



SHIRE
of
DANDARAGAN

MINUTES (PUBLIC)

of the

ORDINARY COUNCIL MEETING

held at the

CERVANTES PINNACLES MOTEL

on

WEDNESDAY 25 JANUARY 2017

COMMENCING AT 4.07PM

THESE MINUTES ARE YET TO BE CONFIRMED

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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Lot 948 is owned by D B & D M Fewster

Throughout the Shire of Dandaragan there are numerous unmade inaccessible road reserves which currently serve no purpose to the land owners or the Shire of Dandaragan requirements.

Currently the unmade road reserve does not contain any services or Shire infrastructure.

A request from one of the adjoining land owners has been submitted in writing for Council to consider the closure of the road reserve.

The length of road reserve requested to be closed is approximately 3095m (3.095km's). This section of road reserve begins at Cantabilling Road and heads northward and finishes at the southern boundary of Reserve 41933 (which has road access off Jurien Road).

COMMENT

Where a road dedicated for public use is proposed to be closed, it may be closed at the request of Local Government under section 58 of the LAA. The Local Government must allow 35 days after the publication in a newspaper for objections and must consider any objection before requesting closure. Regulation 9 of the Land Administration Regulations 1998 specify the procedural requirements of Local Government prior to submitting a request to the Minister for Lands.

The applicant has provided the following reasons for seeking closure of the road.

Chelsea Pty Ltd is seeking approval to close an unused road which runs north off Cantabilling rd, just to the west and parallel to Nylagarda Rd. The unused road is the boundary between Lot 10157 which is owned by Chelsea Pty Ltd and Lot 945 which is owned by Mr Dinh Dang Do. I have attached a map outlining the area.

The unused road is currently a point of contention between our neighbours as there is no defined boundary fence between our properties and maintenance and repairs falls solely to us. There is also a large fuel load that is an extreme fire risk. If the road were to be closed then it would be a simple 50:50 contribution.

The adjoining properties, all to the east have access via Nylagarda Rd. The original purpose of the road may have been for access to the rear of our property, however, it was never opened. If we are granted permission to start proceedings to acquire the land then it would be a separate lot number and in the unlikely event of sub division the land could be used for access to the rear of the property.

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One of the principles which will be considered by Department of Lands (DoL) for a road closure request is:

- Road closure should not occur if there is current use, an expected requirement, or it provides the only dedicated access to a land parcel, or creates a land locked parcel of land.

There will be one lot that will be landlocked by the closure of the road reserve being Lot 10528. This lot is owned by the applicant and can be amalgamated with Lot 10157 Cantabilling road. The amalgamation will result in lots being landlocked. It is recommended that the amalgamation be commenced by the applicant prior to Council making formal application to the DoL. The applicant is aware of this requirement.

CONSULTATION

Consultation will be undertaken in accordance with the Land Administration Act if Council agrees to the proposed road closure.

STATUTORY ENVIRONMENT

Land Administration Act 1997 Section 58 – Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

All costs associated with the road closure will be absorbed by the applicants.

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

GOAL 5: Proactive and Leading local Government

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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:

- Applicants submission (Doc Id: 79555)
- Location Plan (Doc Id: 79556)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

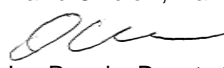
Moved Cr Scharf, seconded Cr McGlew

That Council

- 1. Advise the applicant that Council supports the request from Chelsea Pty Ltd (Zac Roberts) in the closure of the unmade road reserve between Lots 10157 and 945 Cantabilling Road, Hill River including between lots 946, 947, 948 and 10528 in a northerly direction up to Reserve 41933, subject to WAPC approval for amalgamation of Lot 10528 with Lot 10157 Cantabilling road; and**
- 2. following receipt of confirmation from the WAPC of conditional approval for the amalgamation of Lot 10528 with Lot 10157 Cantabilling road, staff commence consultation to close the unmade road reserve as shown in the attachments and report back to Council following the statutory advertising period as to whether any objections were received.**

CARRIED 6 / 0

9.4.4 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 35 HILL RIVER VIEW, HILL RIVER HEIGHTS

Location:	Lot 35 Hill River View, Hill River Heights
Applicant:	Brett Johns
Folder Path:	Development Services App / Development Application / 2016 / 76
Disclosure of Interest:	None
Date:	13 January 2017
Author:	David Chidlow, Manager Planning
Signature of Author:	

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

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PROPOSAL

The applicant seeks planning approval for a 204m² outbuilding with wall height of 4.3m and ridge height of 5.1m. The subject site is vacant. Hill River Heights has a restriction of maximum floor area 120m² and wall height of 3.6m and ridge height of 4.5m.

BACKGROUND

The subject lot is zoned Rural – Residential. Currently the land is vacant. The proposed outbuilding is to be located approximately 133 m setback from Hill River View and will be located behind a proposed dwelling.

The application requires Council approval as it is in excess of the permitted area and heights for an outbuilding in accordance with the Shire of Dandaragan's Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy (the Policy).

Policy requirement (Hill River Heights)

	Policy	Application	Exceeds policy
Floor area	Up to 120m ²	204m ²	84m ²
Wall height	Up to 3.6m	4.3m	0.7m
Ridge height	Up to 4.5m	5.1m	0.6

Under the Policy Council may approve outbuildings with a floor area up to 300m² in aggregate if justified.

COMMENT

A site visit revealed the proposed outbuilding will be located behind a ridge and not visible from Indian Ocean Drive. Photographs of the subject site are provided in the attachments.

The intent of the policy restricting the size of outbuildings in this rural residential area is to minimise the visual impact of outbuildings from Indian Ocean Drive. In this case, the proposed outbuilding will not be visible from Indian Ocean Drive and it is the opinion of the officer that this is sufficient justification to grant a variation.

Similarly, for the same reasons above, the construction of a outbuilding is not supported under the policy prior to a dwelling being constructed. The applicant is keen to build a dwelling, however the restrictions on the size of outbuilding for this specific locality are an impediment to developing the lot. The applicant is seeking planning approval for the outbuilding prior to going to the expense of constructing a dwelling. In this case the visual amenity is not an issue, it is recommended that a condition of approval be that a building permit be obtained prior to the outbuilding being constructed.

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The proposal is recommended for approval subject to conditions. Should Council grant approval, an advice note is recommended advising that Council has granted dispensations for this application based on the outbuilding not being visible from Indian Ocean Drive. Approval for similar applications in this subdivision will be assessed on their merits and may not be approved.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 5 January 2017 and closed on the 18 January 2017.

At the time of writing this report one verbal response of no objection was received. If any submissions are received prior to the Council meeting date, these will be forwarded to Councillors for consideration.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy;

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m ²	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 162m ²	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m ² – 216m ²	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m ²	Up to 3.6m	Up to 4.5m	Not required	Not required

13. The Council shall not approve outbuildings with a floor area greater than 300 m² in aggregate.
16. In the Hill River Heights Rural Residential zone, there is a presumption against placement of outbuildings on lots prior to construction of a dwelling.

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Outbuildings will only be approved in the Hill River Heights Rural Residential zone where it can be demonstrated that the visual impact of the proposed outbuilding from Indian Ocean Drive is unobtrusive or where it can be shown that the visual impact can be suitably moderated so it will be unobtrusive.

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: 79557)
- Site, Elevation and Floor Plans (Doc Id: 79558)
- Images of the locality (Doc Id: 79559)

(Marked 9.4.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Kulisa

That Council grant planning approval for a proposed outbuilding in accordance with the attached approved plans date stamped 1 December 2016 on Lot 35 Hill River View, Hill River Heights Road subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 1 December 2016 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 applicant is to have an approved Building Permit for a dwelling prior to construction of the outbuilding.**

3. The roof and wall material being of non-reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
4. The outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy;
5. Any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.
6. Should the BAL (Bushfire Attack Level) for this property be assessed at level 40 or FZ (Flame Zone) an application for additional planning approval showing fire hazard mapping for the subject property must be provided and implemented to achieve a BAL of 29 or less prior to construction commencing. Therefore separate approval and additional planning conditions may be imposed based on the applicable BAL level.

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:** Council has granted dispensations for this application based on the outbuilding not being visible from Indian Ocean Drive.
- Note 3:** The Council requires any future residence on this property to be located a minimum of 1.8m forward of the proposed outbuilding;
- Note 4:** 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 5:** 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 6:** 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 – DECEMBER 2016 COUNCIL STATUS REPORT

Document ID: 78950

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 15 December 2016. **(Marked 9.5.1)**

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

Document ID: 79405

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

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2016

Document ID: 79083

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for December 2016. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2016

Document ID: 78587

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for December 2016. **(Marked 9.5.4)**

9.5.5 HON DONNA FARAGHER MLC – MEDIA STATEMENT – CHANGES SET TO IMPROVE DAP SYSTEM

Document ID: 78701

- DAP amendments come into effect on February 1, 2017
- Changes will increase transparency and flexibility

Changes to the Development Assessment Panel system were gazetted 16 December 2016 and will come into effect on February 1, 2017 to give local governments time to adjust.

Mrs Faragher said *“these changes will ensure the DAP system remains flexible and responsive to community expectations while continuing to provide the best possible planning outcomes for Western Australia.”*

Attached to the agenda is entire Media Statement **(Marked 9.5.5)**

9.5.6 WALGA MEDIA RELEASE – TRAINING SUPPORT KEY TO BETTER COUNCILS

Document ID: 78694

“Continued training support for Local Governments in WA would help confirm if the State Government is serious about improving

Council governance and processes. An increase of 23% per cent of Elected Members attending training courses in the past three years demonstrates that Councils are increasingly committed to improvement. Funding from the Department of Local Government and Communities through the Royalties for Regions, Country Local Government Fund was critical to the delivery of training by WALGA.”

9.5.7 WALGA – WASTE NEWS – 9 DECEMBER 2016 – ISSUE 22

Document ID: 78347

In this issue:

- LG Focus: Stirling’ Charity Collaboration
- EMRC Scoops up C&I
- Cash for Community Clean up
- Minister Meeting
- Paintback TCD Tonnages

9.5.8 WALGA – LOCAL GOVERNMENT NEWS – 9 DECEMBER 2016 – ISSUE 48

Document ID: 78349

In this issue:

- Review of Effectiveness for Planning Schemes
- HR Forum a Success
- eLearning
- Workshop on Draft State Government Sewerage Policy
- Biosecurity Position and Recommendation Paper
- New Emergency WA Website
- Clean Communities Grant
- Recreational Boating Facilities Scheme Now Open
- Research Grant Funding to Benefit People with Disability

9.5.9 WALGA – LOCAL GOVERNMENT NEWS – 16 DECEMBER 2016 – ISSUE 49

Document ID: 78691

In this issue:

- Local Government Amendment (Auditing) Bill 2016
 - LG Risk Vision Launched
 - Updated Environmental Planning Tool
 - Submission to the Joint Standing Committee on the National Broadband Network
 - Training
 - Vacancies on Boards and Committees
 - Survey Seeking Local Government Input
 - Public Health Act 2016 – Commencement of Stage 3
 - National Disability Strategy – Second Implementation Plan
 - MBA Students Seek Industry Experience
- Media Release
- Training Support Key to Better Councils

9.5.10 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT – MINUTES OF MEETING

Document ID: 78067

Minutes of the General Meeting of the West Koojan-Gillingarra Land Conservation District available if required.

9.5.11 DEPARTMENT OF TRANSPORT – COASTAL INFRASTRUCTURE – RECREATIONAL BOATING FACILITIES SCHEME ROUND 22

Document ID: 78279

The Recreational Boating Facilities Scheme (RBFS) is an established State Government grants program which helps local governments, government departments and statutory authorities to improve publicly available recreational boating infrastructure. Applications close Tuesday 7 February 2017 at 2pm. I invite you to consider submitting one or more applications for RBFS funding to assist you to improve recreational boating facilities in your area. Further information and application forms can be downloaded from website www.transport.wa.gov.au/rnfs

9.5.12 DEPARTMENT OF REGIONAL DEVELOPMENT

Document ID: 78365

“Thank you for your ongoing support and readership of the Department of Regional Development’s (DRD) quarterly newsletter, *In Your Region*.”

9.5.13 HEARTLANDS WA WHEATBELT – NEW ONLINE BUSINESS DIRECTORY FOR THE WHEATBELT

Document ID: 78523

“Heartlands WA together with the Northam Chamber of Commerce and the Wheatbelt Business Network have created a Wheatbelt-wide business directory where local residents can search for products and services in their town or neighbouring shire through the following websites: Heartlands WA www.heartlandswa.com.au, Northam Chamber of Commerce www.northamchamber.com.au and Wheatbelt Business Network www.wheatbelfbusinessnetwork.com.au.”

9.5.14 BADGINGARRA PRIMARY SCHOOL

Document ID: 78707

“Please thank the Shire of Dandaragan on our behalf for their generous donation of our Senior Achievement Award (Yr 4-6) presented by Cr Dahlia Richardson. This award is presented to a student who strives to achieve their potential, demonstrating an eagerness to learn and perseverance at all times, this year’s deserving winner was Grace Peacock.”

9.5.15 MOORE CATCHMENT COUNCIL – ANNUAL REPORT

Document ID: 78598

Moore Catchment Council (MCC) Annual Report 2015 / 2016 can be downloaded from website http://www.moorecatchment.org.au/Newsletters/Annual%20report%202015_2016.pdf

9.5.16 WALGA EVENT: EXPRESSION OF INTEREST

Document ID: 78774

WALGA will be hosting an Event on Bushfire Planning and Biodiversity Management on Wednesday, 22 February from 9.30am to 3.00pm at the WALGA offices in West Leederville.

Information presented will include:

- Assessment of planning proposals in identified bushfire prone areas;
- Bushfire Attack Level (BAL) reports;
- Preparing Bushfire Risk Management Plans for Local Government;
- Land restoration, monitoring and weed control following fire;
- Fuel characteristics or vegetation of the Swan Coastal Plain;
- Traditional Indigenous fire management techniques;
- Impact of fire on wildlife habitat and predator mobility.

9.5.17 REGIONAL DEVELOPMENT AUSTRALIA – WHEATBELT E-NEWSLETTER DECEMBER 2016

Document ID: 78775

In this issue:

- Training Scholarship Valued at \$6,000 each Available for Wheatbelt Not for Profit Organisations
- Mobile Black Spot Funding Round 2 Announced
- Productivity Commission Review into the future direction of the Universal Service Obligation in the Telecommunications Market
- Government and Community News
- Grants and Funding Opportunities

9.5.18 CENTRAL WEST MEN'S SHED – LEASE LOT 848 MADRID STREET, CERVANTES

Document ID: 78770

“Due to the many rumours around regarding the Cervantes Men's Shed, the committee feels it advisable to clarify our preferred options regarding the lease of Lot 848.

Attached to the agenda is full content of correspondence (**Marked 9.5.18**)

9.5.19 WALGA – PROCUREMENT NEWS – DECEMBER 2016 – ISSUE 31

Document ID: 78793

In this issue:

- Merry Christmas
- Town Planning
- Energy Services
- Preferred Supplier Program Reconciliation Project
- Financial Services
- Engineering Consulting Services
- Tenderlink – Change of Ownership
- Handy Tip #1
- Preferred Supplier Update
- WALGA Christmas Function

9.5.20 WALGA – ROADWISE – ROAD SAFETY NEWSLETTER – DECEMBER 2016 – ISSUE 24

Document ID: 78802

In this issue:

- The Road Safety Network Gets its Road Ribbon on!
- Remembering Road Traffic Victims in Gosnells
- Farewell Gavan Hayllar

MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2017

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.56pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date