



SHIRE
of
DANDARAGAN

MINUTES (PUBLIC)

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 22 JUNE 2017

COMMENCING AT 4.05PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
1.1	DECLARATION OF OPENING	1
1.2	DISCLAIMER READING	1
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	2
6	CONFIRMATION OF MINUTES	2
6.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 25 MAY 2017	2
7	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	2
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	3
9	REPORTS OF COMMITTEES AND OFFICERS	3
9.1	CORPORATE & COMMUNITY SERVICES	3
9.1.1	ACCOUNTS FOR PAYMENT – MAY 2017	3
9.1.2	FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2017	4
9.2	INFRASTRUCTURE SERVICES	6
9.3	GOVERNANCE & ADMINISTRATION	6
9.3.1	2016-17 REVIEW OF DELEGATIONS REGISTER	6
9.3.2	NORTHERN GROWTH ALLIANCE: REGIONAL GROWTH PROJECT EXECUTION STRATEGY.....	9
9.4	DEVELOPMENT SERVICES	11
9.4.1	PLANNING APPLICATION – PROPOSED OVERSIZED CARPORT WITH NIL FRONT BOUNDARY SETBACK – LOT 378 BOWER STREET, JURIE BAY	11
9.4.2	PLANNING APPLICATION – PROPOSED OVERHEIGHT OUTBUILDING WITH NIL SETBACK – LOT 1211 FIGTREE WAY, JURIE BAY	14
9.4.3	PLANNING APPLICATION – PROPOSED OVERHEIGHT OUTBUILDING WITH NIL SETBACK – LOT 16 VALENCIA ROAD, CERVANTES.....	18
9.5	COUNCILLOR INFORMATION BULLETIN.....	22
9.5.1	SHIRE OF DANDARAGAN – MAY 2017 COUNCIL STATUS REPORT	22
9.5.2	SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JUNE 2017.....	22
9.5.3	SHIRE OF DANDARAGAN – BUILDING STATISTICS – MAY 2017.....	23
9.5.4	SHIRE OF DANDARAGAN – PLANNING STATISTICS – MAY 2017	23
9.5.5	LOCAL GOVERNMENT NEWS – 19 MAY 2017 – ISSUE 19.....	23
9.5.6	WALGA – WASTENEWS – 19 MAY 2017 – ISSUE 32.....	23
9.5.7	JURIE BAY YOUTH GROUP	23
9.5.8	CERVANTES CULTURAL COMMITTEE INC. – ZEBRA CROSSWALK.....	24

9.5.9	DLGC – 2017 COMMUNITY DEVELOPMENT PROGRAM TRAINING WORKSHOP.....	24
9.5.10	PROCUREMENT NEWS – MAY 2017 – ISSUE 35	24
9.5.11	SOUTH WEST NATIVE TITLE SETTLEMENT - NEWSLETTER	24
9.5.12	SHANE LOVE MLA – DETERIORATING TELECOMMUNICATIONS	24
9.5.13	ENVIRO NEWS – MAY 2017 – ISSUE 5.....	24
9.5.14	WAPC – LOCAL PLANNING SCHEME NO 7 - AMENDMENT 23 – MINISTERIAL DECISION REFUSE TO APPROVE	25
9.5.15	ENVIRONMENTAL PROTECTION AUTHORITY – COOLJARLOO WEST TITANIUM MINERALS PROJECT	25
9.5.16	DEPARTMENT OF LANDS – EXTENSION OF NOTICE OF INTENTION TO TAKE SECTION 170(8) OF THE LAND ADMINISTRATION ACT 1997 (LAA)	25
9.5.17	DEPARTMENT OF TRANSPORT – MARINE SAFETY.....	25
9.5.18	HON. DAVID TEMPLEMAN MLA – MEDIA STATEMENT – MYCOUNCIL DATA STRENGTHENS ACCOUNTABILITY	26
9.5.19	LOCAL GOVERNMENT NEWS – 2 JUNE 2017 – ISSUE 21	26
9.5.20	WASTENEWS – 2 JUNE 2017 – ISSUE 33	26
9.5.21	HON FRANCIS LOGAN MLA – MEDIA STATEMENT – BUSHFIRE MITIGATION SUMMIT TO BE HELD JUNE 23.....	26
9.5.22	WALGA MEMBERSHIP FOR 2017 / 2018	27
9.5.23	WALGA – REPORT ON LOCAL GOVERNMENT ROAD ASSETS AND EXPENDITURE 2015 / 2016.....	27
9.5.24	DLGC CIRCULAR NO 05-2017 – MYCOUNCIL WEBSITE DATA UPDATE.....	27
9.5.25	HON RITA SAFFIOTI MLA – MEDIA STATEMENT – PROJECT SAVINGS ALLOCATED TO BINDOON BYPASS	27
9.5.26	WATER CORPORATION – AROONA ALLIANCE – AGRICULTURAL APPLICATION OF BIOSOLIDS WITHIN THE SHIRE OF DANDARAGAN	27
9.5.27	LOCAL GOVERNMENT NEWS – 9 JUNE 2017 – ISSUE 22	28
9.5.28	MINISTER FOR TRANSPORT – DISCONTINUATION OF VEHICLE LICENCE CONCESSIONS FOR LOCAL GOVERNMENT AUTHORITIES.....	28
9.5.29	CERVANTES RATEPAYERS & PROGRESS ASSOCIATION (INC) – FOREGO 2016 SHIRE / TRONOX GRANT	28
9.5.30	DEPARTMENT OF SPORT & RECREATION – COMMUNITY SPORTING & RECREATION FACILITIES FUND (CSRFF) 2018 / 2019 FUNDING ROUND	28
9.5.31	KEY PROJECTS UPDATE	28
9.5.32	DFES – MISLEADING ARTICLE IN THE ASSOCIATION OF VOLUNTEER BUSH FIRE BRIGADES E-NEWSLETTER.....	28
9.5.33	HON BEN WYATT MLA – MEDIA STATEMENT - WYATT APPLAUDS NATIVE TITLE BILL PASSING.....	29
9.5.34	DLGC – CIRCULAR NO 07-2017 – CHANGES TO ACCOUNTING STANDARDS – IMPLEMENTATION OF RELATED PARTY DISCLOSURE	29
9.5.35	DLGC – CIRCULAR NO 08-2017 – WORLD HEALTH ORGANISATION GLOBAL NETWORK OR AGE-FRIENDLY CITIES AND COMMUNITIES – AFFILIATE STATUS	29

9.5.36	WALGA – EMPLOYEE RELATIONS ALERTS – ALERT 9 / 2017	29
10	NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING	29
10.1	GOVERNANCE & ADMINISTRATION	29
10.1.1	TURQUOISE WAY PATH – EASEMENT OVER FREEHOLD LAND	30
11	CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....	32
11.1	GOVERNANCE & ADMINISTRATION	33
11.1.1	SHIRE OF DANDARAGAN ORGANISATIONAL STRUCTURE	34
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	35
13	CLOSURE OF MEETING	35

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 4.05pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 0 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor D Slys	(Deputy President)
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor D Richardson	

Staff

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)
Ms R Headland	(Council Secretary & PA)
Ms M Perkins	(Community Development Officer)

Apologies

Councillor W Gibson

Approved Leave of Absence

Councillor P Scharf

Observers

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr McGlew, seconded Cr Sheppard

That leave of absence be approved:

Cr Richardson - 31 July 2017 – 1 September 2017.

CARRIED 6 / 0

Moved Cr Sheppard, seconded Cr Kulisa

That leave of absence be approved:

Cr Slyn - 29 June 2017 – 22 July 2017.

CARRIED 6 / 0

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 MAY 2017

COUNCIL DECISION

Moved Cr Richardson, seconded Cr Slyn

That the minutes of the Ordinary Meeting of Council held 25 May 2017 be confirmed.

CARRIED 6 / 0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President announced that Mr Frank Creagh, Honourary Freeman of the Shire was awarded an Order of Australian Medal at the WA Day Celebrations.

“Mr Frank Hollis Creagh served on the Shire of Dandaragan on three separate occasions for a total of 23 years of service, between 1964 and 1998. Frank served as a Deputy President for three years from 1975 to 1978 and was President of the Shire of Dandaragan from 1978 to 1982.”

The President announced that this would be Mr Rennie’s last Council Meeting pending his retirement after 35 ½ years’ service with the Shire of Dandaragan as the Deputy Chief Executive Officer.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – MAY 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	9 June 2017
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of May 2017.

BACKGROUND

As part of the Local Government Act 1995, Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for May 2017 totalled \$692,419.77 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the May 2017 Accounts for Payment, 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 13 of the Local Government Financial Management Regulations 1997.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for May 2017 (Doc Id: 92675)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Sheppard

That the Municipal Fund cheque and EFT listing for the period ending 31 May 2017 totalling \$692,419.77 for the Municipal Fund be accepted.

CARRIED 6 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2017

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 June 2017
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 May 2017

BACKGROUND

As part of 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 May 2017.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017</p>
--

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 [ie surplus / (deficit)] position as at the 31 May 2017 was \$3,637,610. 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 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) 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.

Economic Services

Expenditure is at 83% of Y-T-D budget and is due to less than budgeted expenditure on tourism as well as less than budgeted employee costs.

Other Property and Services

Expenditure is at 113% and is due to overhead and plant on-cost allocations. This is generally a timing issue and is a result of actual costs being incurred inconsistently throughout the year, but being applied consistently through the wages process. This is a non-cash item and is monitored continuously.

Should Councillors wish to raise any issues relating to the 31 May 2017 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)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

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

2016 – 2026 Strategic Community Plan

Goal 5: Proactive and leading local government

Business as Usual

k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 31 May 2017 (92784)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Sheppard

That the monthly financial statements for the period 31 May 2017 be adopted.

CARRIED 6 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 GOVERNANCE & ADMINISTRATION

9.3.1 2016-17 REVIEW OF DELEGATIONS REGISTER

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Authorisations / Delegations Register
Disclosure of Interest:	None
Date:	12 June 2017
Author:	Julie Rouse, Executive Secretary
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To review the Shire of Dandaragan's Delegations Register in accordance with the Local Government Act 1995.

BACKGROUND

The Local Government Act 1995 provides for a local government to delegate some of its powers and duties to the Chief Executive Officer and in some circumstances at committee. The Act also provides for the Chief Executive Officer to delegate any of his / her powers or functions to any employee of the local government. All of the above mentioned delegations are required to be recorded in a register of delegations and that register must be reviewed on an annual basis.

COMMENT

The review of the Delegations Register proposes a number of minor changes mostly formatting of the relevant legislation for consistency across the document however there is the addition of two new delegations as follows:

Delegation 215 – Public Health Act 2016

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

Delegation 216 – Building Act 2011

“That Council authorise the Chief Executive Officer, as ‘approved officer’ to administer and issue infringement notices for noncompliance under the Building Act 2011”

Additionally there are some other changes within the document following the Executive Management Teams review of the Register as follows:

Delegation 103 – Principal Environmental Health Officer's purchasing authority increases from *Level 7* to *Level 3*.

Delegation 105 – Points 5 and 6 of the delegation be deleted as actions form part of the Financial Management Regulations. Point 7 requires the wording *“....and at the next ordinary meeting of Council”* to be removed and replaced with *“...upon request”*.

Delegation 115 – Remove the wording *“.... which are no longer required, or are outmoded, or are no longer serviceable. This delegation applies only to items with an estimated market value less than \$2,000”*. and add the wording *“...in accordance with the Regulations”*.

Additionally, it is proposed that the following wording be added to this delegation:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

“The Chief Executive Officer is also delegated authority to call for expressions of interest from not-for-profit groups to be provided with outdated computer equipment following the removal of Shire records, a full system clean-up and formatting of software.

Delegation 127 – Add under ‘CEO Delegates to’ the *Emergency Services Coordinator*

Delegation 133 – Add under ‘CEO Delegates to’ the *Manager Planning*

The Delegation Register has tracked changes which enables you to view what alterations are proposed.

As part of the Compliance Audit Return, delegations are to be reviewed within the relevant financial year, in this case 2016/17.

CONSULTATION

- Executive Management Team
- Manager Planning
- Manager Building
- Principal Environmental Health Officer

STATUTORY ENVIRONMENT

The Local Government Act 1995 Section 5.46 establishes the requirement to maintain a delegations register.

Other legislative requirements and references are incorporated within the Delegations Register itself.

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	f) Maintain a high standard of governance and accountability

ATTACHMENTS

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

- Shire of Dandaragan Delegations Register (Doc Id: 20222)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Kulisa, seconded Cr McGlew****That Council amends its Delegations Register in accordance with the proposed changes shown in the attached version (Doc Id: 20222) of the Register.****CARRIED 6 / 0****9.3.2 NORTHERN GROWTH ALLIANCE: REGIONAL GROWTH PROJECT EXECUTION STRATEGY**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Government Relations / Local and Regional Liaison / Local Government
Disclosure of Interest:	Nil
Date:	12 June 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider the appointment of an additional Councillor to the Northern Growth Alliance (NGA) group.

BACKGROUND

The NGA group currently comprises of the Presidents and Chief Executive Officers of the three NGA Councils being Chittering, Dandaragan and Gingin.

The NGA was established in May 2015 under a Memorandum of Understanding between the NGA Councils. At Council's meeting held on the 28 May 2015 it was resolved:

That Council:

- 1. authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Memorandum of Understanding for the operation of the Northern Growth Alliance; and*
- 2. appoint the President, Deputy President (as a proxy) and Chief Executive Officer as members of the Northern Growth Alliance Governance Group.*

While the Deputy President is the proxy member for this group, the NGA recently discussed the need to have a second Council member in attendance with the President during the development of the NGA Growth Plan and possibly into the future.

It was felt that the extra workload and input required would also require additional input from an elected member.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

COMMENT

The NGA meet approximately every two months. The Growth Plan is the main topic of discussion together with the Wheatbelt Development Commission (WDC).

Even though there is a proxy nominated it is felt that an additional full member be appointed. With two members, it is not necessary for a Proxy Member.

These meetings usually occur on a Tuesday or Wednesday (to suit the majority of the parties) and are generally held in either Gingin or Lancelin.

CONSULTATION

- NGA Members
- WDC
- President

STATUTORY ENVIRONMENT

There are no statutory implications applicable to this item.

POLICY IMPLICATIONS

Council Policy 1.7 Travelling Expenses - Members and non-Member Delegates relates to this item.

FINANCIAL IMPLICATIONS

Travel costs are budgeted for within the Annual Budget.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.1 High performing Council	a) Ensure the Councillors and Council decision-making processes are well supported. b) Nominate Council delegates to key Associations.

ATTACHMENTS

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

- Planning for the Growth Corridor North of Perth - Project Execution Strategy (Doc Id: 92702)
- Briefing Note – Planning for the Growth corridor North of Perth (Doc Id: 92826)

(Marked 9.3.2)

VOTING REQUIREMENT

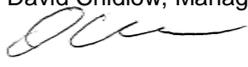
Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Sheppard, seconded Cr Slyns
That Council appoint Cr Richardson to the Northern Growth Alliance as the second member and Cr Kulisa as the proxy in the absence of Cr Richardson for the purpose of providing additional input into the Growth Management Plan Project.**

CARRIED 6 / 0

9.4 DEVELOPMENT SERVICES**9.4.1 PLANNING APPLICATION – PROPOSED OVERSIZED CARPORT WITH NIL FRONT BOUNDARY SETBACK – LOT 378 BOWER STREET, JURIE BAY**

Location: Lot 378 Bower Street, Jurie Bay
 Applicant: Swan Aussie Sheds on behalf of L Eyden
 Folder Path: Development Services App / Development Application / 2017 / 23
 Disclosure of Interest: None
 Date: 9 June 2017
 Author: David Chidlow, Manager of Planning
 Signature of Author: 

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

PROPOSAL

The applicant seeks approval for a proposed oversized carport outbuilding with a total area of 9.2m x 6.0m (55.2m²) with nil front boundary setback. The proposal does not meet the requirements of the Residential Design Codes or Council Planning Policy.

BACKGROUND

The proponent has submitted a proposal to construct an oversized (55.2m²) carport with a nil setback to the front boundary between the existing dwelling and road reserve. The proposed length of carport on the front boundary is 9.2m.

In accordance with Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ (the Policy) carports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m. The proposal does not comply with the size limitation being 15.2 m² in excess of the requirement.

The proposal does not comply with the setback requirements of the Residential Design Codes which sets a minimum setback of 7.5m for the R12.5 density coding. The applicant proposes a nil (0.2m) setback from the road reserve

COMMENT

The proposal exceeds the floor area permitted by the Council’s Policy. 2. The Council may consider applications for carports and

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

garages that exceed the size limitations based on meeting a set of criteria, one of those being the carport is located at least 0.5m behind the dwelling alignment. The proposal does not meet this criteria.

In addition to the Council Policy, the proposal does not meet the setback requirement of the Residential Design Codes (the codes). The residential density for the subject property is R12.5 which has a minimum setback of 7.5m. There are provisions in the codes that allow variations subject to limitations as follows;

Deemed to Comply

C2.1 Buildings set back from the primary street boundary:

- i. in accordance with Table 1;
- ii. corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street;
- iii reduced by up to 50 per cent provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance

The proposal does not meet any of the above deemed to comply criteria. The applicant can make application for a variation based on design principles as set out below. It is noted that the applicant has not provided details of any reduction of setback based on C2.1 above or applied for a design principle assessment.

Design principles

P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:

- contribute to, and are consistent with, an established streetscape;

The proposal does not meet the above criteria as there are no other similar developments in the front setback within the streetscape area.

Given the non-compliance with Council policy and the codes. The application is recommended for refusal.

CONSULTATION

The application was not advertised to neighbours as the noncompliance with both Council Policy and Residential Design Codes is so substantial that the Council is unlikely to approve of the development and that neighbour support or objection will not contribute to the decision making process.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Carpports and Garages

1. All garages and carpports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m.
2. The Council may consider applications for carpports and garages that exceed the size limitations defined in Part 1, where the following criteria are, in the opinion of Council, satisfactorily addressed;
 - a) the garage or carpport is attached to and forms part of the adjoining dwelling;
 - b) the garage or carpport is situated under the roof line of the adjoining dwelling;
 - c) the garage or carpport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);
 - d) the garage or carpport will not have an impact on the streetscape or amenity of the area; and
 - e) the garage or carpport complies with any design guidelines adopted by Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 92896)
- Plans (Doc Id: 92895)
- Aerial Image (Doc Id: 92897)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Richardson

That Council refuse planning approval for the proposed Carport on Lot 378 Bower Street, Jurien Bay for the following reason;

1. the proposed development does not comply with Table 1 of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;
2. the proposed development does not comply with Local Planning Policy 8.6 - Outbuildings 'Residential Areas' for maximum floor area and front boundary setback applicable to carports; and
3. the proposed development does not comply with orderly and proper planning for the locality.

ADVICE NOTES:

Note 1: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 6 / 0

9.4.2 PLANNING APPLICATION – PROPOSED OVERHEIGHT OUTBUILDING WITH NIL SETBACK – LOT 1211 FIGTREE WAY, JURIEN BAY

Location:	Lot 1211 Figtree Way, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of K & S Dawson
Folder Path:	Development Services App / Development Application / 2017 / 14
Disclosure of Interest:	None
Date:	9 June 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 6m x 7.7m (46.2m²) with nil side boundary setback for wall of height 3.6m

BACKGROUND

The proponent has submitted a proposal to construct a 46.2m² outbuilding with a nil setback along two boundaries. The proposed wall height on the nil setback boundary is 3.6m

Justification for the proposed reduced setback is that;

The floor area is reduced from the maximum of 80m² to 46m² which reduces the impact of the bulk and scale of the proposal on neighbouring properties.

The configuration of the neighbouring lots results in the longest wall (7.7m) being at the rear of the adjoining lot and the shortest wall (6m) at the other adjoining lot. There is also an offsetting of lots adjoining which reduces the impact.

The location of the existing dwelling does not allow for any alternate configurations on the subject property.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply.

COMMENT

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. Clause 5.4.3 P3 of the R-Codes state:

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

Thus the three issues to be considered are:

1. Does the proposal detract from the Streetscape?
2. Does the proposal affect the visual amenity of neighbouring properties?
3. Does the proposal match the existing residence?

The proposal is recommended for approval based on the following reasons:

1. The design and colours of the outbuilding will blend with the dwelling under construction and will not detract from the streetscape or the neighbouring properties amenity;
2. The outbuilding complies with all of the requirements of the Outbuildings Policy excepting for height and a reduced setback along on side and rear boundaries.
3. The outbuilding has been reduced in size from the maximum allowable under the policy, as such the length of walls that exceed the height requirement will be shorter and present less impact on bulk and scale for adjoining neighbours.
4. There has been no objection from neighbours.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

Council has previously granted approval for higher walls to outbuildings where the wall lengths are 9.0m or less based on the merits of the application and location

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 22 May 2017. No submissions were received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

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

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

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a council decision.
8. Where a parapet/boundary wall is proposed (i.e. a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 92898)
- Plans (Doc Id: 92899)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Slyns

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 10 April 2017 on Lot 1211 Figtree Way, Jurien Bay subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 10 April 2017 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. the roof and wall material being of non-reflective nature and colour; and**
- 3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years,

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017</p>
--

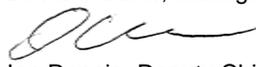
or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** Council has granted dispensation for this specific application due the reduced floor area, the configuration of adjoining lots and that there is no alternate solution available for the location given the site constraints.
- Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 6 / 0

9.4.3 PLANNING APPLICATION – PROPOSED OVERHEIGHT OUTBUILDING WITH NIL SETBACK – LOT 16 VALENCIA ROAD, CERVANTES

Location:	Lot 16 Valencia Road, Cervantes
Applicant:	D & S Harper
Folder Path:	Development Services App / Development Application / 2017 / 16
Disclosure of Interest:	None
Date:	9 June 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant seeks approval for a proposed brick / weatherboard outbuilding with a total area of 8.75m x 5.99m (52.4m²) with nil side boundary setback for wall of height 3.3m

BACKGROUND

The proponent has submitted a proposal to construct a 52.4m² outbuilding with a nil setback along two boundaries. The proposed wall height on the nil setback boundary is 3.3m

Justification for the proposed reduced setback is that;

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

The floor area is reduced from the maximum of 80m² to 52m² which reduces the impact of the bulk and scale of the proposal on neighbouring properties.

Nil setback Policy requirement (all roof types)	Proposed height at nil setback	1.1m setback Policy requirement (Skillion Roof)
Wall height maximum 3.0m	3.3m	Wall height maximum 3.9m

Whilst the height of 3.3m is above the policy limit of 3.0m for a nil boundary setback, it is 0.6m less than the maximum policy height of 3.9m (skillion roof) setback at 1.1m as detailed in the above table.

Each wall will be less than the 9.0m in length permitted for a 3.0m wall height.

The roof will be skillion and therefore of a lesser height than a standard gable roof outbuilding. This will further reduce the impact in bulk and scale of the proposal.

In accordance with the Council's Policy where a parapet / boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply.

COMMENT

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. Clause 5.4.3 P3 of the R-Codes state:

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

Thus the three issues to be considered are:

1. Does the proposal detract from the Streetscape?
2. Does the proposal affect the visual amenity of neighbouring properties?
3. Does the proposal match the existing residence?

The proposal is recommended for approval based on the following reasons:

1. The design and colours of the outbuilding will blend with the dwelling under construction and will not detract from the streetscape or the neighbouring properties amenity;
2. The outbuilding complies with all of the requirements of the Outbuildings Policy excepting for height and a reduced setback along one side and rear boundaries.
3. The outbuilding has been reduced in size from the maximum allowable under the policy, as such the length of walls that exceed the height requirement will be shorter and present less impact on bulk and scale for adjoining neighbours.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

4. There has been no objection from neighbours.

Council has previously granted approval for higher walls to outbuildings where the wall lengths are 9.0m or less based on the merits of the application and location.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 23 May 2017. No submissions were received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

Outbuildings

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

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

6. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a council decision.
8. Where a parapet/boundary wall is proposed (i.e. a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision.
9. Deleted

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

10. A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved;
- a. the higher end of the sloping wall is adequately screened from the roadside;
 - b. the higher wall is orientated away from the closest common boundary/s;
 - c. the skillion roof is pitched between the lesser wall span; and
 - d. boundary setbacks are as per clause 7.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

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

ATTACHMENTS

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

- Location plan (Doc Id: 92901)
- Plans (Doc Id: 92902)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kulisa, seconded Cr McGlew

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 27 April 2017 on Lot 16 Valencia Road, Cervantes subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 27 April 2017 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**

2. The external face brick boundary walls are to be constructed to a fair face finish.
3. the roof and wall material being of non-reflective nature and colour; and
4. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

ADVICE NOTES:

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** Council has granted dispensation for this specific application due the reduced floor area and the skillion roof.
- Note 5:** The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 6 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – MAY 2017 COUNCIL STATUS REPORT

Document ID: 91812

Attached to the agenda is a copy of the Shire's Status Report from the Council Meeting held 25 May 2017. (*Marked 9.5.1*)

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JUNE 2017

Document ID: 92717

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MAY 2017

Document ID: 92464

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for May 2017. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MAY 2017

Document ID: 92463

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for May 2017. **(Marked 9.5.4)**

9.5.5 LOCAL GOVERNMENT NEWS – 19 MAY 2017 – ISSUE 19

Document ID: 91112

In this issue:

- Freeze on SAT Determined Remuneration Levels
- Change to Regulations – Fixed Term Deposits
- Town Planning Training
- Advertising and Media Services
- Local Governments and Early Years Networks: Working in Partnership
- The Use of Recycled Materials for Pavements in Western Australia
- Whale Carcass Management Information
- Councils Recognised for Leading the Way in Water Sustainability
- Western Power Local Government Forum
- 2017 State & Territory Landcare Awards

9.5.6 WALGA – WASTENEWS – 19 MAY 2017 – ISSUE 32

Document ID: 91113

In this issue:

- Meeting with Minister for Environment; Disability Services
- Serial Illegal Dumper Convicted
- Sustainability Victoria Data Portal
- Tyre Accreditation Easier
- World's Biggest Waste Challenges

9.5.7 JURIEBAY YOUTH GROUP

Document ID: 91101

“The Jurien Bay Youth Group is seeking financial assistance from the Shire of Dandaragan to the value of \$5000 which is essential for it to develop further and continue to provide a safe environment for youth to visit after school on the days it is in operation.”

This was added to Community Request section of the Budget.

Attached to the agenda is correspondence from Jurien Bay Youth Group. **(Marked 9.5.7)**

9.5.8 CERVANTES CULTURAL COMMITTEE INC. – ZEBRA CROSSWALK

Document ID: 91100

Attached to the agenda is correspondence from the Cervantes Cultural Committee Inc. seeking approval for a Zebra Crosswalk Sculpture. **(Marked 9.5.8)**

9.5.9 DLGC – 2017 COMMUNITY DEVELOPMENT PROGRAM TRAINING WORKSHOP

Document ID: 90688

The DLGC is pleased to announce the 2017 round of community development training workshops for country local government senior staff and executives.

The next workshop is being held in Dalwallinu for local governments in the Wheatbelt on 19-20 June 2017. Attached to the agenda is the relevant documentation which was emailed to Councillors & staff on 22 May 2017. **(Marked 9.5.9)**

9.5.10 PROCUREMENT NEWS – MAY 2017 – ISSUE 35

Document ID: 91199

In this issue:

- Procurement Network Forum
- New Contracts to Use
- New ISO Standard for Sustainable Procurement
- Online Local Advertising
- WALGA Town Planning Service
- Advertising and Media Services
- Engineering Consulting Preferred Supplier Arrangement
- Mobile Garbage Bins (MGB's) – New NPN Contract
- What's New with eQuotes
- Contract Manager Update
- Preferred Supplier Update

9.5.11 SOUTH WEST NATIVE TITLE SETTLEMENT - NEWSLETTER

Document ID: 91201

Attached to the agenda is the South West Native Title Settlement Newsletter for May 2017. **(Marked 9.5.11)**

9.5.12 SHANE LOVE MLA – DETERIORATING TELECOMMUNICATIONS

Document ID: 91218

Attached to the agenda is correspondence received from Shane Love MLA stating that he remains committed to improving telecommunications in his electorate. **(Marked 9.5.12)**

9.5.13 ENVIRO NEWS – MAY 2017 – ISSUE 5

Document ID: 91251

In this issue:

- River Valley School and the “Clean Communities” Program
- Toodyay Road Clean-up
- Local Governments Strengthen WA's Capacity to Respond to Biosecurity Threats
- Recognising WA's Top Water Saving Councils

- Coast Adapt Training
- White Gum Valley Estate Development: Sustainability Innovation Through Design
- Local Government Planning for Climate Change
- WA Threatened Species Forum 2017 – Call for Abstracts
- Practical Knowledge for Adaption Briefing Session: Bunbury
- Aboriginal Women’s Retreat: Bush, Yarn, and Tucker
- EMRC Innovative Weed Control Seminar and Tour
- Public Sector Shake-up

Events and funding opportunities

- Upcoming Events
- Funding Opportunities

9.5.14 WAPC – LOCAL PLANNING SCHEME NO 7 - AMENDMENT 23 – MINISTERIAL DECISION REFUSE TO APPROVE

Document ID: 91282

Pursuant to clause 87(2) of the Planning and Development Act 2005 (the Act), the Minister for Planning has refused to grant final approval to rezone a portion of Lot 3713 North-west Road, Badgingarra from ‘Rural’ to ‘Rural Smallholdings’ for the following reasons:

1. the landowners do not wish to proceed with the rezoning proposal; and
2. the Shire have resolved to not proceed with Scheme Amendment 23.

9.5.15 ENVIRONMENTAL PROTECTION AUTHORITY – COOLJARLOO WEST TITANIUM MINERALS PROJECT

Document ID: 91331

The Environmental Review Document (ERD) for the above proposal is now available for public and Government Department review. The ERD is also available for download from the Environmental Protection Authority (EPA) website at www.epa.wa.gov.au.

9.5.16 DEPARTMENT OF LANDS – EXTENSION OF NOTICE OF INTENTION TO TAKE SECTION 170(8) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

Document ID: 91330

Proposal: Lot 679 on Deposited Plan 91489, Lot 163 on Deposited Plan 91491 and Lot 351 on Deposited Plan 72940 – Jurien Bay Aged Care Reserve, Shire of Dandaragan – Notice of Intention to Take L947341.

9.5.17 DEPARTMENT OF TRANSPORT – MARINE SAFETY

Document ID: 92110

The Department of Transport (DoT) is conducting a review of safety equipment required for all recreation vessels (e.g. boats, personal water craft, sailboards etc.) on all WA waters including inland waters, rivers, lakes and ocean waters. The DoT Marine Safety team seeks your assistance to inform the public about the review. DoT invites as many people as possible to provide their feedback to the review before Monday 10 July 2017.

9.5.18 HON. DAVID TEMPLEMAN MLA – MEDIA STATEMENT – MYCOUNCIL DATA STRENGTHENS ACCOUNTABILITY

Document ID: 92237

- 2015 – 16 Local Government financial data now available
- MyCouncil website provides a snapshot of WA local government
- Users can view, compare and share information about their local council

New data revealing how local governments are raising spending and managing their money is now available on the State Government's MyCouncil website.

9.5.19 LOCAL GOVERNMENT NEWS – 2 JUNE 2017 – ISSUE 21

Document ID: 92250

In this issue:

- Local Government and Early Years Networks: Working in Partnership Forum
- Engineering Consulting Services Preferred Supplier Arrangement
- Public Works by Local Governments at or Near Railway Level Crossings
- Training
- White Gum Valley Estate Development: Sustainability Innovation Through Design
- WALGA's Town Planning Scheme
- Vacancies on Boards and Committees
- Environmental Planning Tool (EPT) Training – Registrations Open
- Launch of CircuitWest's Five Year Touring Strategy
- Supporting Communities Program Consultation
- Funding Grants for Woman's Leadership Development

9.5.20 WASTENEWS – 2 JUNE 2017 – ISSUE 33

Document ID: 92275

In this issue:

- LG Spotlight: East Fremantle Plastic Bag Ban
- "Love Nappies, Hate Waste" Rolled Out in the City of Cockburn
- Paving the Way
- To Infinity and the Conf!
- Cash for Community

9.5.21 HON FRANCIS LOGAN MLA – MEDIA STATEMENT – BUSHFIRE MITIGATION SUMMIT TO BE HELD JUNE 23

Document ID: 92315

- Labor election commitment to hold Bushfire Mitigation Summit to be delivered
- Opportunity for public submissions
- Summit will examine various aspects of bushfire management, including prescribed burns and staffing levels

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

The McGowan Labor Government will deliver on its election commitment to hold a Bushfire Mitigation Summit to guide future strategies for bushfire mitigation.

The all-day event, to be held in Mandurah on Friday June 23, will look at targets for prescribed burns, local government agency responsibilities and the experience of bushfire volunteers.

9.5.22 WALGA MEMBERSHIP FOR 2017 / 2018

Document ID: 92173

Attached to the agenda is correspondence from WALGA in relation to Membership for 2017 /2018. **(Marked 9.5.22)**

9.5.23 WALGA – REPORT ON LOCAL GOVERNMENT ROAD ASSETS AND EXPENDITURE 2015 / 2016

Document ID: 92325

“It is my pleasure to present you with a copy of the *Report on Local Government Road Assets and Expenditure 2015 / 16*. Thank you for your contribution to this key tool which continues to assist Local Government to effectively communicate how funds are being invested in the Western Australian road network and the consequences of failing to adequately invest in roads.”

Attached to the agenda is a copy of the correspondence. **(Marked 9.5.23)**

9.5.24 DLGC CIRCULAR NO 05-2017 – MYCOUNCIL WEBSITE DATA UPDATE

Document ID: 92298

“Local government 2015-16 financial data will be available on the MyCouncil comparative website from Thursday 1 June 2017. As part of the update, information on councillor payments and long-term liabilities sourced from local government annual financial statements, and the percentage of female elected members will be publicly available for the first time.”

9.5.25 HON RITA SAFFIOTI MLA – MEDIA STATEMENT – PROJECT SAVINGS ALLOCATED TO BINDOON BYPASS

Document ID: 92386

- \$20 million for planning, approvals and land acquisition
- Initial works to be funded from money saved from other joint State-Federal Government projects
- Bindoon Bypass to create safer, more reliable route

The McGowan Government has secured \$20 million of funding to start preparatory work on the proposed Bindoon Bypass.

9.5.26 WATER CORPORATION – AROONA ALLIANCE – AGRICULTURAL APPLICATION OF BIOSOLIDS WITHIN THE SHIRE OF DANDARAGAN

Document ID: 92417

Attached to the agenda is a copy of letter advising Council that Aroona Alliance, in partnership with the Water Corporation intends to deliver bio-solids cake and lime amended bio-solids (LAB) from

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

Perth metropolitan wastewater treatment plants to properties owned by John Minty within the Shire of Dandaragan, between 1 July and 30 September 2017. **(Marked 9.5.26)**

9.5.27 LOCAL GOVERNMENT NEWS – 9 JUNE 2017 – ISSUE 22

Document ID: 92504

In this issue:

- Meeting with the Hon Alannah MacTiernan MLC
- Collaboration on Homelessness – Examples Sought
- Training
- 2017 WA Local Government Convention
- Local Government Spend on Tourism
- 2015 – 2016 Report on Local Government Road Assets and Expenditure
- Inviting Project Applications for Commodity Route Supplementary Funding
- WALGA Composite Advertising Program – 2017 Elections

9.5.28 MINISTER FOR TRANSPORT – DISCONTINUATION OF VEHICLE LICENCE CONCESSIONS FOR LOCAL GOVERNMENT AUTHORITIES

Document ID: 92515

Attached to the agenda is correspondence from Hon Rita Saffioti MLA in response to a letter from the Chief Executive Officer regarding the discontinuation of vehicle concessions for local government authorities (LGAs) **(Marked 9.5.28)**

9.5.29 CERVANTES RATEPAYERS & PROGRESS ASSOCIATION (INC) – FOREGO 2016 SHIRE / TRONOX GRANT

Document ID: 92519

Attached to the agenda is correspondence from Cervantes Ratepayers and Progress Association advising that they unfortunately have been unable to reach the necessary financial target to commence building shade shelter over playground in Catalonia Park. **(Marked 9.5.29)**

9.5.30 DEPARTMENT OF SPORT & RECREATION – COMMUNITY SPORTING & RECREATION FACILITIES FUND (CSRFF) 2018 / 2019 FUNDING ROUND

Document ID: 92674

Attached to the agenda is correspondence in relation to Community Sporting and Recreation Facilities Fund (CSRFF) 2018 / 19 Funding Round. **(Marked 9.5.30)**

9.5.31 KEY PROJECTS UPDATE

Document ID: 78102

Attached to the agenda is Key Projects Update **(Marked 9.5.31)**

9.5.32 DFES – MISLEADING ARTICLE IN THE ASSOCIATION OF VOLUNTEER BUSH FIRE BRIGADES E-NEWSLETTER

Document ID: 92774

I was very disappointed to read an article titles ‘A new truck here, a new one there but how long to get one everywhere?’ in the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

Friday 5 May edition of the Association of Volunteer Bush Fire Brigade's (AVBFB) e-newsletter.

Attached to the agenda is a copy of the correspondence (**Marked 9.5.32**)

9.5.33 HON BEN WYATT MLA – MEDIA STATEMENT - WYATT APPLAUDS NATIVE TITLE BILL PASSING

Document ID: 92929

- The Senate has passed the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017
- Passage of this legislation will enable the McGowan Government to progress with the South West Native Title Settlement

Attached to the agenda is the entire content of the media statement. (**Marked 9.5.33**)

9.5.34 DLGC – CIRCULAR NO 07-2017 – CHANGES TO ACCOUNTING STANDARDS – IMPLEMENTATION OF RELATED PARTY DISCLOSURE

Document ID: 92952

As a result of changes to the accounting standards, from 1 July 2017, all local governments are required to disclose the nature of related party relationships when preparing general purpose financial reports in compliance with AASB 124.

9.5.35 DLGC – CIRCULAR NO 08-2017 – WORLD HEALTH ORGANISATION GLOBAL NETWORK OR AGE-FRIENDLY CITIES AND COMMUNITIES – AFFILIATE STATUS

Document ID: 92966

The State Government of Western Australia, represented by the Department of Local Government and Communities, has been recognised as an affiliate of the World Health Organisation's Global Network of Age-friendly Cities and Communities.

9.5.36 WALGA – EMPLOYEE RELATIONS ALERTS – ALERT 9 / 2017

Document ID: 92989

On 14 June 2017 the Western Australian Industrial Relations Commission (WAIRC) issued a decision increasing the WA Minimum Wage by \$16.00 per week.

Attached to the agenda is a copy of this alert (**Marked 9.5.36**)

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

10.1 GOVERNANCE & ADMINISTRATION

Any new business of an urgent nature requires a resolution of Council in order to be considered.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

The following item requires urgent consideration by Council:

For Council to consider execution of an easement document to cover the Turquoise Way Path where it traverses freehold land being Lot 290 on Deposited Plan 31863, in order that Council bear the responsibility and cost for repair and maintenance of the path.

OFFICER RECOMMENDATION / COUNCIL DECISION

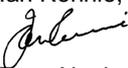
Moved Cr McGlew, seconded Cr Kulisa

That the following new business of an urgent nature be considered by Council:

For Council to consider execution of an easement document to cover the Turquoise Way Path where it traverses freehold land being Lot 290 on Deposited Plan 31863, in order that Council bear the responsibility and cost for repair and maintenance of the path.

CARRIED 6 / 0

10.1.1 TURQUOISE WAY PATH – EASEMENT OVER FREEHOLD LAND

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Traffic and Transport / Design and Construction / Cycleways
Disclosure of Interest:	Nil
Date:	19 June 2017
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to consider execution of an easement document to cover the Turquoise Way Path where it traverses freehold land being Lot 290 on Deposited Plan 31863, in order that Council bear the responsibility and cost for repair and maintenance of the path.

BACKGROUND

At the Council meeting held 25 February 2016, the Jurien Bay Chamber of Commerce (JBCC) presented to Council for the continuation of the Turquoise Way Path in order to connect Jurien Bay to Cervantes. The proposal was presented in a staged process with Stage 1 being a further 2.7km section from the end of the existing path to Booka Valley and for Stage 2 from Booka Valley to the Hill River. At present the Turquoise Way Path is a 6.5km sealed track from the Jurien Bay Marina along the coast to the southern end of town.

At the Ordinary Meeting held 25 May 2017 Council passed the following motion:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

“That Council declare its intention to make a determination, in accordance with Clause 2.1 of the Shire of Dandaragan Local Government Property Local Law. Further that in accordance with Clause 2.8(1)(c) that Council prohibit the taking, riding and driving a vehicle on the alignment of the Turquoise Way Path and 5m each side of the centre line of the path, through Shire Reserves 28541, 51200, 49751 and 19206 and Lot 290 on Deposited Plan 31863 (C/T 2503-694).”

This will allow Council to be able to control use of the path.

COMMENT

It was the intention of Ardross Estates and Council to negotiate an easement over a corridor 10m wide to cover the path within the freehold land in order to allow control and maintenance of the path by Council.

Ardross Estates and Council’s Lawyers have been pursuing means by which the use of vehicles on the path could be controlled both in Council’s Reserve and within the area covered by the easement, being the freehold land.

Ardross Estates has provided a survey of the completed path as it traverses their freehold land and this is the subject of the easement. They also provided an aerial photograph indicating the path as it traverses the Shire Reserve.

CONSULTATION

- Ardross Estates Pty Ltd
- McLeod’s – Council Solicitors

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Long term financial implications will be in regard to maintenance and renewal of the Turquoise Way Path, unknown at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.4 Provide recreation and community facilities and activities	d) plan for future recreation needs, including feasibility assessments in accordance with the Major Recreation Facilities Fund, and review of cycleway and dual use pathway plans

ATTACHMENTS

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

- Survey of Turquoise Way Path through Ardross Estates freehold land (Doc Id: 90245)
- Aerial Photograph indicating the alignment of the path through Shire reserve and the freehold land (Doc Id: 90246, Doc Id: 90247)
- Copy of Easement (Doc Id: 93118)
(Marked 10.1.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Kulisa

That Council authorise the execution of the easement and for the President and Chief Executive Officer to sign and for the Common Seal to be affixed to the document.

CARRIED 6 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.

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

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

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

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

Local Government (Administration) Regulations 1996

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

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

11.1 GOVERNANCE & ADMINISTRATION

Mr. David Chidlow, Mr. Ian Rennie, Mr. Garrick Yandle & Mr. Scott Clayton disclosed an impartial interest being staff members effected by Confidential Item 11.1.1.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Kulisa

That the meeting be closed to members of the public at 4:16pm in accordance with Section 5.23 (2) (h) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Shire of Dandaragan Organisational Structure'.

CARRIED 6 / 0

4.17pm Scott Clayton, Ian Rennie, David Chidlow, Garrick Yandle, Michelle Perkins left the meeting.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

11.1.1 SHIRE OF DANDARAGAN ORGANISATIONAL STRUCTURE

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Human Resources / Personnel
Disclosure of Interest:	Nil
Date:	23 May 2017
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

The report has been abridged due to the confidential nature of the content that is contained within this report.

4.19pm Robyn Headland left the meeting.

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Sheppard
That Council note and support the new Shire of Dandaragan's organisational structure as per Attachment 2.

CARRIED 6 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa
That Council acknowledge the cash salary ranges for the executive management positions as outlined in Attachment 2 will be \$100,000 to \$120,000.

CARRIED 6 / 0

OFFICER RECOMMENDATION 3 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa
That Council agree to designate the following positions as senior officers under section 5.37 of the Local Government Act 1995:

- Executive Manager Corporate & Community Services
- Executive Manager Infrastructure
- Executive Manager Development Services

CARRIED 6 / 0

OFFICER RECOMMENDATION 4 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa
That Council adopt the amended Policy 9.10 Staff Appointments and Leave as per Attachment 3.

CARRIED 6 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JUNE 2017

Moved Cr Richardson, seconded Cr Sheppard that the Meeting be reopened to the public at 4.32pm.

CARRIED 6 / 0

4.33pm All staff re-entered the meeting and the President read the motions aloud.

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.34pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date