



SHIRE
of
DANDARAGAN

PUBLIC MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
COUNCIL CHAMBERS, JURIE BAY
on
THURSDAY 26 MARCH 2020
COMMENCING AT 4.04PM

(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
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	APPLICATIONS FOR LEAVE OF ABSENCE	1
6	CONFIRMATION OF MINUTES	2
	6.1 MINUTES OF THE ORDINARY MEETING HELD 27 FEBRUARY 2020.....	2
7	NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	2
9	REPORTS OF COMMITTEES AND OFFICERS	3
	9.1 CORPORATE & COMMUNITY SERVICES.....	3
	9.1.1 STATUTORY COMPLIANCE AUDIT RETURN 2019	3
	9.1.2 ACCOUNTS FOR PAYMENT – FEBRUARY 2020	5
	9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 29 FEBRUARY 2020.....	6
	9.1.4 VARIATION TO LOCAL GOVERNMENT HOUSE TRUST.....	8
	9.2 INFRASTRUCTURE SERVICES	10
	9.3 DEVELOPMENT SERVICES	10
	9.3.1 CERVANTES MEMORIAL PARK – NICHE / MEMORIAL WALL	10
	9.3.2 FORESHORE MASTERPLANS	16
	9.3.3 PROPOSED OUTBUILDING – LOT 144 LESUEUR DRIVE, JURIEN BAY	24
	9.4 GOVERNANCE & ADMINISTRATION	31
	9.4.1 COUNCIL MEETING SCHEDULE 2020 / 2021.....	31
	9.4.2 CAMPING & COOKING FIRE POLICY - C-8CCFP04	33
	9.5 COUNCILLOR INFORMATION BULLETIN.....	35
	9.5.1 SHIRE OF DANDARAGAN – FEBRUARY 2020 COUNCIL STATUS REPORT	35
	9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JANUARY - FEBRUARY 2020	35
	9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – FEBRUARY 2020	36
	9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – FEBRUARY 2020	36
	9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR FEBRUARY 2020.....	36
10	NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING	36
	10.1 VOTE OF CONFIDENCE	36
11	CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC	36
	11.1 GOVERNANCE & ADMINISTRATION	37

	11.1.1 COMMUNITY EMERGENCY SERVICES MANAGER PROGRAM	38
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	38
13	CLOSURE OF MEETING.....	38

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.04pm and welcomed those present.

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor D Richardson	
Councillor R Rybarczyk	
Councillor R Shanahun	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr D Chidlow	(Executive Manager Development Services)

Apologies

Councillor D Slyn

Approved Leave of Absence

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Executive Manager Development Services entered the meeting at 4.05pm

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD 27 FEBRUARY 2020**

Cr Shanhun entered the meeting at 4.06pm

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Clarke

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

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President acknowledged the challenging times the community was experiencing with the outbreak of the Covid-19 virus and subsequent restrictions implemented by the Federal and State Governments. The Shire President thanked the staff and noted the Shire was doing all it could to respond to the situation and plan for community and local business recovery.

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 STATUTORY COMPLIANCE AUDIT RETURN 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Audit / Internal
Disclosure of Interest:	None
Date:	5 March 2020
Author:	Julie Rouse, Executive Secretary
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

PROPOSAL

To adopt the Statutory Compliance Audit Return for the period 1 January 2019 to 31 December 2019 be adopted.

BACKGROUND

Local governments in Western Australia are required to complete, on an annual basis, a Compliance Audit Return (CAR). The Return is a self-assessment of compliance with Local Government (Audit) Regulation 13 and covers areas of compliance considered high risk as follows:

- financial interest disclosures;
- procurement and tendering;
- delegation and use of delegated power;
- the recruitment and appointment of the Chief Executive Officer; and
- integrated planning and reporting.

The Compliance Audit Return has been reviewed by the Audit Committee at its meeting held on Tuesday, 24 February 2020 with the following recommendation being carried:

OFFICER RECOMMENDATION / COMMITTEE DECISION

Moved Cr Shanhun seconded Cr Eyre

That it be recommended to the Audit Committee that the Compliance Audit Return as per attached for the period 1 January 2019 to 31 December 2019 be adopted.

CARRIED 3 / 0

Following Council's review and adoption of the Compliance Audit Return a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Communities by **31 March 2020**.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020COMMENT

For the period 1 January 2019 to 31 December 2019 the CAR demonstrates that the Shire has achieved the required level of compliance except in one instance relating to financial interest disclosures whereby one Shire employee's Annual Return was not received within the required timeframe. The staff member was on an extended period of annual leave and this annual return was received directly upon the employee's return to work. This non-compliance has been noted within the CAR.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Executive Secretary

STATUTORY ENVIRONMENT

The contents of the Compliance Audit Return relates to Section 14.3A of the *Local Government (Audit) Regulations 1996* whereby the local government's audit committee is to review the compliance audit return and is to report to the council the results of that review in order for Council to then adopt the Compliance Audit Return.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Compliance Audit Return 2019 (Doc Id:148603)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Shanhun

That the Compliance Audit Return as per attached (Doc Id: 148603) for the period 1 January 2019 to 31 December 2019 be adopted.

CARRIED 8 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

9.1.2 ACCOUNTS FOR PAYMENT – FEBRUARY 2020

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	9 March 2020
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of February 2020.

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 February 2020 totalled \$1,126,067.62 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the February 2020 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.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for February 2020 (Doc Id: 150895)

(Marked 9.1.2)

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That the Cheque and EFT listing for the period ending 29 February 2020 totalling \$1,126,067.62.

CARRIED 8 / 0

9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 29 FEBRUARY 2020

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	16 March 2020
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 29 February 2020.

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 29 February 2020.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 29 February 2020 was \$2,991,058. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 5 (page 12) of

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

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

Note 12 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 29 February 2020 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 29 February 2020 (Doc Id: 151355)
(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Richardson

That the monthly financial statements for the period 29 February 2020 be adopted.

CARRIED 8 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

9.1.4 VARIATION TO LOCAL GOVERNMENT HOUSE TRUST

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Legal Documents / Agreements / Deeds of Agreement
Disclosure of Interest:	Nil
Date:	16 March 2020
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

That Council consider the Western Australian Local Government Association's (WALGA) request for local governments to approve a variation to the Local Government House Trust – Deed of Agreement.

BACKGROUND

The Shire of Dandaragan is a 'beneficiary' to the Local Government House Trust (the Trust) that provides building accommodation for WALGA. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade, West Leederville. WALGA is the Trustee with each local government in the State a beneficiary. The Shire of Dandaragan holds five 'units' within the Trust.

On 19 February 2020, the Chief Executive of WALGA wrote to the CEO of the Shire requesting Council's agreement to a variation to the Local Government House Trust – Deed of Agreement.

WALGA is seeking the variation to protect the tax status of the Trust based on legal advice received by the Association.

Under the provisions of the deed, 75 per cent of all beneficiaries must agree in order to execute this variation.

COMMENT

WALGA has requested Council's approval of three amendments to the deed:

1. removing the existing Trustee's power to retire and appoint a new Trustee;
2. enabling the beneficiaries to appoint and remove a trustee; and
3. specifying that the Board of Management is the governing body of the Trust.

WALGA is requesting Council supports the three amendments to strengthen the case for the trust being exempt from income tax pursuant to Division 1AB of the Income Tax Assessment Act 1936. A more detailed explanation of the proposed amendments is as follows:

- 1. Removing the existing Trustee's power to retire and appoint a new Trustee**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

Currently, WALGA as the Trustee is permitted to retire and appoint a new Trustee. This power, which relates to provisions when WALGA and the former Country Shire Council's Association merged, is no longer relevant and should rest with the beneficiaries rather than the trust.

2. Enabling the beneficiaries to appoint and remove a trustee

This clause gives effect to the above change by specifying that a trustee can only be appointed or removed through the support of 75 per cent of the beneficiaries.

3. Specifying that the Board of Management is the governing body of the Trust

This clause specifies that the Board of Management rather than the Trustee is the governing body of the Trust. The membership of the Board of Management is:

- the President of WALGA, who acts as the Chairperson of the Committee;
- Deputy President of WALGA, who acts as the Deputy Chairperson;
- a WALGA State Councillor representative from the Country Constituency;
- a WALGA State Councillor representative from the Metropolitan Constituency;
- a representative from the beneficiaries in the Country Constituency;
- a representative from the beneficiaries in the Metropolitan Constituency; and
- the Chief Executive Officer WALGA.

As the Board of Management predominately comprises local governments, WALGA contends that this reform satisfies the requirements of a State or Territory Body for tax exempt purposes and reflects the actual operation of the Trustee in implementing the decisions of the Board of Management. The change should also provide greater control for beneficiaries.

Approval of 75 per cent of member Councils is required for the variation, in practice the change is of negligible impact to the Shire.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant for this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

STRATEGIC IMPLICATIONS

Nil

ATTACHMENTS

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

- Local Government House Trust – Deed of Variation (Doc Id: 151306)
- Trust Deed – Local Government House Trust (Doc Id: 151307)
(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That Council approves the Local Government House Trust Deed of Variation (Doc Id: 151306).

CARRIED 8 / 0

9.2 INFRASTRUCTURE SERVICES**9.3 DEVELOPMENT SERVICES****9.3.1 CERVANTES MEMORIAL PARK – NICHE / MEMORIAL WALL**

Location:	Reserve 53206 corner of Aragon and Cadiz Streets and other Reserves in the Cervantes Townsite
File Ref:	Business Classification Scheme / Public Health / Cemeteries / Monumental Works, Headstones, Plaques / Cervantes Memorial Park Niche Wall
Disclosure of Interest:	None
Date:	12 March 2020
Author:	David Chidlow, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

Council to consider the proposed location for a niche wall in Cervantes.

BACKGROUND

This item originates from a request by the Cervantes Men's Shed to construct a niche and/or memorial wall at Memorial Park (Reserve 53206) on the corner of Aragon and Cadiz Streets.

This proposal was presented to Council on the 27 February 2020 by the EMDS.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

Because a niche wall contains human ashes, it is classified as a cemetery and will require approval of the Governor and gazettal. Approval will also be required from the Department of Lands, Planning and Heritage, specifically the Lands Department if the niche wall is to be located on unallocated crown land (UCL) or a reserve not being a memorial reserve.

UCL is most likely subject to the native title claims process.

Past investigations into establishing a cemetery burial site for a cemetery has resulted in no site being identified within reasonable distance of Cervantes due to high ground water levels in the Cervantes area.

A niche wall is considered the only alternative for locals wishing to have a physical resting place in the town. Continuing with the memorial stones on Memorial Park was not considered feasible as the site would eventually fill up and have the appearance of a cemetery in a prominent position in town.

History of Memorial Park (from Mrs. Opal Wilkins)

"In 1987, after the death of three young local boys, the Bartle family approached the Shire requesting allocation of land in the Cervantes township to be used as a memorial park. A petition supporting this request was presented to Council by (then) Councillor Opal Wilkins. At that time, the closest cemeteries were in Dandaragan or Moora.

The Shire of Dandaragan allocated a triangular section of scrubby land at the top end of the caravan (current location of Cervantes Memorial Park). It was originally called Dandaragan Memorial Park, however the community objected to this as the original objective was that the park was a memorial for Cervantes residents only and ultimately was renamed Cervantes Memorial Park.

In collaboration with the Shire, the local community cleared, grassed and reticulated the site, and permission was granted to lay a small brass plaque and small tree or shrub be planted by each family. A flagpole was installed and managed by the community for special occasions, in addition to a gazebo and other memorial items.

Management and maintenance of the site has historically been done by individual community members i.e. Mickey & Briar Russell, while recently the Cervantes Community Men's Shed have committed to maintaining the site."

This park was within the road reserve. During the process to allocate part of the road reserve in Talavera Road to the Cervantes Caravan Park in 2015, it was considered worthwhile formally creating memorial park and removing it from the road

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

reserve at the same time. Memorial Park was approved as a separate reserve by the Department of Lands in 2018.

An onsite meeting with the men's shed, community groups and neighbours adjacent to Memorial Park was held on 17 September 2019 with Cr Wayne Gibson and the EMDS. There were a differing views on the proposed niche wall. It was decided that the wider community needed to be consulted with this item.

A public meeting was held in the Cervantes Recreation Centre on 6 February 2020. The meeting was attended by 29 members of the public, Cr Wayne Gibson (chaired the meeting), Cr Rudy Rybarczyk (as observer), EMDS and the Planning Officer.

The following summarised viewpoints were put forward at the public meeting

- No new memorial stones to be placed, those that are there to remain. Site to be preserved.
- General consensus was that memorial park was not suitable for a niche wall.

- Concerns around park maintenance and mowing of lawns near memorial stones.
- Support for a niche wall at memorial park included having plaques, as it was not seen as beneficial to separate a memorial wall and niche wall at two locations.
- Discussion of the size of niche wall boxes and that given the number of people expected to use, that it would not take up much space, discussion around the size and style of the niche wall would determine amenity. Possible unique style of wall would be better. Images of niche wall designs circulated provided by Dianne.
- There is a need for a niche wall for Cervantes to allow locals a resting place in their town.
- Alternate locations raised included Tranquilo Park, the reserve next to where the Betty van parked, land between the Waste Transfer site and Horse Club and the previous sites investigated for a Cemetery.
- Concerns were raised that if the niche wall was at Memorial Park, this would create parking, noise and lack of toilet issues in the event of ceremonies held for people placing ashes.

Results of the flyer survey

Total number of submissions	87
Number Supporting Niche Wall	36
Number supporting Memorial Wall only	25
Number not supporting either a memorial or niche wall at this location.	43

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

Note – a total of 6 responses ticked yes to supporting a niche wall and a memorial wall only.

Alternate locations suggested	
Tranquilo Park	6
Not in town centre	2
Hanson Bay Lookout	2
Previous proposed cemetery sites	4
On road to Jurien Bay	1
Cervantes Road	2
Cervantes Road (reserve adjoining Betty Van)	9
Reserve between Horse Club / Transfer station	1
Jurien Bay Cemetery	1

COMMENT

The consensus of the public advertising and public meeting was that the Memorial Park location was not suitable for a niche wall. A memorial wall was acceptable, however it was also noted that it was more practicable to have both a niche and memorial wall together.

Two alternate sites receiving the most support were Tranquilo Park and a portion of UCL on the corner of Cervantes and Hansen Bay Roads (next to where the Betty Van parks).

Tranquilo Park

This site has the advantage of nearby parking, shade (trees and a rotunda) ablution facilities and is a central location.

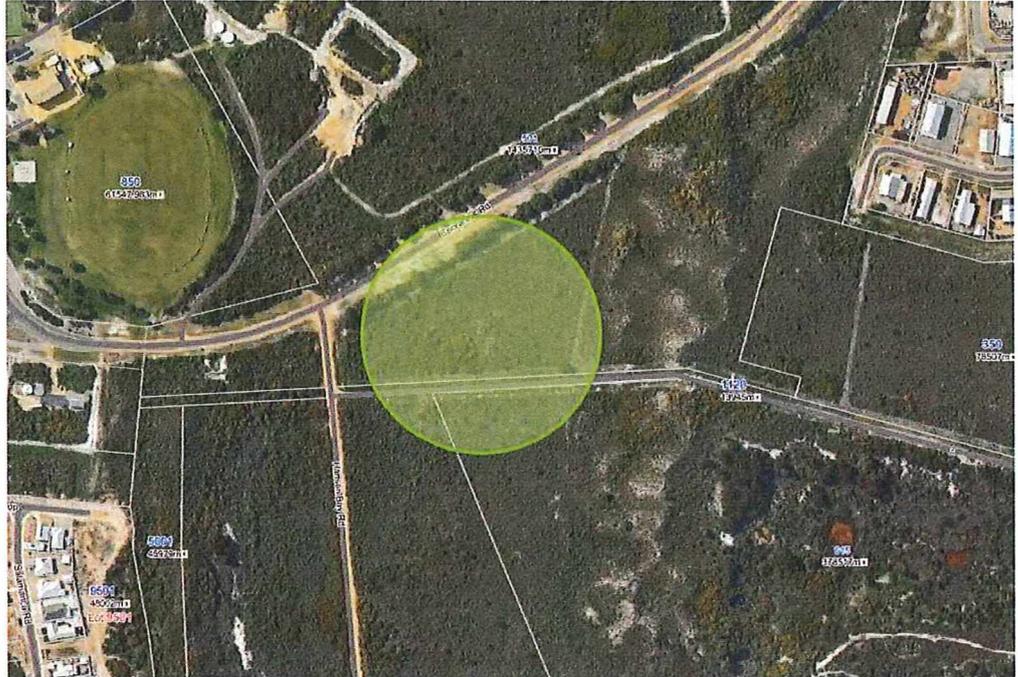


The disadvantage is its proximity to shops, dwellings and a caravan dump point.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

Hansen Bay Road

This site has the advantage of not being near any shops or dwellings and can be hidden behind dunes and trees as viewed along Cervantes Road.



The disadvantage is its remoteness from ablution facilities and potential costs of providing infrastructure such as carpark and ablution facilities (with storage tanks due to being in an environmentally sensitive area –Lake Thetis)

CONSULTATION

The proposed Niche / Memorial Wall was advertised in the local paper in December 2019 which included an A4 flyer setting out the proposal and seeking feedback on the options of a Niche Wall or Memorial Wall or any suggested alternate site.

This was followed up by posting on the Shire website and social media. Due to the Christmas and school holiday breaks comment was sought in January and February 2020.

A4 flyers were also distributed to each post box in Cervantes in January. These flyers publicized the public meeting.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Local Government Act 1995

Cemetery Act 1986

4. Declaration and closure of cemeteries

- (1) *The Governor may by order published in the Gazette declare land described in the order to be a cemetery for the purposes of and subject to this Act.*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

5. Vesting of management of cemetery

(1) *The Governor may by order published in the Gazette vest the care, control and management of a cemetery in a Board or a local government and may by further order, so published, transfer the care, control and management of a cemetery from a Board to a local government or from a local government to a Board.*

6. Local governments to perform functions of Board

Where an order is made or is deemed to have been made under section 5 vesting the care, control and management of a cemetery in a local government, the local government shall, subject to this Act and to any necessary modifications, perform and be subject to the duties imposed on Boards under this Act and may exercise the powers conferred on Boards under this Act; and references in this Act to a Board or Boards shall be construed accordingly in relation to such a local government as the case may require.

POLICY IMPLICATIONS

There are no policy implications for this item.

FINANCIAL IMPLICATIONS

Council may be requested to contribute funds toward infrastructure for a niche wall at a future date. Level of funding will depend on community funds used for this project as well as the location of the niche wall. An isolated site distant from the townsite may require parking and public toilets.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029:

01 – Infrastructure	The Shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our communities contain vibrant, activated public open space and buildings with high levels of utilisation and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to occupy employing the principals of place making and design thinking.

ATTACHMENTS

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

- Map showing proposed sites for Niche Wall based on community input (Doc Id: 149839)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Rybarczyk
That Council

1. Advise the Cervantes Men's Shed that it does not support a niche and memorial wall at (Reserve 53206) on the corner of Aragon and Cadiz Streets, Cervantes
2. Instruct the Chief Executive Officer to proceed with investigations with the Department of Lands, Planning and Heritage and the Department of Biodiversity, Conservation and Attractions to determine the acceptability of either Tranquilo Park (Reserve 30824) and UCL Lot 501 on DP 60553 (Cnr Cervantes and Hansen Bay Roads) as a Cemetery (niche and memorial wall only).

CARRIED 8 / 0

9.3.2 FORESHORE MASTERPLANS

Location:	Jurien Bay Foreshore and Cervantes Foreshore
File Ref	Business Classification Scheme / Parks & Reserves / Design & Construction / Jurien Bay & Cervantes Foreshore Recreation
Disclosure of Interest:	None
Date:	19 March 2020
Author:	David Chidlow, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To seek adoption of the Jurien Bay and Cervantes Foreshore Masterplans following conclusion of the community consultation process.

BACKGROUND

In June 2019 the Shire sought quotes from suitably qualified and experienced landscape architects to undertake development of foreshore masterplans for the Jurien Bay and Cervantes foreshore areas.

Council approved funding for this project in the 2019/20 budget.

UDLA was selected as the successful firm to undertake the masterplans and were engaged according to the following process:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

- parameters around what this may be including height (2 storeys), look and feel, colour, 'style' etc. It should be uniquely 'Jurien' and responsive to the coastal character and laid back lifestyle that the town is famous for. Our team will produce some simple yet effective design concepts with this in mind and parameters grounded in economic reality that the shire can use to guide the appropriate development of this key site.
2. The area to the north of the carpark in the proximity of the bandstand is a key location for a significant activated public asset. The future skatepark has been recommended for this site however a community and stakeholder consensus concerning the best use of this area and skatepark location needs to be agreed. This will be one of the primary objectives of the Master plan design process. Based on our understanding of the work to date, UDLA supports this site as a potential wheeled sports location however we will investigate alternative opportunities and determine pros and cons based on stakeholder, community and council input.
 3. We understand the existing ablutions building requires improvement yet is limited by services capacity and as such a new ablutions building and location should be considered as central to the plan. As with the leasehold site, our team will develop some look and feel concepts to establish a baseline of style, theme and servicing requirements of the structure.
 4. Large grassed expanse of recently completed landscape upgrades to the south presents significant opportunity for an activation and events 'overlay' as does the plaza space addressing the Jetty. Our team will develop a series of events overlays identifying spaces, crowd capacities, locations for services, temporary structures and pavilions, and 'bump-in/bump-out' vehicle access to ensure Jurien Bay's key annual, seasonal and weekly events such as the Lions Markets, Indian Ocean Festival, Swimming Lessons, and Spay the Grey Festival – plus future opportunities are catered to. UDLA will communicate various configurations using easily understood diagrams such as those presented in our Bremer Bay Town Centre Master Plan.
 5. We understand that sand accretion along the beach around the jetty is the result of natural coastal processes and is expected to reverse in the next 10 years. In this regards all propositions will be in alignment with recommendations from Coastal Processing engineering in the CMRMAP report.
 6. The beach at Jurien Bay is of high quality and an enormous asset for the town. Nonetheless we understand that prevailing sea breezes are exceptionally strong along this part of the coast and that an effective master plan for the foreshore will incorporate several opportunities of various type to provide shelter and respite from the wind and sun. This can include small structures and enclosures, topographical features such as hillocks and swales to provide lee-side protection, and screening using planting, trees and fencing

7. *The turquoise way pathway is of a high quality however could be more animated with contextual art, site interpretation, seating, respite from wind and sun, and exercise and play equipment. We understand that the Turquoise Way can ultimately connect Jurien Bay and Cervantes providing a unique coastal cycle path and walk (notwithstanding the logistics of crossing Hill River). UDLA supports this idea and will consider it in the broader context of the masterplanning exercise.*

Cervantes Foreshore

The Key Drivers for the Cervantes Foreshore are somewhat different to Jurien Bay and principally are concerned with car-parking and vehicle movements in and around the Lobster Shack. We understand that the Lobster Shack, the DoT and the Shire are in discussions concerning an alternative location for operations with hopes to improve the access and relationship to the beachfront.

Broadly the primary issues to consider for Cervantes are more logistical and concerning connectivity and conflict between residents and operations of the Lobster Shack. Key Stakeholder and Community engagement will be essential to arrive at a satisfactory agreed direction.

Key issues to address include:

1. *Issues concerning the Lobster Shack daily operations: Between 10am and 3pm on a daily basis there are ongoing issues concerning car-parking, tour buses, impact on residents leading to talks of the possibility of land swap to a site with less constraints. Alternatively if the Lobster Shack were to remain where it is, a new carpark and turnaround on the lot at the end of either Targus or Madrid St could be considered to ameliorate the issue.*
2. *A connected and continuous walk trail for the Foreshore is essential to address its presently disconnected and haphazard condition. This would present as a coherent journey with a beginning, middle and end and potentially to be considered as start/end of a Jurien Bay connection (Turquoise Way).*
3. *The old DoT groynes interrupt flow along the beach and although they are important for maintaining the general structure of the beach they do present a considerable safety risk considering they are made up of various rubble and in disrepair. The master plan scheme will need to examine opportunities to keep the groynes but make the safe for occupation and a key feature of the design.*
4. *Beach access generally is not clear despite having the timber ramps due to seaweed build up. These direct water connections need to be improved and made more obvious.*
5. *Shade and respite from wind and sun – much like Jurien Bay a combination of trees, screen planting, manipulated landform, and new structures will need to be incorporated to provide this*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

amenity. There is a notable lack of trees on the Cervantes foreshore despite their being some fantastic trees in the immediate vicinity – notably at the caravan park.

6. *There is opportunity for the Caravan Park café to better address and connect to the foreshore park.*
7. *Cervantes, more so than Jurien is a popular kitesurfing and windsurfing destination especially from Thirsty Point to the south. There is an opportunity to better cater to and celebrate this aspect of Cervantes' popularity within the foreshore reserve.*
8. *We note a general lack of capacity with water, sewer and power in Cervantes generally and this could present as a constraint on plans for the foreshore.*
9. *Improved interpretation of the town's history, the various shipwrecks and their stories. Opportunities for both commissioned art and community driven art should be considered. The hillock between Targus St and Madrid St is an opportunity for improvement.*
10. *Cervantes beachfront is notable for the quantities of seaweed deposits which we understand is critical to maintaining the structural integrity of the beachfront and foredune. We would look to celebrate and interpret this unique attribute – i.e. turn a perceived negative into a positive and educational opportunity for the visitor.*

The interest and engagement in the Masterplan project was encouraging and emphasises the community value attached to the Jurien Bay and Cervantes foreshores.

The feedback on the draft masterplans was varied and at different levels of detail. As expected, some elements within the draft Masterplan were met with an equal amount of support and objection. In these cases, the final draft copies have sought to arrive at the outcome which delivers community benefit and respects the Council's purpose in committing to the masterplan project.

It is important to reinforce the role of a masterplan when considering the content of the submissions; that being a conceptual representation of how the foreshore could evolve and function in the long-term. It essentially provides a series a themes and cues to assist in guiding detailed planning and design decisions.

Some of the proposals are bold and aspirational which is appropriate given the strategic nature and planning horizon of the masterplans. A decision on the delivery of these elements, and other aspects of the masterplans, will made once the availability of funding is reconciled against the benefit that will be delivered.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

CONSULTATION

Four stages of consultation were undertaken as detailed below;
Inception meeting with Shire staff to discuss the scope of the project and any additional local information.

1. First workshop (2 days) – this included a walk over both Cervantes and Jurien Bay foreshores with the architects with selected locals that have extensive knowledge of the foreshores. Followed by consultation with selected foreshore and community groups at the Lobster Shack and the Jurien Bay Shire office.
2. Second workshop (2 days) - Following on from the first workshop, concept masterplans were drafted. These were presented to the first workshop participants and other groups that wished to attend. Held at the Cervantes Pinnacles Motel and the Jurien Bay Conference and Education Centre.
3. Community Presentation (2 days) – Following on from the workshops, the masterplans were amended taking into account community comments. Plans were presented as an open invite to the community to view copies of the masterplan drafts. Copies of the masterplans were set up at the Jurien Bay Tourist Centre and the Cervantes Country Club for a week cumulating in the Architects being available to meet with the public to individually discuss the masterplans
4. Council workshop (2020 February Council meeting) and walk around the Jurien Bay Foreshore central area – proposed on morning of 24 March 2020.

Summarised comments	Number of times commented
Jurien Bay	
Bring back the diving board at Jurien Bay Jetty	1
Support the masterplan as presented	10
Does not support the masterplan - lacks dynamism	1
Provide more shade	2
Provide more wind breaks/permanent shelters to break the wind	2
Provide a drop off zone for disabled persons	1
Move the children's play space further from the café area	3
Playground should be in closer vicinity to the Café	1
Playground should remain where it is	1
Supports closing of Roberts Street to parking/traffic	2
Not enough parking by the proposed new café & playground	1
Does not support the Skate park in this location. (move it to south of jetty)	5
Supports skate park in proposed location	6
Does not support the Caravan park remaining (provide a substantial function/restaurant / weddings facility, not an orange box type facility instead)	3
Complete the slashing of the Foreshore to Lindsay Street	1
Vehicle entry to markets to be kept clear	1
Power for markets	1
Plantings at the middle of paths to be kept low	1
Remove all small trees and replace with more significant/large trees to provide shade	2
Supports planting more trees	1

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

Allow space for markets	1
Provide good lighting	2
Concern that trees forming a corridor to the foreshore will restrict views + move the proposed buildings slightly south to add to the vista	2
Build a bigger bar	1
Suitable for a surf club or large indoor facility	1
Maintain the pathways connectivity to the marina	2
Provide trampolines instead /or in addition of a skate park	1
Extend the jetty	2
Do not section off the park by trees.	1
All seating in the vicinity of the BBQ's and the BBQ areas need to have wind shelters surrounding them	1
There should also be extra 'open seating' allocated along the foreshore.	1
Feel that the proposed café and commercial offering should both flow along aside each other and be facing the ocean, not sideways.	1
By the look of the plan everything seems to be too disjointed and is closing the foreshore off from the North to the South, instead of keeping it as an open flowing area.	1
By placing the Café where it is shown on the plan you are also closing the view of the Ocean from the foreshore and road.	1
Provide a beach volleyball court	1
Proposed bar should be relocated further south	1
There is an existing toilet block a very few metres to the north and demolishing this for a skatepark seems unnecessary waste and cost. Move this amenity building including toilets and kiosk into area #4 on the plan or further south into Fauntleroy Park	1
The addition of long vehicle parking, 11 bays according to the plan, is a very welcome addition but at the loss of 18 vehicle parking bays is problematic. Could White Street along the caravan park fence be better utilised for parking, especially for long vehicles? There are no driveways along the north side of this street. The "40 overflow bays for use during events" on Heaton Street would be very welcome if the youth plaza was elsewhere. Where will any "events" be staged? Certainly not at the skatepark or playground directly opposite those bays	1
To preserve the paved area in front of Caravan park area solely ostensibly for that reason seems unnecessary and exclusive.	1
Development of the foreshore for family recreation is a wonderful idea and will surely attract more tourism, but Jurien Bay is special for its many natural features and lifestyle. Please be mindful to retain its natural beauty and not blight it with modernism at the expense of the local community and the very welcome visitors. Destruction of existing assets and beauty thoughtlessly and greedily disguised as "progress" is unforgivable and unable to be redeemed or recovered once it's gone. Replicating a Dunsborough or Mandurah is to be avoided at all costs.	1

Cervantes	1
Extend the bike path in front of caravan park to Thirsty point	1
Supports the Masterplan	1
Extend the pathway to the jetty	1
No trees on southern side of proposed Madrid Street carpark	1
Move the carpark closer to the ocean	1
Move the pathway around the rotunda closer to the rotunda	1
Raise the height of the pathway about 500mm to provide a view	1
Concerned that any trees planted blocking views would be poisoned	1
No need for removal of the carpark on the bend opposite caravan park if	1

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

slowing traffic	
Could Markets/Food truck space be deleted as the car park area in front of the CCRC already exists that could be utilized	1
Please reconsider the new potential future caravan park entry as this is on a corner – Brown & Aragon Streets – creating a possible traffic hazard	1
Concerned about the decking extending over the dune vegetation	1
How are you going to stop people accessing the beach North from the marina with their vehicles	1
I am concerned that there will be an environmental impact from planting Tuarts along the walkway between the cafe and volleyball court which will displace the naturally occurring vegetation	1
I am assuming the bins at the Marina will be relocated elsewhere if the plan is to encourage people to park at the Marina.	1
The Coastal wetland boardwalk will hopefully be installed with minimal disturbance, at an elevation that vegetation will continue to grow underneath.	1
All trees/plants planted should be native	1
Money will be spent on assets so close to the shoreline that will be vulnerable to coastal hazards	1
It would be a great asset to the plan if an exercise equipment station was built into the plan as another recreational activity for our town, preferably for both the young and older generation. Also this would be attractive to our tourists as well	1

STATUTORY ENVIRONMENT

There are no statutory implications relevant for this item.

POLICY IMPLICATIONS

There are no policy implications relevant for this item.

FINANCIAL IMPLICATIONS

The final masterplans will be used as a basis to allocate and seek funding for implementation over its planning horizon of 5 – 10 years. The implementation of the masterplans will not occur through a single works program and decisions on which elements are delivered will consider the benefit it will derive (in a social, economic and/or environmental sense) against the funding that is available.

The masterplans can also be used as a tool to attract funding from external sources to assist in its delivery. Most funding providers see merit in contributing to high-profile, community led projects that will result lead to positive outcomes. Detailed estimated costings are provided within the Masterplan.

The masterplans will provide guidance to the Shire's ongoing asset maintenance and replacement by recommending design themes and infrastructure materials to ensure a coordinated approach.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

01 – Infrastructure	The Shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our communities contain vibrant, activated public open space and buildings with high levels of utilisation and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to occupy employing the principals of place making and design thinking.

ATTACHMENTS

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

- Jurien Bay Draft Foreshore Masterplan (Doc Id: 151655)
- Cervantes Draft Foreshore Masterplan (Doc Id: 151656)
- Public Consultation (Doc Id: 151657)
- Masterplan Report (Doc Id: 151658)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That Council adopt the Jurien Bay and Cervantes Foreshore Masterplans.

CARRIED 8 / 0

9.3.3 PROPOSED OUTBUILDING – LOT 144 LESUEUR DRIVE, JURIEN BAY

Location:	Lot 144 (#52) Lesueur Drive, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of N W & R D Strickland
File Ref:	Development Services Apps\Development Application/2020/8
Disclosure of Interest:	Nil
Date:	10 March 2020
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The proponent is seeking development approval for an outbuilding on Lot 144 (#52) Lesueur Drive, Jurien Bay.



Location Map – 52 Lesueur Drive, Jurien Bay (property boundaries in red)

BACKGROUND

The applicant is seeking development approval to construct a 45m² outbuilding of 3.6m wall height and ridge height of 4.4m, setback 10m from the front boundary (600mm in front of the existing dwelling building line) and up to the side boundary (less than 600mm away) with adjoining 1 Shingle Avenue.

The subject property is zoned Residential under the Shire's *Local Planning Scheme No.7 (LPS7)* with a density rating of R12.5. The objective of the Residential zone is to:

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

The proposed outbuilding complies with three out of the five applicable design standards of *Local Planning Policy 9.4 Residential Outbuildings (LPP9.4)* as shown in the table below:

	LPP9.4 Standards	Proposed Outbuilding
Area	80m ²	45m ²
Wall Height	3.6m	3.6m
Ridge Height	4.5m	4.4m
Side Boundary Setback	1.5m	0.2m
Building Line Setback	0.5m behind	0.6m in-front

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

The proposed boundary is 3.6m in average height and 10m in length. *Local Planning Policy 9.10 Residential Design Codes – Sides and Rear Boundary Setbacks* allows such walls to be a maximum of 3.3 in average height and 9m in length; provided there has been no objection from the adjoining landowner. In this instance, the proposal does not comply and the adjoining affected neighbour (1 Shingle Avenue) objected to the proposal resulting in the development application requiring determination by Council in accordance with the *Shire of Dandaragan Delegations Register*.

An outbuilding of approximately 60m² of brick wall and tin roof construction currently exists in the backyard of the subject site. Shire records do not have any approval documents for this structure. Therefore, it is recommended this building be investigated with the landowner separate to this application. However, it is noted the aggregate outbuilding size under LPP9.4 is 80m², which results in this application for a 45m² outbuilding being additionally non-compliant in terms of aggregate area.

COMMENT

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

Clause 5.1.3 P3.2: Buildings built up to boundaries (other than the street boundary) where this:

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

The applicant has stated verbally that the proposed outbuilding is located in the only remaining suitable location of the property due to the limited backyard access due to the angle of the north-east boundary and orientation of the house.

The proposed development has no impact on the privacy of outdoor living spaces or privacy in general of the landowners or neighbours because it is located to the side of the house where no

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

habitable space exists. Similarly, solar access impacts as calculated via the R-Codes formula is not applicable because the southern boundaries of the site are not in question (solar access calculated north to south basis).

Amenity is defined by the Deemed Provisions of LPS7 as:

All those factors which combine to form the character of an area and include the present and likely future amenity.

Over and above the relevant R-Codes' design principles outlined above the Shire is to also consider the following relevant matters in accordance with Clause 67 of the Deemed Provisions of LPS7:

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale and orientation and appearance of the development;

(n) the amenity of the locality including the following –

- (i) environmental impacts of the development;*
- (ii) the character of the locality;*
- (iii) social impacts of the development.*

Generally, development is only acceptable where it does not take away amenity; in some cases less than incompatibility maybe sufficient to overcome a proposal.

Body Corporate for Kelly's Beach Resort v Burnett Shire Council (2003) equated amenity as an enquiry into the 'reasonableness' of the proposal in relation to the character of the locality and found that "The perfect neighbour does not exist except for the most tolerant person. So the test is not whether the amenity would be degraded but whether it would be unreasonably degraded"

Temora Pty Ltd v Shire of Kalamunda (1994) said that there are three important sequential questions in the analysis of amenity issues:

1. an understanding of the character of the area;
2. the manner in which the proposal may affect that character; and
3. the degree of impact (magnitude and acceptability).

The site is located within what is commonly known as 'Original Jurien Bay' where a large majority of the low-density housing built in 1980s was timber frame and clad in fibre cement. Outbuildings in this locality are located to the rear of properties and are less dominant than the dwellings.

The proposed outbuilding is forward and higher than the existing dwelling, and therefore will not be less dominated than the dwelling in a residential area, resulting in it being visually obtrusive to the locality. Furthermore, to this point, the wall material of the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

proposed outbuilding (Colorbond) is different to the existing rear outbuilding (brick) and dwelling (weatherboard).

The neighbouring dwelling at 1 Shingle Avenue which has four major openings to habitable rooms setback 2.5m from the common boundary is vulnerable to the adverse amenity impact from the 3.6m high, 10m long wall of the proposed outbuilding which will run parallel to the neighbouring dwelling and common boundary.

The development could also impact the physical amenity of the neighbouring property via the proposed outbuilding creating a wind tunnel due to it being sited close to the boundary fence and neighbouring dwelling. Characteristic strong Jurien Bay sea breezes could move faster in the low-pressure area created between these structures.

The neighbours in their objection of the proposal recommended different designs that they would be willing to support. This raises the question that there could have been a better proposal, however the Shire can only deal with the proposal before it and cannot refuse a development just because there are better ways to design the building.



Street-view of 52 Lesueur Drive, Jurien Bay

As the proposed development would impact the amenity of the local area due to its setting, building bulk and scale, and the lack of transition provided to surrounding development; the application is not supported by the reporting officer. Nonetheless, if Council do not agree, an alternative recommendation is provided below:

Alternative Officer Recommendation

That Council grant development approval for the proposed single house on Lot 144 Lesueur Drive, Jurien Bay subject to the following conditions and advice notes:

- 1. All development shall be in accordance with the attached plans date stamped 26 March 2020 subject to any modifications required as a consequence of any conditions of this approval*

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020</p>

and shall not be altered without the prior written approval of the local government.

2. *The building materials being of non-reflective nature and colour consistent with the existing structure and/or predominant colours of the individual site.*
3. *The outbuilding is not to be used for any commercial or industrial purpose (including home occupation), unless the written approval of the Shire has first been obtained.*

Advice Notes:

1. *The applicant is advised this is planning approval only and not a building permit. A building permit must be obtained for this development.*
2. *Stormwater is to be managed on site or directed to a suitable disposal system in accordance with AS3500 Plumbing and Drainage.*
3. *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.*
4. *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.*
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"*

CONSULTATION

Notice of the proposed development was advertised to surrounding neighbours. Two houses in the surrounding catchment had recently sold and with the help of their previous owners the new owners were provided with the opportunity to comment on the proposal. In total one comment of support and one of objection were received. The detailed objecting submission is attached to this item for Council's reference.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7:
Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.
- Shire of Dandaragan Delegation Register

POLICY IMPLICATIONS

- Local Planning Policy 9.3 Outbuildings – 'Residential Areas'

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

- Local Planning Policy 9.10 Residential Design Codes – Sides and Rear Boundary Setbacks

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan Envision 2029

02 Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

ATTACHMENTS

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

- Plans (Doc Id: 151274)
- Neighbour submission (Doc Id: 151273)

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council refuse the development application for the proposed outbuilding on Lot 144 Lesueur Drive, Jurien Bay due to the following reasons:

- 1. the Development is not compatible with the established residential area in which it is located and is, therefore, inconsistent with the objective of the Residential zone under the *Shire of Dandaragan Local Planning Scheme No.7*;**
- 2. the Development is not compatible with its setting (clause 67(m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);**
- 3. the development would have an adverse impact on the amenity of the locality (clause 67(n) of the Deemed Provisions); and**
- 4. approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted policy.**

Advice:

The applicant be advised that there is a Right of Review under the *Planning and Development Act 2005* (the Act). An Application for Review must be submitted in accordance with Part XIV of the Act within 28 days of the date of this decision to:

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

CARRIED 8 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 COUNCIL MEETING SCHEDULE 2020 / 2021

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Meetings / Meetings
Disclosure of Interest:	None
Date:	5 March 2020
Author:	David Chidlow, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To determine a Council meeting schedule for the period 1 July 2020 to 30 June 2021 and to consider start times for Council Meetings.

BACKGROUND

On an annual basis, local governments in Western Australia are required to establish and advertise a schedule of Council meetings. The Shire of Dandaragan's current schedule sets meetings up to 30 June 2020 and as such it is timely to adopt a new schedule.

COMMENT

Currently, Council meets every fourth Thursday of the month, excepting December. Other changes can occur due to public holidays.

The December meeting is scheduled the week prior to Christmas.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 requires the advertising of a local government's ordinary meetings of Council.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Scharf

That Council adopt the following meeting schedule for the 2020 / 2021 financial year:

DAY	DATE	TIME	MEETING VENUE
Thurs	23 July 2020	4.00pm	Jurien Bay
Thurs	27 August 2020	11.00am	Jurien Bay School Visit
Thurs	24 September 2020	4.00pm	Dandaragan
Thurs	22 October 2020	4.00pm	Jurien Bay
Thurs	26 November 2020	4.00pm	Cervantes
Thurs	17 December 2020	4.00pm	Jurien Bay
Thurs	28 January 2021	5.00pm	Jurien Bay
Thurs	25 February 2021	4.00pm	Jurien Bay
Thurs	25 March 2021	4.00pm	Jurien Bay
Thurs	22 April 2021	4.00pm	Badgingarra
Thurs	27 May 2021	4.00pm	Jurien Bay
Thurs	24 June 2021	4.00pm	Jurien Bay

CARRIED 8 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

9.4.2 CAMPING & COOKING FIRE POLICY - C-8CCFP04

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Corporate Management / Policy / Policy Register
Disclosure of Interest:	Nil
Date:	13 March 2020
Author:	Shane Elliss, Community Emergency Services Coordinator
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To accept the amendments to the Camping and Cooking Fire Policy.

BACKGROUND

The Draft Camping and Cooking Fire Policy was endorsed at the December Council meeting subject to a period of public comment in accordance with the extract below.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Shanahun

That Council

- 1. receive the unconfirmed minutes of the Fire Control Officer's Meeting held at the Badgingarra Community Centre on Wednesday 13 November 2019.***
- 2. endorse the draft Camping and Cooking Fire policy for public advertising.***

CARRIED 7 / 0

COMMENT

The Camping and Cooking Fire Policy has been developed recognising that outdoor cooking at a property owners place of residence as a desirable and legitimate part of everyday living and supported by the Fire Control Officers and Shire Staff when carried out in a responsible manner. This policy aims to permit the use of outdoor cooking implements such as pizza ovens, charcoal BBQ's and contained cooking fires under the conditions as prescribed in the policy.

There are two areas in the Camping and Cooking Fires Policy that are proposed for amendment following the period of public comment;

- That the word ceramic be added into clause 1b to include the use of ceramic cookers
- That clause 1a is removed from the policy to remove the requirement to register a fire pit or cooking implement through the use of a registration form and to remove the need for a Fire Control Officer to conduct an inspection and issue a permit for one off use.

There is no legal requirement for Council to conduct an inspection through its officers or its fire control officers. Requiring members of

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

the public to register an outdoor cooking implement or fire pit in their place of residence appears overly onerous and bureaucratic and is unlikely to add to safer outcomes for the community.

The onus remains with the owner of the camping or cooking fire not only to comply with this policy but also to ensure that there is no danger of the fire escaping.

It is recommended that Council adopt the proposed amendments.

CONSULTATION

The Camping and Cooking Fire Policy has been through a period of public comment and 4 submissions were received from members of the public. All submissions were in favour of the Camping and Cooking Fire Policy.

There were two specific items of feedback that warranted consideration.

- That the word Ceramic be considered for inclusion in the Camping and Cooking Fire Policy to allow the use of Ceramic cookers.
- That the requirement for registering a fire pit or having a fire control officer inspect the fire pit and provide a permit be removed from the Camping and cooking Fire Policy.

STATUTORY ENVIRONMENT

- Bush Fires Act 1954 clause 25 (1) (a) No fire to be lit in the open air unless certain precautions are undertaken.

(1) Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act, save and except in accordance with and subject to the following provisions —

- (a) a fire for the purpose of camping or cooking shall not be lit within 3 m of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 m from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is "catastrophic", "extreme", "severe" or "very high", such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do.*

POLICY IMPLICATIONS

Finalising adoption of a Policy.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

FINANCIAL IMPLICATIONS

There are no financial implications relative to this item.

STRATEGIC IMPLICATIONS

This policy will benefit the Community through encouraging outdoor recreational activities.

Strategic Community Plan – Envision 2029

04 – Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
Priority Outcomes	Our Roles
A Shire built on the strengths of community spirit and resilient, connected communities	

ATTACHMENTS

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

- C-8CCFP04 Draft Camping and Cooking Fire Policy (Doc Id:145889)
- C-8CCFP04 Amended Camping and Cooking Fires Policy (Doc Id 151051)
- Fire Pit Registration Form (Doc Id: 145936)
- Schedule of submissions (Doc Id: 151053)

(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council adopt the policy C-8CCFP04 Camping and Cooking Fires Policy (Doc Id 151051).

CARRIED 8 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – FEBRUARY 2020 COUNCIL STATUS REPORT

Document ID: 150763

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held February 2020. ***(Marked 9.5.1)***

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JANUARY - FEBRUARY 2020

Document ID: 151398

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for January – February 2020. *(Marked 9.5.2)*

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – FEBRUARY 2020

Document ID: 150711

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for February 2020. *(Marked 9.5.3)*

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – FEBRUARY 2020

Document ID: 150710

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for February 2020. *(Marked 9.5.4)*

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR FEBRUARY 2020

Document ID: 151333

Attached to the agenda is monthly report for Tourism / Library for February 2020. *(Marked 9.5.5)*

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

10.1 VOTE OF CONFIDENCE

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That council supports a motion of confidence in the staff, Incident Management Team and CEO for the leadership they have provided to our Shire during this time of crisis and thank them for their support for all ratepayers, business people and visitors.

CARRIED 8 / 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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

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;
 - (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

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Richardson

That the meeting be closed to members of the public at 4:20pm in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration)

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020
--

**Regulations 1996 to allow Council to discuss Item 11.1.1
COMMUNITY EMERGENCY SERVICES MANAGER PROGRAM.**

CARRIED 8 / 0

11.1.1 COMMUNITY EMERGENCY SERVICES MANAGER PROGRAM

Location:	Shire of Dandaragan
Applicant:	Not applicable
Folder Path:	Business Classification Scheme / Government Relations / State Liaison / State Government
Disclosure of Interest:	Nil
Date:	16 March 2020
Author:	Mr Brent Bailey, Chief Executive Officer
Senior Officer:	Not applicable

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

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council:

- 1. Support a position of independently providing a Community Emergency Services Manager and provide resources in the forthcoming 2020 / 21 budget accordingly; and**
- 2. Authorise the CEO to advise the Department of Fire and Emergency Services Commissioner of its decision to resource its own Community Emergency Services Manager and withdraw from the current Memorandum of Understanding for the position.**

CARRIED 8 / 0

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre that the Meeting be reopened to the public at 4.23pm.

CARRIED 8 / 0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 MARCH 2020

The presiding member declared the meeting closed at 4.23pm.

These minutes were confirmed at a meeting on 23 April 2020

Signed 

Presiding person at the meeting at which the minutes were confirmed

Date 23 April 2020