



CONFIRMED MINUTES

Ordinary Meeting held on 22 November 2016



SHIRE OF CHRISTMAS ISLAND MEETING MINUTES CERTIFICATION

Minutes of the Ordinary meeting of the Shire of Christmas Island Council held at the George Fam Chambers at 7.00pm on Tuesday 22 November 2016

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CONFIRMED MINUTES

Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 22 November 2016

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Deputy Shire President declared the meeting open at 7.00pm.

Council Resolution

Moved: Cr YON

Seconded: Cr WOO

Res. No: 129/16

In accordance regulation 14A (a)(c) of the Local Government (Administration) Regulations 1996 council approves the participation of Councillor Thomson via telephone hook-up.

Carried: 5/0 (Absolute majority)

Cr THOMSON entered the meeting via telephone hook-up at 7.02pm

Cr SAW entered the meeting at 7.02pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE/ DECLARATIONS OF FINANCIAL INTEREST

2.1 Record of Attendance

Shire President

Cr Gordon **THOMSON** (via telephone)

Deputy President

Cr Kee Heng **FOO**

Councillors

Cr Azmi **YON**

Cr Kelvin **LEE**

Cr Philip **WOO**

Cr Rosnah **PAL**

Cr Vincent **SAW** (7.02pm)

Acting Chief Executive Officer

David **PRICE**

Acting Manager Finance and Admin

Rostyna **OH**

Manager Community Services

CHEW Boon Beng

Manager Recreation Services and Training Officer

Oliver **LINES**

Manager of Works and Services

Terry **CLARKE**

Governance, Research, Policy & Grants Officer

Chris **SU**

Minute Taker

Shikin **HASINUDIN**

2.2 Leave of Absence

2.3 Apologies

2.4 Declarations of Financial/Impartiality/Proximity Interest

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

4.1 Leonard STAPP – 49 Taman Sweetland Crescent

Footpaths – Mr STAPP informed Council that he regularly walks from Taman Sweetland to the Poon Saan shops vice versa with his family with a stroller, but finds it difficult walking back up the hill as there are no footpaths allowing pedestrians for a smooth walk around the corner to Taman Sweetland. He asked whether Council has a short term plan for footpaths on the island.

The Deputy Shire President replied that we had funding to do the Dual Use Pathways a few years ago. The project didn't get completed as the funding was cut off.

Manager Works Services (MWS), Mr CLARKE replied that we did receive a letter from the school committee. The initial plan was to join the Drumsite footpath to the Upper Poon Saan footpath and also a footpath up to the Recreation Centre. The plans are still there but there is no funding.

- 4.2 Cr PAL – Pedestrian Crossing at the School – Cr PAL asked whether the pedestrian crossing and pathway can be water blasted as it is slippery and there are overgrown vegetation which causes the walkway to be slippery.

The Acting Chief Executive (CEO), Mr Price replied that this matter can be dealt with in the next couple of weeks and can be discussed in item 10.1.4.

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Cr MASLI, KOH & FOO

Council Resolution

Moved: Cr PAL

Seconded: Cr SAW

Res. No: 130/16

That the leave of absence application submitted by Cr MASLI (19/11/16 to 26/11/16), Cr KOH (19/11/16 to 29/11/16) and Cr FOO (10/12/16 to 7/1/17) be approved.

Carried: 7/0

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Ordinary Council Meeting held on 25 October 2016

Members considered the unconfirmed minutes.

Council Resolution

Moved: Cr LEE

Seconded: Cr PAL

Res. No: 131/16

That Council adopt the unconfirmed minutes of the 25 October 2016 Council Meeting.

Carried: 7/0

7.2 Business Arising from the Minutes of Previous Meetings

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 Annual Report 2016

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 132/16

1. The Shire of Christmas Island Annual Report for 2016 is accepted.
2. An Elector's General Meeting is held on Tuesday 13 December 2016 commencing at 6.30pm for the purpose prescribed by the Local Government Act 1995 (WA) (CI).
3. The Chief Executive Officer is to give notice of the Elector's Meeting and to ensure that statutory requirements regarding the acceptance of the Annual Report 2016 are met.

Carried: 7/0

10.1.2 Dates for Ordinary Council Meetings 2017

Council Resolution

Moved: Cr SAW

Seconded: Cr WOO

Res. No: 133/16

That Council adopts the following schedule of Ordinary Meetings for 2017 in accordance with section 5.25 (1) (g) of the Local Government Act (CI) 1995 and the Local Government Administration Regulations 1996 commencing at 7.00pm at the George Fam Centre Council Chambers on the fourth Tuesday of each month as follows with the exceptions of 14 February 2017 ordinary meeting due to the long period of no meetings between December 2016 and February 2017, the 18 April 2017 ordinary meeting being the 3rd Tuesday as the 4th Tuesday is a public holiday and 12 December 2017 ordinary meeting being the 2nd Tuesday due to the Christmas close down period:

14 February 2017
28 March 2017
18 April 2017
23 May 2017
27 June 2017
25 July 2017
22 August 2017
26 September 2017
24 October 2017
21 November 2017
12 December 2017

Carried: 7/0

10.1.3 CEO Delegated Authority-Roads

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 134/16

In accordance with Section 5.42 (1) and 5.44 of the Local Government Act 1995 (WA)(CI) Council delegates the following authority to the Chief Executive Officer:

Within the provisions of Section 3.50 (1) (1a) (2) (4) (8) of the Local Government Act 1995 (WA) (CI) to:

- 1) To close any thoroughfare that the SOCI manages for the passage of vehicles, wholly or partially, for a period not exceeding four (4) weeks;
- 2) To close any thoroughfare that the SOCI manages for the passage of vehicles, wholly or partially, for a period exceeding four (4) weeks

Carried: 7/0

10.1.4 Verbal Update on Murray Road Closure

The Acting CEO provided the Councillors a verbal briefing and update on the recent landslips along the top to the cliff edge adjacent to CIP's C2 Conveyor. Together with the CIP request for the temporary closure of Murray Road between the intersections of Golden Bosun Road and Sung Miaw Road for a period of up to 1 year for the purpose of the implementation of an interim solution to secure the C2 conveyor, and the timetable to identify a final solution.

The Acting CEO also briefed the Councillors on the steps he intended to implement within his delegated authority for that purpose.

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts – October 2016

Council Resolution

Moved: Cr PAL

Seconded: Cr LEE

Res. No: 135/16

That Council approves the expenditure as presented in October 2016 Schedule of Accounts.

Carried: 7/0

10.2.2 Financial Statement August 2016

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 136/16

That Council receive the Financial Statement of the 31 October 2016 for the Municipal Fund.

Carried: 7/0

10.3 Manager Community Services

10.3.1 Community Citizen of the Year Awards 2017

Council Resolution

Moved: Cr SAW

Seconded: Cr PAL

Res. No: 137/16

That Council endorses the following as winners for the Community Citizen of the Year Awards 2017:

Citizen of the Year:

- Ms Fiona GOOLEY

Citizen of the Year – Youth (under 25 years):

- Nil

Citizen of the Year - Senior (over 65 years):

- Ms Nanny ROCHFORT

Active Citizenship – Group or Event:

- CI Kung Fu Association

Carried: 7/0

10.4 Manager Works & Services

10.4.1 Tender for Sale of Surplus Vehicles and Equipment

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 138/16

That Council

1. Accept the following tenders for the purchase of listed surplus equipment at the tendered price submitted:

Description	Plant No/ Asset No	Tenderer	Tendered Price
Effer truck crane	N/A	Kim Chey	\$2,010
Hydraulic light truck tyre changer	N/A	William Dunn	\$220
Welder on 6x4 trailer	P60406	Kelana Arshad	\$120

2. Re Tender the following surplus equipment at the next sale of surplus items:

Description	Plant No/ Asset No
Grader tyres: 14.00x24x6	N/A
Various tractor tyres	N/A
Squirrell cherry picker	P1179
Bittelli 2x drum roller (Not working)	P4775
Tractor Massey Ferguson 4225 2WD	P4922
Tractor Massey Ferguson 4225 2WD	P60899

3. Include the following surplus equipment for tender:

	Description	Plant No/ Asset No
	2002 Toyota Hi-Lux Dual cab 4x4 tray top	P0330
Carried: 7/0		

10.5 Manager Planning, Building & Health

10.5.1 Basic Scheme Amendments to SOCI Local Planning Scheme

Council Resolution

Moved: Cr LEE

Seconded: Cr PAL

Res. No: 139/16

That Council:-

1. pursuant to Section 75 of the *Planning and Development Act 2005 (WA)(CI)*, amend Shire of Christmas Island Local Planning Scheme No. 1 by:

1. Amending clause 1.4 to read as follows:

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (e) the Scheme Text*
- (f) the deemed provisions set out in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA) (CI) (deemed provisions);*
- (g) the supplemental provisions contained in Schedule A (supplemental provisions); and*
- (h) the Scheme Maps (Sheets 1-3).*

The Scheme is to be read in conjunction with the Local Planning Strategy.

2. Deleting reference to the following terms and replace them with the corresponding term throughout the scheme:

- *"planning application"* replaced with *"development application"*;
- *"planning approval"* replaced with *"development approval"*;
- *"Council"* replaced with *"local government"*;
- *"Residential Planning Codes"* replaced with *"R-Codes"*.

3. Amending sub-clause 1.5(e) to read as follows:

(f) set out procedures for assessment and determination of applications for development approval;

4. Deleting "2005" from sub-clause 1.5(g).

5. Amending sub-clause 1.7.1 (b) to read as follows:

(b) if they are not defined in that Act —

- i. In the Dictionary of defined words and expressions in Schedule 1; or*
- ii. In the R-Codes; or*
- iii. In Part 1 of the deemed provisions.*

6. Amending sub-clause 1.7.2(b) to read as follows:

(b) in any other case the definition in Schedule 1 prevails.

7. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 (WA)(CI)* Schedule 2:

- Clauses 2.1 - 2.6, 5.12, 5.13, 7.1, 7.4 - 7.6, 7.8, 7.9, 7.11, 8.1, 8.3, 8.4, 9.1 - 9.4, 10.1 - 10.10, and 11.1 - 11.7;
 - Sub-clauses 5.2.1, 5.8.1, 5.9.2 - 5.9.4, 5.11.1 - 5.11.3, 5.11.5 - 5.11.9, 7.2.1, 7.2.2(a)-(b), 7.2.3, 7.2.5, 7.2.7, 7.3.1, 7.3.2(a)(i)-(ii), 7.3.2(a)(iv), 7.3.2(a)(vi), 7.3.2(b), 7.3.3(b)-(c), 7.3.4 - 7.3.5, 7.3.7 - 7.3.8, 7.7.1, 7.7.3 - 7.7.5, 7.10.2, 8.2(a)(i)-(ii), 8.2(a)(iv), 8.2(b), 8.2(c)(i)-(ii), 8.2(c)(iv)-(v), 8.2(d)-(e), 8.2(j), and
 - Schedules 6, 8 and 9.
8. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 (WA)(CI)* Schedule 2:
- Sub-clause 3.4.2(a): Part 9 of the deemed provisions;
 - Sub-clause 4.3.2 (a): "A"... clause 64 of the deemed provisions;
 - Clause 4.3, Note 3: Part 9 of the deemed provisions;
 - Sub-clause 4.4.2(b): clause 64 of the deemed provisions;
 - Sub-clause 4.8(c): Part 10 of the deemed provisions;
 - Sub-clause 4.9.2: clause 64 of the deemed provisions;
 - Sub-clause 5.5.2: clause 64 of the deemed provisions; and
 - Sub-clause 5.6.2(a): clause 64 of the deemed provisions;
 - Sub-clause 5.6.3(a): clause 67 of the deemed provisions; and
 - Sub-clause 6.1.3(b): Part 9 of the deemed provisions.
9. Amending Clause 4.3 Note 1 to read as follows:
- 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.*
10. Amending Table 1 - Zoning Table to make 'Ancillary Accommodation' a 'P' use class in the 'Residential' zone.
11. Amending sub-clause 5.8.2 to read as follows:
- 5.8.2 In determining the permissibility of uses within the Urban Development Zone, the local government shall have due regard to any relevant and approved structure plan.*
12. Amending sub-clause 5.9.1 to read as follows:
- 5.9.1 A structure plan prepared and approved in accordance with Part 4 of the deemed provisions is required before any future subdivision or development is undertaken on land within the Tourism Zone.*
13. Amending clause 5.10 to read as follows:
- Residential development in the Mixed Use zone shall be subject to the provisions of the R Codes, except where varied by a local planning policy prepared under the deemed provisions of this Scheme.*
14. Removing the following clauses from the Scheme Text, as they have been inserted into Schedule A – Supplemental Provisions:
- Sub-clauses 5.11.4, 7.2.2(c), 7.2.4, 7.2.6, 7.3.2(a)(iii), 7.3.3(a), 7.3.6, 7.7.2, 7.10.1, 7.10.3 - 7.10.5, 8.2(a)(iii), 8.2(c)(iii), 8.2(f)-(i), and 8.2(k)-(l).
15. Inserting a new 'Schedule A – Supplemental Provisions' after sub-clause 11.7.2 and before

Schedule 1, and include the following provisions into the new 'Schedule A':

SCHEDULE A - SUPPLEMENTAL PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)*.

Clause 7:

Commonwealth Heritage List is pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999*.

Clause 8(2):

(d) is to include on the Heritage List the relevant properties and the places on the Commonwealth Heritage List.

Clause 8(4):

(c) the Australian Heritage Council.

Clause 9(2):

(d) a list of any buildings, objects structures or places contained in the Commonwealth Heritage List;

Clause 9(3):

(d) If a local government proposes to designate an area as a heritage area, the local government is to provide the Australian Heritage Council with a copy of the proposed Local Planning Policy for the heritage area.

Clause 9(7):

(c) the Australian Heritage Council.

Clause 10:

(3) In granting an incentive under Clause 12(4) the local government may enter into a heritage agreement with an owner who would benefit from the incentive. The agreement shall specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

Clause 12:

(4) In dealing with any application concerning or affecting a place of cultural heritage significance or a heritage area, the local government may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.

(5) Within a heritage area, the local government may permit on a residential lot an increase up to (as specified by the local government) of permitted dwelling density which otherwise would not apply on that lot under the R Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply:

(a) provision is made for the preservation of significant landscape features; including significant trees or other vegetation;

(b) provision is made for the carrying out of conservation works approved by the

local government on a heritage place; or
(c) *an agreement is otherwise entered into for a contribution to be made to the local government's current municipal heritage conservation program.*

(6) *In a case where the local government has allowed under Clause 12(4) an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.*

Clause 61 (1):

(k) *those advertisements listed in Schedule 4 of this Scheme are exempt from development approval. The exemptions listed in Schedule 4 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage area established or designated under Part 7 of the Scheme.*

(l) *the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is located in a place that has been entered in the Commonwealth Heritage List under the Environmental Protection and Biodiversity Conservation Act 1999*

(m) *the demolition of any building or structure except where the building or structure is located in a place that has been entered in the Commonwealth Heritage List under the Environmental Protection and Biodiversity Conservation Act 1999*

(n) *the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act; and*

(o) *the carrying out of works urgently necessary in the public safety or for essential services.*

Clause 61(2):

(g) *the use of land in a reserve, where such land is held by the local government or vested in a public authority for the purpose for which the land is reserved under the Scheme;*

(h) *in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*

(i) *the use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works;*

Clause 66:

(5) *The local government shall, in considering any application that may affect a heritage area or individual entry on the Commonwealth Heritage List, solicit the views of the Australian Heritage Commission and any other relevant bodies, and take those views into account when determining the application.*

16. Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 (WA)(CI) Schedule 2:

1. General definitions

- Advertisement;
- Amenity;
- Building Code;
- Conservation;

- Cultural Heritage Significance;
- Development Contribution Plan;
- Owner;
- Place
- Premises;
- Region Scheme;
- Residential Planning Codes;
- Substantially Commenced; and
- Zone.

2. Land use definitions

- plantation.

17. Amending the following definitions from Schedule 1 as follows:

1. General definitions

local government means the local government responsible for this scheme;

local planning strategy means the local planning strategy for this scheme prepared under the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI) Part 3, as amended from time to time;

2. Land use definitions

betting agency means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003 (WA)(CI);

child care premises means premises where -

- (c) an education and care service as defined in the Education and Care Service National Law (WA) Act 2012 (WA)(CI) section 5(1), other than a family day care service as defined in that section, is provided; or
- (d) a child care service as defined in the Child Care Services Act 2007 (WA)(CI) section 4;

family day care means premises where a family day care service as defined in the Education and Care Service National Law (WA) (CI) is provided;

hotel means premises providing accommodation the subject of a hotel licence under the Liquor Control Act 1988 (WA)(CI), and may include a betting agency on those premises, but does not include a tavern or motel;

motel means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Control Act 1988 (WA)(CI);

night club means premises —

- (c) used for entertainment with or without eating facilities; and
- (d) licensed under the Liquor Control Act 1988 (WA)(CI);

restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Control Act 1988 (WA)(CI);

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (d) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995;
- (e) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or

(f) smoking-related implements;

tavern means premises licensed as a tavern under the Liquor Control Act 1988 (WA)(CI) and used to sell liquor for consumption on the premises

18. Renumbering the scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.

2. resolves, pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)* (the Regulations), that Amendment No. 2 is a basic amendment in accordance with Regulation 34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;

3. authorise Council officers to prepare the scheme amendment documentation.

4. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.

5. pursuant to Section 81 of the *Planning and Development Act 2005 (WA)(CI)*, refers Amendment No. 2 to the Commonwealth Minister;

6. pursuant to Regulation 58 of the Regulations, provides Amendment No. 2 to the Western Australian Planning Commission.

Carried: 7/0

10.5.2 Ramp for Persons with a Disability

Council Resolution

Moved: Cr PAL

Seconded: Cr WOO

Res. No: 140/16

Council grant both planning approval for the proposed ramp for persons with a disability at the front of the DIRD Administration Building, Gaze Rd, Settlement subject to it complying with the provisions of Australian Standard 1428 and further authorise the MPB&H to issue a Building Permit for the works.

Carried: 7/0

10.6 Manager Recreation Services & Training Officer

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

The Deputy Shire President closed the meeting at 7.55pm

15 DATE OF NEXT MEETING: 13 December 2016.