



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
COUNCIL CHAMBERS, JURIEN BAY
on
THURSDAY 24 FEBRUARY 2022
COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.00pm and welcomed those present.

"I would like to acknowledge the traditional owners of the land we are meeting on today, the Yued people of the great Nyungar Nation and we pay our respects to Elders both past, present and emerging."

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor R Glasfurd	
Councillor M McDonald	
Councillor R Rybarczyk	
Councillor R Shanahun	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr B Pepper	(Executive Manager Infrastructure)
Mr L Fouché	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022**4 PUBLIC QUESTION TIME**

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 27 JANUARY 2022****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr McDonald

That the minutes of the Ordinary Meeting of Council held be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President acknowledged the escalating conflict in Ukraine and expressed her sympathies and hopes for an expedient and peaceful resolution.

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2021

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-1841
Disclosure of Interest:	None
Date:	8 February 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 December 2021.

BACKGROUND

In accordance with the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 December 2021.

COMMENT

Regulation 34 of the Financial Management Regulations (1996) requires the following information to be provided to Council:

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 December 2021 was \$4,888,408. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 December 2021 financial statements, please do not hesitate to

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 December 2021
(Doc Id: SODR-1743450996-1892)
(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That the monthly financial statements for the period 31 December 2021 be adopted.

CARRIED 9 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 JANUARY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-1841
Disclosure of Interest:	None
Date:	9 February 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 January 2022.

BACKGROUND

In accordance with the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 January 2022.

COMMENT

Regulation 34 of the Financial Management Regulations (1996) requires the following information to be provided to Council:

3. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 January 2022 was \$4,009,892. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) of the financial statements and provides information to Council on the budget vs actual rates raised.

4. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 January 2022 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 January 2022 (Doc Id: SODR-1743450996-1913)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Rybarczyk, seconded Cr Clarke

That the monthly financial statements for the period 31 January 2022 be adopted.

CARRIED 9 / 0

9.1.3 ACCOUNTS FOR PAYMENT – JANUARY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-28896
Disclosure of Interest:	None
Date:	14 February 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of January 2022.

BACKGROUND

In accordance with the Local Government Act 1995, and Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT), BPAY and direct debit payments for January 2022 totalled \$1,126,568.28 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the January 2022 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 13 of the Local Government Financial Management Regulations 1997.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for January 2022 (Doc Id: SODR-2042075298-32950)
(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Gibson

That the Cheque and EFT listing for the period ending 31 January 2022 totalling \$1,126,568.28 be adopted.

CARRIED 9 / 0

9.1.4 BUDGET AMENDMENT - JURIEBAY SPORT & RECREATION CENTRE REPLACEMENT PLAYGROUND

Location:	Jurien Bay Sport & Recreation Centre, Bashford Street, Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	SODR-872172829-2329
Disclosure of Interest:	Nil
Date:	16 February 2022
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022PROPOSAL

For Council to consider a budget amendment to provide additional funding required for the replacement of the playground at the Jurien Bay Oval.

BACKGROUND

Many months back it was identified, following various playground maintenance inspections, that the original playground at the Jurien Bay Oval was in dire need of full replacement due to significant rusting of playground components and materials that were unreplaceable.

As a result, Council approved to fund a replacement playground at the Jurien Bay Oval, within the current budget, to the value of \$100,000.

COMMENT

Following a Request for Quote (RFQ) process, the most suitable quotation that met all the project criteria came in within budget however, additional elements within the project's scope, which will be undertaken by the Shire, have increased the project's total cost by \$25,000 over the budgeted amount. This is mainly due to increased building supply/materials costs resulting from the current global pandemic. As a result, this additional \$25,000 required to complete the project is being sought from the Shire's Public Open Space Reserve account.

As per the project's scope for a hybrid of nature-based items, plastic, other new and recycled materials, and the proposed concept plan (see attached), without this additional funding the project scope will need to reduce significantly for the project to proceed to its full completion.

Furthermore, given the unsafe nature of the playground and the removal of some significant playground components, the Shire operations team have already removed the remaining playground equipment in its entirety, and earthworks have been undertaken in preparation for construction of the new playground.

As referenced above, the Shire will also be utilising some components of the old equipment from the previous playground, as well as items recycled from the old jetty playground currently being stored at the Shire's Jurien Bay Operations Depot.

CONSULTATIONInternal

Chief Executive Officer
Executive Manager Corporate & Community Services
Executive Manager Infrastructure
Coordinator Infrastructure Services

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External

Jurien Bay Football Club
Contractor – Nature Play Environments Pty Ltd

STATUTORY ENVIRONMENT

Local Government Act 1995

Section: 6.8. Expenditure from municipal fund not included in annual budget

1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -
 - a. is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b. is authorised in advance by resolution*; or
 - c. is authorised in advance by the mayor or president in an emergency.

*Absolute majority required

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

This item recommends a budget amendment as follows: Transfer from the Shire's Public Open Space Reserve account \$25,000 to Capital Project I80011 – JSRC Playground Replacement

The current balance of the Shire's Public Open Space Reserve account as of 16 January 2022 is \$454,904.44.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

01 - Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our communities contain vibrant, activated public open spaces and buildings with high levels of utilization and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to occupy employing the principals of place-making and design-thinking.
Our investments in public assets are based on responsible and sustainable asset custodianship.	Modernise the Shire's Asset Management Planning framework to sustainably manage our existing asset network and consider asset expansion within sustainable levels of service. Work with community groups to review existing facilities, plan for renewal and ascertain the feasibility of any proposed new facilities.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

	Increase activation of our public open spaces and buildings rather than increasing quantity without a demonstrated need.
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ATTACHMENTS

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

- Outdoor Nature Play Environment Concept Plan (Doc Id: SODR-872172829-2328)

(Marked 9.1.4)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council:

1. **Endorse a budget amendment of \$25,000 to increase the current budget for the replacement playground at the Jurien Bay Oval in 2021 / 2022; and**
2. **Endorse the transfer of \$25,000 from the Public Open Space Reserve account to meet these costs.**

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.2 INFRASTRUCTURE SERVICES**9.3 DEVELOPMENT SERVICES****9.3.1 PROPOSED BOUNDARY REALIGNMENT – LOT 708 (10) PICASSO PLACE, CERVANTES**

Location:	Lot 708 Picasso Place, Cervantes
Applicant:	Peter Dall
File Path:	SODR-1262144384-13035
Disclosure of Interest:	Nil
Date:	1 February 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

For Council to consider relinquishing a portion of a public pedestrian access way (PAW) to the adjoining Lot 708 (10) Picasso Way, Cervantes.

BACKGROUND

A pedestrian PAW exists in two different widths (6.03m and 4.18m) between Picasso Place and Santander Way. The property owner of 10 Picasso Way, Cervantes has requested the Shire relinquish the

portion of the PAW which does not align with the remainder of the public land portion to coincide with the replacement of the current side fence, which is in a state of disrepair. The requested land is approximately 62m² and is shown in yellow below next to the subject property highlighted in blue.



Location Plan – Lot 708 (10) Picasso Place, Cervantes

The PAW is known as Reserve 40925 or Lot 3003 on Deposited Plan (DP) 47961 and was gazetted and vested to the Shire on 5 May 1989. The Reserve has a land area of 357m².

On the date of its gazettal, Reserve 40925 was shown as Lot 709 on Original Crown Plan 17350 (being DP 217350) and had a land area of 581m². At this point in time 10 Picasso Place, had the exact same dimensions (958m²) as it does now, so it can be assumed this Lot has remained the same size and has not changed in size since at least 29 June 1989 (the date in which Plan 17350 was endorsed by the State land authority).

On 6 January 2006, the PAW was reduced in size from 581m² to 357m² coinciding with the creation of Lots 1, 2 and 3 Deposited Plan 47961 (the other three properties which adjoin the PAW). Lot 3 on Deposited Plan 47961 (984m²), being 10 Santander Way, was previously depicted as Lot 722 on Plan 17350 (905m²) before the creation of this new DP. It can therefore be identified that the area reduction of the PAW coincides with the area increase of Lot 3, 10 Santander Way (the property to the rear of 10 Picasso Place). This is the cause of the current uneven/misaligned PAW appearance.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

COMMENT

There are no identified issues with relinquishing the approximately a 62m² portion of the right-of-way as the existing footpath will remain unimpacted, with the benefit of reduced Shire maintenance of this area.

As such it is recommended Council request that the Minister for Lands excises the subject portion of the PAW for amalgamation into adjoining 10 Picasso Place.

CONSULTATION

Infrastructure Services.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Section 51 - Cancelling, changing etc. reserves, Minister's powers as to the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Section 87. Sale etc. of Crown land for amalgamation with adjoining land

(1) In this section —

adjoining land means the land referred to in subsection (2)(b) or (3)(b), as the case requires.

(2) Whenever the Minister considers that a parcel of Crown land is —

(a) unsuitable for retention as a separate location or lot, or for subdivision and retention as separate locations or lots, because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles; but

(b) suitable for —

(i) conveyance in fee simple to the holder of the fee simple; or

(ii) disposal by way of lease to the holder of a lease granted by the Minister under this Act, of land adjoining that parcel, the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.

POLICY IMPLICATIONS

There are no policy implication relevant to this item.

FINANCIAL IMPLICATIONS

The proponent will be required to pay all costs associated with the proposal.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Boundary realignment request (Doc Id: SODR-1262144384-13032)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McDonald

That Council:

- 1. Agrees to relinquish vesting of a portion of Reserve 40925 to the adjoining landowner of Lot 708 (10) Picasso Place, Cervantes, to the extent of achieving a uniform Pedestrian Access Way width of 4.18m, subject to the applicant meeting all costs associated with the proposal.**
- 2. Request that the Minister for Lands excise the relevant portion of Reserve 40925 (pursuant to section 51 of the *Land Administration Act 1997*) for amalgamation into adjoining Freehold Lot 708 on Deposited Plan 217350, 10 Picasso Place, Cervantes pursuant to section 87 of the *Land Administration Act 1997*.**

CARRIED 9 / 0

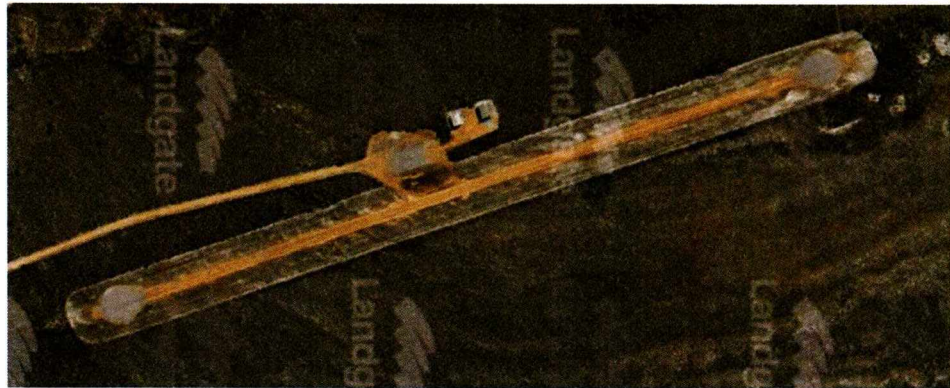
9.3.2 CERVANTES AERODROME LEASE

Location:	Reserve 35811 Cervantes Road, Cervantes
Applicant:	Vincent O'Sullivan
File Path:	SODR-877026889-1480
Disclosure of Interest:	Nil
Date:	7 February 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

For Council to consider leasing 144m² of land at the Cervantes Aerodrome to Vincent O'Sullivan.

BACKGROUND



Location Plan – Cervantes Aerodrome

Lancelin resident, Vincent O'Sullivan has requested leasing aerodrome land for the purposes of a constructing a hangar for storage of a privately owned recreational plane. The applicant inspected land set aside for new private hangar leases at both the Jurien Bay and Cervantes Aerodromes. Cervantes Aerodrome was then chosen as the preferred lease site given its proximity to Lancelin.

Cervantes Aerodrome has a 1,100m gravel airstrip with sealed turn-around ends. There are currently two other private hangars and central hardstand area as shown in the aerial image below.

The applicant proposes to lease 144m² for a hangar between the hardstand area and first existing hangar. A quotation with concept plans of the proposed hangar have been submitted for Council's reference.

COMMENT

Council endorsed a new method of charging hangar lease fees for the Jurien Bay Aerodrome at the April 2021 Ordinary Meeting. To facilitate this new method for Cervantes, and identify a lease rate for the applicant, a market valuation is required. Council reserves the right to discount the subsequent market lease rate to support local recreational aviation.

Council is requested to provide the Chief Executive Officer with authorisation to finalise the lease arrangements with the applicant. To enable lease execution and final approval from the Minister for Lands, a site plan completed by a licensed surveyor depicting the area of land to be leased to each party will be formulated and included as an attachment to the lease documents.

Once the lease agreement is in place, the applicant will be required to lodge both a development application and building permit for the proposed hangar. Development approval will provide the applicant with an exemption from requiring a vegetation clearing permit.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997

The Shire currently holds a management order over Reserve 35811 (Lot 613 on Deposited Plan 182955) with the ability to lease for no longer than 21 years for the purposes of an airport, subject to final approval from the Minister for Lands.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

All costs associated with the lease process, including valuation and legal agreements, will be borne by the applicant.

The Shire will receive revenue from the lease at a market-based rate.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

02 – Propensity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Identify and activate underutilised economic and land assets to promote employment and economic activity.

Economic and Tourism Development Strategy 2020

4. Advocacy and Infrastructure Development - Maximise the private sector utilisation of the Shire's airports facilitating leases and building new infrastructure.

ATTACHMENTS

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

- Proposed hangar concept design (Doc ID: SODR-877026889-1481)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

1. Agrees to dispose of land via the lease of up to 144m² of the Cervantes Aerodrome (Reserve 35811) to Vincent O'Sullivan for the development of a hangar, subject to meeting the requirements of Section 3.58(3) and 3.58(4) of the *Local Government Act 1995* and the applicant meeting all costs associated with the proposal.
2. Authorises the Chief Executive Officer to negotiate and finalise the lease agreement documentation to be forwarded to the Minister for Lands for final approval.

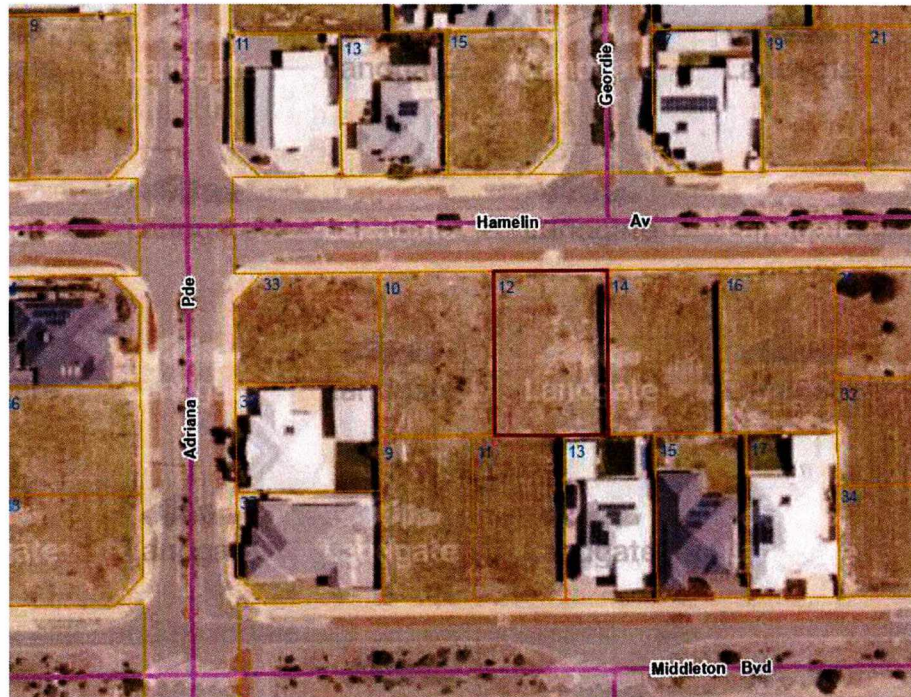
CARRIED 9 / 0

9.3.3 PROPOSED OUTBUILDING – LOT 775 (12) HAMELIN AVENUE, JURIE BAY

Location:	Lot 755 (12) Hamelin Avenue, Jurien Bay
Applicant & Landowner:	S McWhirter
File Ref:	Development Services Apps\Development Application/2022/03
Disclosure of Interest:	Nil
Date:	7 February 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

PROPOSAL

The proponent is seeking development approval for an outbuilding on 12 Hamelin Way, Jurien Bay.



Location Plan – Lot 775 (12) Hamelin Avenue, Jurien Bay

BACKGROUND

The applicant is seeking development approval to construct a 60m² enclosed outbuilding at a wall height of 4.5m and a ridge

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height of 5m on the 859m² property. A 25m² roof only section attached to the rear of the enclosed outbuilding is also proposed. A 4x2 brick single storey dwelling is nearing practical completion on the property.

The outbuilding will be built up to 150mm from the side boundary and be set back 5.5m from the front property boundary.

The subject property is zoned Residential under the Shire's Local Planning Scheme No.7 with a density code of R15.

The proposed outbuilding is referenced against Council's *Local Planning Policy 9.4: Outbuildings Residential Areas* (LPP9.4) in the following table:

	LPP9.4 Sizing	Proposed Garage
Area	80m ²	60m ²
Wall Height	3.6m	4.2m
Ridge Height	4.5m	5m

As detailed, a 0.6m and 0.5 variation to the wall and ridge heights policy maximums is sought respectively. The applicant has detailed that the requested heights are the minimums required for the desired 3.6m high roller door, a door height required in readiness for storage of large recreational vehicle(s).

Local Planning Policy 9.10: Residential Design Codes – Side and Rear Boundary Setbacks provides the ability for the proposed outbuilding to be built up to the boundary (within 600mm of the boundary) and approved under delegated authority subject to the: design principles of section 5.1.3 P3.2 of the Residential Design Codes (R-Codes) being sufficiently addressed to the satisfaction of Shire planning staff; no objection or concern has been raised by neighbouring landowners; and the wall not exceeding a maximum height 3.3m and length of 9m.

In this instance, a neighbouring (but not adjoining) landowner has objected to the proposal resulting in the application being before Council for a decision.

COMMENT

Where a proposal does not meet the deemed-to-comply provisions of LPP9.4 the decision maker is to consider the application against the design principles of the policy (which is as per the Residential Design Codes). The Residential Design Codes (R-Codes) design principles applicable for the proposed boundary wall are:

Lot boundary setback 5.1.3, P3.2

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*

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- *does not have any adverse impact on the amenity of the adjoining property;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

Outbuildings 5.4.3, P3

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The Beachridge Design Guidelines adopted by Council as a Local Planning Policy also have the following applicable design principles for this development application:

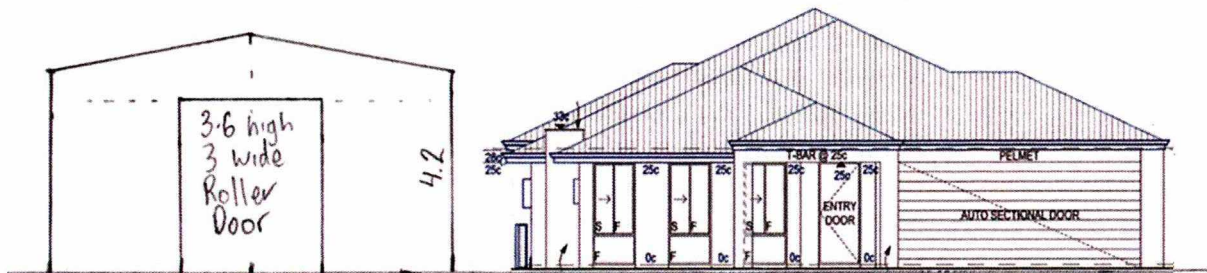
- Outbuildings to be constructed in materials and colours to the corresponding components of the residence, with special care for an outbuilding higher than 2.5m to improve the building's appearance from neighbouring properties or public view.
- Car parking structures must be set back at least 5.5m from any street boundary to allow for a vehicle/boat to be parked in front.

The assessing officer's comments on the proposal are detailed below:

- The proposed side boundary wall height increase of 0.9m from 3.3m (a 27% variation) would lead to an undesirable bulk and scale impact on the adjoining landowner, the wider streetscape appeal and local amenity.
- The proposed side boundary wall has the potential to not provide direct sun to major openings to habitable rooms and outdoor living areas for the adjoining vacant 14 Hamelin Way (i.e. restricts the neighbour's dwelling design potential).
- The positioning of the proposed outbuilding to the side of the residence makes more effective use of space for outdoor living for the applicant, but generally Colourbond clad outbuildings in Beachridge Estate are located to the rear behind the residence.
- The proposed Colourbond wall cladding can match the existing colour palate of the double brick home but is not the same material as outlined in the Beachridge Design Guidelines for an outbuilding positioned next to the residence rather than to the rear of the property.
- The total height (ridge) of the proposed outbuilding is under the total height of the residence, but the 0.6m increased wall height from the policy maximum of 3.6m to 4.2m results in the outbuilding being the more dominate structure from the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

streetscape (as shown below), which is an outcome to be avoided in residential zones in accordance with design principle 5.4.3 P3 of the R-Codes.



- Approval of this proposal would set an undesirable precedence for outbuilding heights inconsistent with LPP9.4.

Given the above assessment it is recommended the development application be refused. An alternative recommendation is provided below should Council resolve otherwise.

Alternative Recommendation

That Council grant development approval for an outbuilding upon Lot 755 Hamelin Avenue, Jurien Bay subject to following conditions and advice:

Conditions:

- 1. All development, subject to any conditions of this approval, shall be in accordance with the approved development plans, which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.*
- 2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.*
- 3. The outbuilding is not to be used for human habitation, to the satisfaction of the Shire of Dandaragan.*

Advice Notes:

This is a development approval of the Shire of Dandaragan under its Local Planning Scheme No.7 only. The applicant/landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.

CONSULTATION

The proposal was forwarded to neighbouring landowners for comment. The following objection was received, in addition to two “no objections” recorded:

“I would like to raise my concerns around the development application for an outbuilding exceeding maximum wall height by 600mm.

Based on the height and the fact that this would form part of the boundary fence I would object to the approval of this application.

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In my opinion, the outbuilding being situated so close to the street building line would detract from the overall street appeal, it could potentially cause shadowing issues for neighbour and is not in keeping with existing dwellings already constructed in the area.

At this height, I would prefer to see the outbuilding situated to the rear of the block, as is the case for most of the properties in the estate, away from the street façade.

There is also noise factor to consider where the shed is located."

The proposal was also referred to the Ardross Development Manager for Beachridge Estate who commented that the proposal does not comply with the applicable Restrictive Covenants or the Beachridge Design Guidelines. In particular, clause 2.2 (4) of the Restrictive Covenants (attached) prohibits the proposed outbuilding from being constructed within 7.5m from the front property boundary.

A restrictive covenant is an agreement which restricts a landowner in the use or enjoyment of the landowner's land ('burdened land') for the benefit of other land. Developers, such as Ardross utilise covenants to provide additional controls to those available under local planning schemes in order to enhance the amenity and character of an estate. Nonetheless, the existence of a restrictive covenant is not a relevant planning consideration in the determination of a development application.

STATUTORY ENVIRONMENT

- Planning and Development (Local Planning Schemes) Regulations 2015
 - Deemed provisions for local planning schemes
 - Cl.67. Consideration of application by local government
- Local Planning Scheme No 7:
 - Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.

POLICY IMPLICATIONS

- Local Planning Policy 9.4 Outbuildings Residential Areas
- Local Planning Policy 9.10 Residential Design Codes – Side and Rear Boundary Setbacks
- Residential Design Guidelines Beachridge Estate Jurien Bay

FINANCIAL IMPLICATIONS

The applicant has paid the required \$147 fee for the development application.

STRATEGIC IMPLICATIONS

Strategic Community Plan Envision 2029

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02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

ATTACHMENTS

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

- Development application 03/22 (Doc Id: SODR-1262144384-13106-8)
- Restrictive covenants (Doc Id: SODR-1262144384-13154)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Shanhun

That Council refuse the development application for an outbuilding upon Lot 755 Hamelin Avenue, Jurien Bay as the development would:

- not comply with orderly and proper planning for the locality;
- not be compatible with its setting and the desired character of the locality in terms of the likely effect of the height, bulk, scale orientation and appearance (clause 67(2)(m) of the Deemed Provisions for local planning schemes);
- have an adverse impact on the amenity of the locality (clause 67(2)(n) of the Deemed Provisions for local planning schemes); and
- if approved, set an undesirable precedent for similar development applications in the future, inconsistent with *Local Planning Policies*:
 - **9.4 Outbuildings Residential Areas**
 - **9.10 Residential Design Codes – Side and Rear Boundary Setbacks**
 - **Residential Design Guidelines Beachridge Estate Jurien Bay**

Advice

If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

CARRIED 9 / 0

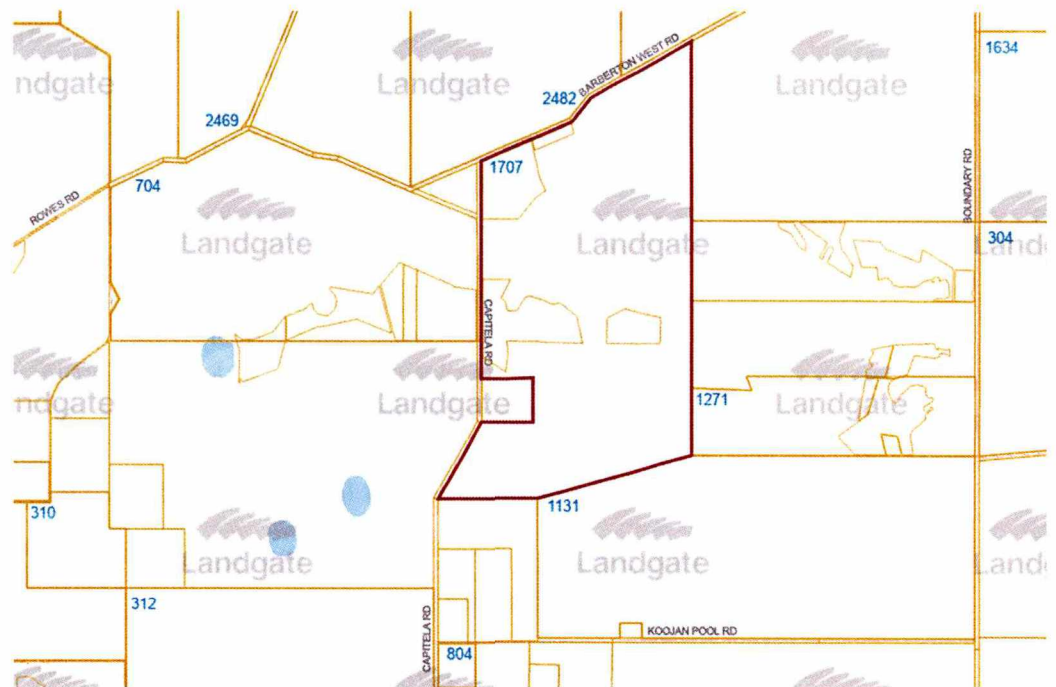
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9.3.4 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE LOT 3356 (1707) BARBERTON WEST ROAD, YATHROO

Location:	Lot 3356 (1707) Barberton West Road, Yathroo
Applicant:	Out of the Woods Planning on behalf on Field Solution Group
Landowner:	Koojan Downs Pty Ltd
File Path:	SODR-1262144384-13152
Disclosure of Interest:	Nil
Date:	10 February 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

To consider a development application for the construction a telecommunications tower and associated infrastructure on 1707 Barberton West Road, Yathroo required to enable Field Solutions Group to provide wireless broadband network coverage to this locality.



Location Plan – 1707 Barberton West Road, Yathroo

BACKGROUND

The subject property is zoned Rural under the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme). The property forms part of the Koojan Downs Cattle Feeding Facility, however, is only used as an extensive animal husbandry balance property and has no feeding facility infrastructure which are located on neighbouring land parcels accessed off Boundary Road.

The proponent, Field Solutions Group presented to Council at the 27 January 2022 Ordinary Council Meeting with an overview on the business as a rural and remote telecommunications carrier in direct competition with traditional providers such as Telstra and Optus. To provide a wireless broadband network, a series of line-of-sight

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towers are required. Each tower site is chosen for elevation, distance to other towers and ease of access.

The following specific telecommunication infrastructure are proposed for this tower site as shown in the attached plans:

- 50m tripod tower with antennas
- Control room
- Solar panel array system
- Compound fencing

Telecommunications infrastructure is defined in the Scheme as: *land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.*

As this proposed land use class is not listed within the Zoning Table of the Scheme, the use not listed provisions of the Scheme apply:

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a. determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b. determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c. determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The Scheme objective for the Rural zone of which the subject property is zoned is:

To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.

The reporting officer considered that the proposal may be compatible with the Rural zone and subsequently undertook advertising of the proposal to potentially affected neighbouring landowners.

At the time of writing, one response was received from the adjoining landowner located only 300m from the proposed development. This neighbour welcomed the proposal and was encouraged by the potential to have mobile coverage on their property, they did however request that the tripod tower be sufficiently marked as they often undertake aerial spraying on their property.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022COMMENT

It is recommended Council first find the use is compatible with the Rural zoning and secondly, grant development approval for the proposed telecommunication infrastructure for the following reasoning. The development:

- is not expected to have an adverse impact on visual amenity of the locality or be clearly observed from the road frontage of the property;
- will provide substantial connectivity improvements to an area that currently has little to none, wireless broadband services in accordance with Shire strategy;
- requires no vegetation clearing or obstruction to the established broadacre farming land use as the chosen site is outside of the usable grazing/cropping lands of the property and clear of remnant vegetation.
- site is not identified as being bushfire or flood prone.

CONSULTATION

Neighbouring potentially affected landowners were provided with 18 days to comment on the proposal. Only one supportive verbal comment was received by telephone as noted previously.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

State Planning Policy 5.2 Telecommunication Infrastructure - *balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas.*

FINANCIAL IMPLICATIONS

Application fee received

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020
Actions Utility Infrastructure – Telecommunications:
In consultation with network providers, seek improvement to the quality of telecommunications and technology infrastructure throughout the Shire.
- Strategic Community Plan – Envision 2029

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02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Advocate and facilitate the reduction in economic barriers such as access to water, electricity, logistics infrastructure and telecommunications

ATTACHMENTS

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

- Development application 5 / 22 (Doc IDs: SODR-1262144384-12954 & SODR-1262144384-12959-61)
(Marked 9.3.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Shanhun

That Council:

1. **Determines that the proposed land use of 'telecommunications infrastructure' is consistent with the objectives of the 'Rural' zone and is therefore permitted in accordance with clause 3.4.2 a) of the *Shire of Dandaragan Local Planning Scheme No.7*.**
2. **Grants development approval for telecommunications infrastructure on Lot 3556 (1707) Barberton West Road, Yathroo subject to following conditions and advice:**

Conditions:

- A) **All development shall be in accordance with the approved development plans (enclosed), which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.**
- B) **The tripod tower is to have an aircraft identification marker at its highest point to the satisfaction of the Shire of Dandaragan.**

Advice:

- i. **This is a development approval of the Shire of Dandaragan for 'Telecommunications Infrastructure' under its *Local Planning Scheme No.7* only. The applicant/landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, Australian standards, local laws, licensing requirements and/or legal agreements that may relate to the development.**

- ii. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

CARRIED 9 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 LOCAL GOVERNMENT REFORM SUBMISSION

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-878193511-2716
Disclosure of Interest:	An impartiality interest is declared
Date:	7 February 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not applicable

PROPOSAL

The purpose of this item is for Council to endorse its submission to the Department of Local Government, Sport and Cultural Industries on the recently announced proposed reforms for the industry.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (Department) is inviting comments from local governments and the wider community to inform implementation of a new suite of proposed reforms. The feedback received will inform the drafting of legislation. Legislative reform has ongoing under the current Government since 2017. The State advises that the current reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The fact sheets produced by the Department on each of these topics is provided within attachments.

COMMENT

Council has reviewed the proposed reform package and developed its submission through a number of workshops. Provided within the attachments to this agenda item is the proposed submission

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 FEBRUARY 2022

document which is formatted in the template provided by the Department. This document provides a summary of the proposed reforms and Council's consolidated response.

In considering the response to the reform package Council has taken into account the proposed submissions of WALGA and LG Professionals WA. At present, both of these peak body submissions are in draft format while they collate final industry submissions. In discussions with executive representatives from each organisation it is unlikely that there will be any material variations to what is provided within the attachments. WALGA's submission will be finalised following the first round of WALGA Zone meetings for the year where each Zone will consider and endorse the draft sector submission.

To avoid duplication, where Council has agreed with either or both of these peak bodies this has been noted as endorsed.

Given the broad nature of many of the reform proposals there is general support for the legislative reform package. The following reform proposals were opposed with reasons detailed within Council's submission document:

- 1) Presiding Members having the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings.
- 2) Preferential Voting being utilised for Local Government Elections.
- 3) All Band 1 and 2 Councils having a popularly elected Mayor (as opposed to the Local Government being able to select whether their Mayor is popularly elected or elected from a Council vote).
- 4) Reducing elected member seats to 5 in local government populations less than 5,000.
- 5) The CEO's KPIs and results of the performance review processes being published in Council minutes.
- 6) Superannuation entitlements for Councillors.

CONSULTATION

- WALGA
- LG Professionals WA

STATUTORY ENVIRONMENT

This item considers legislative reform associated with the Local Government Act 1995.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no immediate financial impacts associated with this report as the proposals are in their consultation phase. The overall reform

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process is likely to result in redistribution or increases in resources to respond to any changes to the Local Government Act 1995.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

04 – Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities
Priority Outcomes	Our Roles
A region that develops and supports community leadership and collective values	Provide an industry leading local government organisation promoting community confidence and support in our decision-making processes

ATTACHMENTS

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

- Shire of Dandaragan LG Reform Proposals Submission (Doc Id SODR-878193511-2715)
- LG Reform Fact Sheets (Doc Id SODR-878193511-2717)
- WALGA Draft Submission (Doc Id: SODR-878193511-2718)
- LG Professionals WA Submission (Doc Id: SODR-878193511-2719)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Rybarczyk, seconded Cr Eyre

That Council endorse the Shire of Dandaragan Local Government Reform Proposals Submission (Doc Id: SODR-878193511-2715).

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – JANUARY 2022 COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-4702]

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 January 2022. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JANUARY 2022

Document ID: [SODR-2045798944-445]

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Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for January 2022. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JANUARY 2022

Document ID: [SODR-2045798944-446]

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for January 2022. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARIES / COMMUNITY ACTIVITIES REPORT FOR JANUARY 2022

Document ID: [SODR-1876983588-899]

Attached to the agenda is monthly report for Tourism / Library for January 2022. **(Marked 9.5.4)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.09pm.

These minutes were confirmed at a meeting on March 24 2022.....

Signed P. S. Day.....

Presiding person at the meeting at which the minutes were confirmed

Date March 24 2022.....