,271	\$138,362	\$38,003

If the current budget and the proposed 2017-2018 amounts are combined, the combined amount funded by the Shire from its Reserve is \$400,886. If grant funding is sourced on a dollar-for-dollar basis, a total project valued at \$802,000 could be delivered.

Budget – Whole of Life Cost

The budget whole of life costs will depend on what is proposed and the arrangements for ongoing management.

Council Policy Compliance - Nil

Risk Assessment - Low

This project is currently still at concept stage; therefore, the risks associated with this project at this stage are considered low.

Officer Comment

A potential funding source has been identified via the Infrastructure Projects Stream of the Australian Government's Building Better Regions Fund. The program overview states:

“The Infrastructure Projects Stream provides funding for projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas. Applications for the Infrastructure Projects Stream open on 18 January 2017 and close at 5pm local time on 28 February 2017.”

The design and construction of the Hands Creek Drainage Project would qualify for funding on the grounds that it will address drainage capacity issues as well as free up valuable land for the further development of the Eaton Town Centre (i.e. economic benefits).

Council Role - Executive/Strategic

Officer Comment - Simple Majority

EATON TOWNSCAPE COMMITTEE RESOLUTION

THAT the Eaton Townscape Committee recommends to Council that Council:

1. Supports the review and development of revised designs for the drainage of the Eaton Town Centre and Hands Creek to replace the previously adopted concepts (Drawings SOD 095-09 and SOD 084-10) via the Eaton Townscape Committee.
2. Directs the Chief Executive Officer to prepare an application for funding to the Building Better Regions Fund and any other suitable funding schemes for the preparation and implementation of revised designs for the drainage of the Eaton Town Centre and Hands Creek.

Discussion:

Cr. M T Bennett asked the Committee how much does the Shire spend on water maintenance, and is it a better short term cost to contact Harvey Water regarding installing a line for water.

Mr Botica advised that a feasibility report needs to be done and possibly a dam will need to be installed.

Cr. M T Bennett asked that item 3 be added to the below resolution, noting investigation into the accessibility to using alternate water sources.

The Committee discussed the current salt levels in irrigation water and that in winter the rain fall levels flush out the extra salt.

The Committee discussed in further detail the drainage information provided in the above item and the possibility of new changes to the roads due to the bridge extension at the end of Eaton Drive.

Mrs Julie King, Community member advised that as a resident of Hands Avenue, she would like the habitat of the area to be kept and undisturbed, and for the incorporation of the bird life and the lost under story that has been taken out again to be kept as this is also a great yabby spot for local children.

EATON TOWNSCAPE COMMITTEE RESOLUTION

ETC 04/17 MOVED - Cr. J Lee

SECONDED - Cr. P Robinson

THAT the Eaton Townscape Committee recommends to Council that Council:

- 1. Supports the review and development of revised designs for the drainage of the Eaton Town Centre and Hands Creek to replace the previously adopted concepts (Drawings SOD 095-09 and SOD 084-10) via the Eaton Townscape Committee.**
- 2. Directs the Chief Executive Officer to prepare an application for funding to the Building Better Regions Fund and any other suitable funding schemes for the preparation and implementation of revised designs for the drainage of the Eaton Town Centre and Hands Creek.**
- 3. Directs the Chief Executive Officer to undertake a study on accessing an alternative water supply from Harvey Water for parks and reserves in Eaton and Millbridge.**

CARRIED
6/0

2017-2018 BUDGET
2017-2018 CONSTRUCTION PROGRAM
Recommended for Adoption

Totals	\$240,560	\$549,393	\$208,340	\$4,503,524	\$5,501,814	\$585,200	\$780,000	\$390,000	\$1,085,093	\$220,641	\$250,728	\$893,546	\$3,035,208	\$1,296,606
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PROJECT/ITEM	SECTION	TYPE	EXPENDITURE					INCOME							NET COST TO COUNCIL
			WAGES	O/HEADS 228%	PLANT	G&S	TOTAL EXPENDITURE	RRG	WALGGC	MRWA	SBS	R2R	JTFS	Carry-forward	
Road Upgrade and Expansion															
Crooked Brook Road	4.88 - 5.79 SLK	Widen seal	\$23,799	\$54,352	\$38,405	\$223,389	\$339,945				\$116,000			\$116,000	\$223,945
King Tree Road	0.40 - 2.11 SLK	Final seal	\$0	\$0	\$0	\$47,487	\$47,487							\$0	\$47,487
Eaton Drive	New extension	Extension	\$6,580	\$15,027	\$2,956	\$726,165	\$750,728	\$500,000				\$250,728		\$750,728	\$0
Golding Crescent	0 - 0.46 SLK	Install new street lighting - Preliminaries	\$0	\$0	\$0	\$15,000	\$15,000							\$0	\$15,000
Waterloo Road	Bridge Widening	Bridge upgrade - carryforward	\$9,000	\$20,554	\$4,800	\$516,248	\$550,602				\$223,900		\$265,690	\$489,590	\$61,012
Road Renewal and Preservation															
Crooked Brook Road	5.79 - 8.53 SLK	Widen, reconstruct and seal	\$30,618	\$69,925	\$48,168	\$286,641	\$435,352			\$400,000	\$220,641			\$620,641	-\$185,289
Crooked Brook Road	0 - 0.02 SLK	Reseal	\$0	\$0	\$0	\$2,361	\$2,361							\$0	\$2,361
Wellington Mill Road	0 - 0.34 SLK	Final Seal	\$0	\$0	\$0	\$29,679	\$29,679							\$0	\$29,679
Martin Pelusey Road	0 - 3.39 SLK	Shoulder Renewal and Improvements	\$6,614	\$15,105	\$10,223	\$92,279	\$124,221				\$71,859			\$71,859	\$52,362
Harris Road	0 - 2.97 SLK	Shoulder Renewal and Improvements	\$14,915	\$34,063	\$31,283	\$138,875	\$219,136				\$146,667			\$146,667	\$72,469
Banksia Road	1.67 - 2.88 SLK	Widen and seal - carryforward	\$46,029	\$105,121	\$13,750	\$151,486	\$316,386	\$46,800				\$291,099		\$337,899	-\$21,513
Depiazzi Road	0.27 - 2.02 SLK	Widen and seal - carryforward	\$48,792	\$111,431	\$15,828	\$158,646	\$334,697	\$38,400				\$275,257		\$313,657	\$21,040
Banksia Road	1.67 - 2.88 SLK	Final Seal and Reseal	\$0	\$0	\$0	\$0	\$0	\$0						\$0	\$0
Depiazzi Road	0.27 - 2.02 SLK	Final Seal and Reseal	\$0	\$0	\$0	\$0	\$0	\$0						\$0	\$0
Busher Road	0.04 - 0.59 SLK	Reseal	\$1,097	\$2,505	\$549	\$23,188	\$27,339							\$0	\$27,339
Clifton Road	0 - 4.00 SLK	Shoulder Renewal and Improvements	\$19,056	\$43,520	\$30,068	\$98,343	\$190,987			\$126,667				\$126,667	\$64,320
Clifton Road	0 - 6.55 SLK	Reseal	\$7,209	\$16,464	\$2,604	\$153,319	\$179,596							\$0	\$179,596
Pfennig Place	0 - 0.36 SLK	Reseal	\$663	\$1,514	\$331	\$14,007	\$16,515							\$0	\$16,515
Shenton Road	0 - 2.75 SLK	Final Seal	\$0	\$0	\$0	\$41,168	\$41,168							\$0	\$41,168
Robin Street	0 - 0.44 SLK	Reseal	\$3,806	\$8,692	\$1,500	\$80,422	\$94,420							\$0	\$94,420
Brett Place	0 - 0.24 SLK	Reseal	\$1,807	\$4,127	\$500	\$38,182	\$44,616					\$61,500		\$61,500	-\$16,884
Clarke Street	0.21 - 0.39 SLK	Reseal	\$1,852	\$4,229	\$500	\$39,123	\$45,703							\$0	\$45,703
Edwards Place	0 - 0.20 SLK	Reseal	\$1,825	\$4,167	\$500	\$38,553	\$45,044							\$0	\$45,044
Fowler Court	0 - 0.15 SLK	Reseal	\$1,350	\$3,082	\$675	\$28,520	\$33,627							\$0	\$33,627
Montgomery Drive	0 - 0.40 SLK	Reseal	\$3,329	\$7,603	\$1,000	\$70,346	\$82,278							\$0	\$82,278
Yeoman Court	0 - 0.10 SLK	Reseal	\$831	\$1,897	\$415	\$17,554	\$20,697							\$0	\$20,697
Eaton Commercial Centre	All roads in Commercial Cent	Replace streetlighting with WPC standard	\$0	\$0	\$0	\$80,000	\$80,000							\$0	\$80,000
Gravel Pit Road	0 - 1.77 SLK	Gravel resheet	\$0	\$0	\$0	\$0	\$0							\$0	\$0
South Road	5.60 - 9.73 SLK	Gravel resheet	\$11,389	\$26,010	\$4,284	\$115,873	\$157,556							\$0	\$157,556
Pathway Expansion															
Mitchell Way / Shire Place			\$0	\$0	\$0	\$47,500	\$47,500							\$0	\$47,500
Pathway Renewal															
PAW - Limestone	Boardwalk - Leake Street		\$0	\$0	\$0	\$6,100	\$6,100							\$0	\$6,100
Charolais Mews	Gromark Gate - Boardwalk		\$0	\$0	\$0	\$36,470	\$36,470							\$0	\$36,470
Peppermint Way	Peppermint Way - Old Coast Road		\$0	\$0	\$0	\$16,600	\$16,600							\$0	\$16,600
Bridge Preservation Projects															
Ferguson Road	3362	Substructure repairs				\$111,000	\$111,000		\$74,000	\$37,000				\$111,000	\$0
Recreation Road	3665A	Substructure repairs				\$168,000	\$168,000		\$112,000	\$56,000				\$168,000	\$0
Clifton Road	3677	Substructure repairs				\$300,000	\$300,000		\$200,000	\$100,000				\$300,000	\$0
Martin Pelusey Road	4821	Substructure repairs				\$204,000	\$204,000		\$136,000	\$68,000				\$204,000	\$0
Ironstone Road	4861	Substructure repairs				\$387,000	\$387,000		\$258,000	\$129,000				\$387,000	\$0

2017-2018 BUDGET
2017-2018 CONSTRUCTION PROGRAM
Original Adopted

Totals \$245,737 \$561,218 \$211,131 \$3,294,521 \$4,312,602 \$633,200 \$995,093 \$220,641 \$224,728 \$893,546 \$2,967,208 \$1,345,394

PROJECT/ITEM	SECTION	TYPE	EXPENDITURE				TOTAL EXPENDITURE	INCOME					TOTAL INCOME	NET COST TO COUNCIL
			WAGES	O/HEADS	PLANT	G&S		RRG	SBS	R2R	JTPS	Carry-forward		
			228%											
Road Upgrade and Expansion														
Crooked Brook Road	4.88 - 5.79 SLK	Widen seal	\$23,799	\$54,352	\$38,405	\$223,389	\$339,945		\$116,000				\$116,000	\$223,945
King Tree Road	0.40 - 2.11 SLK	Final seal	\$0	\$0	\$0	\$47,487	\$47,487						\$0	\$47,487
Eaton Drive	New extension	Extension	\$6,580	\$15,027	\$2,956	\$646,165	\$670,728	\$446,000			\$224,728		\$670,728	\$0
Golding Crescent	0 - 0.46 SLK	Install new street lighting - Preliminaries	\$0	\$0	\$0	\$15,000	\$15,000						\$0	\$15,000
Waterloo Road	Bridge Widening	Bridge upgrade - carryforward	\$9,000	\$20,554	\$4,800	\$391,248	\$425,602		\$159,900			\$265,690	\$425,590	\$12
Road Renewal and Preservation														
Crooked Brook Road	5.79 - 8.53 SLK	Widen, reconstruct and seal	\$30,618	\$69,925	\$48,168	\$286,641	\$435,352		\$400,000	\$220,641			\$620,641	-\$185,289
Crooked Brook Road	0 - 0.02 SLK	Reseal	\$0	\$0	\$0	\$2,361	\$2,361						\$0	\$2,361
Wellington Mill Road	0 - 0.34 SLK	Final Seal	\$0	\$0	\$0	\$29,679	\$29,679						\$0	\$29,679
Marlin Pelusey Road	0 - 3.39 SLK	Shoulder Renewal and Improvements	\$6,614	\$15,105	\$10,223	\$37,279	\$69,221		\$45,859				\$45,859	\$23,362
Harris Road	0 - 2.97 SLK	Shoulder Renewal and Improvements	\$14,915	\$34,063	\$31,283	\$138,875	\$219,136		\$146,667				\$146,667	\$72,469
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Banksia Road	1.67 - 2.88 SLK	Final Seal and Reseal	\$0	\$0	\$0	\$64,323	\$64,323	\$44,000					\$44,000	\$20,323
Depiazzi Road	0.27 - 2.02 SLK	Final Seal and Reseal	\$0	\$0	\$0	\$89,858	\$89,858	\$58,000					\$58,000	\$31,858
Busher Road	0.04 - 0.59 SLK	Reseal	\$1,097	\$2,505	\$549	\$23,188	\$27,339						\$0	\$27,339
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Shenton Road	0 - 2.75 SLK	Final Seal	\$0	\$0	\$0	\$41,168	\$41,168						\$0	\$41,168
Babin Street	0 - 0.44 SLK	Reseal	\$3,806	\$8,692	\$1,500	\$80,422	\$94,420						\$0	\$94,420
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Fowler Court	0 - 0.15 SLK	Reseal	\$1,350	\$3,082	\$675	\$28,520	\$33,627						\$0	\$33,627
Montgomery Drive	0 - 0.40 SLK	Reseal	\$3,329	\$7,603	\$1,000	\$70,346	\$82,278						\$0	\$82,278
Yeoman Court	0 - 0.10 SLK	Reseal	\$831	\$1,897	\$415	\$17,554	\$20,697						\$0	\$20,697
Eaton Commercial Centre	All roads in Commercial Cent	Replace streetlighting with WPC standard	\$0	\$0	\$0	\$80,000	\$80,000						\$0	\$80,000
Gravel Pit Road	0 - 1.77 SLK	Gravel resheet	\$5,177	\$11,823	\$2,791	\$55,316	\$75,107						\$0	\$75,107
South Road	5.60 - 9.73 SLK	Gravel resheet	\$11,389	\$26,010	\$4,284	\$127,373	\$169,056						\$0	\$169,056
			237%											
Pathway Expansion														
Mitchell Way / Shire Place			\$0	\$0	\$0	\$47,500	\$47,500						\$0	\$47,500
Pathway Renewal														
PAW - Limestone	Boardwalk - Leake Street		\$0	\$0	\$0	\$6,100	\$6,100						\$0	\$6,100
Charalais Mews	Gromark Gate - Boardwalk		\$0	\$0	\$0	\$36,470	\$36,470						\$0	\$36,470
Peppermint Way	Peppermint Way - Old Coast Road		\$0	\$0	\$0	\$16,600	\$16,600						\$0	\$16,600



Government of Western Australia
Department of Health

Local government implementation of the *Public Health Act 2016*

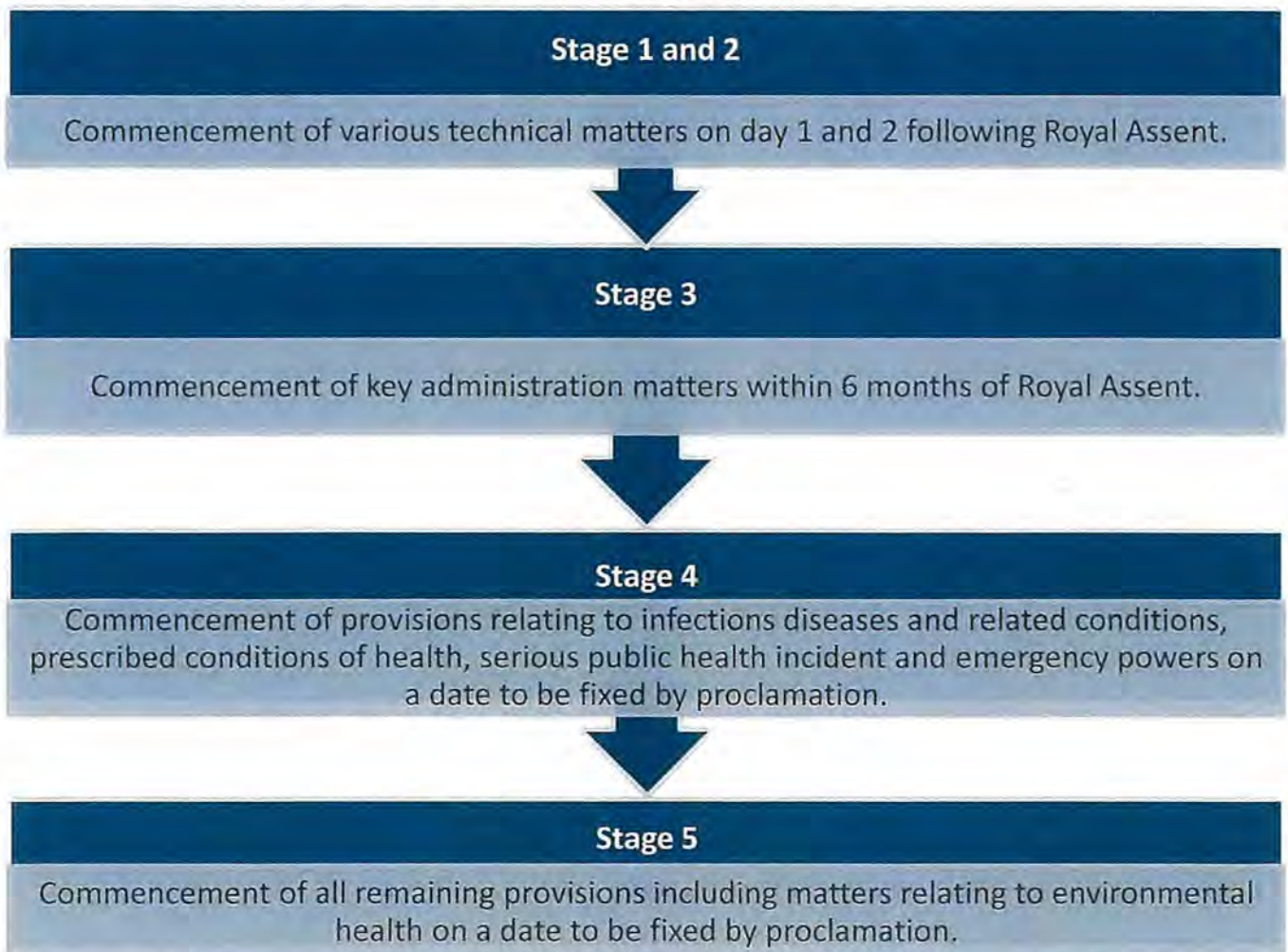
The *Public Health Act 2016* ('the Public Health Act') and *Public Health (Consequential Provisions) Act 2016* facilitate the comprehensive reform of public health regulation in Western Australia.

As there is a significant amount of work required to transition to the new regulatory framework, implementation is to occur in a staged manner over the next 3 to 5 years.

This document provides an overview of each stage of implementation and indicates the action required by local government to prepare for the initial stages of implementation. Further information regarding subsequent stages will be provided as implementation progresses.

The five stages

There will be five main stages of implementation, summarised below.



Stages 1 and 2

Stage 1 will come into operation on Royal Assent of the Act and stage 2 on the day after Royal Assent. These stages involve various technical matters required to facilitate the transition from the *Health Act 1911* ("the Health Act") to the Public Health Act.

The Health Act and regulations, by-laws and local laws made under that Act will remain in operation.

While these introductory stages will have no practical implications for local governments, local governments should begin preparing for stage 3.

Stage 3

Stage 3 will occur on a date to be fixed by proclamation. It is anticipated that this will occur within 6 months of the date of Royal Assent.

During this stage, key elements of the administrative framework provided by Part 2 of the Public Health Act will come into operation to replace the equivalent administrative framework provided by Part II of the Health Act. This includes provisions establishing the Chief Health Officer and enabling local governments to designate authorised officers.

In order to minimise the impact on local governments, section 312 of the Public Health Act includes a transitional provision. Under that section, persons who are currently appointed as environmental health officers will be deemed to be designated as authorised officers for the purpose of the Public Health Act, the Health Act and a range of other relevant Acts.

To prepare for this stage, local governments should:

- identify all persons who hold a current appointment as an environmental health officer
- issue to each of those persons a certificate of authority in accordance with section 30 of the Public Health Act
- prepare and maintain a list of those authorised officers in accordance with section 27 of the Public Health Act.

Designations of persons to whom the transitional provision does not apply are to be made in accordance with Part 2 Division 4 of the Public Health Act.

During this stage, various technical amendments will also be made to facilitate the transition from the Health Act to the Public Health Act. Broadly speaking this will include making relevant amendments to legislation, including the Health Act and regulations and by-laws made under that Act, to replace references to:

- the "*Health Act 1911*" with references to the "*Health (Miscellaneous Provisions) Act 1911*"
- "Executive Director, Public Health" with references to "Chief Health Officer"
- "environmental health officer" with references to "authorised officer".

The following regulations and by-laws made under the *Health (Miscellaneous Provisions) Act 1911* will also be repealed:

- *Annual Report Form (Local Authorities) Regulations*
- *Form for Result of Sample Analysis Regulations*
- *Health Act (Local Authorities Sewerage Undertakings) Model By-Laws*
- *Local Health Boards (Annual Statement of Accounts) Regulations 1961*
- *Model By-laws - Handling Dead Bodies*

- *Model By-laws – Series "A"*.

All other regulations, by-laws and local laws made under the *Health (Miscellaneous Provisions) Act 1911* will remain in operation.

It is noted that an amendment will be made to section 3.5 of the *Local Government Act 1995* to authorise local laws for matters relating to public health to be made under that Act. Local governments are encouraged to utilise this mechanism for all new local laws in anticipation of the repeal of the local law making powers provided by the *Health (Miscellaneous Provisions) Act 1911* in stage 5. The Department of Health will be coordinating a working group comprised of representatives from the Department, WALGA and local governments to consider the new regulatory framework and what it means for existing health local laws.

Stage 4

Stage 4 will occur on a date to be fixed by proclamation. Provisions in the Public Health Act relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies will be commenced during this stage. Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations made under that Act will be repealed.

No action is required by local governments to implement this stage.

Stage 5

Stage 5 will occur on a date to be fixed by proclamation. Provisions in the Public Health Act relating to environmental health matters will be commenced. Amongst other things, this will involve the development of new regulations in respect of broad subject areas including the built environment, water, personal safety and pests and vectors. Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

Stage 5 will be the most significant stage of implementation for local government. It will be the point at which local governments move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the framework provided by the Public Health Act. Provisions in the Public Health Act relating to public health planning, assessments, registration and licensing will be commenced along with the enforcement provisions.

The Department of Health will work closely with local government in the lead up to this stage, including consulting in respect of the development of required regulations.

What next?

The Department of Health will provide regular updates to local government to ensure that adequate notice is given for local government to prepare for each stage of implementation.

Further information

Refer to the WA Health website www.health.wa.gov.au for up-to-date information including the *Public Health Act Toolkit for Local Governments*, or email publichealthact@health.wa.gov.au for information. Copies of the Public Health Act can be downloaded from: www.slp.wa.gov.au

Comparing the old Act with the new Act

Below is a summary of the provisions of the *Health Act 1911* (now known as the *Health (Miscellaneous Provisions) Act 1911*) that will continue to remain in operation at each stage, compared to those parts of the *Public Health Act 2016* that will be proclaimed at each stage.

Both Acts will operate at the same time. The *Health (Miscellaneous Provisions) Act 1911*, and subsidiary legislation, will continue to be the main enforcement tool, until the provisions of the *Public Health Act 2016* are proclaimed over the next 3 to 5 years.

Stage 1 and 2

The provisions highlighted in bold text will operate during this stage. Provisions in light grey will not be enacted.

<i>Health (Miscellaneous Provisions) Act 1911</i> (old Health Act 1911)	<i>Public Health Act 2016</i>
*Parts bolded remain in operation.	*Provisions bolded will be enacted. Light grey indicates provisions not yet enacted

- I – Preliminary**
- II – Administration**
- III – Financial**
- IV – Sanitary provisions**

- V – Dwellings**
- VI – Public buildings**
- VII – Nuisances and offensive trades**
- VIIA – Drugs, medicines, disinfectants, therapeutic substances, pesticides**
- VIIIA – Analytical services**

- IX – Infectious diseases**
- IXA – Prescribed conditions of health**
- X – Tuberculosis**
- XI – Venereal diseases**
- XII – Hospitals**
- XIIA – Community health centres**
- XIII – Child health and preventative medicine**
- XIIIA – Maternal Mortality Committee**
- XIIIB – Perinatal and Infant Mortality Committee**
- XIIIC – Anaesthetic Mortality Committee**

- XIV – Regulations and local laws**
- XV – Miscellaneous provisions**

- 1 – Preliminary**
- 2 – Administration
- 3 – General public health duty
- 4 – Serious public health risks and material public health risks
- 5 – Public health plans
- 6 – Public health policies
- 7 – Public health assessments
- 8 – Registration and licensing
- 9 – Notifiable infectious diseases & related conditions

- 10 – Non-infectious diseases and physical or functional abnormalities
- 11 – Serious public health incident powers
- 12 – Public health emergencies
- 13 – Compensation and insurance
- 14 – Improvement notices and enforcement orders
- 15 – Inquiries
- 16 – Powers of entry, inspection and seizure
- 17 – Crown exemptions**
- 18 – Liability, evidentiary and procedural provisions
- 19 – Miscellaneous (only Division 2,5 and 6)**

- 20 – Transitional and savings provisions (only section 310 and 322)**

Stage 3

The provisions highlighted in bold text will operate during this stage. Provisions in light grey will not be enacted.

**Health (Miscellaneous Provisions)
Act 1911**
(old Health Act 1911)

*Parts bolded remain in operation

Public Health Act 2016

*Provisions bolded will be enacted.
Light grey indicates provisions not yet enacted

I – Preliminary

II – Administration

III – Financial

IV – Sanitary provisions

V – Dwellings

VI – Public buildings

VII – Nuisances and offensive trades

VIIA – Drugs, medicines, disinfectants,
therapeutic substances, pesticides

VIIIA – Analytical services

IX – Infectious diseases

IXA – Prescribed conditions of health

X – Tuberculosis

XI – Venereal diseases

XII – Hospitals

XIIA – Community health centres

XIII – Child health and preventative medicine

XIIIA – Maternal Mortality Committee

XIIIB – Perinatal and Infant Mortality Committee

XIIIC – Anaesthetic Mortality Committee

XIV – Regulations and local laws

XV – Miscellaneous provisions

1 – Preliminary

2 – Administration (Subdivision 1 (but only sections 6, 9 and 10) and Subdivision 2 and Divisions 2, 3 and 4)

3 – General public health duty

4 – Serious public health risks and material public health risks

5 – Public health plans

6 – Public health policies

7 – Public health assessments

8 – Registration and licensing

9 – Notifiable infectious diseases & related conditions

10 – Non-infectious diseases and physical or functional abnormalities

11 – Serious public health incident powers

12 – Public health emergencies

13 – Compensation and insurance

14 – Improvement notices and enforcement orders

15 – Inquiries

16 – Powers of entry, inspection and seizure

17 – Crown exemptions

18 – Liability, evidentiary and procedural provisions (only Divisions 1 and 2)

19 – Miscellaneous (only Division 2, 5 and 6)

20 – Transitional and savings provisions (only sections 307, 308, 310, 309, 311, 312 and 322)

Stage 4

The provisions highlighted in bold text will operate during this stage. Provisions in light grey will not be enacted.

**Health (Miscellaneous Provisions)
Act 1911**
(old Health Act 1911)

*Parts bolded remain in operation.

Public Health Act 2016

*Provisions bolded will be enacted.
Light grey indicates provisions not yet enacted

I – Preliminary
II – Administration

III – Financial
IV – Sanitary provisions

V – Dwellings

VI – Public buildings
VII – Nuisances and offensive trades
VIIA – Drugs, medicines, disinfectants,
therapeutic substances, pesticides
VIIIA – Analytical services

IX – Infectious diseases
IXA – Prescribed conditions of health
X – Tuberculosis
XI – Venereal diseases

XII – Hospitals
XIIA – Community health centres
XIII – Child health and preventative medicine
XIIIA – Maternal Mortality Committee

XIIIB – Perinatal and Infant Mortality Committee
XIIIC – Anaesthetic Mortality Committee

XIV – Regulations and local laws
XV – Miscellaneous provisions

1 – Preliminary
2 – Administration (Subdivision 1 (but only sections 6, 9 and 10) and Subdivision 2 and Divisions 2, 3 4 and 5)
3 – General public health duty
4 – Serious public health risks and material public health risks
5 – Public health plans
6 – Public health policies
7 – Public health assessments
8 – Registration and licensing
9 – Notifiable infectious diseases & related conditions
10 – Non-infectious diseases and physical or functional abnormalities
11 – Serious public health incident powers
12 – Public health emergencies
13 – Compensation and insurance
14 – Improvement notices and enforcement orders
15 – Inquiries
16 – Powers of entry, inspection and seizure
17 – Crown exemptions
18 – Liability, evidentiary and procedural provisions (only Divisions 1 and 2)
19 – Miscellaneous (only Division 2,3,4,5 and 6)
20 – Transitional and savings provisions (only sections 307, 308, 310, 309, 311, 312, 317, 320, 321 and 322)

Stage 5

The provisions highlighted in bold text will operate during this stage. Provisions in light grey will not be enacted.

<i>Health (Miscellaneous Provisions) Act 1911</i> (old Health Act 1911) End result	<i>Public Health Act 2016</i> End result
I – Preliminary	1 – Preliminary
II – Administration	2 – Administration
III – Financial	3 – General public health duty
IV – Sanitary provisions	4 – Serious public health risks and material public health risks
V – Dwellings	5 – Public health plans
VI – Public buildings	6 – Public health policies
VII – Nuisances and offensive trades	7 – Public health assessments
VIIA – Drugs, medicines, disinfectants, therapeutic substances, pesticides	8 – Registration and licensing
VIIIA – Analytical services	9 – Notifiable infectious diseases & related conditions
IX – Infectious diseases	10 – Non-infectious diseases and physical or functional abnormalities
IXA – Prescribed conditions of health	11 – Serious public health incident powers
X – Tuberculosis	12 – Public health emergencies
XI – Venereal diseases	13 – Compensation and insurance
XII – Hospitals	14 – Improvement notices and enforcement order
XIIA – Community health centres	15 – Inquiries
XIII – Child health and preventative medicine	16 – Powers of entry, inspection and seizure
XIIIA – Maternal Mortality Committee	17 – Crown exemptions
XIIIB – Perinatal and Infant Mortality Committee	18 – Liability, evidentiary and procedural provisions
XIIIC – Anaesthetic Mortality Committee	19 – Miscellaneous
XIV – Regulations and local laws	20 – Transitional and savings provisions
XV – Miscellaneous provisions	

Published: 25 July 2016.



Preparing for stage 3: Authorised Officers

Public Health Act 2016

The purpose of this document is to assist local government enforcement agencies to prepare for the commencement of **Part 2, Divisions 2 and 4** of the *Public Health Act 2016* (the Act) which will commence at stage 3 of implementation of the *Public Health Act 2016*.

This document is not a substitute for reading the Act and it is important to read the relevant provisions of the Act that will come into effect at stage 3.

Preparing for stage 3

To prepare for stage 3 of implementation of the Act, enforcement agencies must:

1. Identify all persons who hold a current appointment as an environmental health officer (EHOs) who are to be automatically designated as an authorised officer [section 312]
2. Prepare a certificate of authority template (ID cards) for your local government [section 30]
3. Determine the designation requirements (e.g. the Acts or provisions of the Acts the person will be designated or any restrictions/limitations to the designation) to be included on the certificate of authority for each person to be designated as an authorised officer [section 30 and section 312]
4. Develop a list of authorised officers, which must be maintained [section 27]
5. Designate authorised officers in writing (whom section 312 does not apply) [section 26(2)].

Key messages

- The designation of authorised officers and the appointment of environmental health officers is now the responsibility of local government (enforcement agencies). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.
- Once stage 3 comes into effect, all designations must be made under the *Public Health Act 2016*, and no longer under the *Health Act 1911* [to be renamed the *Health Miscellaneous Provisions) Act 1911*].

Supporting documents

This document should be read in conjunction with:	Available at:
Chief Health Officer Guideline on the Qualifications and Experience of Authorised Officers [section 29]	www.health.wa.gov.au (direct link not available)
Gazette notice on the qualifications and experience approved by the Chief Health Officer to be appointed as an environmental health officer [section 18]	www.slp.wa.gov.au/gazette/gazette.nsf
Staged timeline for implementation of the <i>Public Health Act 2016</i>	ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act

Overview - Designating Authorised Officers [section 24]

An authorised officer is a person or class of persons who are designated under section 24 of the Act the authority to administer and enforce provisions of the Act or another specified Act on behalf of an enforcement agency.

The Act enables an enforcement agency to designate as an authorised officer:

- a) environmental health officers, as appointed under the Act; or
- b) persons who are not appointed environmental health officers, but who possess other appropriate qualifications and experience to perform particular functions under the Act or other Acts; or
- c) a mixture of both.

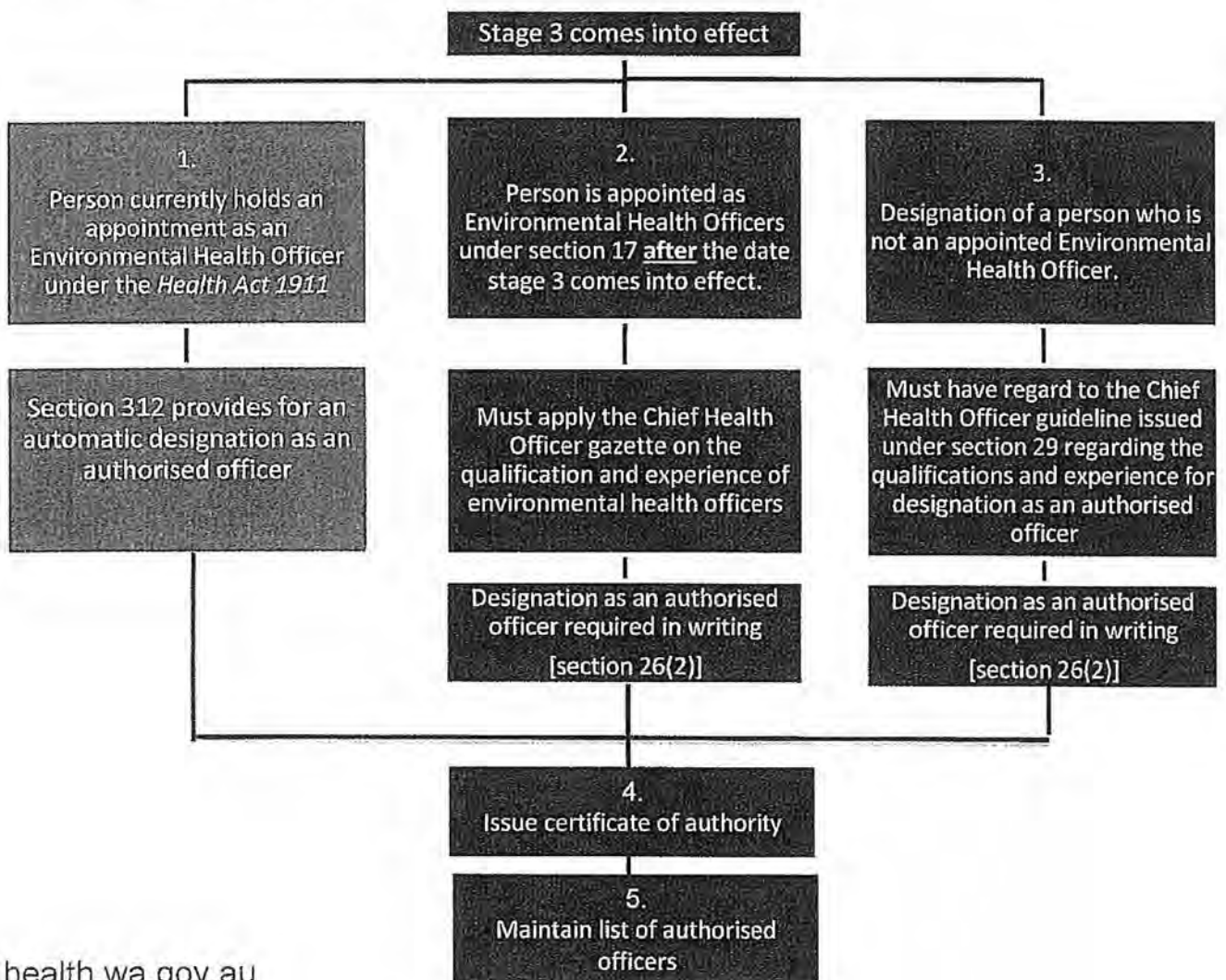
Designations must be made in writing and each authorised officer must be issued with a certificate of authority [sections 26 and 30].

If a person is designated as an authorised officer for the purposes of another written law, and that other written law requires the officer to also be issued with a certificate or other document evidencing their identity or appointment, section 31(3) of the Act provides the ability for the authorised officer to consolidate these identity cards into the one identify card.

Two or more local governments may jointly designate a person or classes of persons as authorised officers [section 24(4)].

Flow chart on designating authorised officers

The below chart broadly outlines three circumstances in which a person may be designated an authorised officer under the Act.



1. Persons holding a current appointment as an environmental health officer under the *Health Act 1911*

A person holding an appointment as an environmental health officer under the *Health Act 1911* on the day stage 3 comes into effect will be automatically designated as an authorised officer under the Act [section 312].

An enforcement agency will need to issue each of these officers with a certificate of authority in accordance with section 30 of the Act.

2. New environmental health officer appointments

Any person appointed as an environmental health officer under section 17 of the Public Health Act following the commencement of stage 3 must have at least one of the qualifications and/or experience approved by the Chief Health Officer under section 18.

The appointment of an EHO does not need to be in writing, and can be done in accordance with whatever process is used by a local government for employing staff.

A person appointed as an environmental health officer under section 17 of the Public Health Act may be designated as an authorised officer in writing and be issued with a certificate of authority.

The automatic designation provided by section 312 will not apply to new environmental health officer appointments that occur after the date of stage 3 of implementation.

3. Persons who are not appointed environmental health officers

An enforcement agency may designate as an authorised officer persons who are not also an appointed environmental health officer under section 17 of the Public Health Act. This can be done if the enforcement agency considers the person has appropriate qualifications and experience to perform the particular functions that they will be designated to perform. The Act enables an enforcement agency to specify conditions or restrictions to which the person's authority is subject, based on their qualifications and experience.

Though an enforcement agency has the discretion to assess what will constitute appropriate qualifications and experience, when making these designations an enforcement agency must have regard to any Chief Health Officer guidelines issued under section 29 of the Public Health Act.

As the Act is being implemented in a staged manner, the Chief Health Officer guidelines under section 29 will initially require that persons designated as authorised officers should:

- hold a qualification approved by the Chief Health Officer under section 18 of the Public Health Act; or
- have been previously approved by the Executive Director, Public Health to be appointed as an environmental health officer, under the *Health Act 1911*; or
- hold qualifications and experience approved by the Western Australian Environmental Health Officers Professional Review Board.

As new subsidiary legislation under the Public Health Act is implemented, these guidelines will be updated to include other qualifications and experience.

It is strongly recommended that during the implementation phase of the Public Health Act an enforcement agency follows the Chief Health Officer guidelines on the qualifications and experience for the designation of persons who are not appointed environmental health officers, as authorised officers.

4. Issuing a certificate of authority [section 30]

An authorised officer must be issued with, and show evidence on request, of their authorisation under the Act. This is achieved by issuing any person who is authorised under the Public Health Act with a 'Certificate of Authority' card.

Section 30(2) sets out the requirements for the content of the certificate which must contain the following information:

- (a) state that it is issued under the Act
- (b) state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person's signature
- (c) state the date, if any, on which it expires
- (d) specify
 - a. the Acts or provisions of the Acts for the purposes of which the person is designated as an authorised officer
 - b. any provisions of an Act that are excluded from the designation
- (e) specify any conditions or restrictions to which the person's authority is subject; and
- (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

Where necessary, a local government may issue an authorised officer with a temporary certificate of authority. This must comply with all of the above criteria other than the photograph/digital image and/or the designated authorised officer's signature. A temporary certificate of authority is valid for a period not exceeding one month.

An authorised officer must carry their certificate of authority cards with them. If asked to show their ID card (section 30(3)) and he or she cannot, the authorised officer cannot exercise the relevant powers of the Act.

Specifying provisions of an Act on a certificate of authority

Automatic designations (under section 312)

Section 312(1)(b) of the Public Health Act specifies the Acts and provisions of the Acts for the purposes of which a person who holds a current appointment as an environmental health officer is automatically designated to perform.

The certificate of authority prepared by a local government for these officers should be consistent with section 312.

Example wording: "The authorised officer is so designated for the purposes conferred by section 312(1)(b) of the *Public Health Act 2016*".

Alternatively a local government may choose to list the relevant provisions under section 312(b) in a certificate of authority that are applicable for each person e.g. or section 312(1)(b)(i)(ii)(v).

New designations

Where a person designated as an authorised officer does not fall within section 312, the local government is required to specify the Acts and provisions of those Acts for the purposes of which that officer is designated to perform.

The main parts of the Public Health Act that authorised officers must be designated for, and may need to be specified on a certificate of authority include:

- Part 8 – Registration and licensing
- Part 9 – Notifiable infectious diseases and related conditions
- Part 14 – Improvement notices and enforcement orders
- Part 16 – Powers of entry, inspection and seizure

Example wording: "The authorised officer is so designated for the purposes conferred by:

- (i) Parts 8, 9, 14 and 16 of the *Public Health Act 2016*
- (ii) *Health (Miscellaneous Provisions) Act 1911* sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375
- (iii) *Food Act 2008*

The sections of the *Health (Miscellaneous Provisions) Act 1911* (the old *Health Act 1911*) that authorised officers must be designated for, and may need to be specified on a certificate of authority include:

- sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375

Note: The certificate of authority does not need to reference subsidiary legislation, as a reference to an Act includes its subsidiary legislation. However, if an enforcement agency believes an authorised officer should be restricted from enforcing specific regulations; this may be listed as a condition or restriction in accordance with section 30(2)(e).

Example certificate of authority

An example certificate of authority template is available on the Departments website www.health.wa.gov.au and at the end of this document.

This is not a prescribed form, and can be modified to suit local government's requirements, as long as it contains the content specified in section 30(2).

5. Maintaining a list [section 27]

An enforcement agency must prepare and maintain a list of all of its authorised officers.

Although it is not specified in the Act, it is recommended that the list includes:

- the person's name
- persons job title
- qualifications and experience that were considered in their designation
- date of designation
- specify the Acts and provisions of the Acts the designation relates to
- listed any conditions or restrictions of designation

The maintenance of a list of authorised officers may form part of the local government annual reporting requirements to the Chief Health Officer [section 22].

Revoking or ceasing of a designation

Any person designated to be an authorised officer by a local government ceases to be an authorised officer if the designation of the person is revoked or ceases to have effect [section 28].

An enforcement agency may revoke a designation in writing under section 26.

Where an authorised officer's designation is revoked or ceases to have effect, the officer is required to return their certificate of authority to the local government as soon as practicable [section 32].

Frequently asked questions

What process must be followed under section 17 when appointing an Environmental Health Officer?

The appointment of an EHO does not need to be in writing, and can be done in accordance with whatever process is used by a local governments for employing staff.

However, a person appointed as an EHO whom is to be designated as an authorised officer must have one of the approved qualifications and experience approved in the gazette.

Can enforcement agencies continue to employ technical officers / assistances to assist with the enforcement of public health legislation?

Many local governments employ technical officers to assist with numerous tasks, such as the collect of water samples, to support enforcement of public health legislation. The role of a technical officer can still continue and are unaffected by the changes.

Such technical officers may be able to be designated as authorised officer in the future once the Chief Health Officer Guideline on the qualification and experience of authorised officers is updated at stage 5 of implementation of the Act.

Further information

An online presentation to explain this fact sheet is available on the Department of Health's website www.health.wa.gov.au

Alternatively email queries to: PublicHealthAct@health.wa.gov.au

Acknowledgements

This document has been reviewed by the Public Health Act Reference Group (Local Government), who is responsible for reviewing Department of Health publications designed to support local government to administer and enforce the *Public Health Act 2016*.

Summary of items to consider

To support the implementation of stage 3, the following table outlines a number of issues enforcement agencies may need to consider. This is not a comprehensive list, and enforcement agencies may need to give consideration to other internal processes not mentioned in this table.

All items need to be prepared and ready to be actioned on the date stage 3 comes into effect.

Action Y/N	Issues to consider	Explanatory information
	Establish a process for the designation of authorised officers in writing	Ideally, designation processes should be consistent with existing internal processes for designating authorised officers under other Acts, including the <i>Food Act 2008</i> , <i>Tobacco Products Control Act 2006</i> , <i>Dog Act 1976</i> or <i>Cat Act 2011</i> . A designation process should be established if one does not exist. This may include creating a standard designation in writing template.
	Written designation sign off	Determine who, within the enforcement agency, will be responsible for signing / approving the written designation of authorised officers on behalf of the enforcement agency e.g. Chief Executive Officers (CEO) or a delegate [section 21].
	Organise a certificate of authority template	Create a certificate of authority template card that can be used for identify purposes
	Identify persons to receive automatic designations under section 312	Identify all persons who hold a current appointment as an environmental health officer (EHOs) who are to be automatically designated as an authorised officer [section 312]
	Automatic designations specifications	For persons who will receive an automatic designation under section 312(1)(b), determine: <ul style="list-style-type: none"> • what provisions will need to be specified on each person's certificate of authority e.g. specify the Acts and provisions of the Acts the designation relates to • what conditions or restrictions of designation may be required (if any)
	Non-automatic designations	Determine the designation requirements to be included on the certificate of authority for each person to be designated as an authorised officer [section 30 and section 312]]
	Create a system for recording and maintaining a list of authorised officers	Determine who will be responsible for maintaining a list of authorised officers under the Act, and ensuring this list is maintained e.g. human resources or public health.
	Position (job) descriptions	Review position / job descriptions for environmental health officers to ensure updated terminology under the <i>Public Health Act 2016</i> and <i>Health (Miscellaneous Provisions) Act 1911</i> and associated regulations

Example certificate of authority

Below is a certificate of authority template. This is available on the Department's website.

This is not a prescribed or approved form and can be modified to suit a local government's requirements, as long as it contains the content specified in section 30(2) of the Act.

Front of card

<p><Agency Logo> Certificate of Authority <i>Public Health Act 2016</i></p> <p>This is to certify that <insert enforcement agency> has designated <insert person's name> as an authorised officer under section 24 of the <i>Public Health Act 2016</i>.</p> <p>This certificate of authority expires <date if any>.</p> <p>Signed by:</p> <p>.....</p> <p><name of authorised delegate></p> <p><capacity of delegate></p> <p><date of issue></p>	<p>[Include digital photo of the person to be designated an authorised officer]</p> <hr/> <p>Signature of person</p>
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Back of card

<p>The authorised officer is so designated for the purposes conferred by:</p> <ul style="list-style-type: none">• <i>insert relevant Act or provisions of Act for which purposes the person is designated</i> <p>This designation is subject to the following conditions or restrictions:</p> <ul style="list-style-type: none">• <i>insert details of conditions or limitations</i>
--

Example certificate of authority – November 2016

Below is a certificate of authority template. This is not a prescribed form and can be modified to suit a local government's requirements, as long as it contains the content specified in section 30(2) of the Act.

Front of card

<p><Agency Logo> Certificate of Authority <i>Public Health Act 2016</i></p> <p>This is to certify that <insert enforcement agency> has designated <insert person's name> as an authorised officer under section 24 of the <i>Public Health Act 2016</i>.</p> <p>This certificate of authority expires <date if any>.</p> <p>Signed by:</p> <p>.....</p> <p><name of authorised delegate></p> <p><capacity of delegate></p> <p><date of issue></p>	<p>[Include digital photo of the person to be designated an authorised officer]</p> <hr/> <p>Signature of person</p>
--	--

Back of card

<p>The authorised officer is so designated for the purposes conferred by:</p> <ul style="list-style-type: none">• <i>insert relevant Act or provisions of Act for which purposes the person is designated [e.g. section 312(1)(b) of the Public Health Act 2016]</i> <p>This designation is subject to the following conditions or restrictions:</p> <ul style="list-style-type: none">• <i>insert details of conditions or limitations e.g. restricted from Part 16 of the Public Health Act 2016 or restricted from issuing infringement notices</i>
--

Part 2 — Dealing with alleged offenders without prosecuting them

4. Terms used

In this Part, unless the contrary intention appears —

alleged offender means a person suspected of having committed a prescribed offence;

approved officer, in relation to an infringement notice, means a person appointed as an approved officer under regulations made under section 6(a) in relation to the notice;

authorised officer, in relation to an infringement notice, means a person appointed as an authorised officer under regulations made under section 6(b) in relation to the notice;

prescribed Act means an Act that is prescribed by the regulations made under this Act;

prescribed offence means an offence prescribed under section 5(1).

5. Prescribed offences and modified penalties for them

- (1) Regulations made under a prescribed Act may prescribe an offence under the prescribed Act, or under any regulations made under the prescribed Act, to be an offence for which an infringement notice may be issued under this Part.
- (2) An offence must not be prescribed under subsection (1) if the penalty for the offence is or includes imprisonment.
- (3) For each offence prescribed under subsection (1), the regulations made under the prescribed Act must prescribe —
 - (a) a modified penalty that is applicable in any circumstances in which the offence is committed; or
 - (b) a modified penalty that is applicable if the offence is committed in circumstances specified in the regulations.

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Part 2 Dealing with alleged offenders without prosecuting them

s. 6

- (4) Any modified penalty prescribed under subsection (3) for an offence —
 - (a) must be an amount of money; and
 - (b) must not exceed 20% of the statutory penalty for the offence.

6. Other matters to be prescribed by prescribed Acts

If under section 5 regulations are made under a prescribed Act and prescribe an offence, the regulations must also —

- (a) provide for the appointment of approved officers in relation to infringement notices that may be issued under this Part for the prescribed offence; and
- (b) provide for the appointment of authorised officers in relation to infringement notices that may be issued under this Part for the prescribed offence; and
- (c) provide for the means by which authorised officers can show they are authorised to issue infringement notices; and
- (d) prescribe the form of infringement notices that may be issued under this Part for the prescribed offence; and
- (e) prescribe any other forms required to be prescribed by this Part in relation to infringement notices that may be issued under this Part for the prescribed offence.

7. Authorised and approved officers

- (1) A person who is appointed as an approved officer under regulations made under a prescribed Act under section 6(a) is not eligible to be appointed as an authorised officer under regulations made under that Act under section 6(b).
- (2) If —
 - (a) an authorised officer is serving or is about to serve an infringement notice on an alleged offender in person for an offence under a prescribed Act; and

- (b) the alleged offender requests the officer to do so, the officer must show, in a way prescribed by the regulations made under that Act under section 6(c), that he or she is authorised to issue infringement notices for offences under that Act.
- (3) Failure to comply with subsection (2) does not invalidate the infringement notice or its service.

8. Issuing infringement notices

- (1) An authorised officer who has reason to believe that a person has committed a prescribed offence may issue an infringement notice that complies with section 9 for the alleged offence.
- (2) The infringement notice must be served under section 10 within 21 days after the day on which the alleged offence is believed to have been committed.

9. Form and content of infringement notices

- (1) An infringement notice must —
 - (a) be in the prescribed form; and
 - (b) be addressed to the alleged offender by name, unless section 12(1) applies; and
 - (c) comply with Schedule 1 clause 5, which applies as if the alleged offence were a charge and the infringement notice were a prosecution notice; and
 - (d) state the modified penalty for the offence; and
 - (e) be dated with the date it is issued; and
 - (f) inform the alleged offender —
 - (i) that within 28 days after the date of the notice the alleged offender may elect to be prosecuted for the alleged offence; and
 - (ii) how to make such an election; and

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Part 2

Dealing with alleged offenders without prosecuting them

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- (iii) that if the alleged offender does not want to be prosecuted for the alleged offence, the modified penalty for the offence may be paid to an approved officer within 28 days after the date of the notice; and
 - (iv) how and where the modified penalty may be paid;

and

 - (g) if the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 applies to the notice, inform the alleged offender of the action that may be taken under that Act if the alleged offender does not act in accordance with the notice; and
 - (h) contain any information prescribed by the regulations made under the prescribed Act.
- (2) The amount stated in an infringement notice as the modified penalty must be the amount that was the prescribed modified penalty at the time the alleged offence is believed to have been committed.
- (3) An infringement notice must not relate to more than one alleged offence.

10. Service of infringement notices

Unless section 12(1)(b)(i) applies, an infringement notice must be served on an alleged offender —

- (a) if the offender is an individual, in accordance with Schedule 2 clause 2 or 3; or
- (b) if the offender is a corporation, in accordance with Schedule 2 clause 3 or 4; or
- (c) if the offender's address is ascertained at the time of or immediately after the alleged offence was committed, by posting it to the offender at that address.

11. Terms used in s. 11 to 13

- (1) In this section and sections 12 and 13, unless the contrary intention appears —

corresponding law means a law of another State or a Territory or the Commonwealth that is prescribed by the regulations made under this Act to be a law that corresponds with the *Road Traffic (Vehicles) Act 2012* or the *Control of Vehicles (Off-road Areas) Act 1978*;

current licence holder of a vehicle at the time of a vehicle offence, means a person in whose name the vehicle is licensed at that time;

licensed means licensed or registered under a vehicle licensing law;

responsible person for a vehicle, means a person who under subsection (2) is responsible for the vehicle;

vehicle licensing law means the *Road Traffic (Vehicles) Act 2012* or the *Control of Vehicles (Off-road Areas) Act 1978* or a corresponding law;

vehicle offence means an alleged offence that has as an element of it the driving, parking, standing or leaving of a vehicle.

- (2) For the purposes of sections 12 and 13, a person responsible for a vehicle at the time of a vehicle offence is —
- (a) if at that time the vehicle is licensed —
 - (i) any current licence holder who has not given a notice as described in subparagraph (ii); or
 - (ii) any new owner specified in a notice given under the vehicle licensing law by a current licence holder of having ceased before that time to be the owner of the vehicle unless, under subsection (3), the new owner is not responsible for the vehicle; or
 - (iii) if, under subsection (3), no new owner specified in a notice described in subparagraph (ii) is

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responsible for the vehicle — the current licence holder who gave the notice;

or

- (b) if at that time the vehicle is not licensed but was previously licensed — a person responsible under paragraph (a) before the vehicle last ceased to be licensed; or
 - (c) in any other case —
 - (i) the person who at that time is entitled to immediate possession of the vehicle; or
 - (ii) if there are several persons entitled to its immediate possession at that time, the person whose entitlement is paramount.
- (3) A person is not responsible for a vehicle under subsection (2)(a)(ii) at the time of a vehicle offence if it can be shown —
- (a) that at that time the person had not agreed to becoming the owner of the vehicle; and
 - (b) that the person has given notice of that fact to the person who, under the relevant vehicle licensing law, is responsible for keeping the licensing records.

[Section 11 amended by No. 8 of 2012 s. 82.]

12. Vehicle offences, infringement notices for

- (1) If an alleged offence is a vehicle offence and the identity of the alleged offender is not known and cannot immediately be ascertained, an infringement notice for the alleged offence —
- (a) despite section 9(1)(b), may be addressed to the responsible person for the vehicle without naming that person or the alleged offender; and
 - (b) may be served on the responsible person —
 - (i) despite section 10, by attaching it securely to the vehicle; or

- (ii) in accordance with section 10(a) or (b).
- (2) An infringement notice that is served under subsection (1) must contain or be accompanied by a statement explaining the operation of section 13.
- (3) If an infringement notice is served on a responsible person under subsection (1) and there are several responsible persons, the notice is to be taken to have been served on —
 - (a) if only one responsible person responds to the notice, that responsible person; or
 - (b) in any other case, not more than one responsible person chosen by an authorised officer.
- (4) A person, other than a person in charge of the vehicle or a responsible person for the vehicle, must not interfere with an infringement notice that is left on a vehicle.
Penalty: \$1 000.

13. Vehicle offences, onus of responsible person

- (1) If under section 12(1) an infringement notice is served on a responsible person, the responsible person is to be presumed to have been the driver or person in charge of the vehicle at the time of the vehicle offence alleged in the notice unless, within 28 days after the date of the infringement notice —
 - (a) the modified penalty specified in the notice is paid; or
 - (b) the responsible person informs an authorised officer specified in the notice that the responsible person was not the driver or person in charge of the vehicle at the time of the alleged offence and supplies the officer —
 - (i) with the name and address of the driver or person in charge of the vehicle at that time; or
 - (ii) with information showing that at that time the vehicle had been stolen or unlawfully taken or was being unlawfully used.

Criminal Procedure Act 2004

Part 2 Dealing with alleged offenders without prosecuting them

s. 14

- (2) If a responsible person complies with subsection (1)(b) the infringement notice may be withdrawn under section 15.
- (3) If a responsible person complies with subsection (1)(b) and an approved officer decides not to withdraw the infringement notice under section 15, the approved officer must advise the person of the decision.
- (4) The presumption in subsection (1) operates even if the responsible person is not an individual.
- (5) The presumption in subsection (1) operates, in the absence of evidence to the contrary, for the purpose of enforcing the infringement notice and for the purpose of any prosecution of the responsible person for the alleged offence.
- (6) The presumption in subsection (1) does not affect the liability of the person who actually committed the offence but —
 - (a) the responsible person and the actual offender cannot both be issued an infringement notice or sentenced for the offence; and
 - (b) if one of them pays a modified penalty or is sentenced for the offence, a modified penalty paid by the other is to be refunded; and
 - (c) if one of them is sentenced for the offence, a sentence must not be imposed on the other for the offence.

14. Extensions of time

- (1) An approved officer may, in a particular case, extend the period in section 9(1)(f) or 13(1).
- (2) An extension may be allowed even if the period has elapsed.
[Section 14 amended by No. 2 of 2008 s. 14.]

15. Withdrawal of infringement notices

- (1) An approved officer may withdraw an infringement notice.

- (2) To withdraw an infringement notice an approved officer must give the alleged offender a notice in a form prescribed under the prescribed Act stating that the notice has been withdrawn.
- (3) An infringement notice may be withdrawn whether or not the modified penalty has been paid.
- (4) If an infringement notice is withdrawn after the modified penalty is paid, the amount of money paid is to be refunded.

16. Modified penalty, effect of paying

- (1) If the modified penalty stated in an infringement notice is paid within the period in section 9(1)(f) or any extension of it and the notice is not withdrawn, the bringing of proceedings and the imposition of sentences are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (2) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

17. Modified penalty, application of

- (1) Any money paid as a modified penalty is, subject to sections 13(6)(b) and 15(4), to be dealt with in accordance with the *Sentencing Act 1995* section 60 as if the money were a fine imposed for the offence concerned.
- (2) Subsection (1) applies unless a prescribed Act expressly provides to the contrary.

Donna Bailye

From: Ralton Benn <Ralton.Benn@accesshousing.org.au>
Sent: Thursday, 10 August 2017 2:07 PM
To: Cecilia Muller; Duane Moroney
Cc: Steve Potter
Subject: RE: 11 Trusty Place Dardanup (Formerly 15 Mitchell Way) - POS Cash in Lieu

Follow Up Flag: Follow up
Flag Status: Completed

Hi Cecilia,

Thanks again for the update. If you need any pictures or drawings please let me know.

All the best,

Ralton Benn
Project Manager
Property Assets

P (08) 9430 0927

From: Cecilia Muller [mailto:Cecilia.Muller@dardanup.wa.gov.au]
Sent: Thursday, 10 August 2017 1:52 PM
To: Ralton Benn <Ralton.Benn@accesshousing.org.au>; Duane Moroney <Duane.Moroney@accesshousing.org.au>
Cc: Steve Potter <Steve.Potter@dardanup.wa.gov.au>
Subject: RE: 11 Trusty Place Dardanup (Formerly 15 Mitchell Way) - POS Cash in Lieu

Dear Ralton

Reference is made to the request from Access Housing for Council to consider a nil contribution for POS.

Officers from the Department of Planning, Lands and Heritage have indicated that the correct procedure would involve Council submitting a formal request to the WAPC to retract the relevant condition relating to the POS contribution requirement. Officers will now proceed to prepare an Item for Council to consider at the 30 August Council Meeting.

Regards

Cecilia Muller

Planning Principal Officer
p: 08 9724 0000

From: Ralton Benn <Ralton.Benn@accesshousing.org.au>
Date: 10 August 2017 at 10:49:46 am AWST
To: Steve Potter <Steve.Potter@dardanup.wa.gov.au>
Cc: Duane Moroney <Duane.Moroney@accesshousing.org.au>
Subject: RE: 11 Trusty Place Dardanup (Formerly 15 Mitchell Way) - POS Cash in Lieu

G'day Steve,

I've following up on behalf of Duane in regards the request to Council to approve a nil \$ compensation for the PoS at 11 Trusty Place (formerly 15 Mitchell Way). Has Council provided a consideration of this request?

Cheers,

Ralton Benn
Project Manager
Property Assets

P (08) 9430 0927

-----Original Message-----

From: Mark Chester [<mailto:Mark.Chester@dardanup.wa.gov.au>]

Sent: Wednesday, 26 July 2017 4:44 PM

To: Duane Moroney <Duane.Moroney@accesshousing.org.au>

Cc: Steve Potter <Steve.Potter@dardanup.wa.gov.au>

Subject: Re: 11 Trusty Place Dardanup (Formerly 15 Mitchell Way) - POS Cash in Lieu

Hi Duane

Good to hear the project is completed.

Requests for waiving or appealing conditions have time limits however I am happy to have your request referred to Council for their consideration.

Are you in a position to consider the reserve adjoining as previously discussed?

Steve Potter Manager Development Services will deal with your pos request to Council.

Regards

Mark
Mark Chester
CEO Shire of Dardanup

Sent from my iPhone

On 26 Jul 2017, at 4:00 pm, Duane Moroney <Duane.Moroney@accesshousing.org.au> wrote:

Good afternoon Mark

I called however you are unavailable.

As previously advised, I am pleased to advise we have completed the development of 14 villas situated at 11 Trusty Place Dardanup and are progressing final clearances and issue of the survey strata titles.

I have attached the Shire of Dardanup DA approval, the WAPC Survey Strata approval for your initial reference. The final survey strata plan is being finalised with some minor amendments following field surveys carried out post construction. This will be lodged in the near future along with supporting documentation for final clearances.

(Appendix ORD: 12.4.2A)

I am reviewing some of the conditions in the above approvals and seek advice on WAPC condition 3 pertaining to the 10% reserve for POS within the site:

3. An area(s) of land at least 10% in area, in a position to be agreed with the Western

Australian Planning Commission, being shown on the diagram or plan of survey

(deposited plan) as a reserve for 'Recreation' and vested in the Crown under Section

152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.

(Local Government)

The site does not have the required POS and the option of is provided to provide cash in lieu contribution to the LGA with approval of WAPC as per Advice i.

Mark, we would like the Shire of Dardanup's favourable consideration of a nil contribution due to the close working relationship all stakeholders to achieve the objectives of the Program and the funding already committed by Access Housing on a outcomes based return in lieu of a commercial return.

Can you please consider this request and we look forward to your favourable reply.

Please do not hesitate to contact me with any queries

Regards

Duane Moroney

Development Manager

M 0419 382 054

E duane.moroney@accesshousing.org.au<<mailto:duane.moroney@accesshousing.org.au>>

A Level 1, 39 Adelaide Street, Fremantle WA 6160

PO Box 1334, Fremantle, WA 6959

<https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.accesshousing.org.au&umid=61771dee-dfa9-4275-a42a-15d51d729dbf&auth=7b5e>

0873e09cd74aec3bff1d1283b7cc6382affd-6b8bd13ef81d55c21990bf413f7826aa6

(Appendix ORD: 12.4.2A)

7bcb2e3<<https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.accesshousing.org.au&umid=61771dec-dfa9-4275-a42a-15d51d729dbf&auth=7b5e0873e09cd74aec3bff1d1283b7cc6382affd-49566be05d5b4f216086cf92495bb10dc11a84d2>>

[accesshousing10years]

Please consider the environment before printing this email.

This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of Access Housing. You must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

<image001.png>

<Mitchell Wy Dardanup.WAPC Approval.pdf> <Determination of Development

Application - Lot 56 Mitchell Way.pdf>

"This message contains privileged and confidential information intended only for the use of the addressee or entity named above. Use of this information beyond this intended use is unauthorised"

"This message contains privileged and confidential information intended only for the use of the addressee or entity named above. Use of this information beyond this intended use is unauthorised"



Your Ref : PL181-17SDA-R0364938
Enquiries : David Stapleton (Ph 9791 0577)



Chief Executive Officer
Shire of Dardanup
P O Box 7016
EATON WA 6232

Approval Subject To Condition(s) Survey-Strata Plan

Application No : 181-17

Planning and Development Act 2005

Applicant	:	Mng Survey Level 1, 2 Sabre JANDAKOT WA 6164
Owner	:	Access Housing Australia Pty Ltd Po Box 1334 FREMANTLE WA 6959
Application Receipt	:	1 March 2017

Lot Number	:	56
Diagram / Plan	:	D091451
Location	:	
C/T Volume/Folio	:	2085/479
Street Address	:	Lot 56 Mitchell Way, Dardanup
Local Government	:	Shire of Dardanup

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a survey-strata plan in accordance with the plan date-stamped **01 March 2017** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the survey-strata plan within this period.

The survey-strata plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **30 May 2021** or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to

South West Office, Sixth Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia 6230
Tel: (08) 9791 0577; Fax: (08) 9791 0576; TTY: (08) 9264 7535; Infoline: 1800 626 477
e-mail: corporate@wapc.wa.gov.au; web address: <http://www.planning.wa.gov.au>
ABN 35 482 341 493



reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Survey-strata plan

The survey-strata plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the survey-strata plan. A copy of the survey-strata plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a survey-strata plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the survey-strata plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the survey-strata plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the



condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the survey-strata plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S):

1. The access way to the rear lot, including truncations and vehicle manoeuvring areas being shown on the survey strata plan as common property. (Local Government)
2. Drainage easements and reserves as may be required by the Local Government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that Local Government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)
3. An area(s) of land at least 10% in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for 'Recreation' and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
4. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)
5. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an electricity supply to the survey strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 10 of the *Transfer of Land Act 1893* for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)



6. A restrictions in accordance with Section 6 of the *Strata Titles Act 1985* is to be placed on the Certificates of Title of all the proposed lots (except lots 7, 8 and 9) confirming limitations of occupancy. The restriction(s) are to be included on the deposited plan. The restriction(s) are to state as follows:

'No person shall occupy the dwelling that is not disabled, physically dependent or aged over 55, excepting the surviving spouse of such a person' (Local Government)

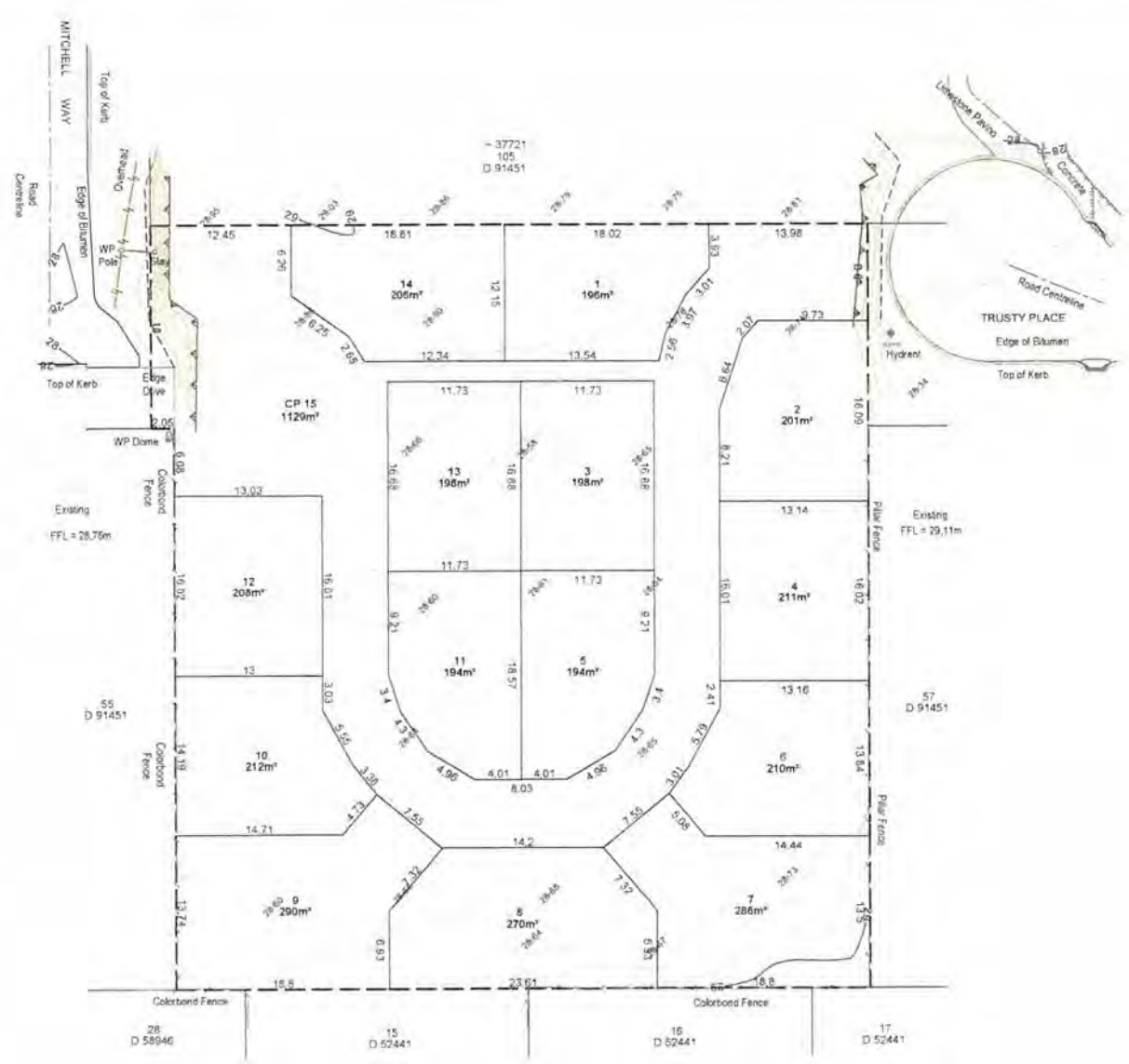
ADVICE:

- i. With regard to Condition 3, provisions of section 153 of the *Planning and Development Act 2005* provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the Local Government.

A handwritten signature in black ink, appearing to read "Kerrine Blenkinsop".

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
30 May 2017

DEPARTMENT OF PLANNING
DATE
01/03/2017
FILE
181-17



THIS IS A PROPOSAL SKETCH ONLY!
 All dimensions, lot or block areas are subject to survey and approval of relevant authorities. All building works are subject to survey and approval of relevant authorities.

Rev.	Description	Drawn	Date	Checked
0	Initial Issue	CPD	04/03/2017	CPD

SCALE 1:400 @ A1
 ALL DISTANCES ARE IN METRES
 For a full scale reproduction of this plan, call 0 8 9111 with the Planning Section and to view.

THE SURVEYOR'S DECLARATION
 I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that this plan and the survey thereon were prepared by me or under my direct supervision and that I am a duly qualified and licensed Surveyor.

Surveyor: **MNG**
 MICALLEEN NOLAN GROUP
 Level 1, 2 Baine Crescent
 Southport, QLD 4215
 PO Box 8224, Surfers
 QLD 4210, Australia
 Phone: 07 5563 1111
 Fax: 07 5563 1100
 Email: info@mngsurvey.com.au
 Website: www.mngsurvey.com.au
 License No: 100 343 311

Existing Boundary - - - - -
Proposed Boundary ————
Abutting Boundary ————

Total Area: 4202m²
No. Of Existing Lots: 1
No. Of Proposed Lots: 14 + 1 CP

Lot 56, Mitchell Way
Dardanup
Shire of Dardanup

PROPOSED SURVEY STRATA
OF LOT 56 ON D 91451
C.T. 2085/479

ACCESS HOUSING

Project No.	99659 - DE - 003 - A
Client	
Drawn	
Checked	



Bunbury & Districts Softball Association Inc

Teeball ● Junior Softball ● Senior Softball

NOISE MANAGEMENT PLAN

Bunbury & Districts Softball Association Inc is committed to ensuring that any potential noise impacts on the local nearby residents are minimised by adhering to the following noise reduction recommendations. Bunbury & Districts Softball Association Inc will communicate & educate our members in all aspects of the plan and the noise management plan will be an integral part of our facility hire agreement.

No amplified music to be played before 7am Monday to Saturday; or before 9am Sunday or public holidays.

No extensions of the above hours are to be sought or granted

Front doors and internal function room doors to be kept closed at all times amplified music is played.

No amplified music to be played in outdoor areas.

BADSA will endeavour to minimise activity in the outdoor area by 10pm however it needs to be noted that the late game concludes around this time. Players then normally have a 5 minute warm down & diamonds are required to be packed up. External doors can be closed at 10pm.

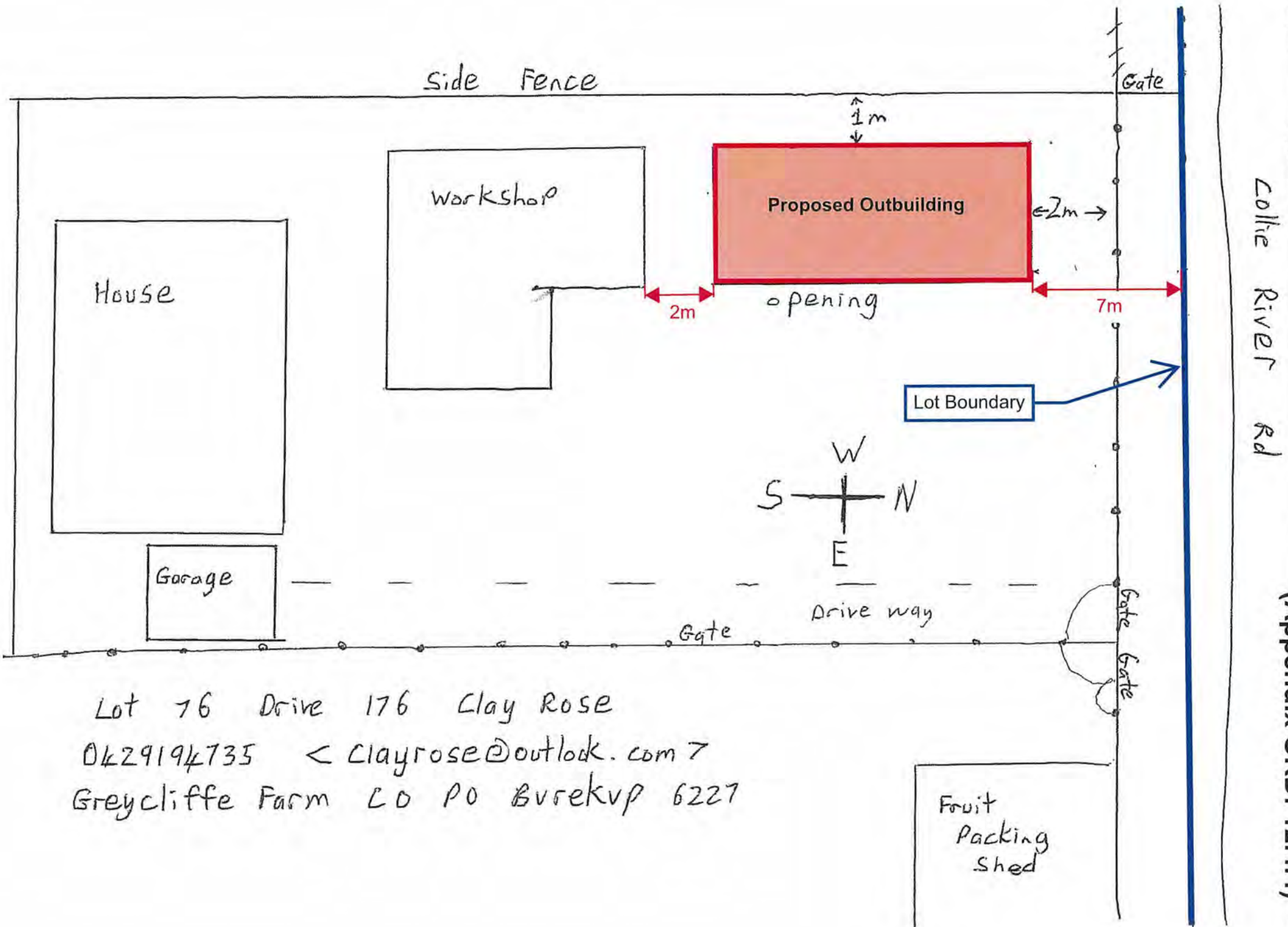
No emptying of rubbish bins into external waste bin after 10pm.

All use of the premises to cease by 11pm on Sunday, Monday, Tuesday, Wednesday and Thursday, and 12 midnight Friday & Saturday.

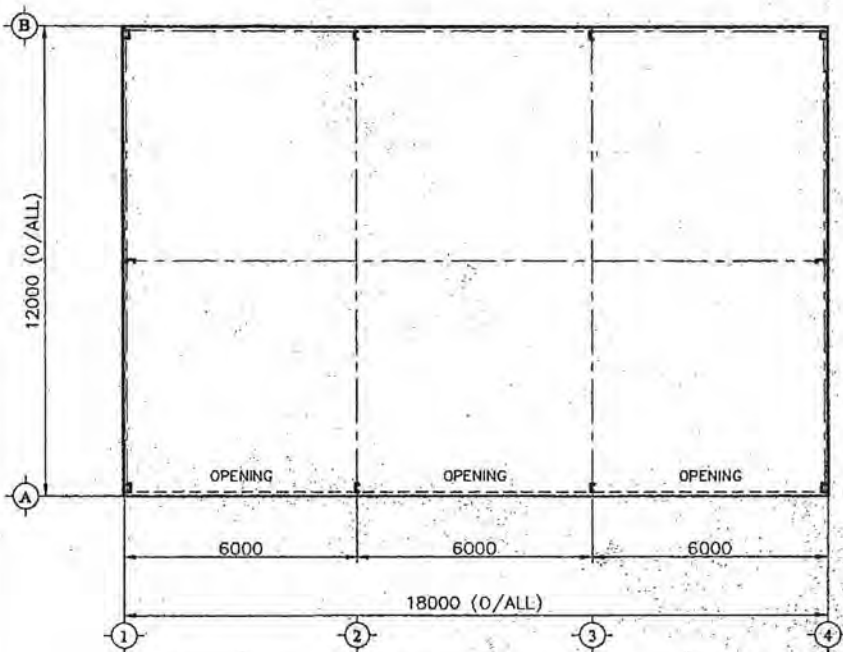
A limit on the number of private functions operating beyond 10pm to maximum 12 per year (1 per calendar month)

BADSA will provide a contact number of a responsible Club representative for nearby residents to alert if noise becomes an issue. (Warren Jones –President 0407 441 942)

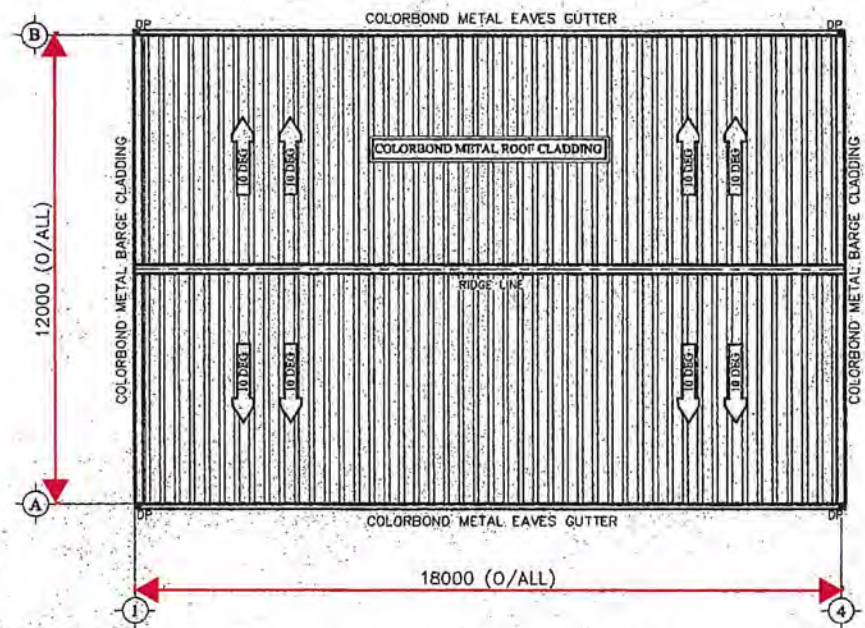
BADSA will maintain a complaints register as per attached.



Lot 16 Drive 176 Clay Rose
 0429194735 <clayrose@outlook.com>
 Greycliffe Farm CO PO Burekvp 6227



FLOOR PLAN



ROOF SHEETING PLAN

APPROVED BY CUSTOMER:				
SIGNATURE:				
DATE:	NO.	DATE	BY	DESCRIPTION
	REVISIONS			

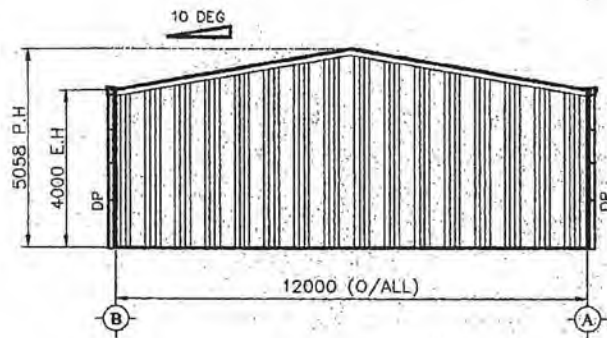


Unit 1/55 Erceg Road
 Yangbeup WA 6164
 Ph: 1300 778 628
 Fax: 085559 8043
 E: info@actionsheds.com.au
 W: www.actionsheds.com.au

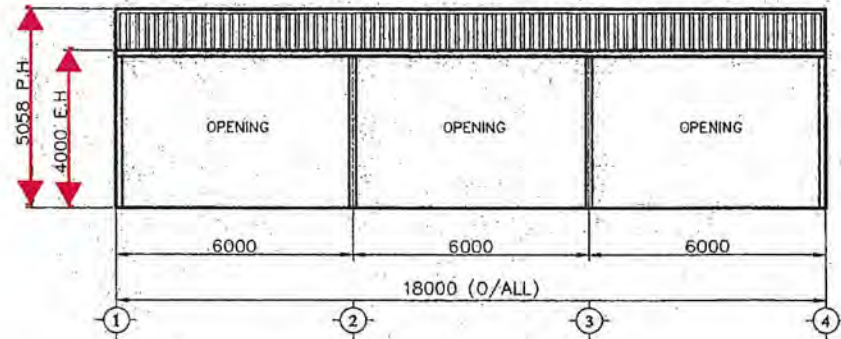
PROJECT:
 Clay Rose
 SITE ADDRESS:
 Lot 76 Collie River Rd Burekup, WA 6227

TITLE: FLOOR PLAN FOR A SHED 12.0M x 18.0M x 4.0M		DRAWING NO./REV.	
RBP CERTIFICATION:		01	A
DESIGNED: J.K.	SCALE: NTS		
DRAWN: THAM	JOB NO: MKR 22898		
CHECKED: MT	DATE: 6 JUN 17		

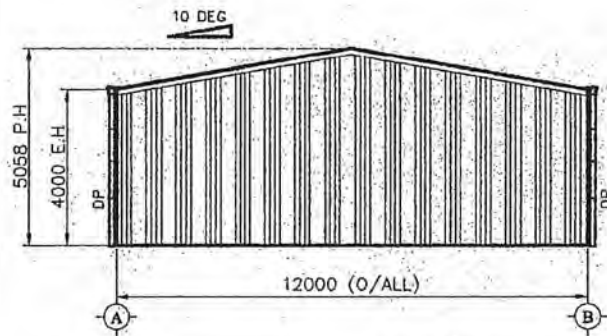
(Appendix ORD: 12.4.4)



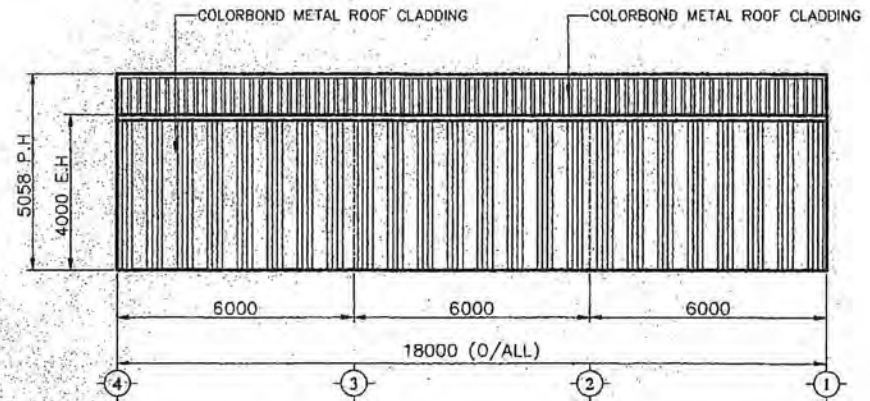
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



BACK ELEVATION

APPROVED BY CUSTOMER:				
SIGNATURE:				
DATE:				
	NO.	DATE	BY	DESCRIPTION
	REVISIONS			



Unit 1/55 Erceg Road
Yangebup WA 6164
Ph: 1300 778 628
Fx: 086555 8043
E: sale@actionsheds.com.au
W: www.actionsheds.com.au

PROJECT:
Clay Rose
SITE ADDRESS:
Lot 76 Collie River Rd Burekup, WA 6227

TITLE:
ELEVATION
FOR A SHED 12.0M x 18.0M x 4.0M
RBP CERTIFICATION:
DESIGNED: LK SCALE: NTS
DRAWN: THAM JOB NO: MTKR 22898
CHECKED: MT DATE: 6 JUN 17

DRAWING NO.	REV.
02	A

(Appendix ORD: 12.4.4)

14th June 2016

Shire of Dardanup Council – Meeting 28th June 2017

**Application for reduced setback, for proposed Machinery Shed at Lot 76
Collie River Road BUREKUP (Driveway number 176).**

Attention: Alice Baldock – Dardanup Shire Council

In reviewing our application, please take in to consideration the following things:

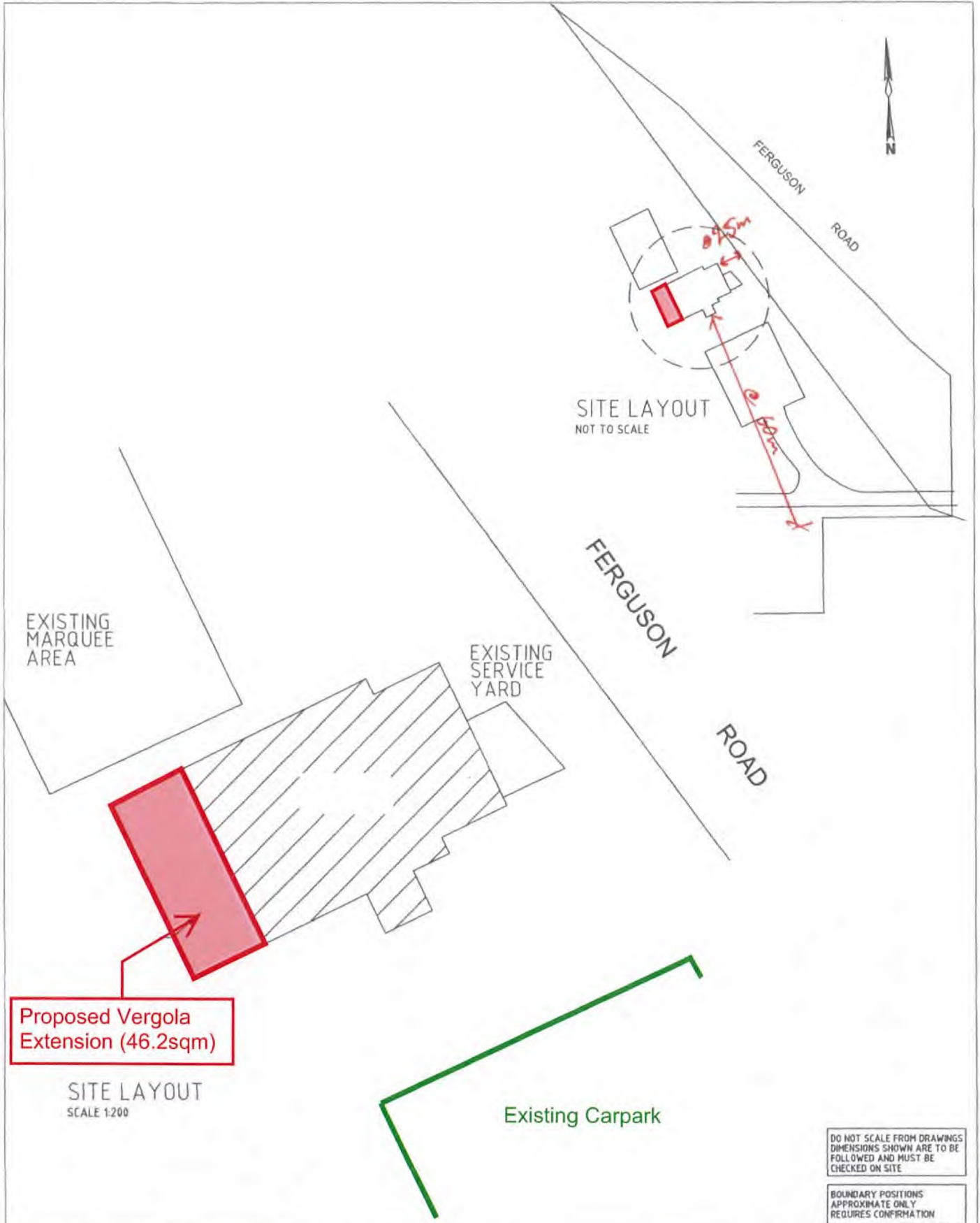
- We have possible options for placement of the new shed, but the property terrain, and cost of extra hard stand material and fencing exclude other possible shed sites from being a practical option
- The proposed location is restricted by an existing shed (workshop) to the south, therefore the new shed cannot be placed any further from the roadside on that site
- Building sheeting would be white, corrugated colour bond, with heritage red trim to match and compliment existing buildings

• Trees retained. Pine to north. Eucalypt to west

Thank you for your consideration of our proposal.

Yours sincerely

Clay Rose.



DO NOT SCALE FROM DRAWINGS
DIMENSIONS SHOWN ARE TO BE
FOLLOWED AND MUST BE
CHECKED ON SITE

BOUNDARY POSITIONS
APPROXIMATE ONLY
REQUIRES CONFIRMATION

DAVID WELLS
Builder
ABN: 43 237 467 707
Builders Registration No: 7284
PO Box 69, Dardanup WA 6236
Ph: 0438 28 1257 Fax 9728 1256
EMAIL: davidwells@westnet.com.au

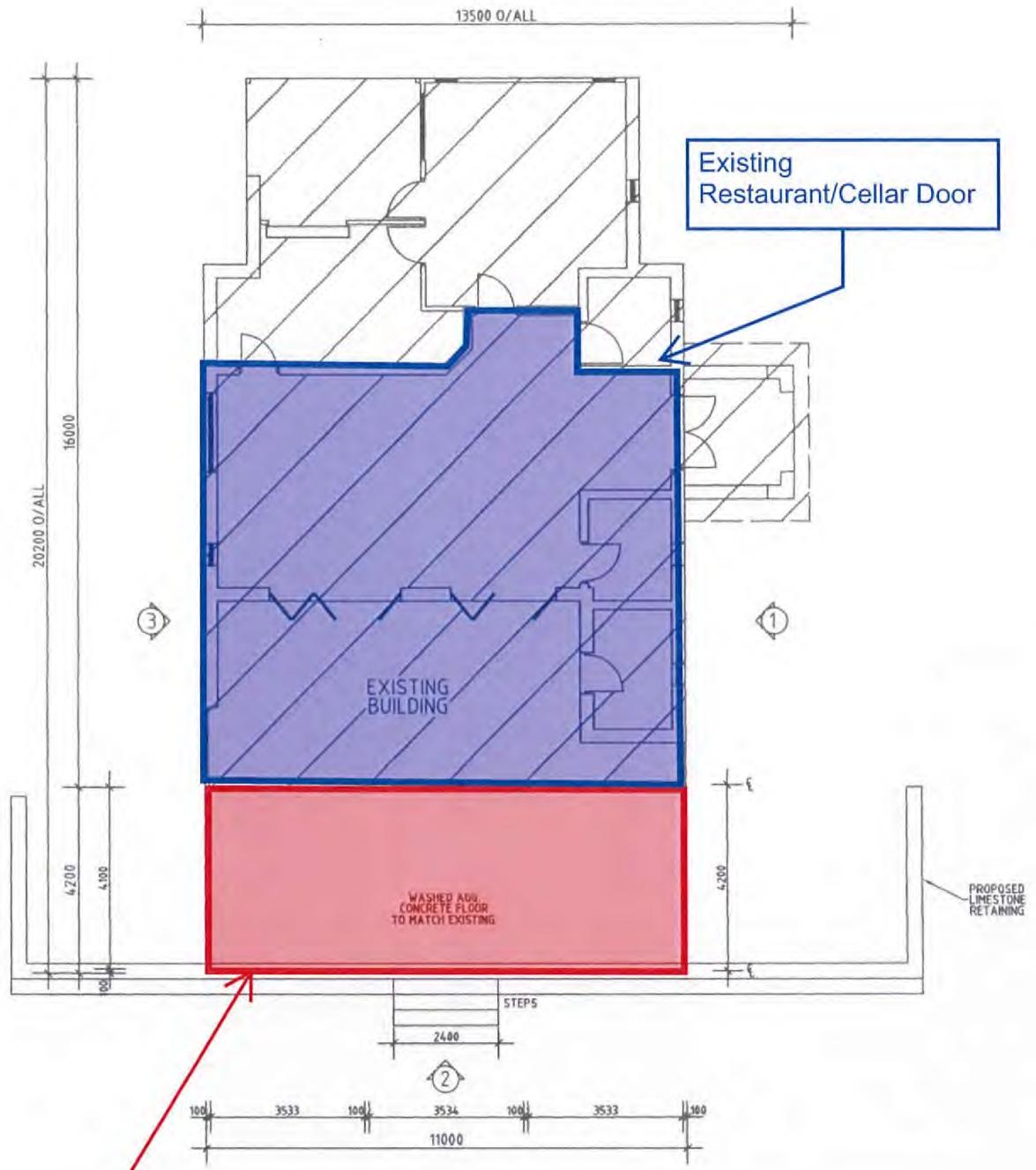
CLIENT:
ST AIDAN WINES

ADDRESS:
LOC 605
FERGUSON ROAD
DARDANUP

AMENDMENTS / VARIATIONS	
V.O. No.	DATE

SPECIAL	
DRAWN: EY	DATE: 13-05-17
CHECKED:	SHEET No: 3 OF 3
JOB No: 2017-07	

AREAS	
EXISTING DWELLING:	175.10m ²
PROPOSED VERANDAH EXT:	46.20m ²
TOTAL AREA:	221.30m ²
OVERALL DEPTH:	20.200m
OVERALL WIDTH:	13.500m



Proposed Restaurant Extension (46.2sqm)

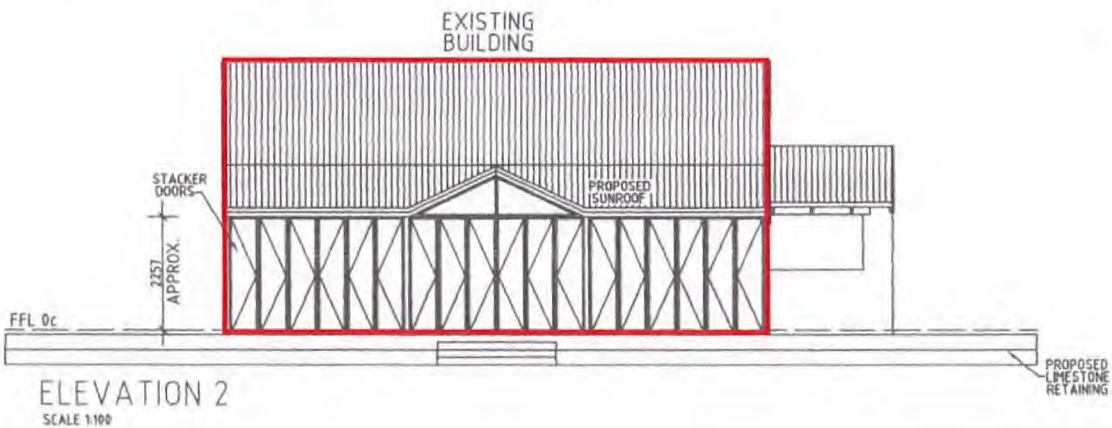
DAVID WELLS
Builder
 ABN: 43 237 467 707
 Builders Registration No: 7284
 PO Box 69, Dardanup WA 6236
 Ph: 0438 28 1257 Fax 9728 1256
 EMAIL: davidwells@westnet.com.au

CLIENT: ST AIDAN WINES
 ADDRESS: LOC 605
 FERGUSON ROAD
 DARDANUP

AMENDMENTS / VARIATIONS	
V.O. No.	DATE

SPECIAL	
DRAWN: EY	DATE: 13-05-17
CHECKED:	SHEET No: 1 OF 3
JOB No:	2017-07

Proposed Restaurant Extension



<p>DAVID WELLS <i>Builder</i></p> <p>ABN: 43 237 467 707 Builders Registration No: 7284 PO Box 69, Dardanup WA 6236 Ph: 0438 28 1257 Fax 9728 1256 EMAIL: davidwells@westnet.com.au</p>	<p>CLIENT: ST AIDAN WINES</p> <p>ADDRESS: LOC 605 FERGUSON ROAD DARDANUP</p>	<p>AMENDMENTS / VARIATIONS</p> <table border="1"> <thead> <tr> <th>V.O. No.</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		V.O. No.	DATE											<p>SPECIAL</p> <table border="1"> <tr> <td>DRAWN- EY</td> <td>DATE: 13-05-17</td> </tr> <tr> <td>CHECKED:</td> <td>SHEET No: 2 OF 3</td> </tr> <tr> <td colspan="2">JOB No: 2017-07</td> </tr> </table>		DRAWN- EY	DATE: 13-05-17	CHECKED:	SHEET No: 2 OF 3	JOB No: 2017-07	
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OUTBACK SUNROOF™

CONTROL AT YOUR FINGERTIPS

OUTBACK SUNROOF™ FOR THE BEST OF YOUR WEATHER

Control your outdoor living weather with the innovative Stratco Outback Sunroof. Its electronically controlled louvres can be opened and closed to your desired position. Let the breeze and sunlight in when the weather is fine, and provide protection when the clouds set in. By adjusting the rotating louvres with the hand held remote, you can easily control the level of sunlight, shade and weather shielding. The system has an inbuilt rain sensor that will automatically close the blades if rain is detected. When the louvres are completely shut they form a beautiful ceiling-like interlocking profile that protects you from the weather.



SUPERIOR DESIGN

The Stratco Outback Sunroof is available in a flat and gable design. It can span up to 3.9 metres for flat, and 7.2 metres for gable designs thanks to its strong, well-engineered blades. The powder coated aluminium blades have an inbuilt weather strip to reduce noise and form a tight seal. The moving parts use specially designed bushes for whisper quiet performance, and the blades are driven by a powerful 24 volt DC linear actuator for reliable long life operation.



ELECTRONICALLY CONTROLLED LOUVRES



Closed for rain protection



Ventilation with rain protection



All available sun



Ventilation with sun protection

YEAR ROUND USE

You can include lighting, fans or heaters to compliment your wonderful Outback living space. With the wide range of accessories available, you can enjoy your Outback lifestyle all year round.



“ Gives you effortless control of the breeze and sunlight in fine weather, and excellent protection when the weather turns. ”



SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ROADWISE COMMITTEE MEETING HELD ON THURSDAY 10 AUGUST 2017, AT SHIRE OF DARDANUP – ADMINISTRATION CENTRE, EATON, COMMENCING AT 3.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson, Mr Luke Botica declared the meeting open at 3.30pm, welcomed those in attendance and referred to the, Disclaimer , Emergency Procedures and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Gnaala Karla Booja people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED
--

2.1 Attendance

Cr. J Lee	-	Elected Member
Mr Luke Botica	-	Director Engineering & Development Services
Ms Nicola Smith	-	Regional Road Safety Officer
Mrs Bev Fortescue	-	Dardanup Primary School Representative
Mrs Jill Cross	-	Community Representative
Mr Sam Stubbs	-	Engineering Technical Officer
Snr Sgt Mark Smith	-	Australind Police Department

2.2 Apologies

Cr. L D Harris	-	Elected Member
Cr. A Mountford	-	Elected Member
Mrs Vicki Skaha	-	Community Representative
Main Roads WA Representative		
Police District Traffic Co-ordinator		

3. PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Roadwise Committee Meeting Held 8 December 2016

ROADWISE COMMITTEE RESOLUTION

RW 01-17 MOVED - Cr J Lee SECONDED - Sen Sgt M Smith

THAT the Minutes of the Roadwise Committee Meeting held on 8 December 2016, be confirmed as true and correct subject to no corrections.

CARRIED

5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

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

None.

7. DECLARATION OF INTEREST

None.

8 REPORTS OF OFFICERS AND COMMITTEES
--

8.1 Title: Dardanup Roadwise Committee – Strategic Action Plan

This item will be briefly discussed at every meeting to allow for updates and to ensure appropriate actions are taken in a timely manner.

ITEM NO.	TOPIC	UPDATE
1	Newsletter – Info sheet (Engineering Technical Officer)	Nothing to report. Sam Stubbs to talk with Kristy Hitchens, Shire of Dardanup Communications Officer, and Nicola Smith regarding how to proceed.
2	Cyclists (Jill Cross)	The Committee discussed the possibility of running the <i>Be Seen Be Safe Campaign</i> . Cr James Lee provided information regarding his discussions with Fitzroy Cycles about the campaign and providing a discount on bike lights. The Committee also discussed the timing and promotion of the event.
3	Child restraints (Nicola Smith)	Mrs Bev Fortescue provided background information on previous workshops held, they were not well attended. Mrs Fortescue would like to organise a morning for parents to get checked with a qualified fitter. Nicola Smith informed the Committee that she is now a qualified fitter and checker and provided options with what actions can be taken. Dardanup Primary has a parent night coming up, can set up a display as a good place to start. Cr Lee suggested to have someone within the school be trained. Nicola Smith provided training information – courses run every 2 years, they are currently full.
4	Seniors (Luke Botica)	Nothing to report. Nicola Smith is developing a Senior Road Safety forum. Covers restraints, gophers, road safety. Mr Luke Botica to liaise with Ms Nicola Smith.
5	Skipper Program (Jill Cross)	Nothing to report. Recent accident has brought up issues of near misses. Concern around drink drivers leaving the tavern. Sen Sgt Smith provided information around the accident and responsible service of alcohol (RSA). Nicola Smith has found a lot of Skipper resources that are available e.g. stickers. Sen Sgt Smith provided information regarding how they investigate complaints about licensed venues and RSA.
6	Promotions SAM Trailer Blessing of the Roads	Currently with City of Bunbury, trailer needs repair – radar not working. Still able to use as a message board. Shire of Dardanup is looking to purchase one through Road Safety Grants. Other trailer is available for use. Blessing of the Roads – Not well supported by the community. To be removed from future meetings.
7	Lobby for more funds (Luke Botica)	Always looking for more funding. State Black Spot Program nominations close 11/08. Mr Luke Botica provided information regarding traffic levels with the new bridge and a road

ITEM NO.	TOPIC	UPDATE
		safety audit is currently underway. An application has been submitted for a new roundabout at Blue Wren Drive and Lavender Way. Cr James Lee questioned safety of Glen Huon Blvd with extra traffic. Mr Botica stated it is designed to carry a lot of traffic, room has been built in to provide traffic lights if necessary and is a part of forward planning. Applications have also been submitted for Crooked Brook Road widening. Clifton Road shoulder work and guide posts. Martin Pelusey Road, Depiazzi and Banksia Roads all have works scheduled. Recent funding cuts should not have a large impact.

Discussion:

The Committee discussed the 'Be Seen Be Safe' bicycle safety campaign. Cr Lee put forward the idea of a voucher system to be used at local bike retailers for a discount on bike lights.

ROADWISE COMMITTEE RESOLUTION

RW 02-17 MOVED - Cr J Lee SECONDED - Mrs Jill Cross

THAT the Roadwise Committee:

1. **Allocate \$500 from the Shire of Dardanup Roadwise Budget to be put towards the promotion of safe riding in the Shire of Dardanup and the *Be Seen Be Safe* Roadwise campaign;**
2. **Use the allocated funds to procure vouchers that can be used at local bike store(s) to obtain a discount on bike lights; and**
3. **Commence this promotion in September 2017.**

CARRIED

8.2 Title: Regional Road Safety Officer Report

The Regional Road Safety Officer (South West), Nicola Smith will provide an overview on current statistics, road safety campaigns and road safety information including:

- Driver Reviver (Queen's Birthday Long Weekend);
- Type 1 Child Car Restraint Fitter Course (11 September);
- Seniors Road Safety Forums; and
- Road Ribbons for Road Safety 2017

- Bunbury 4WD, Boating & Camping Expo

A request has come through from the Bunbury 4WD, Boating & Camping Expo regarding the RoadWise Committee exhibiting at the event in October 2017.

Please see attached information on the Bunbury 4WD, Boating & Camping Expo in October. (Appendix DRC: 8.2A)

If there was enough interest from volunteers to staff the event, the Regional Road Safety Officer could then investigate costs and logistics.

- South West Region Report

The following report has been provided by the Regional Road Safety Officer. (Appendix DRC: 8.2B)

Discussion:

Ms Nicola Smith provided a statistics update on regional road fatalities and current programs.

The Committee discussed other Local Government activity including the RYDE (Regional Youth Driver Education) program which is in the process of being rolled out by the City of Bunbury. The City of Bunbury is also seeking volunteers to staff the Roadwise stall at the Bunbury 4WD, Boating and Camping. Ms Smith will send roster information to the Committee.

ACTION: Nicola Smith to provide booking information on signage available to loan through WALGA.

8.3 Title: Child Restraints and Crosswalk at Dardanup Primary School

Mrs Bev Fortescue to discuss a new proposed date for the child restraints workshops for 2017 and the cross walk at the Dardanup Primary School.

Discussion:

Mrs Bev Fortescue provided information on a recent funding approval they received for carparking. A meeting is scheduled with the Shire to discuss this matter. A further report will be provided at the next meeting.

8.4 Title: Speed Limit Amendment Proposal In Dardanup

Cr. Peter Robinson has asked the Committee to consider approaching Main Roads in regards to amending a speed limit within the Shire. The intersection of the Boyanup-Picton Road with Crooked Brook and Garvey Roads is an accident waiting to happen.

*From: Peter Robinsons [mailto:pvrobbo@gmail.com]
Sent: Wednesday, 1 March 2017 7:43 PM
To: Cathy Lee
Cc: 'Kathy Houden'
Subject: FW: speed limit amendment proposal*

Hi Cathy,

Kathy Houden copied me into this email.

What Kathy has requested makes a lot of sense. I use the Crooked Brook and Boyanup Picton Roads junction often. I am very, very careful about entering the Boyanup Picton road because the traffic is coming along at 110 kph. Even with my care it is not unusual to find heavy vehicles breathing down my bumper by the time I reach the 90 kph sign. Added to my concern is the growing number of residents moving into the small holdings along Garvey and Dardanup West Roads. Those subdivisions are multiplying the traffic entering Boyanup Picton from Garvey Road.

I support the shifting of the 90kph sign to the Boyanup side of the Garvey Road junction. Strongly!

Happy to expand upon this.

*Regards,
PeteR*

*Cr Peter Robinson
Deputy Shire President
Shire of Dardanup*

*From: Kathy Houden [mailto:kshouden@hotmail.com]
Sent: Wednesday, March 1, 2017 5:41 PM
To: markchester@dardanup.wa.gov.au
Subject: speed limit ammendment proposal*

Dear Sir,

I would like for the shire council to consider approaching Main Roads in regards to amending a speed limit within the shire. The intersection of the Boyanup-Picton road and Crooked Brook and Garvey roads is an accident waiting to happen. The speed limit in this intersection is 110km per hour and reduces to 90km per hour at the Dardanup end of the intersection. This intersection is quiet busy with traffic including horse floats, school buses, heavy haulage trucks and general traffic. There is also a school bus stop on the road verge in the intersection. I have seen some near misses and a fair bit of road rage type driving with impatient drivers using this intersection taking chances entering or leaving the Boyanup-Picton road with trucks bearing down on them at 110km per hour. I propose that the drop to 90km per hours should be moved to the Boyanup side of Garvey Road to slow traffic prior to entering this intersection and reduce the chance of an accident occurring. I hope the council will consider this proposal for the safety of the community and others using the road in this area. Please feel free to contact me with any queries regarding my proposal.

*Regards,
Kathy Houden
0429090305*

-----Original Message-----

*From: Andrea Waller [mailto:andreawally72@gmail.com]
Sent: Tuesday, 28 February 2017 12:51 PM
To: Records
Subject: Att: Mark Chester*

Dear Mark,

I would like to voice my concern regarding the intersection of Crooked Brook Road and Boyanup-Picton Road.

Would it be possible for the speed limit to be changed to 90kmh further south past Garvey Road.

I find it difficult pulling onto this section of road as it's a 110km zone especially while driving my children to school in Dardanup or whilst pulling a horse float driving to the Dardanup equestrian centre. There also seems to be an increase in traffic on this stretch of road due to population growth in Dardanup.

*Kind regards,
Andrea Waller*

Chief Executive Officer, Mr Mark Chester has received correspondence from the secretary of the Dardanup Equestrian Centre asking the Committee to consider a review of the current 110km speed limit along Boyanup-Picton Road at the intersection of Garvey Road, reducing to 90km. (Appendix DRC: 8.4)

It is requested that the Committee discuss the proposal and approach Main Roads with recommendations.

Discussion:

Mr Luke Botica informed the Committee that speed limits are set by Main Roads WA and they do not usually like to drop speed limits.

Senior Sgt Mark Smith advised that he would be supportive of a speed limit drop. Information was provided around the positive impact that a limit reduction has had on the Hynes Road – Forrest Highway intersection. Police have not been called to an incident at the intersection since the speed limit reduction.

ACTION: Snr Sgt Smith and Mr Luke Botica to write to Main Roads to give the Committees support for a reduction of the speed limit on Boyanup-Picton Road.

8.5 Title: Dardanup Roadwise Committee Action Sheet

Below is the update on projects for the Committee member's information, any queries regarding the progress of an item, please contact the Director Engineering & Development Services.

MEETING DATE.	PERSON RESPONSIBLE	ACTION	OUTCOME	STATUS
12/05/16	Sam Stubbs	Organise for the SAM trailer to be used in hot spots to notify drivers of their speed.	No further update.	Ongoing
12/05/16	Luke Botica	Liaise with Roadwise to obtain funding for its own SAM Trailer.	No further update. Was with Roadwise – status unclear due to staff changeover.	Ongoing
12/05/16	Jill Cross	Liaise with new Management of the Dardanup Tavern regarding the Skippers Program.	No further update. Still waiting to make contact with the Manager.	Ongoing
12/05/16	Sam Stubbs	Organise information to be added to the Dardanup Times Newsletter from the Roadwise Meetings.	Sam Stubbs and Luke Botica to discuss further. Mrs Jill Cross to look into this and add information about the cycle lights.	Ongoing
28/07/16	Luke Botica	Discuss with Mainroads the changes in the traffic lights at Eaton Drive and Recreation Drive.	Correspondence sent although no information received back as yet – 13/10/16.	Ongoing
13/10/16	Committee	Work on a joint promotion between the Shire of Dardanup and the local Cycle Shops in Bunbury.	Cr. J Lee advised that he has spoken to a few cycle shops and Fitzroy's Cycles are keen to come on board, although would like an email from the Committee regarding information and how the campaign will be run. The Committee agreed on the name "Be Seen, Be Safe" for the campaign	Ongoing
13/10/16	Cr. James Lee, Cr. Danny Harris	Approach the Dardanup Lions and the Millbridge Lions for their help in the application of these stickers.	Stickers have arrived and the Committee now needs a plan for distribution.	Ongoing

MEETING DATE.	PERSON RESPONSIBLE	ACTION	OUTCOME	STATUS
13/10/16	Luke Botica	Review the cost of erecting a fence along Eaton Drive opposite Sindhi Park.	It has been estimated at a cost of \$50,000 for the supply and installation of 150 metres of fence. The fence proposal was discussed at the 26 April 2017 Strategic Planning Committee, where the matter was not selected for further consideration by the Council.	Completed
8/12/16	Cr. J Lee and Mrs J Cross	Discuss with Kristy the "Be Safe, Be Seen" campaign, including dates, promotion information and photographs.		Ongoing

8.6 Title: Shire of Dardanup RoadWise Committee Strategic Action Plan

In 2015, the Committee commenced the review of the Strategic Action Plan. Although ideas were put forward by the Committee, the Plan was not revised and a new draft was never prepared and presented to the Committee. Due to the Plan forming the basis of all activities to be undertaken by the Committee it is suggested that the Plan be developed further as a matter of priority.

It is suggested that the Committee seeks the assistance of the new Regional Road Safety Officer to facilitate a review of the Strategic Action Plan and to develop a new Plan for adoption. It is recommended that the Committee discuss the process and timeframe for the review and development of the new Plan.

An incomplete marked up copy of the Strategic Action Plan, as marked up by the Director Engineering & Development Services in consultation with the Committee in 2015, is provided for reference (Appendix DRC: 8.6).

ACTION: Nicola Smith to send through a template for the new Strategic Action Plan to be discussed at the next meeting on Thursday 7 September 2017.

9. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

10. NEW BUSINESS OF AN URGENT NATURE**10.1** Report Update by Snr Sgt Mark Smith

Discussion:

Snr Sgt Mark Smith provided the Committee with an update on the following road incidents:

- Cyclist and Road Rage – A total of seven counts of dangerous driving have been made against a driver who was targeting cyclists in Ferguson Valley.*
- There has been a reduction in the amount of complaints against hoon drivers*

11. MATTERS BEHIND CLOSED DOORS

None.

12. CLOSURE OF MEETING.

The Chairperson advised the date of the next meeting would be 7 September 2017 at 3.30pm.

There being no further business the Chairperson declared the meeting closed at 5.07pm.