



**SHIRE**  
*of*  
**DANDARAGAN**

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**JURIEN BAY COUNCIL CHAMBERS**

**on**

**THURSDAY 28 JULY 2016**

**COMMENCING AT 4.02 PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING**

The presiding member declared the meeting open at 4.02pm and welcomed those present.

**1.2 DISCLAIMER READING**

The disclaimer was read aloud as there were 3 members of the public present.

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

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

**2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE****Members**

Councillor L Holmes	(President)
Councillor D Slyns	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor J Kulisa	
Councillor M Sheppard	
Councillor P Scharf	
Councillor D Richardson	

**Staff**

Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)
Ms R Headland	(Council Secretary & PA)
Mr W George	(Manager Building Services)

**Apologies**

Mr T Nottle	(Chief Executive Officer)
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**Approved Leave of Absence****Observers**

Clinton Strugnell, David Kent, Adam McKay

### 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

#### 4 PUBLIC QUESTION TIME

The following question has been received from Mr. Steven Taylor.

Can you please advise if the Shire of Dandaragan / council have formed / implemented policy on the mining of unconventional gas within the Shire of Dandaragan boundaries?

If so can you please provide details and implementation date?

I respectfully request that the shire's response be in accordance with the Shire of Dandaragan Customer Service Charter.

The following response has been sent to Mr. Taylor

Firstly, apologies as the President is away overseas until 20 July and the CEO is on leave until 26 July, hence why I am responding and not the President or the Chief Executive Officer.

The answer to your question is Council has not formed/ implemented policy on the mining of unconventional gas within the Shire of Dandaragan boundaries.

I will list the question for Question Time, for the forthcoming Council Meeting to be held 28 July 2016.

The President read out question from Dave Kent

1. For the last 2 years there has been approximately \$7,000 dollars on the Shire Budget for earthworks on the south east corner of the tennis courts. After asking for it to be done many times it is still not done and the carpet on the courts is severely damaged.
  - When is it going to be done?
  - Who is going to pay for repair to carpet?

Manager Building Services advised as follows:

The work in question wasn't for earthworks, but was rather a double-sided solution to provide a hit-up wall for the tennis club whilst at the same time providing a drainage diversion to prevent the puddles of storm water from accumulating in the corner of the tennis court.

The work had not been undertaken because of other demands on available maintenance time, coupled with the fact that requested quotes to do brickwork had still not been received.

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The President read out question from Dave Kent

2. The amendment for Lot 1 Jurien East Road has been with the Shire for over two (2) months.
  - Why is it taking so long?
  - When will it go to Council?

Manager of Planning advised as follows:

Priority has been given to commencing advertising of the new Local Planning Strategy which is an item in this month's Council agenda. The proposed Scheme amendment is dependent on the content in the draft new strategy and therefore the amendment is scheduled to be considered at the August Council meeting.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF ORDINARY MEETING HELD THURSDAY 23 JUNE 2016****COUNCIL DECISION**

Moved Cr Scharf, seconded Cr Gibson

That the minutes of the Meeting of Council held 23 June 2016 be confirmed.

**CARRIED 8 / 0**

**7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The President advised of Chris Carey's resignation. As a Councillor the matter is listed as a late item.

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## 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	20 July 2016
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 May 2016.

#### BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 May 2016.

#### COMMENT

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

##### 1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 May 2016 was \$2,089,411. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.



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The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (page 9) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

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

General Purpose Funding

Expenditure is at 123% of Y-T-D budget and is due to legal fees being higher than budgeted. This amount is offset by addition income recouped from affected rating assessments.

Community Amenities

Income is at 66% of Y-T-D budget and is due to the Water Corporations contribution towards the sewer project. Payment is expected early in 2016/17 and will be carried over into that budget.

Recreation & Culture

Income is at 75% of Y-T-D budget and is due to budgeted income for the Cervantes Community Centre renovation not being received. The project will now be carried over into the 2016/17 budget.

Expenditure is at 83% and is due to less than budgeted salaries and materials and contracts within the public open space budget.

Economic Services

Income is at 114% and is due to unbudgeted grants for Regional Visitor Centres and Stronger Communities.

Expenditure is at 77% of Y-T-D budget and is due to less than budgeted expenditure on tourism.

Transport

Expenditure is at 93% and is due to a correction in depreciation. An investigation into depreciation of recently revalued Infrastructure assets shows depreciation calculating too high.

Other Property and Services

Expenditure is at 169% and is due to higher than budgeted expenditure on plant repairs. This is partially offset by insurance reimbursements.

Should Councillors wish to raise any issues relating to the 31 May 2016 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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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STATUTORY AND POLICY IMPLICATIONS

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

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 May 2016 (Doc Id: 69606)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Richardson**

**That the monthly financial statements for the period 31 May 2016 be adopted.**

**CARRIED 8 / 0**

**9.1.2 ACCOUNTS FOR PAYMENT – JUNE 2016**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	18 July 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of June 2016.

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.

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COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for June 2016 totalled \$1,469,293.85 for the Municipal Fund

CONSULTATION

- Chief Executive Officer

STATUTORY AND POLICY IMPLICATIONS

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

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 June 2016 (Doc Id: 69785)

**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple majority

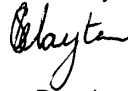

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Richardson, seconded Cr Kulisa**

**That the Municipal Fund cheque and EFT listing for the period ending 30 June 2016 totalling \$1,469,293.85 for the Municipal Fund be accepted.**

**CARRIED 8 / 0**

**9.1.3 LANDING FEES AT THE JURIEBAY AIRSTRIP**

Location:	Jurien Bay Airstrip – Reserve 35408, Jurien Bay
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Fees and Charges / Fee Structures
Disclosure of Interest:	Nil
Date:	18 July 2016
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

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PROPOSAL

For Council to consider landing fees in relation to the Jurien Bay Airstrip (JBA) for the 2016 / 2017 financial year in order to recover costs associated with maintenance and operation of the facility.

BACKGROUND

Council has previously discussed over a number of years the possibility of introducing landing fees at the JBA.

In 2014, Council endorsed the implementation of landing fees following many discussions. It was resolved at Council's ordinary meeting held in July 2014 that the following charges apply:

- \$5.70 – general rate
- \$4.00 – discounted rate
- RFDS – exempt from charge

Following the adoption of the Councils budget (which included the fees and charges as listed above) Council further considered the implications of establishing this fee and charge, as well as the impact on the aviation and tourism industry in the area. As such Council resolved at its meeting held on the 28 August 2014:

*Moved Cr Bailey, seconded Cr Sheppard*

*That Council agree to provide a 100% concession for the 2014 / 15 financial year to all users of the Jurien Bay Airstrip as an economic development incentive to assist growth and establish tourism and aviation business within Jurien Bay and the surrounding district, and that the value of the concession be recorded in note 21 of the Annual Financial Report for the 2014 / 15 financial year.*

**CARRIED BY ABSOLUTE MAJORITY 6 / 3**

Council felt that such a concession would provide an economic development incentive to users of the airstrip.

Council also requested staff to review the JBA asset management plan and the fees and charges, and refer back to Council. The review was carried out in 2014 / 15 and was presented to Council at a forum held in June 2015.

The subsequent review of the asset management plan indicated that there had been minimal change to the number of plane movements since the Plan was originally formulated, however over this time more accurate maintenance cost data had been collected.

At all times during the discussions about landing fees, it had been indicated that Council support the recovery of maintenance and operational costs of the airstrip. The Jurien Bay Airstrip was redeveloped in about 2004 for emergency services and not for commercial operations.

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Council is responsible for the long term viability of the airstrip and increased use has seen more of a requirement to maintain and consider renewal costs in the short to medium term.

During Council's discussions, it had been clearly demonstrated that the preference is to continue to encourage the "casual users" of the JBA to continue to visit Jurien Bay which has both a tourism and economic development benefit to the town. As such it was proposed and adopted that the first 4 landings for any one operator be free.

It was also decided that an annual cap on fees of \$5,000 should apply.

The Council decision of 23 July 2015 was as follows;

*Moved Cr Short, seconded Cr Bailey*

*That Council:*

- 1. include in its fees and charges within the 2015 / 2016 budget landing fees for the Jurien Bay Airstrip at \$13.78 ex GST per landing;*
- 2. provide a concession of 100% of the landing fees at the Jurien Bay Airstrip for the first four landings each calendar month for each customer. Each customer is individually identified by the "customer ID" held by Avdata;*
- 3. cap the maximum any one customer as individually identified by the "customer ID" held by Avdata will pay in any one financial year towards landing fees at \$5,000 ex GST per year, and;*
- 4. provide a 100% concession to the Royal Flying Doctors Service and student pilots for all landings at the Jurien Bay Airstrip.*

*CARRIED 8 / 1*

#### COMMENT

As we neared a new financial year it was necessary to review the landing fees for inclusion in the 2016 / 2017 Municipal Budget. Councillors indicated at the Council forum held 9 June 2016 its preference for a fee that recovers all operational and maintenance costs of the airstrip and that the maximum cap for any one user be removed.

Further, it was indicated that the first four landings per month should remain free and that all landing by the Royal Flying Doctors Service and student pilots remain exempt.

At the forum, the Executive Manager of Infrastructure outlined an increased maintenance program for the strip in 2016 / 17 that would;

1. Undertake monthly runway, taxiway and apron inspections and repairs.
2. Undertake quarterly spraying program.
3. Undertake regular sweeping program.

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4. Initiate rolling of runway during summer months to reintegrate loose stone into binder

For 2016 / 2017 the operational costs are estimated to be \$2,961.45 and the maintenance costs are estimated to be \$31,760.

These figures do not include transcription or billing fees, maintenance of the access road to the airstrip or any renewal of the strip.

Based on current landings at the strip, this equates to \$14.20 per landing.

#### CONSULTATION

- Council via Council Forum
- Chief Executive Officer
- Executive Manager Infrastructure

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

A fee of \$14.20 ex GST per landing will raise \$34,721.45 in income in the 2016 / 17 Municipal budget.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan  
Objective 5.1 High performing Council  
Provide robust financial management and guardianship of the communities assets

#### ATTACHMENTS

NIL

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Richardson**

**That Council:**

- 1. include in its fees and charges within the 2016 / 2017 budget landing fees for the Jurien Bay Airstrip at \$14.20 ex GST per landing;**
- 2. provide a concession of 100% of the landing fees at the Jurien Bay Airstrip for the first four landings each calendar month for each customer. Each customer is individually identified by the "customer ID" held by Avdata, and;**

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3. provide a 100% concession to the Royal Flying Doctor Service and student pilots for all landings at the Jurien Bay Airstrip.

**Amendment**

Moved Cr Sheppard, seconded Cr Slynys that the Officer Recommendation be adopted with point 4 being added as follows:

4. That Council cap the maximum any one customer, as individually identified by the "customer ID" held by Avdata, will pay for the 2016- 2017 financial year towards landing fees at \$15000.00 ex GST"

The amendment was put and carried



**CARRIED 6 / 2**

The amendment became the Motion and was carried.

**CARRIED 6 / 2**

**Notation: Council did not adopt the Officer Recommendation as it wanted to cap Landing Fees at \$15,000 for the 2016 / 2017 Financial Year.**

**9.1.4 SHIRE OF DANDARAGAN 2016 / 2017 ANNUAL MUNICIPAL BUDGET**

Location:	N/A
Applicant:	None
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	None
Date:	11 July 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

To consider and adopt the Shire of Dandaragan's Budget for the 2016/2017 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

**BACKGROUND**

The 2016 / 2017 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshops held between May and July 2016.

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Proposed differential rates were advertised in The West Australian on 8 June 2016 for public comment. No submissions were received by 6 July 2016 when the public comment period closed.

Ministerial Approval was received for the advertised differential rates on 8 July 2016.

**COMMENT**

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 5.0% rate increase.
- A capital works program totalling approximately \$8m for investment in infrastructure and buildings is planned.
- An estimated surplus of \$2.3m is anticipated to be brought forward from 30 June 2016. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

**CONSULTATION**

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Manager Infrastructure

**STATUTORY ENVIRONMENT**

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2016/2017 budget as presented is considered to meet statutory requirements.

Section 6.2 of the Local Government Act 1995 deals with the waiving of debts.

**POLICY IMPLICATIONS**

The budget is based on the principles contained in the Strategic Community Plan.

**FINANCIAL IMPLICATIONS**

Specific financial implications are itemised in the draft 2016 / 17 budget attached for adoption.



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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STRATEGIC IMPLICATIONS

The draft 2016 / 2017 budget has been developed based on the Strategic Community Plan.

ATTACHMENTS

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

- Shire of Dandaragan Draft 2016 / 2017 Annual Municipal Budget (Doc Id: 69975)

**(Marked 9.1.4)**

VOTING REQUIREMENT

OFFICER RECOMMENDATION 1 Absolute majority

OFFICER RECOMMENDATION 2 Absolute majority

OFFICER RECOMMENDATION 3 Simple majority

OFFICER RECOMMENDATION 4 Absolute majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Scharf**

**PART A – MUNICIPAL FUND BUDGET FOR 2016/2017**

- Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Budget as contained in Attachment 9.1.1 (Doc Id: 69975) of this agenda and the minutes, for the Shire of Dandaragan for the 2016 / 2017 financial year, amended to reduce landing fee income by \$15,605, which will result in: A budgeted deficit of \$15,605.
  - A Statement of Comprehensive Income by Nature and Type showing a net loss result for that year of \$311,573.
  - A Statement of Comprehensive Income by Department showing a net loss result for that year of \$311,573.
  - Statement of Cash Flows.
  - A Rate Setting Statement showing an amount required to be raised from rates of \$5,756,629 as presented in doc id 69975
  - Notes to and forming part of the Budget amended to reduce landing fees
  - Budget Program Schedules amended to reduce landing fees.
  - Transfers to / from Reserve Accounts as presented in doc id:69975.
1. For the purpose of yielding the deficiency disclosed by the Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental Values and general and minimum rates on Unimproved Values.

**1.1 General Rates**

- General (GRV) 7.938 cents in the dollar.
- Vacant Residential (GRV) 20.097 cents in the dollar.
- General (UV) 0.7851 cents in the dollar.
- Mining (UV) 0.7851 cents in the dollar.

### 1.2 Minimum Rates

- General (GRV) \$658.
  - Vacant Residential (GRV) \$658.
  - General (UV) \$658.
  - Mining (UV) \$824.
2. Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full or by instalments:
    - Full payment and 1<sup>st</sup> instalment due date 23 September 2016.
    - 2<sup>nd</sup> instalment due date 23 November 2016.
    - 3<sup>rd</sup> instalment due date 23 January 2017.
    - 4<sup>th</sup> and final instalment due date 23 March 2017.
  3. Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears and service charges, on or before 23 September 2016 or 35 days after the date of service appearing on the rate notice, whichever is the later.
  4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$6.67 (\$20 total) for each instalment after the initial instalment is paid.
  5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
  6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 10% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016**

**PART C – FEES AND CHARGES FOR 2016/2017**

1. Pursuant to section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included in the draft 2016/2017 budget included as Attachment 9.1.1 of this agenda and minutes.
  
2. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, council adopt the following charges for the removal and deposit of domestic and commercial waste:

Name	Description of Service	Rubbish Rate	Pensioner Rubbish Rate
Rubbish Service Level 1	Collection of one rubbish bin weekly and one recycling bin fortnightly	\$354	\$307
Rubbish Service Level 2	Collection of one rubbish bin weekly and two recycling bin fortnightly	\$429	\$382
Rubbish Service Level 3	Collection of one rubbish bin weekly and three recycling bin fortnightly	\$504	\$457
Rubbish Service Level 4	Collection of one rubbish bin weekly and four recycling bin fortnightly	\$579	\$532
Rubbish Service Level 5	Collection of one rubbish bin weekly and five recycling bin fortnightly	\$654	\$607

3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:

General refuse (per cubic metre)	\$26.00
Separated recyclables	Free
Clean fill	Free
Scrap metal	Free
Car Tyres without rims (each)	\$3.60
4x4 Tyres without rims (each)	\$4.80
Truck Tyres without rims (each)	\$12.00
4x4 & Car tyres with rims (each)	\$12.00
Truck Tyres with rims (each)	\$33.00
Asbestos (per cubic metre)	\$72.00
Asbestos – Minimum Charge	\$72.00
Freezers, Fridges, Air conditioners (each)	\$15.00
Used Oil (per litre)	\$0.30
Oil Filters (each)	\$1.00
Uncontaminated green waste i.e. No weeds	Free
Uncontaminated concrete/ bricks	Free

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<b>Problematic wastes (per cubic metre)#</b>	<b>\$72.00</b>
<b>Emergency opening fee (per hour)</b>	<b>\$72.00</b>

**PART D – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2016 / 2017**

1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$ 24,720
Councillors	\$ 15,965

2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

ICT Allowance	\$ 3,500
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3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting fee:

President	\$ 12,000
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4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President	\$ 3,000
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**PART E – MATERIAL VARIANCE REPORTING FOR 2016/17**

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2016 / 2017 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED BY AN ABSOLUTE MAJORITY 8 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Scharf, seconded Cr Sheppard

In accordance with Section 6.12 of the Local Government Act 1995, Council:

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1. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for the first four landings each calendar month for each customer as individually identified by the “customer ID” held by Avdata;
2. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for landings undertaken by the Royal Flying Doctors Service and student pilots, and;
3. cap the maximum any one customer, as individually identified by the “customer ID” held by Avdata, will pay for the 2016- 2017 financial year towards landing fees at \$15000.00 ex GST

**CARRIED BY AN ABSOLUTE MAJORITY 8 / 0**

<b>OFFICER RECOMMENDATION 3 / COUNCIL DECISION</b>
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Moved Cr McGlew, seconded Cr Gibson

That Council authorises the Shire of Dandaragan to pay identified landholders a gravel royalty of \$2.50 per cubic metre for the procurement of gravel for the 2016 / 2017 financial year.

**CARRIED 8 / 0**

<b>OFFICER RECOMMENDATION 4 / COUNCIL DECISION</b>
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Moved Cr Gibson, seconded Cr Sheppard

That Council, in accordance with section 6.12 of the Local Government Act 1995, 2016 / 2017 rates (excluding rubbish and ESL charges) totaling \$3,175.20 at 3 Madrid Street, Cervantes be written off based on the following reasons;

- i. the tenure of the land being crown land would be otherwise exempt from rating had the Central West Men’s Shed not taken up tenancy;
- ii. the Central West Men’s Shed is a not for profit community group with limited income earning potential; and
- iii. the purpose of a Men’s Shed aligns with the Shire of Dandaragan’s strategic plan.

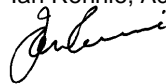
**CARRIED BY AN ABSOLUTE MAJORITY 8 / 0**

## **9.2 INFRASTRUCTURE SERVICES**

## **9.3 GOVERNANCE & ADMINISTRATION**

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### 9.3.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION

Location:	Shire of Dandaragan
Applicant:	Department of Lands
Folder Path:	Business Classification Scheme / Government Relations / Local and Regional Liaison / South West Aboriginal Land and Sea Council
Disclosure of Interest:	None
Date:	18 July 2016
Author / Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Author:	

#### PROPOSAL

The Department of Lands advises that it is responsible for identifying Crown Land and investigating Crown Land identified by the South West Aboriginal Land and Sea Council (SWALSC) to be considered as part of the benefits package to be offered to the six claimant groups via SWALSC. Land within the Shire of Dandaragan has been identified by SWALSC as an area of interest to be included in the South West Settlement. The Department of Lands advises that it would appreciate if comments on the various parcels being considered could be made with respect of the following issues:

1. Any future proposals for the land identified? If so, in what timeframe?
2. Any proposed planning scheme amendments? If so, in what timeframe?
3. Any future proposals for either the creations or amendments to reserves? If so, in what timeframe?
4. Any known land management issues e.g. contamination etc.

#### BACKGROUND

Six land parcels have been identified for consideration and Councils comments on each individual land parcel would be appreciated. Council has considered the issues at the Council Forum, held 14 July 2016. Representatives from the Department of Lands attended this forum.

Attached to the item is an aerial photograph indicating the various land parcels being considered in this process. These are listed as follows:

1. Area of Crown Land within Cervantes Townsite south of the existing development.
2. The area of the Regan's Ford Townsite that is currently undeveloped and west of the Brand Highway.
3. The area of Crown Land east of Harbour Drive and generally north of Seaward Drive in Jurien Bay.
4. The area of land east of Harbour Drive and generally north of (Item 3 above).
5. The area of land east of the Brand Highway within the Regan's Ford Townsite.

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6. The area of Crown Land east of Indian Ocean Drive and located south of the freehold land owned by the Grigsons' on Cockleshell Gully Road.

The following comments are made in relation to each parcel of land:

- A. Area of Crown Land within Cervantes Townsite south of the existing development.

1. The area is generally undeveloped and is either unvested Crown Land or part of Reserve 31303 being the Cervantes Foreshore Reserve. There are currently no proposals for further development of this area.
2. There is no proposed Planning Scheme Amendment affecting this area.
3. Reserve 31303 is the Foreshore Reserve in the Cervantes Townsite and should be excluded from any discussions in regard to this matter.
4. There are no known land management issues.

There are several pieces of Council infrastructure within the proposed area i.e. two lookouts, three car-parks, the walkway between the lookouts at Thirsty Point and Hansen Head. This infrastructure needs to be preserved and Council should oppose relinquishing any of the land west of the Hansen Bay Road.

- B. The area of the Regan's Ford Townsite that is currently undeveloped and west of the Brand Highway.

This land is currently unvested Crown Land and is zoned Rural.

1. There are no current future proposals for the area.
2. There are no proposed Planning Scheme amendments for the area.
3. There are no future proposals for the creation or amendments to reserves.
4. No known land management issues.

It is suggested that an area of land immediately north of the existing development within the Regan's Ford Townsite be excluded in order to allow for limited future development in the longer term.

- C. The area of Crown Land east of Harbour Drive and generally north of Seaward Drive in Jurien Bay.

1. There are no firm proposals for development of this area however, there had been some preliminary planning carried out for possible futures uses i.e. caravan park /

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chalets accommodation. There is no timeframe for this development to occur.

2. There are no proposed Planning Scheme amendments.
3. There are no current proposals for the creation or amendments to reserves.
4. There are no known land management issues.

It is suggested that the whole area indicated on the aerial photograph to be considered as part of the settlement should be excluded from any settlement as it is a logical extension of development within the vicinity of the Jurien Bay Marina. Preliminary planning has taken place previously.

D. The area of land east of Harbour Drive and generally north of "Item C above".

1. There are no firm proposals for development of this area however, there had been some preliminary planning carried out for possible futures uses i.e. caravan park / chalets accommodation. There is no timeframe for this development to occur.
2. There are no proposed Planning Scheme amendments.
3. There are no current proposals for the creation or amendments to reserves.
4. There are no known land management issues.

It is suggested that this area be excluded from this process as it is logical that the area be utilised for the long term development associated with the Jurien Bay Marina. Preliminary planning has taken place previously.

E. The area of land east of the Brand Highway within the Regan's Ford Townsite

1. There are no current future proposals for the area.
2. There are no proposed Planning Scheme amendments for the area.
3. There are no future proposals for the creation or amendments to reserves.
4. No known land management issues.

Staff cannot see why Council should object to the proposed area to be considered as part of the South West Settlement.

F. The area of Crown Land east of Indian Ocean Drive and located south of the freehold land owned by the Grigsons' on Cockleshell Gully Road.

1. There are no current future proposals for the land identified.
2. There are no proposed Planning Scheme amendments for the land identified.



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3. There are no future proposals for creation or amendments to reserves for the land identified.
4. There are no known land management issues for the land identified.

Staff does not see that Council should object to the proposed consideration as part of the South West Settlement.

In each of the instances, staff considers that the Department of Lands should be in consultation with nearby or adjoining landowners whether they be Government agencies or private individuals in order to seek comment on the various proposals.

Following discussions with Council at the Forum held 9 June 2016, a number of questions and queries requiring clarifications were emailed to the Department of Lands as follows:

- There is a lack of information submitted in order for Council to give proper consideration to the matter.
- Have nearby or adjoining landowners been consulted as part of the process?
- Has the Department of Parks and Wildlife been consulted?
- Is there any cultural significance in the areas in question?
- Have the local aboriginal groups been consulted in the process? i.e. Billinue Aboriginal Community and the Kwelena Mambakort Aboriginal Corporation?
- Who will be responsible for issues such as fire prevention and the like?
- What type of development is being considered for the sites.
- Will Council be consulted as part of any development?
- Some of the proposed sites already have had planning undertaken by State Agencies.
- The area in question in Cervantes already has Shire infrastructure. i.e. 2 lookouts/ walking trial/ 3 carparks. What will be the outcome if the land is lost to Council?
- Council would like to meet with a representative of the Department of Lands in order to discuss these issues further.

The Council Decision at the meeting held 23 June 2016 was as follows:

1. That the Department of Lands be advised of Council's objection to the proposed benefit package as outlined in email dated 10 June 2016 (Doc Id: 67841); and
2. that Council await a response from the Department of Lands on the issues raised by Council that require clarification, prior to Council giving further consideration to the matter.

Sandra Flanagan, Project Manager, South West Settlement and Carina Hemmers, Senior State Land Officer from the Department of Lands attended the Council Forum held 14 July 2016 to discuss issues outlined in this item.

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CONSULTATION

- Department of Lands at the Council Forum held 14 July 2016

STATUTORY AND POLICY IMPLICATIONS

- Noongar (Past, Present, Future) Recognition Act 2016
- Land Administration (South West Native Title Settlement) Act 2016
- [www.dpc.wa.gov.au](http://www.dpc.wa.gov.au)
- [www.noongar.org.au](http://www.noongar.org.au)

ATTACHMENTS

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

- See Forum attachments 14 July 2016
- Land to be excluded Regans Ford (Document Id: 69818)

**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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**Moved Cr Sheppard, seconded Cr Scharf**

**That Council forward the following comments in relation to each parcel of land to the Department of Lands:**

**A. Area of Crown Land within Cervantes Townsite south of the existing development.**

1. The area is generally undeveloped and is either unvested Crown Land or part of Reserve 31303 being the Cervantes Foreshore Reserve. There are currently no proposals for further development of this area.
2. There is no proposed Planning Scheme Amendment affecting this area.
3. Reserve 31303 is the Foreshore Reserve in the Cervantes Townsite and should be excluded from any discussions in regard to this matter.
4. There are no known land management issues.

There are several pieces of Council infrastructure within the proposed area i.e. two lookouts, three car-parks, the walkway between the lookouts at Thirsty Point and Hansen Head. This infrastructure needs to be preserved and Council should oppose relinquishing any of the land west of the Hansen Bay Road. The area west of the Hansen Bay Road should be excluded and incorporated into the current Reserve 31303 (Cervantes Foreshore Reserve for Recreation).

**B. The area of the Regan's Ford Townsite that is currently undeveloped and west of the Brand Highway.**

This land is currently unvested Crown Land and is zoned Rural.

1. There are no current future proposals for the area.
2. There are no proposed Planning Scheme amendments for the area.
3. There are no future proposals for the creation or amendments to reserves.
4. No known land management issues.

It is suggested that an area of land immediately north of the existing development within the Regan's Ford Townsite be excluded in order to allow for limited future development in the longer term. The area suggested to be excluded surrounds the existing four lots in the Regans Ford townsite and north for 180m from Harris Street to the western boundary of an extension to the Darch Street Road Reserve in order to allow an extension of the existing development (Marked Red) and Council's objection to the proposal be advised to the Department of Lands.

**C. The area of Crown Land east of Harbour Drive and generally north of Seaward Drive in Jurien Bay.**

1. There are no firm proposals for development of this area however, there had been some preliminary planning carried out for possible futures uses i.e. caravan park / chalets accommodation. There is no timeframe for this development to occur.
2. There are no proposed Planning Scheme amendments.
3. There are no current proposals for the creation or amendments to reserves.
4. There are no known land management issues.

It is suggested that the whole area indicated on the aerial photograph to be considered as part of the settlement should be excluded from any settlement as it is a logical extension of development within the vicinity of the Jurien Bay Marina, and because preliminary planning has taken place by the Department of Transport, and Council's objection to the proposal be advised to the Department of Lands.

**D. The area of land east of Harbour Drive and generally north of "Item C above".**

1. There are no firm proposals for development of this area however, there had been some preliminary planning carried out for possible futures uses i.e.

caravan park / chalets accommodation. There is no timeframe for this development to occur.

2. There are no proposed Planning Scheme amendments.
3. There are no current proposals for the creation or amendments to reserves.
4. There are no known land management issues.

That Council object to this area be excluded from this process as it is logical that the area be utilised for the long term development associated with the Jurien Bay Marina, and because preliminary planning has taken place by the Department of Transport, and Council's objection to the proposal be advised to the Department of Lands.

**E. The area of land east of the Brand Highway within the Regan's Ford Townsite**

1. There are no current future proposals for the area.
2. There are no proposed Planning Scheme amendments for the area.
3. There are no future proposals for the creation or amendments to reserves.
4. No known land management issues.

Council does not object to the proposed area to be considered as part of the South West Settlement.

**F. The area of Crown Land east of Indian Ocean Drive and located south of the freehold land owned by the Grigsons' on Cockleshell Gully Road.**

1. There are no current future proposals for the land identified.
2. There are no proposed Planning Scheme amendments for the land identified.
3. There are no future proposals for creation or amendments to reserves for the land identified.
4. There are no known land management issues for the land identified.

Council does not object to the proposed consideration as part of the South West Settlement.



**CARRIED 8 / 0**

**9.3.2 APPLICATION OF COMMON SEAL – CERVANTES CARAVAN PARK**

Location:  
Applicant:

N/A  
Shire of Dandaragan

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Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	13 July 2016
Author:	Julie Rouse, Executive Secretary
Signature of Author	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

To seek Council's endorsement for the application of the Shire of Dandaragan's Common Seal to Form N1 Notification under Section 70A form for Lot 300 on Deposited Plan 408271 in relation to the sewerage extension at the Cervantes Caravan Park.

**BACKGROUND**

The Shire of Dandaragan's common seal is applied in circumstances where the Shire is required to submit a Notification under Section 70 of the Transfer of Land Act 1893

Application of the seal in this instance is accompanied by the signatures of the Deputy President and the Acting Chief Executive Officer in the absence of the President and Chief Executive Officer being away on annual leave.

A register is maintained to record all occasions on which the seal is applied and in this instance relates to Item 234 of the Shire of Dandaragan's Seal Register.

Generally, the common seal is only applied in circumstances where Council has specifically resolved to enter into an agreement or lease, or the disposal of or acquisition of land. There are however, occasions where the seal is required to be applied urgently and Council's endorsement in this instance is sought retrospectively.

**CONSULTATION**

- Acting Chief Executive Officer
- McLeods Solicitors

**STATUTORY AND POLICY IMPLICATIONS**

- Section 5.6 of the Strategic Community Plan applies by implementing sound corporate governance and risk management by maintaining a high standard of governance and accountability.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**


Simple majority


<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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**Moved Cr Slyns, seconded Cr Sheppard**

**That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to Form N1 Notification under Section 70A form for Lot 300 on Deposited Plan 408271, Volume LR3166, Folio 975, item 234 of the Common Seal Register, retrospectively.**

**CARRIED 8 / 0****9.3.3 REVIEW OF DELEGATIONS REGISTER**

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Governance / Authorisations / Delegations Register  
 Disclosure of Interest: None  
 Date: 19 July 2016  
 Author: Julie Rouse, Executive Secretary  
 Signature of Author: 

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

**PROPOSAL**

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

**BACKGROUND**

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

**COMMENT**

The review of the Delegations Register proposes a number of minor changes mostly name and position title changes however there are two Delegations that have been added to the register and two that require removal as follows:

**New**

- Delegation 213 – Cat Act 2011; and
- Delegation 214 – Dog Act 1976

**Removal**

- Delegation 118 – Contract Variations; and
- Delegation 138 – Audit Committee

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The reason for the removal of these delegations is as follows:

Delegation 118 – Contract Variations – due to amendments made to the *Local Government (Functions and General Regulations)* (Regulation 21A) issued in September 2015 which replaces this delegation.

Delegation 138 – Audit Committee – no longer relevant due to amendments made within *Local Government (Audit) Regulations 1996*.

Councillors were provided the opportunity to review and discuss these proposed changes at the Council Forum held on 14 July 2016 and following this review and discussion relevant changes were made to the Delegations Register as attached to this agenda to be presented at the next Ordinary Council Meeting for adoption.

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

As part of the Compliance Audit Return, delegations are to be reviewed within the relevant financial year, in this case 2015 / 2016. This review of the Delegations Register has fallen just outside of this period meaning the Shire of Dandaragan will be non-compliant for this question for the 2016 Compliance Audit Return period which is carried out at the beginning of each year.

#### CONSULTATION

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

#### STATUTORY ENVIRONMENT

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

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

Goal 5/5.6 Implement sound corporate governance and risk management applies to this item in order for the organisation to maintain a high standard of governance and accountability.

#### ATTACHMENTS

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

- Shire of Dandaragan Delegations Register (Doc Id: 20222)  
**(Marked 9.3.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

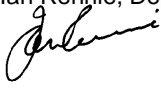
**Moved Cr Richardson, seconded Cr Scharf  
That Council amend its Delegations Register in accordance with the proposed changes shown in the attached version (Doc Id: 20222) of the Register.**

**CARRIED 8 / 0**

**9.4 DEVELOPMENT SERVICES**

**Cr D Slyns (President) and Cr W Gibson (Deputy President) disclosed an interest in this item.**

**9.4.1 PROPOSED SITE FOR JURIEBAY BAY RETURNED AND SERVICES LEAGUE – SUB-CENTRE**

Location:	Reserve 28541 (Federation Memorial Park)
Applicant:	Jurien Bay Returned and Services League Sub Branch
Folder Path:	Business Classification Scheme / Parks and Reserves / Service Provision / Jurien Bay Foreshore - Recreation
Disclosure of Interest:	Cr Gibson disclosed an interest at the Council Meeting held 28 November 2013
Date:	12 July 2016
Author / Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	

PROPOSAL

Council to consider allocating the Jurien Bay Returned and Services League Sub Branch access to an area of land in order for the group to construct a Sub-Centre.

BACKGROUND

The Jurien Bay Sub Branch of the Returned and Services League Australia have written to Council seeking allocation of an area of land in order for them to construct a Sub-Centre. A copy of an email and plan is attached to the agenda.

The issue was considered by Council at the Council Forum held 10 October 2013 and an onsite inspection took place. Subsequently, Council considered the matter at the Council Meeting held 28 November 2013 where the following decision was made:



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“That Council request the Jurien Bay RSL Sub Branch to identify a suitable parcel of land on Reserve 28541 and that Council await a proposal plan from the Sub Branch in regard to the servicing and development of the project inclusive of operational procedures and responsibilities.”

Following these initial discussions, it was felt that the area north of the existing war memorial was possibly the most appropriate.

**COMMENT**

A preliminary approach was made to the Department of Lands seeking their comment on the possibility of the establishment of a Sub-Centre building in the vicinity of the War Memorial.

The Department has advised that the decision on whether the foreshore area is the appropriate location for a RSL Sub-Centre Building is for Council to make.

The Department is of the view that as long as it is only for a community type use (no commercial uses) it would fit into the recreation category i.e. ancillary or beneficial to the reserve purpose. If Council agrees to the building on the Reserve and subject to it actually being built, the Department will have no objections to an application from Council to amend the purpose of the Reserve to include “RSL Sub-Centre Building”. There would also not be an objection to amending the Management Order Conditions to grant the Council the power to lease or licence any portion of the reserve for the purpose of a “RSL Sub-Centre Building” for any term up to 21 years, subject to the approval of the Minister for Lands.

Council was agreeable in principal to the allocation of an area of land and the following issues were required to be addressed as part of the proposal plan suggested by the RSL to include the following:

- Area of land required;
- Location of proposed lease area; and
- Services costs and responsibilities including power, water, communications, effluent disposal, construction and maintenance costs of the building and surrounds and legal costs.

Once Council and the RSL have agreed on the proposed plan and the processes involved, Council should then give further consideration to amending the Management Order in order to change the purpose of the reserve to include “RSL Sub-Centre Building” and to request that the Management Order be amended to allow leasing for a period of up to 21 years. At the conclusion of the construction of the building, Council will then enter into a formal lease with the Jurien Bay RSL Sub-Centre for the use of the premises for the sole purpose of the Sub Branch.

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CONSULTATION

- Department of Lands
- Jurien Bay RSL Sub Branch

STATUTORY POLICY IMPLICATIONS

- Land Administration Act 2005

FINANCIAL IMPLICATIONS

It has been indicated that all servicing and construction costs and the long term maintenance and renewal will be the responsibility of the RSL.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Email from the Jurien Bay RSL Sub Branch indicating the proposed site (Document Id: 69566)
- Email from the Department of Lands (Document Id: 18221)

***(Marked 9.4.1)***

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Slyns**

**That Council agree to the request from the Jurien Bay RSL Sub Branch as follows:**

- **Council to request the Department of Lands to allocate an area of land 40m x 47m, part of Reserve 28541 for the purpose of construction of a RSL Sub-Centre building as per Plan (Document Id: 68566)**
- **Council to request the Department of Lands to amend the management order to change the purpose to include “RSL Sub-Centre Building” and to allow leasing for a period of up to twenty-one (21) years, for non-commercial purposes as indicated by the Department of Lands**
- **That all costs associated with the servicing of the site including but not limited to the provision of power, water, insurance, communications, effluent disposal, construction maintenance, renewal and future replacement and removal costs of the building and surrounds and all legal and other costs be at the expense of the Jurien Bay RSL Sub-Centre.**



**CARRIED 8 / 0**

**Moved Cr McGlew seconded Cr Sheppard**

**That the proposal be advertised in accordance with Local Planning Scheme No 7 as a preliminary planning application.**

CARRIED 8 / 0

#### 9.4.2 PROPOSED LOCAL PLANNING STRATEGY – APPLICATION TO ADVERTISE

Location:	Whole of Shire
Applicant:	n/a
Folder Path:	Business Classification Scheme/ Land Use Planning/ Planning/ Strategic Plans
Disclosure of Interest:	None
Date:	13 July 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To seek certification from the Western Australian Planning Commission (the Commission) of the draft local planning strategy (the strategy) for the purpose of proceeding to public advertising. Once approval to advertise is gained, that Council advertise the draft strategy in accordance with the regulations.

#### BACKGROUND

Council and the Western Australian Planning Commission (WAPC) have recognised the need for a single local planning strategy for the Shire of Dandaragan. Currently the Shire has a strategy for the inland areas which was approved in 2012 and there are a number of planning documents that form the strategic direction of development along the coastal strip.

In 2013 Council commissioned planning consultants Eaton and Pasarelli to prepare a consolidated strategy that took into account all of the coastal plans as well as the rural strategy. The draft of this document was submitted to the Department of Planning for comment. The Department informally advised the Shire that whilst the majority of the content was satisfactory, the format of the document did not meet their requirements. Subsequently the Department in consultation with Shire staff reformatted the document into two parts with the strategy forming part one (1) and the supporting background information forming part two (2).

In addition to the Rural Strategy, the draft strategy comprises planning elements of the *Jurien Bay Growth Plan*, the *Local Tourism Planning Strategy*, and *Cervantes Town Centre Future Land Use Plan*.

The *Jurien Bay City Centre Strategy Plan* will be retained as a separate document to guide the ongoing development of the town centre.

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Council at the September 2015 Forum discussed the rural aspects of the proposed strategy in April 2016 Council at another Forum discussed the remainder of the proposed strategy. Amendments were made to the document following comments from Councillors and forum discussions.

The reasons for this extended process were that the rural aspects of the policy were discussed in September 2015 prior to the Council elections by outgoing rural based Councillors with many years of Council experience and a good understanding of the rural issues.

The remainder of the document was discussed in April 2016 after new Councillors had gained experience of the planning processes and planning issues in the Shire.

The Manager of Planning has had further discussions with the Department of Planning and the proposed draft Strategy with the amendments sought by the Council incorporated into the document.

It is also important to note that during this time significant changes have been made to policy and legislation, especially in regard to climate change and coastal processes as well as bushfire planning. These have resulted in the document being amended to reflect these significant changes. Councillors will be aware of these changes through discussions and presentations at other Council Forums. The amendments reflect the changes in legislation and policy and do not change the intent of the strategy. In addition, during this time there has been a change to the Scheme (and every other Scheme in the State) as well as new regulations governing planning processes and planning Schemes.

These have all had a significant impact on the preparation of the draft document.

### CONSULTATION

This report recommends that consultation be carried out once approval is obtained from the Commission.

The Planning and Development (Local Planning Schemes) Regulations 2015 Regulation 13 (1) outlines the process for advertising a Strategy. The following steps are required to be undertaken

A local government must, as soon as reasonably practicable after being provided with certification that a local planning strategy complies with regulation 11(2), advertise the strategy as follows —

- (a) publish a notice of the local planning strategy in a newspaper circulating in the area to which the strategy relates, giving details of —
  - (i) where the strategy may be inspected; and

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- (ii) to whom, in what form and during what period submissions may be made;
- (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
- (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy;
- (d) publish a copy of the notice and the strategy on the website of the local government;
- (e) advertise the strategy as directed by the Commission and in any other way the local government considers appropriate.

The local government must ensure that arrangements are in place for the local planning strategy to be made available for inspection by the public during office hours —

- (a) at the office of the local government; and
- (b) at the office of the Commission.

The period for making submissions in relation to a local planning strategy must not be less than a period of 21 days commencing on the day on which the notice of the strategy is published.

#### STATUTORY AND POLICY IMPLICATIONS

The Planning and Development (Local Planning Schemes) Regulations 2015 Part 3 Regulations 11, 12 and 13.

A local planning strategy must —

- (a) set out the long-term planning directions for the local government; and
- (b) apply any State or regional planning policy that is relevant to the strategy; and
- (c) provide the rationale for any zoning or classification of land under the local planning scheme.

Before advertising a draft local planning strategy the local government must provide a copy of the strategy to the Commission. On receipt of a copy of a draft local planning strategy the Commission must, as soon as reasonably practicable, assess the strategy for compliance with a, b and c above.

If the Commission is not satisfied that a draft local planning strategy complies with a,b and c above, the Commission may, by notice in writing, require the local government to —

- (a) modify the draft strategy; and
- (b) provide a copy of the draft strategy as modified to the Commission for assessment.

If the Commission is satisfied that a draft local planning strategy complies with the above, it must certify the strategy accordingly and provide a copy of the certification to the local government for the purpose of proceeding to advertise the strategy.

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On completion of the advertising of the strategy, the Council is required to review the strategy having regard to the submissions made and may support the local planning strategy with proposed modifications to address issues raised in the submissions.

After the completion of the review of the local planning strategy the local government must submit to the Commission —

- (a) a copy of the advertised local planning strategy; and
- (b) a schedule of the submissions received; and
- (c) particulars of any modifications to the advertised local planning strategy proposed by the local government.

Within 60 days of the receipt of the documents referred to in regulation 14(3) the Commission may —

- (a) endorse the strategy without modification; or
- (b) endorse the strategy with some or all of the modifications proposed by the local government; or
- (c) require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or
- (d) refuse to endorse the strategy.

#### ATTACHMENTS

The attachments will be circulated separately for this item when they are available.

- Draft Local Planning Strategy Part 1 (Doc Id: 69970)
- Draft Local Planning Strategy Part 2 (Doc Id: 69971)

**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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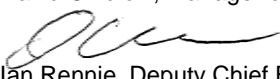

**Moved Cr Gibson, seconded Cr Richardson**

**That Council:**

- 1. Provide a copy of the draft Local Planning Strategy (Doc Id: 69970, Doc Id: 69971) to the Western Australian Planning Commission in accordance with Regulation 12 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 for certification.**
- 2. On receipt of certification from the Commission that the local planning strategy complies with regulation 11(2), the Chief Executive Officer or his delegate advertise the strategy in accordance with Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**CARRIED 8 / 0**

### 9.4.3 MINOR AMENDMENT TO LPP 8.5 OUTBUILDINGS – “RESIDENTIAL AREAS”

Location:	Whole of Shire
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Authorisations / Delegations Register
Disclosure of Interest:	None
Date:	14 July 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to consider the policy relating to Outbuildings in Residential areas to permit a maximum wall height of 3.6m with nil (less than 750mm) setback to side or rear boundaries and whether any amendments are required.

#### BACKGROUND

Council has requested that Local Planning Policy (LPP) 8.5 Outbuildings- “Residential Areas be reviewed in light of the number of outbuilding applications being received for wall height of up to 3.6m with a nil (defined in the policy as less than 750mm) setback from adjoining neighbours boundaries.

The matter under consideration for the variation to the policy is for the maximum wall height of outbuildings with nil setback (less than 750mm) from side and rear boundary setbacks be increased from 3.0m to 3.6m, with or without the maximum length of 9m being retained in the variation

The Outbuildings Policy introduction states that the policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria (deemed to comply) of the Residential Design Codes. It is the intent of the policy to guide amenity issues and provide acceptable development specifically for outbuildings under Design Principles 5.4.3 P3.

Generally, the taller and longer a wall adjacent to a boundary is, the further it should be set back. This statement is taken from Clause 4.2.1 of the Explanatory Guidelines to the Residential Design Codes and the amenity principle is reflected in table 2a and 2b of the Codes. This is an important amenity principle that protects a neighbours sense of openness and three dimensional built form in their surroundings. This is more so an expectation in a low density residential area than medium to high density. Clause 4.2.1 supports this principle in stating community acceptance of walls built up to side or rear boundaries is greater in medium to high-density areas compared with low density areas. Generally most residential areas of the Shire are designated as low density.

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There may be circumstances where it is not practicable to comply with the setback requirements and it may be appropriate to vary the requirements subject to justification, comment from the impacted neighbours and demonstrating that the proposal does not impact on the neighbours amenity. Design Principles 5.1.3 P3.2 of the Codes do allow for a variation based on meeting amenity objectives.

With regard to side boundary setbacks, the R-Codes also permit the following deemed to comply provisions.

C3.2 Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:

i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;

Each planning application is to be based on its merits taking into account these factors.

There is scope for Council to consider the above in making decisions for any outbuildings that do not comply with the policy.

The following submission in support of amending the policy has been received from a local builder that undertakes the majority of residential outbuildings construction in the Shire.

Comments from Mark Bellemore:

*"I am emailing regarding support to modify Council's current policy with regards minimum setbacks for outbuildings within the Jurien Bay Town site.*

*With the growing trend of newcomers purchasing properties here for the lifestyle we offer, they bring with them a boat or caravan and often both to compliment their move.*

*With boat and van sizes increasing Council should adapt their current policy to make it easier to keep their hard earned investments properly secured and protected from the weather elements.*

*Reversing a large boat or caravan down a narrow driveway is a hard enough task without having to jack-knife their trailer to gain entry to their shed, and by reducing the setback would make the task so much easier and reduce the risk of damage to neighbouring fences.*

*These type of applications, where there is a valid reason and with no neighbour objection, should be given a speedy approval to help*



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*with their settling here instead of the several weeks and often months to gain approval for modifying setbacks with their applications. I also recommend the Council Planning Officer process by Delegation Authority to give Councillors more time at monthly meetings to address much more important issues.*

*I recommend that the shed wall not become part of a fence line and be kept inside the boundary line at all times to ensure roof water is contained on their property and also where there could be a varying shed wall colour compared to an existing colourbond fence.*

*This is by no way any sort of Marketing ploy by Swan Aussie Sheds as it is much more time consuming to build a shed close to the boundary.*

*What we are trying to achieve is to give our customer an end product that keeps them happy, as they are our livelihood, just as they are equally to the Shire of Dandaragan as ratepayers and we should be trying to make their transition to our town an easy and enjoyable one."*

#### COMMENT

The Manager of Planning does not support the proposed increase in height as it will reduce amenity to neighbouring properties. There may be circumstances where the policy may be reduced, however each of these need to be assessed on their merits rather than an increase in height at the boundary as a right irrespective of the circumstances.

Should Council decide to support the proposed change to increase the height at which a nil setback can be achieved. The following resolution may be adopted

That Council;

Amend Local Planning Policy 8.5 Outbuildings – "Residential Areas" in Clause 8 of the policy by deletion of "3.0m" and replace with "3.6m"

The new Clause will then read;

8.0 Where a parapet/boundary wall is proposed (i.e. a wall within 750mm of a boundary), a maximum wall height of 3.6m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

#### CONSULTATION

New Planning Scheme regulations that took effect from 18 October 2015 permit the Council to make variations to Local Planning Policies where the amendment is considered minor without the need to advertise the proposed changes. Given that

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there is no proposed change to the height for compliant setback outbuildings or size of outbuildings and that there exists a current relaxation in the policy for side and rear boundary setbacks, the amendment can be considered minor.

In this instance, a local builder, as a main provider of outbuildings in the Shire has been asked to make comments. These are provided in the body of this report.

#### STATUTORY ENVIRONMENT

The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area. The Scheme allows Council to amend or rescind its planning policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required in the Scheme.

Clause 7 of the Outbuildings Policy states: All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Generally this is between 1.0m and 2.0m depending on height and length of wall. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.

Clause 8 of the Outbuildings Policy states: Where a parapet/boundary wall is proposed (i.e. a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

#### POLICY IMPLICATIONS

This proposal if approved would vary the Residential Outbuildings Policy for maximum height where a nil setback can be approved under delegation to staff.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

- LPP 8.5 Outbuildings – “Residential Areas” (Doc Id: 69102)

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- Image comparing Outbuilding wall heights (Doc Id: 69962)  
**(Marked 9.4.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

That Council:

Not amend existing Policy 8.5 Outbuildings “Residential Areas” and advise local builders and Real Estate Agents of the decision.

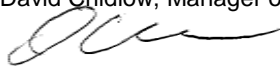
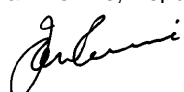
**Moved Cr McGlew, seconded Cr Sheppard**

**That the Officer Recommendation not adopted and the item to be deferred for further discussion.**

**CARRIED 8 / 0**

**Notation: Council did not adopt the Officer Recommendation as it wanted to inspect the area that may be affected.**

**9.4.4 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 76 PADBURY STREET, JURIE BAY**

Location:	Lot 76 Padbury Street, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of T & M Brodie
Folder Path:	Development Services App / Development Application / 2016 / 24
Disclosure of Interest:	None
Date:	14 July 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks approval for a proposed outbuilding with a total area of 15.5m x 7.06m (81.2m<sup>2</sup>) with nil side boundary setback for wall of height 3.6m and length of 11.5m exceeding Council’s Policy for setbacks. Lot size is 1012m<sup>2</sup>.

**BACKGROUND**

This application was considered by Council at the June 2016 Council meeting. The officer recommendation for refusal was not approved and therefore no decision was made. Council requested a review of the setback requirements of Local Planning Policy 8.5 Outbuildings – Residential Areas. A separate report on the policy is included with this Council agenda.

The proponent has submitted a proposal to construct an 81.2m<sup>2</sup> outbuilding with a nil setback (described by the applicant

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as “on boundary inside fence line”). The proposed wall height on the nil setback boundary is 3.6m and length 11.5m.

In accordance with Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ (the Policy) the total permitted area of outbuilding is 80m<sup>2</sup>, or 10% of the site area, whichever is the lesser. The proposed outbuilding has an area of 81.2m<sup>2</sup>. It exceeds the Policy requirements by 1.2m<sup>2</sup>. Given the minor nature of the increase (10cm in length) the proposed site area is not a significant factor when considering impact on amenity.

The required side boundary setback in accordance with table 2 of the R Codes is 1.5m. The applicant proposes a nil setback for the following reasons;

*The reason's for the outbuilding having a nil set back along the southern boundary is due mainly to the limited access to the rear of the property along the southern boundary .*

*The purpose for the outbuilding is to house our 8mt boat and vehicle and would like to make that process as safe as possible each time without having to manoeuvre vehicle and boat into the outbuilding.*

*The road is higher than the block and reversing in is a concern with me due to my neck and shoulder problem that restrict me in movement of turning my head.*

*My wife and I are planning on retirement soon and we both enjoy boating and fishing in Jurien Bay and hoping this application will be approved to make things a lot safer and easier for us in the future.*

In accordance with the Council’s Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ (the Policy), the applicant is seeking the following variations:

1. the permitted wall length within 750mm of a boundary and
2. the permitted wall height within 750mm of a boundary.

In accordance with the Council’s Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 11.5m exceeding the Policy requirements of a maximum length of 9m. The proposed wall height is 3.6m also exceeding the permitted height of 3m.

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council’s Policy. The Council at its discretion can approve variations to the Policy.

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

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There is sufficient space to reposition the structure to comply with the setbacks.

If amended plans are submitted with the required setbacks, this application may be approved under delegation by the Manager of Planning.

Council has consistently refused applications for outbuildings that do not fully meet the policy requirements.

Should Council decide to approve the application based on any changes to Policy 8.5 Outbuildings – Residential Areas, the following recommendation is suggested.

“That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 19 April 2016 on Lot 76 Padbury Street, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 19 April 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 roof and wall material being of non reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire’s Manager of Building Services.

**ADVICE NOTES:**

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: 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:

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The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

**CONSULTATION**

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 20 May 2016. No submissions were received.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7
- Residential Design Codes

**POLICY IMPLICATIONS**

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

**Outbuildings**

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

<b>Outbuilding Appearance</b>	<b>External</b>	<b>Permitted Area of Outbuilding</b>	<b>Permitted Wall Height</b>	<b>Permitted Ridge Height</b>
Reflective Cladding		12m <sup>2</sup>	2.4m *	4.2m *
Non-Reflective Masonry	Cladding or	80m <sup>2</sup> , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *

\* Note that total wall / ridge heights are measured from the ground level at the closest common boundary

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location plan (Doc Id: 67525)
- Plans (Doc Id: 67526)
- Image of site area and adjoining structures (Doc Id: 67527)

**(Marked 9.4.4)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kulisa, seconded Cr Scharf

**That Council refuse planning approval for the proposed Outbuilding on Lot 76 Padbury Street, Jurien Bay for the following reasons;**

1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;
2. the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height for the applied for setback;
3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and
4. the proposed development does not comply with orderly and proper planning for the locality.

**ADVICE NOTES:**

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

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

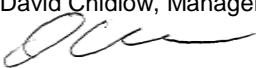

**CARRIED 8 / 0**

**9.4.5 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 439 BORONIA TURN, JURIEN BAY**

Location:  
Applicant:

Lot 439 Boronia Turn, Jurien Bay  
Swan Aussie Sheds on behalf of A Thomas

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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Folder Path:	Development Services App / Development Application / 2016 / 45
Disclosure of Interest:	None
Date:	14 July 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks approval for a proposed outbuilding with a total area of 10.7m x 7.5m (80.25m<sup>2</sup>) with nil side boundary setback for wall of height 3.6m and length of 10.7m exceeding Council's Policy for setbacks. The proposal also exceeds the maximum floor area under the policy which is 78.5m<sup>2</sup>. Lot size is 785m<sup>2</sup>.

**BACKGROUND**

The proponent has submitted a proposal to construct an 80.25m<sup>2</sup> outbuilding with a nil setback. The proposed wall height on the nil setback boundary is 3.6m and length 10.7m.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy) the total permitted area of outbuilding is 80m<sup>2</sup>, or 10% of the site area, whichever is the lesser. The proposed lot size is 785m<sup>2</sup> resulting in a maximum outbuilding size of 78.5m<sup>2</sup>. It exceeds the Policy requirements by 1.75m<sup>2</sup>. Given the minor nature of the increase the proposed site area is not a significant factor when considering impact on amenity.

The required side boundary setback in accordance with table 2 of the R Codes is 1.5m.

The applicant has not provided any justification for the proposed nil setback.

In accordance with the Council's Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy), the applicant is seeking the following variations:

1. the permitted wall length within 750mm of a boundary and
2. the permitted wall height within 750mm of a boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 10.7m exceeding the Policy requirements of a maximum length of 9m. The proposed wall height is 3.6m also exceeding the permitted height of 3m.

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council's Policy. The Council at its discretion can approve variations to the Policy.



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016**

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

There is sufficient space to reposition the structure to comply with the setbacks.

If amended plans are submitted with the required setbacks, this application may be approved under delegation by the Manager of Planning.

Council has consistently refused applications for outbuildings that do not fully meet the policy requirements.

Should Council decide to approve the application based on any changes to Policy 8.5 Outbuildings – Residential Areas, the following recommendation is suggested.

“That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 4 July 2016 on Lot 439 Boronia Turn, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 4 July 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 roof and wall material being of non reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire’s Manager of Building Services.

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: 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

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016**

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 adjoining and potentially impacted neighbouring landowners. The advertising period closed on 20 July 2016. No submissions were received at the time of writing the report. If any objections are received they will be forwarded to Councillors one week prior to the meeting

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7
- Residential Design Codes

**POLICY IMPLICATIONS**

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

**Outbuildings**

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

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

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

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location plan (Doc Id: 69915)
- Plans (Doc Id: 69916)

**(Marked 9.4.5)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Richardson, seconded Cr Sheppard**

**That Council refuse planning approval for the proposed Outbuilding on Lot 439 Boronia Turn, Jurien Bay for the following reasons;**

- 1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;**
- 2. the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height for the applied for setback;**
- 3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and**
- 4. the proposed development does not comply with orderly and proper planning for the locality.**


**ADVICE NOTES:**


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

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

**CARRIED 8 / 0**

#### 9.4.6 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL (0.3M) SETBACK – LOT 453 NEMCIA WAY, JURIE BAY

Location: Lot 453 Nemcia Way, Jurie Bay  
 Applicant: Swan Aussie Sheds on behalf of W & S Hine  
 Folder Path: Development Services App / Development Application / 2016 / 37  
 Disclosure of Interest: None  
 Date: 14 July 2016  
 Author: David Chidlow, Manager of Planning  
 Signature of Author: 

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

#### PROPOSAL

The applicant seeks approval for a proposed outbuilding with a total area of 9.2m x 7.5m (69m<sup>2</sup>) with nil (0.3m) side and rear boundary setback for wall of height 3.6m exceeding Council's Policy for setbacks. Lot size is 700 m<sup>2</sup>.

#### BACKGROUND

The proponent has submitted a proposal to construct an 69m<sup>2</sup> outbuilding with a nil setback (described by the applicant as 0.3m setback). The proposed wall height on the nil setback boundaries 3.6m.

In accordance with Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy) the total permitted area of outbuilding is 80m<sup>2</sup>, or 10% of the site area, whichever is the lesser. The proposed outbuilding has an area of 69m<sup>2</sup>. It complies with the maximum area for lot size of 70m<sup>2</sup>.

The required side boundary setback in accordance with table 2 of the R Codes is 1.5m for the 9.2m length of wall and 1.1m for the 7.5m length of wall. The applicant proposes a 0.3m setback. No justification has been provided by the applicant.

In accordance with the Council's Local Planning Policy 8.5 – Outbuildings 'Residential Areas' (the Policy), the applicant is seeking the following variations:

1. the permitted wall length within 750mm of a boundary and
2. the permitted wall height within 750mm of a boundary.

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council's Policy. The Council at its discretion can approve variations to the Policy.

The application does not comply with the Outbuildings Policy for setback and given the bulk and scale of the proposal, it is recommended the application be refused.

If amended plans are submitted with the required setbacks, this application may be approved under delegation by the Manager of

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Planning.

Council has consistently refused applications for outbuildings that do not fully meet the policy requirements.

Should Council decide to approve the application based on any changes to Policy 8.5 Outbuildings – Residential Areas, the following recommendation is suggested.

“That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 31 May 2016 on Lot 453 Nemcia Way, Jurien Bay subject to:

Conditions:

1. All development shall be in accordance with the attached plans date stamped 31 May 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 roof and wall material being of non reflective nature and colour; and
3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire’s Manager of Building Services.

ADVICE NOTES:

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

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: 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”

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**CONSULTATION**

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on 16 June 2016. One objection was received, the primary concern is the reduced setback, refer to attached letter and email from neighbour.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7;
- Residential Design Codes;

**POLICY IMPLICATIONS**

- Local Planning Policy 8.5 – Outbuildings ‘Residential Areas

**Outbuildings**

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

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

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ATTACHMENTS

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

- Location plan (Doc Id:69912)
- Plans (Doc Id: 69918)
- Letter of objection (Doc Id: 69919)

**(Marked 9.4.6)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa

That Council refuse planning approval for the proposed Outbuilding on Lot 453 Nemcia Way, Jurien Bay for the following reasons;

1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;
2. the proposed development does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height for the applied for setback;
3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and
4. the proposed development does not comply with orderly and proper planning for the locality.

**ADVICE NOTES:**

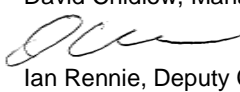

**Note 1:** The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28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

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845"

**CARRIED 8 / 0**

**5.19pm Clinton Strugnell left the room.**

#### 9.4.7 PLANNING APPROVAL – RESIDENTIAL DESIGN CODES VARIATIONS FOR PROPOSED DWELLING - LOT 3 CATALONIA STREET, CERVANTES

Location: Lot 3 Catalonia Street, Cervantes  
 Applicant: N Thompson  
 Folder Path: Development Services App / Development Application / 2016 / 43  
 Disclosure of Interest: None  
 Date: 8 July 2016  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval to construct a double storey dwelling with variations sought for building height, setbacks, visual privacy and solar access. The subject property is also subject to potential future coastal hazard risk.

#### BACKGROUND

The applicant proposes a two storey dwelling on Lot 3 Catalonia Street, Cervantes comprising lot area of 791m<sup>2</sup>. The subject lot is zoned Residential R12.5.

The applicant has submitted the following explanation and justifications of variations sought.

#### Building Height (5.1.6)

The proposed house exceeds the building height requirements of the R Codes with both wall heights exceeding 6m and overall pitched roof height exceeding 9m at its apex. The building's wall height is approximately 6.2m (average) above existing natural ground levels at the higher, front section of the site and is approximately 6.8m (average) above existing natural ground levels at the lower, rear section of the site.

The main reason for the increase in the building's height is the site is to be filled in the building area with a sand pad 200-1150mm high. This is to fill a void or low point in the middle of the site. It also allows access to significant ocean and coastal views, beyond the bushes and coastal scrub on the adjoining vacant lots and road reserve.

The dip in the middle needs to be filled to prevent ponding of water at the lowest part, and allow adequate drainage to the site. As the house partly covers this area, the building's height slightly exceeds usual requirements. It should be noted that the FFL of the proposed building of 10.50m is only 90mm higher than the existing building's FFL 10.41m (to be demolished). Other than the increased building pad, the house is the typical height for an average two storey home, and the rear of the site has its levels stepped down so there is less fill on the terraced rear garden area.



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Also note that the level of the top of the existing limestone retaining wall on the south west side boundary is FFL 10.20m, which is higher than the levels on the subject site, although the difference varies along its length.

The justifications for the increased wall height and maximum building height are;

- The proposed building allows adequate direct sun into the existing house and open spaces on the adjoining site.
- It also allows adequate daylight to major openings into habitable rooms of both dwellings.
- Maintains and allows access to views of significance to both buildings, by not substantially blocking views to the ocean.
- The highest ridge is less than 1m long and the R Codes allow a 0.5m height increase for every 2m shorter than a 6m ridge. Therefore, in this case a 2m ridge can be up to 10m above natural ground level. NGL under the ridge is 10.00m so max ridge height is 20.00m. Our proposed maximum ridge is FFL 9.623m
- The increased wall height results in no adverse impact on the amenity of the adjoining properties or the streetscape. The building and its elevation will enhance the streetscape
- The increased wall height allows adequate direct sun (no additional impact) into the adjoining buildings and open spaces, other than that which is ordinarily allowed by the R-Codes

Officer comment – Given that the site is potentially subject to future coastal hazards, an increase in floor levels and therefore building height is reasonable and would be expected for all other new neighbouring developments.

#### Lot Boundary Setback (5.1.3)

The side boundary setbacks of some sections of the ground floor walls along the southwest side of the building are less than suggested under the “deemed to comply” section of the R- Codes. The setback of the 13.26m long by 3.5m high Garage and Store wall is 1.0m in lieu of 1.5m and the setback of the 11.09m long by 4.0m high under croft perimeter is 1.24m in lieu of 1.7m.

- The under croft reduced setback has minimal impact on the adjoining property; the area is completely open to the side and covered by roof and the floor above, which complies with setback requirements. The under croft is for drive through covered parking of vehicles.
- The proposed building provides adequate direct sun and ventilation to the new building and its open spaces, as well as the existing adjoining property. Refer to overshading drawing, and availability of natural light at times of day throughout the year.

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- The garage and store reduced setback also has minimal impact on the adjoining property; it is alongside the neighbour's garage. The existing tree on the boundary close to the proposed garage will be removed to construct this wall.
- The neighbours existing boundary fence on top of the existing limestone boundary retaining wall will provide adequate visual screening from the ground floor areas in the undercroft. The top of the existing retaining wall is FFL 10.20m with the fence on top. Also, the garage wall is solid, without openings to the southwest side, to prevent any overlooking.

Officer comment – The applicant has provided sufficient justification to support a variation.

#### Visual Privacy (5.4.1)

- The rear balcony overlooks the adjoining lot 4 along part of the southwest side boundary, towards the rear of the site. The 7.5m visual setback overlooks 4.2m of the adjoining side boundary, which includes a section of the neighbours rear garden, about 6m<sup>2</sup> in area. As the area overlooked is a relatively small section of rear garden area, located close to the end of the garden and close to the side boundary, the impacts of overlooking of these areas and its effect on both the neighbours and the proposed buildings privacy is minimal as they would not be considered large or be commonly accessed active habitable spaces or outdoor living areas.
- The front guest bedroom 2 overlooks the adjoining lot 4 along part of the southwest side boundary, near the front of the site. The 4.5m visual setback overlooks 3.2m of the adjoining side boundary, which is a small 2m<sup>2</sup> section of the neighbour's front garden area. As the area overlooked is within the front setback area and front garden area, they are mostly visible from the street. The impacts of overlooking of these areas and its effect on both the neighbour's and the proposed building's privacy is minimal as they would not be considered active habitable spaces or outdoor living areas.

Officer comment – The applicant has provided sufficient justification to support a variation.

#### Solar Access for Adjoining Sites (5.4.2)

- The proposed building casts a shadow at midday, 21st of June over the Southwest adjoining Lot 4. The shadow is approximately 32% of the adjoining site's area, which is more than the deemed to comply requirement of 25%. While more than the allowable amount, following the Design Principles support.

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- The proposed development allows protection of solar access to both the proposed and affected dwelling's habitable rooms and open spaces and outdoor entertaining areas on the site. This access is available on sunny days throughout the year at various times of day. The proposed overshadowing is not significant enough to prevent this.
- Allows significant solar access for the neighbours outdoor living areas and gardens; and
- Has no effect on neighbours windows, within 15 degrees of north, in both directions.
- Has no effect on any existing roof mounted solar collectors, as there appears to be none at the present time.

Officer comment – The applicant has provided sufficient justification to support a variation.

#### Coastal processes.

The subject property is within the 100 year coastal erosion risk draft mapping. At this stage the mapping is in draft format and has not been advertised publicly. However the Council is aware of the potential risk and has a duty of care to advise the applicant. SPP 2.6 State Coastal Planning Policy states;

#### **5.5 Coastal hazard risk management and adaptation planning**

(ii) Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title: **VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.**

It is recommended that a condition of approval require the above notification on title and an advice note detailing the above be provided to the owner.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising closed on the 11 July 2016. One submission was received objecting to the following aspects of the proposal.

*As we have limited knowledge of the R-codes we expect the Council to enforce the requirements of the code as we understand they are in place to protect the interest of neighbouring property owners both where there is a current home or whatever may happen in the future on that site (e.g. new home/additions/solar*

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*panels to roof etc.). We are concerned about the excessive loss of sunlight during the winter months.*

*We also have an issue with the external stairs on the ocean side not being screened & overlooking our property. We would welcome a meeting with the Shire to discuss this further to enhance our knowledge & understanding & voice any other concerns we have.*

The Manager Planning met with the neighbours to discuss code variation concerns. Issues relating to overlooking and height were resolved. Their continuing concern is the amount of overshadowing that will impact on some of their outdoor entertaining area. It was suggested that moving the building 0.5 to 1.5m away from their property and reducing length of eaves would reduce some of the overshadowing. The applicant is not keen on moving the building closer to the unmade road reserve as advice from their architect is that this will reduce access to the rear of the lot on both sides and reducing the eaves with will open the upper level to more weathering being on the southern side of the building. The matter remains unresolved.

The R Codes generally take into account existing neighbours development rather than unknown future development when considering privacy and solar collectors. In the case of stairs and landings, these are not considered to be spaces that people would normally occupy for more than brief moments and therefore the privacy provisions do not apply.

The issue of overshadowing is more complex as it does exceed the deemed to comply requirements of the Codes. The codes do state that;

*It is possible, however, that some overshadowing is unavoidable. In these cases, careful consideration as to what is being overshadowed, rather than the extent of overshadowing, should be judged on merit and the design principle applied (refer to figure 67).*

*In other cases a shadow cast by a proposed building may exceed the allowable limits in theory, but in practice may simply be casting a shadow onto a boundary wall or roof or both, with minimal adverse effect.*

The applicant has argued that the proposal allows significant solar access for the neighbours outdoor living areas and gardens; and has no effect on neighbours windows, within 15 degrees of north, in both directions.

Given that the site is potentially within a coastal hazard area, the additional height would be a factor that needs to be considered as desirable in this location and ultimately the neighbours may also

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be required to achieve a similar height to negate coastal hazard risk.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7;
- State Planning Policy 3.1 Residential Design Codes (RCodes);

#### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.00

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location Plan (Doc Id: 69904)
- Development Application and Plans (Doc Id: 69903)
- Submission (Doc Id: 69909)

**(Marked 9.4.7)**

#### VOTING REQUIREMENT

Simple Majority

**5.26pm Cr Gibson left the room.**

#### OFFICER RECOMMENDATION

That Council grant planning approval to D & N Thompson for a proposed dwelling with relaxations at Lot 3 Catalonia Street, Cervantes for maximum building height of 9.623m RL, reduced boundary setbacks, minor visual privacy intrusions and solar access of 32% as per the attached plans dated 20 June 2016 subject to the following conditions;

1. All development shall be in accordance with the attached plans date stamped 20 June 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. Notification being placed on the title with all costs associated with the preparation and lodgement of the notification being paid by the applicant advising "This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years."
3. The Chief Executive Officer and Shire President be authorized to sign and apply the common seal to notification documents applicable to this application.

ADVICE NOTES:

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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- Note 1: The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4: The applicant be advised that this lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years (this advice is based on draft mapping that has not as yet been approved or made available for public use.) The applicant is also advised that all retaining walls should be constructed to a standard that provides sufficient stability and protection against coastal processes.
- Note 5: The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

**Moved Cr Kulisa, seconded Cr McGlew  
That the Officer Recommendation not be adopted and the  
item be deferred for further discussion.**

**CARRIED 7 / 0**

**Notation: Council did not adopt the Officer Recommendation  
as it wanted to inspect the site.**

#### **9.4.8 DISABILITY ACCESS AND INCLUSION PLAN**

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Community Services / Service Provision / Disability Services
Disclosure of Interest:	Nil
Date:	15 July 2016

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016**

Author: Felix Neuweiler, Principal Environmental Health Officer

Signature of Author:



Senior Officer:

Ian Rennie, Deputy Chief Executive Officer

Signature of Senior Officer:



### PROPOSAL

To adopt the reviewed Disability Access and Inclusion Plan 2016 – 2020 (DAIP).

### BACKGROUND

At the completion of the Disability Access and Inclusion Plan 2007 – 2011 (DAIP) the Shire of Dandaragan embarked on a review of the document and commenced development of the 2012 – 2017 Plan in consultation with stakeholders and the community. In 2012 Council adopted the new plan, which underwent several minor updates and amendments since then.

The Disability Services Commission developed a new strategy, 'Outcome 7', in 2014. This strategy aims to enhance job opportunities for people with disability and guides employers through a recruitment process that facilitates this aim.

When advertising the inclusion of Outcome 7 to the Shire's Plan a number of comments indicated that the entire document would benefit from a review. Subsequently the DAIP was updated and reformatted to make it easier to read, taking into consideration comments and suggestions received.

### COMMENT

The Implementation Plan of the DAIP will be reviewed annually, taking into consideration suggestions received from members of the public. Strategies and tasks need to be taken into consideration prior to setting annual budgets. This will ensure that funding is available to further improve accessibility and create an attractive place to live and visit.

### CONSULTATION

The DAIP review was advertised in a number of local newspapers, on the Shire of Dandaragan Facebook page and on the Shire's website. Comments were also sought and received from stakeholders, Councillors and staff via email.

The DAIP was subsequently discussed at the Council Forum held on the 14 July 2016.

### STATUTORY ENVIRONMENT

The Western Australian Disability Services Act 1993, requires public authorities (state government agencies and local governments) to develop and implement a Disability Access and Inclusion Plan that will further both the principles and objectives of the Act.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016</b>
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The Western Australian Equal Opportunity Act 1984 recognises that people with disability require and are entitled to the same level of service as is available to other members of the community.

**POLICY IMPLICATIONS**

Policy 6.2 'Disability Access and Inclusion' will need amending to include 'Outcome 7'.

**FINANCIAL IMPLICATIONS**

Some of the strategies set by the plan will need budgeting for.

**STRATEGIC IMPLICATIONS**

2015 – 2025 Strategic Community Plan

Goal 2: Healthy, Safe and Active Community

Objective 2.2: Ensure age friendly community - undertake planning for development of the Shire of Dandaragan as an Age Friendly Community.

Goal 5: Proactive and Leading Local Government

Objective 5.3: Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community – consult and engage with the community on issues, projects and decisions that affect them.

**ATTACHMENTS**

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

- Disability Access and Inclusion Plan 2016 – 2020 (Doc Id: 70443)

***(Marked 9.4.8)***

**VOTING REQUIREMENT**

Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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**Moved Cr McGlew, seconded Cr Slys**

**That Council:**

- 1. adopt the Disability Access and Inclusion Plan 2016 – 2020 as presented in Attachments (Doc Id: 67886); and**
- 2. Council Policy 6.2 'Disability Access and Inclusion' be amended to include 'Outcome 7'.**

**CARRIED 7 / 0**



## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – JUNE 2016 COUNCIL STATUS REPORT

Document ID: 68401

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 23 June 2016. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JULY 2016

Document ID: 69865

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for July 2016. **(Marked 9.5.2)**

### 9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2016

Document ID: 69088

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

### 9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2016

Document ID: 68688

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

### 9.5.5 WALGA – LOCAL GOVERNMENT NEWS – 17 JUNE 2016 – ISSUE 23

Document ID: 68078

In this issue:

- Meeting with Minister for Agriculture and Food: Transport
- Contract Launch for new Preferred Supply Arrangement
- Basic Raw Materials Regulatory Review Workshop
- Vacancies on Boards and Committees
- Advertising Approved Amendments to a Local Planning Scheme Training
- LGMA Forum on Migration and Multiculturalism
- DAIP Progress Reports due 30 June
- What's on for Local Government

### 9.5.6 WALGA – KNOWYOURCOUNCIL DATA

Document ID: 68153

*"A new sector promotional campaign featuring state wide television advertising and the knowyourcouncil.com website has now commenced.*

*The intention of all components of the campaign and website is to provide the community with relevant and useful information to help interact with their Local Government and appreciate the Council's contribution to their communities".*

### 9.5.7 SOUTH WEST NATIVE TITLE SETTLEMENT UPDATE

Document ID: 67835

"The Department of the Premier and Cabinet is pleased to announce the proclamation of the *Noongar (Koorah, Nitja,*

*Boordahwan) (Past, Present, Future) Recognition Act 2016 and Land Administration (South West Native Title Settlement) Act 2016 on 6 June 2016, key elements of the South West Native Title Settlement (Settlement).*

It is highly symbolic that the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016* was proclaimed on WA Day this year.

The Act established the Noongar people as traditional owners of the land in the South-West. At its simplest, the Act provided Noongar people with symbolic recognition as traditional owners of the South-West. However, this Act has greater significance than simply one element of a native title agreement and will ultimately stand alone as a historic, overdue recognition of the Noongar people.

Further information about the Settlement please go to the Department of Premier and Cabinet's website: <https://www.dpc.wa.gov.au/lantu/south-west-native-title-settlement>."

**9.5.8 RETURNED SERVICES LEAGUE OF AUSTRALIA WA BRANCH INCORPORATED – JURIE BAY SUB BRANCH – NORTH HEAD RADAR INSTALLATION**

Document ID: 68204

"As you are aware, an archaeological survey was conducted recently on the North Head WW2 Radar Installation. The installation is of particular interest to the RSL due to its historical military significance."

Attached to the agenda is correspondence (**Marked 9.5.8**)

**9.5.9 LGMA – LIGHTHOUSE PROJECT GRANTS PROGRAM**

Document ID: 68073

*"In 2015. LGMA WA, Localise and the Disability Services Commission formed the Lighthouse Project to increase the employment of people with a disability within the Local Government sector in WA. As part of the Lighthouse Project, **all Local Governments are invited to apply for a \$10,000 grant** to implement projects from the Outcome 7 section of your Disability Access and Inclusion Plan (DAIP). Funding for the Lighthouse Project Grants Program is provided by the Disability Services Commission. Administration of the grants is coordinated by LGMA. Applications are currently open and will close on Thursday 28 July."*

Attached to the agenda is the full correspondence (**Marked 9.5.9**)

**9.5.10 WALGA MEDIA RELEASE – CLARITY ON RESIDENTIAL RATES WITH NEW WEBSITE**

Document ID: 68076

*“Ratepayers in Western Australia now have a transparent and accurate means to compare their residential rates with the launch of a new website today.*

*For the first time, ratepayers in WA will readily be able to compare what they pay in rates with the average residential rates for their Local Government area for the past four financial years.*

*Launched today, knowyourcouncil.com has been developed by the WA Local Government Association in part in response to the potential to misinterpret the rates information on the State Government’s mycouncil website.*

*WALGA President Cr Lynne Craigie said the knowyourcouncil.com site was intended to provide ratepayers with clarity on their residential rates and how they are calculated along with information on the other key council services”.*

#### **9.5.11 ATTORNEY- GENERAL’S DEPARTMENT – APPLICATION UNDER ROUND TWO OF THE SAFER STREETS PROGRAMME**

Document ID: 68143

“I am writing to advise you of the outcome of your funding application for the *Install Solar Lighting to Foreshore* project under Round Two of the Australian Government’s Safer Streets Programme.

I regret to inform you that your application did not satisfy the selection criteria to the standard required for funding as set out in the *Safer Streets Programme 2015-16 to 2017-18 Guidelines for Funding Round Two.*”

#### **9.5.12 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – JUNE 2016 – ISSUE 18**

Document ID: 68202

In this issue:

- Funding boost for the Broome RoadWise Committee
- Carnarvon RoadWise ‘Favourite Rest Area Photo Competition’ winners
- Gravel Roads – Drive within your limits
- Gosnells RoadWise farewells Pascal Balley
- Fighting fatigue at the Tropicool Festival
- International Hockey flavour focuses on seatbelt use in the Wheatbelt
- Child car restraint update
- Nominate for the 2016 Regional Safety Award
- Netballers to help promote *Belt Up* campaign
- The can happen to anyone on the road
- Road safety events, conferences and resources

#### **9.5.13 HON MICHAEL MISCHIN MLC – MEDIA RELEASE – WESTERN POWER COMPLIES WITH WOOD POLE ORDER**

Document ID: 68184

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An EnergySafety review has confirmed that Western Power has met the requirements of an order issued in September 2009 to make its rural wood distribution poles safe and to develop a sound management plan for their maintenance.

Commerce Minister Michael Mischin said completion of the work under the order was a major public safety achievement, with Western Power treating about 170,000 poles in rural areas.

Mr Mischin said “I am confident that compliance with the order will significantly reduce the risk of bushfires and power interruptions caused by wood poles breaking at ground level and falling”.

**9.5.14 HON PETER COLLIER MLC – SEARCH ON FOR WA’s BEST PUBLIC SCHOOL STAFF**

Document ID: 68133

Nominations open for WA Education Awards 2016, Winners to share in \$337,500 worth of prizes and 11 award categories for top school staff.

It’s time to give a round of applause for outstanding public school teachers, leaders, support staff and schools in Western Australia.

Education Minister Peter Collier today opened nominations for the WA Education Awards 2016 and said *“The awards are an important way to recognise the commitment and excellence of public school teachers, principals, and support staff who help students achieve their best. We have so many terrific educators in WA who deserve to be commended”*.

**9.5.15 RDA WHEATBELT INC – ENEWSLETTER JUNE 2016**

Document ID: 68244

Attached to the agenda is a copy of the e-newsletter from the RDA Wheatbelt Inc. **(Marked 9.5.15)**

**9.5.16 WALGA – WASTENEWS – 24 JUNE 2016 – ISSUE 11**

Document ID: 68254

In this issue:

- LG Spotlight: Exmouth Recovery Trial Success
- Bin Tagging Near You
- Amendments to the WARR and WARRL Regulations
- Larger Levy
- Wren Reminder: All’s Oil that ends Oil
- New Preferred Supply Arrangement
- To Infinity and the Conf!

**9.5.17 WALGA – ENVIRONEWS – JUNE 2016 – ISSUE 15**

Document ID: 68197

In this issue:

- Raising Environmental Awareness through Kids Teaching Kids
- Threatened Ecological Community (TEC) Confirmed within the CBD

- Ecological Restoration of Melville Foreshore, Applecross Jetty to Point Heathcote
- Call for Participants: Local Government Orchid Project
- Peron Naturaliste Partnership wins the Australian Coastal Award for Climate Adaption
- Another 500ha's of Bushland Protected in the West Midlands
- WALGA Preferred Supplier Arrangement New Contract Launch
- MyWeedWatcher App to Improve Weed Surveillance
- Sustainable Agriculture Opportunities to Grow in the Peel-Harvey
- WALGA Environmental Planning Tool
- Public Open Space Strategy Guide for Local Governments
- Water Corporation – Waterwise Verge Best Practice Guidelines

Events and Funding Opportunities:

- Upcoming Events
- Funding Opportunities

**9.5.18 HON COLIN BARNETT MLA – MEDIA RELEASE – SCHOLARSHIPS FOR AGRIFOOD INNOVATION**

Document ID: 68265

*“Premier and Science Minister Colin Barnett today announced the launch of the first round of the Premier’s Agriculture and Aquaculture Entrepreneurship Program, made possible by the Liberal National Government’s Royalties for Regions program.*

*The programme is making 12 \$30,000 scholarships available over four years to enable farmers and innovators involved in the agriculture or aquaculture sectors to develop or pursue an idea, technology or practice through exposure to international best practice and leaders in their field.”*

**9.5.19 CARAVAN INDUSTRY ASSOCIATION WA – JOIN THE WESTERN AUSTRALIAN CARAVAN AND CAMPING INDUSTRY**

Document ID: 68532

*“Did you know that in 2015, over 83,000 recreational vehicles (RV) were registered in Western Australia and 1.3 million domestic and international visitors generated 6.5 million nights in caravan parks and camping grounds in Western Australia? And your business is a key part growing caravan and camping industry.*

*On behalf of the Caravan Industry Association Western Australia, I would like to invite you to join. Upon joining the Caravan Industry Association Western Australia, you will immediately benefit with some of the following membership inclusion and opportunities:*

- Access to legal, employment relations, OHS and other expert information and support;
- Invitation to be part of nation-wide recognised accreditation program;
- Opportunity to join targeted marketing campaigns to promote the caravan and camping lifestyle in WA to consumers;

- *Attend free member workshops on relevant industry topics for your business;*
- *Stay up-to-date on industry information through our regular email newsletters and quarterly newsletter publications;*
- *Login details to access to our member's only section on the caravanwa.com.au website."*

#### **9.5.20 HON TONY SIMPSON MLA – MEDIA STATEMENT – NEW JOB OPPORTUNITIES FOR YOUTHS IN REGIONAL WA**

Document ID: 68578

*"The Liberal National Government is making a \$1.2 million investment into young people in regional Western Australia, including a traineeship initiative aimed at creating entry-level jobs.*

Country local governments can now apply for funding through the Country Local Government Fund (CLGF) Youth Development Program, which will see the creation of 20 traineeships providing young people with career prospects in their local community.

Local Government Minister Tony Simpson said "as a former councillor, I know the local government sector provides a variety of rewarding opportunities for young people who want to make a difference at a local level. This is an exciting investment by the Liberal National Government into the future of young people who may have otherwise not considered a career in local government".

#### **9.5.21 ANTI-POVERTY WEEK IN WA**

Document ID: 68703

*"This year, Anti-Poverty Week begins on Sunday 16 October and finishes on Saturday 22 October. It coincides every year with the UN International Day to Eradicate Poverty on 17 October.*

*The main aims of Anti-Poverty Week in Australia are to:*

- *Strengthen public understanding of the causes and consequences of poverty and hardship; and*
- *Encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments.*

*The Week is concerned with poverty and hardship around the world and it is an excellent opportunity to highlight poverty and its impacts here in Australia and specifically issues of severe hardship within your local community.*

*Further information about Anti-Poverty Week is available on the website [www.antipovertyweek.org.au](http://www.antipovertyweek.org.au). Electronic copies of the flyer are available on the website (under "Resources"/"Promotional Material").*

#### **9.5.22 HON TONY SIMPSON MLA – MEDIA STATEMENT - 1 JULY 2016 – A NEW ERA: NARROGIN UNITES**

Document ID: 68984

*"The Shire and Town of Narrogin have today successfully merged to form one local government authority to reduce duplication and*

*lead to greater efficiencies. The merger adjusts the boundary of the Town of Narrogin to include the existing shire, forming a new and expanded Shire of Narrogin, comprising about 5,500 residents.”*

Mr Simpson said *“the celebration of this historic event is about acknowledging the vision, commitment and generosity of the Narrogin community, who have worked collaboratively and tirelessly to modernise local government representation in the Wheatbelt region. The commitment shown by the residents of Narrogin in managing this complex merger process has been an example to all of us. I commend the shire president, mayor, councillors and staff on achieving such a smooth transition”.*

**9.5.23 HON TONY SIMPSON MLA – MEDIA STATEMENT – 1 JULY 2016 – CAPITAL CITY’S BOUNDARIES EXPAND**

Document ID: 68985

*Perth’s boundaries for the City of Perth come into effect today, in a landmark moment for Western Australia’s capital.*

Mr Simpson said *“the City of Perth had now been enlarged to include The University of Western Australia, Kings Park, Queen Elizabeth II Medical Centre and the new Perth Children’s Hospital. Bringing some of Perth’s key landmarks under the umbrella of the capital city is recognition of its special status as the centre of tourism, business and retail activity for Western Australia. Perth is the gateway to WA and the City of Perth has responsibility not only to its ratepayers, but to the thousands of people who visit the city for work and leisure every day.”*

**9.5.24 HON DEAN NALDER MLA – MEDIA STATEMENT – 1 JULY 2016 – REGIONAL AIRPORTS TO SHARE IN \$3.88 MILLION**

Document ID: 68986

*“Airports across regional Western Australia are invited to apply for the 2017–19 round of Regional Airports Development Scheme (RADS) grants totalling \$3.88 million, to help improve airport infrastructure.*

Transport Minister Dean Nalder said *“the RADS grants provided much needed funds for regional airport projects to help improve regional air services and air safety, as well as promote development for the benefit of regional communities.*

*Funding from RADS grants helps numerous regional airports, some located in the most remote areas in WA, maintain and upgrade their airport infrastructure as well as undertake planning to ensure regional airports continue to meet the economic and community needs in our regions.*

*Since 2008-09, RADS has allocated nearly \$35 million to 217 regional airport projects, helping to improve their facilities and airport infrastructure planning”.*

**9.5.25 ST JOHN AMBULANCE – JURIEBAY SUB CENTRE**

Document ID: 69040

*“We are pleased to inform you that St John Ambulance Regional Management has approved the establishment of an independent ambulance Sub Centre at Cervantes which will remove them from the administrative control of St John Ambulance Jurieb Bay”.*

Attached to the agenda is correspondence (**Marked 9.5.25**)

**9.5.26 WALGA – LOCAL GOVERNMENT NEWS – 1 JULY 2016 – ISSUE 25**

Document ID: 68705

In this issue:

- Award Win for WALGA
- WALGA Breakfast Event with Shadow Minister for Local Government David Templeman MLA
- Inviting Project Applications for Commodity Route Supplementary Funding
- Procurement and Contract Management Training
- WALGA Tax Service
- Seeking Feedback from Local Governments
- Seeking Feedback on Site Inspections Discussion Papers
- 2016 WA Local Government Convention
- Contract Launch for New Preferred Supply Arrangement

**9.5.27 WALGA – REPORT ON LOCAL GOVERNMENT ROAD ASSETS & EXPENDITURE 2014 / 15**

Document ID: 69155

“It is my pleasure to present you with a copy of the *Report on Local Government Road Assets and Expenditure 2014 / 15*. Thank you for your contribution to this key tool which continues to assist Local Government to effectively communicate how funds are being invested in the Western Australian road network and the consequences of failing to adequately invest in roads. This is particularly critical at this time while the State is reviewing its commitment to the *State Road Funds to Local Government Agreement* beyond June 2018 and the Federal Government considers road funding arrangements beyond 2019. This Report highlights that outside of the Metropolitan Region, 60% of expenditure on roads is funded by the Federal and State Governments, compared with 23% of expenditure in the metropolitan area.

Additional copies of this Report are available at: <http://bit.ly/28XgDp0>. Please note the link is case sensitive and must be copied exactly in order to work.”

**9.5.28 YACITVATE! – 2016 YACTIVATE! YOUTH CONFERENCE**

Document ID: 69158

In August 2016, the Mosman Park, Subiaco, Rockingham, Kwinana and the Augusta-Margaret River Youth Advisory Councils (YACs) are planning to host YACTivate!, a conference aimed at



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bringing all Youth Advisory Councils in Western Australian together. We would love your council to be involved.

The three main aims of the YACtivate! conference are:

- To network and share ideas and common issues between YACs
- To celebrate the cool things YACs have done, and
- To empower young people through leadership development

Conference will be held on Sunday 14 August at the Point Walter Recreation and Conference Centre. For further information about YACtivate! please contact Danelle on 9383 6626, mobile 0427 524 178 or email [DFauntleroy@mosmanpark.wa.gov.au](mailto:DFauntleroy@mosmanpark.wa.gov.au).

**9.5.29 HON TERRY REDMAN MLA – MEDIA STATEMENT - COMMUNITY CHEST FUNDING FOR THE WHEATBELT**

Document ID: 69185

Regional Development Minister Terry Redman today announced the successful recipients of the Wheatbelt region's Community Chest Fund, made possible by the Liberal National Government's Royalties for Regions program.

Attached to the agenda are the full contents of the media release **(Marked 9.5.29)**

**9.5.30 DEPARTMENT OF AGRICULTURE & FOOD – AUSTRALIAN BIOMASS FOR BIOENERGY ASSESSMENT PROJECT**

Document ID: 69213

*“As a local government representing landowners in your area we thought you might be interested in a DAFWA project currently being undertaken that may have potential benefits for your clients. The Australian Biomass for Bioenergy Assessment project is working on developing a new national biomass database to help boost the renewable energy sector and potentially open new markets for farmers for low value biomass waste such as straw and manure.”*

Attached to the agenda is email and flyer **(Marked 9.5.30)**

**9.5.31 HON MIA DAVIES MLA – MEDIA STATEMENT – WATERING WA TO SECURE LOCAL WATER SOURCES**

Document ID: 69246

*“A Liberal National Government plan to secure regional water supplies for community and agricultural use and support healthy, sustainable environments has been unveiled.*

*Water Minister Mia Davies and Regional Development Minister Terry Redman today launched Watering WA – a \$30 million initiative made possible by Royalties for Regions, with an initial focus on more than 60 local government areas from the Mid-West to the Great Southern.”*

Attached to the agenda is the full content of the media release **(Marked 9.5.31)**

**9.5.32 WALGA – WASTE NEWS – 8 JULY 2016 – ISSUE 12**

Document ID: 69254

In this issue:

- How are we doing?
- LG Focus: Plastic Free this July
- Requirements for Reporting?
- Change for Charities
- Regional Subsidiaries Coming Soon

**9.5.33 HON TERRY REDMAN MLA – MEDIA STATEMENT – SENIORS SUPPORTED TO STAY IN THE WHEATBELT**

Document ID: 69255

*“The Liberal National Government today announced a \$23.3 million housing initiative which will enable senior residents to remain in their communities in the central and eastern Wheatbelt.*

*Made possible by a \$19.98 million Royalties for Regions investment – as part of the Government’s \$600 million Growing Out South initiative – the Central East Aged Care Alliance (CEACA) senior housing project stage 2 will involve the construction of 75 houses and servicing of 21 lots.”*

Attached to the agenda is the full content of the media release **(Marked 9.5.33)**

**9.5.34 LAWRIE SHORT - REPORT ON RURAL WATER COUNCIL WITH MINISTERS TERRY REDMAN AND MIA DAVIES**

Document ID: 69295

Attached to the agenda is copy of report on Rural Water Council on meeting with Ministers Terry Redman and Mia Davies prepared by Lawrie Short **(Marked 9.5.34)**

**9.5.35 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – CIRCULAR NO 14-2016 – COUNTRY LOCAL GOVERNMENT FUND – YOUTH DEVELOPMENT PROGRAM**

Document ID: 69344

The Department of Local Government and Communities is pleased to announce the launch of the Country Local Government Fund – Youth Development Program. The program has been developed through the Royalties for Regions Country Local Government Fund and is made up of three key components.

- Scholarship Program
- Traineeship Program
- Training Workshops

Attached to the agenda is correspondence **(Marked 9.5.35)**

**9.5.36 WALGA – LOCAL GOVERNMENT NEWS – 8 JULY 2016 – ISSUE 26**

Document ID: 69266

In this issue:

- Tourism Strategy Workshop
- 2014-15 Report on Local Government Road Assets and Expenditure
- Public Library Services Working Group
- Inter-library Loan Van Update

- NAM and Environmental Consulting Contract Launched
- Reconciliation Action Plan at WALGA
- Vacancies on Boards and Committees
- Green Growth Plan Workshop for Local Government
- Strict On-farm Biosecurity Requirement for Aphid Surveillance
- Two Weeks until Outdoors October Launch

**9.5.37 HON TONY SIMPSON MLA – MEDIA STATEMENT – INVESTING IN REGIONAL COMMUNITY DEVELOPMENT**

Document ID: 69587

The Liberal National Government will invest \$1.42 million in regional Western Australia to encourage more innovative and collaborative approaches to community development.

Mr Simpson said *“Local governments want to connect with not-for-profit and community organisations in their area to improve service delivery. Community development is particularly important in regional WA, where remoteness, economic opportunities, low population density and an ageing population creates specific challenges.”*

Attached to the agenda is the full content of the media statement **(Marked 9.5.37)**

**9.5.38 HON TONY SIMPSON MLA – MEDIA STATEMENT – CHEERS TO VOLUNTEERS: CELEBRATION GRANTS OPEN**

Document ID: 69643

Applications are now open for the Liberal National Government’s Thank a Volunteer Day Celebration Grants program.

Mr Simpson said *“West Australians have a great tradition of volunteering and its value to our State is enormous, estimated at about \$39 billion per year in economic, social and cultural value. The many hours volunteers dedicate to supporting organisation across WA have an immeasurable positive impact for volunteers, their communities and the organisations they help.”*

*The Thank a Volunteer Day Celebration Grants program will enable local communities to acknowledge and celebrate the role of volunteers in their communities.”*

**9.5.39 HON TONY SIMPSON MLA – MEDIA STATEMENT – NOMINATE AN OUTSTANDING WA SENIOR TODAY**

Document ID: 69775

Nominations for the 2016 WA Seniors Awards are now open and Community organisations also encouraged to apply for Senior Week grants.

Mr Simpson said *“As WA’s seniors population continues to grow, their involvement in the wider community provides enormous benefits to the economic and social wellbeing of our State. The WA Seniors Awards serves as a reminder of how vital our seniors*

*are as visionaries, role models and champions of awareness and change in modern society.”*

Attached to the agenda is the full content of the media statement **(Marked 9.5.39)**

#### **9.5.40 TAMS HARSTON – LETTER OF APPRECIATION**

Document ID: 69660

*“A big “Kudos” to your Shire Ranger Roz. Roz is a credit to Jurien Bay, always approachable, always walks that extra mile. People like her make a big difference in a small town. While I’m on a roll Troy is also a great asset to our small town.*

*Well done on choosing some really good staff – and “PS” also love dealing with Tony O’Gorman”.*

#### **9.5.41 WALGA – LOCAL GOVERNMENT NEWS – 15 JULY 2016 – ISSUE 27**

Document ID: 69716

In this issue:

- Declared Species Review – Public Consultation
- MWAC Seeks Feedback on Waste Advisory Council
- Procurement and Contract Management Training
- DER Consultation: Waste Reporting Requirements
- Seeking Feedback from Local Governments on Development Assessment Panels (DAPs)
- How to Do Business with Local Governments Forum
- One Planet Living Training
- Museums Australia WA State Conference
- Red Tape Reduction for Development Application Approvals
- Worksafe Project – Regional Local Governments
- Carers WA – Resource for Local Governments

#### **9.5.42 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – NEW LOCAL GOVERNMENT CAPACITY BUILDING INITIATIVES 2016 – 2017 AND 2017 – 2018 – CIRCULAR NO 15-2016**

Document ID: 69793

I am delighted to advise that the Department of Local Government and Communities is making available further programs to assist local governments across the State in 2016 – 2017 and 2017 – 2018.

The program comprises five initiatives and will assist country local governments to continue to:

- Build their capacity and capability in key strategic and operational areas
- Improve governance, transparency and accountability and mitigate risk across their operations
- Build partnerships with local community sector organisations to achieve innovative and integrated local solutions, improved service delivery and tangible outcomes for communities.
  1. Local Government involvement in community development

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2. Service delivery reviews
3. Regional development program for young people in local government and the community sector
4. Local Government Governance Review Program
5. Outline Local Government Management Information Tool

Attached to the agenda is the full content of Circular No 15-2016  
(**Marked 9.5.42**)

**9.5.43 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – JULY 2016 – ISSUE 19**

Document ID: 69861

In this issue:

- 2016 Great Southern Road Safety Conference celebrates regional achievements
- Road safety lights up in Newman
- Carnarvon RoadWise Committee consults the stars
- *Towards Zero* Road Safety Display Trailer in demand
- Mid West Industry Road Safety Alliance 'We Share' campaign
- Road safety stakeholders collaborate to combat drink driving
- Child car restraint fitting and checking stations success
- What's in a slogan?
- Cricketers urge locals to 'Belt Up'
- Consequences of driving tired
- Fighting fatigue in the Kimberley
- Slow down in rural subdivisions
- Turning to safety
- Transafe WA Safety Truck
- Road safety events, conferences and resources

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

**10.1 GOVERNANCE & ADMINISTRATION**

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

The following item requires urgent consideration by Council:

To consider holding an extraordinary election for the vacancy created by the resignation of Mr. Christopher Carey.

**OFFICER RECOMMENDATION / COUNCIL DECISION**


**Moved Cr Scharf, seconded Cr Sheppard**

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

**To consider holding an extraordinary election for the vacancy created by the resignation of Mr. Christopher Carey.**

CARRIED 7 / 0

**10.1.1 COUNCIL VACANCY – EXTRAORDINARY ELECTION**

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Governance / Elections / Electoral Commission
Disclosure of Interest:	Nil
Date:	26 July 2016
Author / Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Author:	

**PROPOSAL**

To consider holding an extraordinary election for the vacancy created by the resignation of Mr. Christopher Carey.

**BACKGROUND**

Council is already aware of the resignation of Mr. Christopher Carey.

As a result of the resignation, it is possible for an extraordinary election to be held to fill the vacancy, which expires in October 2017. It is suggested that this vacancy be held over until the October 2017 annual election.

**COMMENT**

To conduct an extraordinary election now would mean the preparation of a new electoral roll and there would be extra time and expense associated (outside the budgetary considerations) in holding this election in the near future. By the time an extraordinary election was held, there would be little more than twelve months left in the term.

If Council was agreeable to hold over the election until October 2017, it would be necessary to obtain the approval of the Electoral Commission in accordance with the Local Government Act (1995). Staff are supportive of the postponement of the election for the extraordinary vacancy.

Consultation with the Western Australian Electoral Commission (WAEC) has confirmed that a request from Council would be sufficient and approval would likely be given due to the fact that we have no ward boundaries, and still have 80% or more of the number of offices (8 out of 9) filled.

**CONSULTATION**

- Western Australian Electoral Commission

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**4.16. Postponement of elections to allow consolidation**

- (4) If a member's office becomes vacant under section 2.32 -
- (a) after the third Saturday in January in an election year; but
  - (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

**4.17. Cases in which vacant offices can remain unfilled**

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* *Absolute majority required.*

- (4A) Subsection (3) applies —
- (a) if —
    - (i) the office is for a district that has no wards; and
    - (ii) at least 80% of the number of offices of member of the council in the district are still filled;
  - or
  - (b) if —
    - (i) the office is for a ward for which there are 5 or more offices of councillor; and
    - (ii) at least 80% of the number of offices of councillor for the ward are still filled.

**POLICY IMPLICATIONS**

There is current policy relevant to this item.

**FINANCIAL IMPLICATIONS**

Council has not budgeted for an extraordinary election for the vacancy that has occurred. It is estimated that costs in the vicinity of \$15,000 would be applicable to hold an extraordinary election, by the Electoral Commission. If Council held an in person election the cost would be less.

The officer's recommendation suggests that Council write to the Electoral Commission requesting to postpone the election to coincide with the Ordinary Election in October 2017.

**STRATEGIC IMPLICATIONS**

5.14.5 GOAL NUMBER FIVE: Build a proactive and leading Local Government.

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OBJECTIVE 1: Build capacity of Elected Councillors and staff to ensure Shire of Dandaragan is a highly performing local government which attracts high quality Councillors and staff.

**ATTACHMENTS**

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

- Resignation from Council by Cr. Christopher Carey (Document Id: 70320)
- Acceptance of Resignation from Council (Document Id: 70318)  
**(Marked 10.1.1)**

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Sheppard, seconded Cr Kulisa**

**That Council authorise the Acting CEO to write to the Electoral Commissioner of the Western Australian Electoral Commission requesting to hold over the extraordinary election for the vacancy created by the resignation of Cr. Christopher Carey, and that the election be held in conjunction with the October 2017 Ordinary Election.**

**CARRIED BY AN ABSOLUTE MAJORITY 7 / 0**

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC****12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 5.46pm.



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 28 JULY 2016**

These minutes were confirmed at a meeting on .....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....