



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 22 August 2013** at the **Council Chambers Jurien Bay** commencing at **11.00am**.

Attached is your copy of the agenda and business papers for the meeting.

*The format for the day is as follows:*

- |                 |   |
|-----------------|---|
| 10.45am         | Students from Badgingarra, Cervantes and Dandaragan Primary Schools arrive for the Council Meeting  |
| 11.00am         | Ordinary Meeting of Council   |
| 12.00pm         | LUNCH with Primary School Students  |
| 12.30pm         | Citizenship Ceremony – Ms Julie-Ann Keleher   |
| 1.00pm          | Council Forum <ul style="list-style-type: none"><li>▪ Civic Centre Car Park Modifications (<i>Attachment # 1</i>)</li><li>▪ CRC Management – Civic Tourist Information Centre (<i>Attachment # 2</i>)</li><li>▪ State Planning Policy 2.6 (<i>Attachment # 3</i>)</li><li>▪ Local Planning Policy – Trading In Public Places (<i>Attachment # 4</i>)</li><li>▪ Indian Ocean Drive Planning Guidelines (<i>Attachment # 5</i>)</li><li>▪ Deed - Lot 62 Roberts Road (<i>legal letter to be distributed on the day</i>)</li></ul> |
| 5.00pm – 7.00pm | Sundowner in memory of retired Councillor, Leewood James Smith  |

.....  
**Tony Nottle**  
**CHIEF EXECUTIVE OFFICER**

12 August 2013



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

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIEN BAY**

on

**THURSDAY 22 AUGUST 2013**

**COMMENCING AT 11.00AM**

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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

*“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 at this meeting 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 W Gibson	(President)
Councillor L Short	(Deputy President)
Councillor M Russell	
Councillor D Kent	
Councillor T Bailey	
Councillor K McGlew	
Councillor M Sheppard	
Councillor L Holmes	

**Staff**


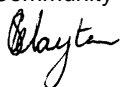
Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr B Wall	(Executive Manager Infrastructure & Major Projects)
Mr D Chidlow	(Manager Planning)
Miss D Kerr	(Council Secretary & PA)

**Apologies****Approved Leave of Absence****3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 PUBLIC QUESTION TIME**

- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 6 CONFIRMATION OF MINUTES**
  - 6.1 MINUTES OF THE ORDINARY MEETING HELD 25 JULY 2013**
  
- 7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION, AND COUNCIL APPOINTED DELEGATES REPORTS**
  
- 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
  
- 9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 FINANCE

### 9.1.1 REVIEW OF COMMUNITY GRANT APPLICATIONS 2013/2014

Location: N/A  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Grants and Subsidise / Applications / Community Grants  
 Disclosure of Interest: Nil  
 Date: 25 July 2013  
 Author: Kelly Shipway, Community Development Officer  
 Signature of Author:   
 Senior Officer: Scott Clayton, Executive Manager Corporate & Community Services  
 Signature of Senior Officer: 

#### PROPOSAL

To consider the allocation of funds through the Shire of Dandaragan Community Grants Program for the 2013/2014 financial year and to consider the working parties proposed special recommendations for 2013/2014.

#### BACKGROUND

In accordance with the Community Grants Program policy 1.6, advertisements were placed in each of the four local community newspapers inviting written applications for community grants that would close by 5.00pm 28 June 2013. The objective of the Community Grants is to provide funds to community based organisations and individuals, to support the promotion and development of social, economic, recreation, art and cultural benefits for the residents of the Shire of Dandaragan.

#### COMMENT

This year, the Community Grant Fund was undersubscribed. Twelve applications were received with a total fund request of \$13,152.00. All applications have been listed in the table below.

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUESTED
Badgingarra Community Association	Badgingarra Picnic 2013	\$500
Badginagarra Tennis Club	50 <sup>th</sup> Anniversary of Badgingarra Tennis Club	\$1500
Cervantes Family Festival	Cervantes School Holiday Program	\$852
Advance Dandaragan	Speakers on topics of importance	\$700
Advance Dandaragan	Carols by Candlelight	\$300
Dandaragan Golf Club	Back to Dandaragan Day	\$500
JB Community Festival Association	Easter school holiday program	\$1500



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 22 AUGUST 2013**

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT REQUESTED</b>
JB Community Resource	Boats Terrapin Puppet Theatre performance	\$1500
Lions Club of Jurien Bay	Free outdoor movie night – January school holidays	\$1300
Canover Volunteer Bush Fire Brigade	Establish the unit and modern training facility	\$1500
JBDHS P & C	School holiday program beach equipment	\$1500
ICAN Daze Festival	Daze foreshore music festival	\$1500
	<b>TOTAL FUNDS REQUESTED</b>	<b>\$13,152.00</b>

This will be the fifth consecutive year of the Shire of Dandaragan Community Grants program.

Some small changes were made with the assessment process this year. A working party of four nominated Councillors assessed each grant in accordance with Council Policy No. 1.6.

At the Council meeting held 23 August 2012 to determine the allocation of grants, the following motion was made:

*6) a working party of four Councillors to be established to assist with the evaluation process for the next 2013/2014 Community Grants.*

The working party grant determinations were as follows:

Eight applications were considered to have complied with the guidelines. Sufficient documentation was supplied to support the request from each organisation.

Two applications were submitted late. The working group felt that special consideration should be granted to the following applicants on the proviso that each group receives a letter to advise that future late applications will not be accepted. Consideration was given due to the 2013/2014 Community Grant Program being under subscribed.

The Cervantes Family Festival submitted a late application. The Festival has been operating for thirty years over the school holiday period in Cervantes. Councillors felt that support should be continued as it is a worthy program.

ICAN submitted an application to support their 'Flagship Event', the Daze Festival. The ICAN application was not received due to server issues. Evidence to support this claim was provided to the satisfaction of the working party.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 22 AUGUST 2013**

One application was requesting assistance to acquire assets of a durable nature. The application from the Jurien Bay District High School P&C has been deemed ineligible as it falls outside the purpose of the grant.

An application from the Canover Volunteer Bush Fire Brigade requested funding towards the facility establishment. The request was considered to be outside the scope of the grant funding and was deemed ineligible. Further funding opportunities will be investigated through the Local Emergency Management Committee and the Community Emergency Services Coordinator.

A read receipt will be recommended to applicants in the future to ensure that the Shire has received each group's application before the close date.

**CONSULTATION**

- Councillor Lawrie Short
- Councillor Tim Bailey
- Councillor Kaye McGlew
- Councillor Leslee Holmes

**STATUTORY ENVIRONMENT**

Local Government (Functions and General Regulations) 1996

**POLICY IMPLICATIONS**

In accordance with Shire of Dandaragan's Policy 1.6 Community Grants Program.

**FINANCIAL IMPLICATIONS**

Council has made provision in the budget for up to \$15,809 expenditure under the Community Grants Program.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.3 GOAL NUMBER THREE: Focus on community.					
OBJECTIVE 4: Develop connected communities through communication, engagement and targeted support.					
CODE	STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
G3-04-A2	Set community grant program at % of rates and review every 4 years when developing new Corporate Business Plan	Corporate Business Plan	Ongoing	District	Community groups

**ATTACHMENTS**

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

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 22 AUGUST 2013**

- Shire Policy 1.6 Community Grants Program (Doc Id: 13706)
  - Working Group Minutes (Doc Id: 15665)
- (Marked 9.1.1)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION 1**

**That the following eight Community Grant applications be approved for the 2013/2014 financial year:**

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT</b>
Badgingarra Community Association	Badgingarra Picnic 2013	\$500
Badgingarra Tennis Club	50 <sup>th</sup> Anniversary of Badgingarra Tennis Club	\$1500
Advance Dandaragan	Speakers on topics of importance	\$700
Advance Dandaragan	Carols by Candlelight	\$300
Dandaragan Golf Club	Back to Dandaragan Day	\$500
JB Community Festival Association	Easter school holiday program	\$1500
JB Community Resource	Boats Terrapin Puppet Theatre performance	\$1500
Lions Club of Jurien Bay	Free outdoor movie night – January school holidays	\$1300
	<b>TOTAL</b>	<b>\$7,800.00</b>

**OFFICER RECOMMENDATION 2**


**That the following two late Community Grant applications be given special consideration and be approved for funding for the 2013/2014 financial year:**

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT</b>
Cervantes Family Festival	Cervantes School Holiday Program	\$852
ICAN Daze Festival	Daze Foreshore Music Festival	\$1500
	<b>TOTAL</b>	<b>\$2,352.00</b>

## 9.2 WORKS AND PLANT

## 9.3 ADMINISTRATION

### 9.3.1 APPLICATION OF COMMON SEAL - SURRENDER OF LEASE (LAND TENURE CIVIC CENTRE PRECINCT) AND SUBLEASE (DEPARTMENT OF PARKS AND WILDLIFE)

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	14 August 2013
Senior Officer:	Tony Nottle, 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 the:

1. Surrender of Lease document between Shire of Dandaragan and Minister for Works for the land tenure for the Civic Centre Precinct; and
2. Sublease document between Shire of Dandaragan, Minister for Works and M & N Developments Pty Ltd for Units 5 & 6, 12 Murray Street, Jurien Bay (Department of Parks and Wildlife formerly Department of Environment and Conservation).

#### BACKGROUND

The Shire of Dandaragan's Common Seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied.

Generally, the Common Seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the Seal is required to be applied urgently and Council's endorsement is sought retrospectively.

An item was presented to the Ordinary Council Meeting held 23 May 2013, for Council to consider land tenure options for Lot 65 Bashford Street and Lot 1251 Hamersley Street (Civic Centre Development). At this meeting, Council resolved:

**OFFICER RECOMMENDATION / COUNCIL DECISION**

*Moved Cr Holmes, seconded Cr Short*

*That Council endorse Option 2 as Council's preferred option:*

- 1. purchase of Lots 65 and 1251 Jurien Bay amalgamate with Lot 124 - \$300,000; and*
- 2. that a report comes back to Council in June 2013 confirming details of how the purchase of Lots 65 and 1251 will be funded.*

*CARRIED BY ABSOLUTE MAJORITY 8 / 0*

Following that meeting, an item was subsequently presented to the Ordinary Council Meeting held 25 July 2013 in which Council resolved:

OFFICER RECOMMENDATION / COUNCIL DECISION

*Moved Cr Bailey, seconded Cr Holmes*

*That Council:*

- 1. authorise as a budget amendment, the Chief Executive Officer to undertake negotiations and to purchase Lot 65 Bashford Street and Lot 1251 Hamersley Street, Jurien Bay as per the attached plans up to the price of \$300,000;*
- 2. authorise as a budget amendment, a transfer from the SuperTowns reserve to the Shire of Dandaragan's Municipal Fund equivalent to the purchase price of Lot 65 Bashford Street and Lot 1251 Hamersley Street, Jurien Bay;*
- 3. authorise the Chief Executive Officer to seek a variation to the Financial Assistance Agreement "SuperTowns Development Project Fund - Jurien Bay City Centre Enhancement Project" to include the purchase of Lot 65 Bashford Street and Lot 1251 Hamersley Street, Jurien Bay and the addition of an extra drawdown milestone; and*
- 4. request interim approval from the Department of Lands for the works to commence over the land Lot 65 Bashford Street and Lot 1251 Hamersley Street whilst the purchasing process is being finalised.*

*CARRIED BY ABSOLUTE MAJORITY 6 / 0*

Surrender of Lease documentation for Lot 124 Bashford Street, Jurien Bay has since been received and now requires the Common Seal to be applied.

Also received and requiring the Common Seal to be applied, is the Sublease documentation of Units 5 & 6, 12 Murray Street, Jurien Bay in which the Department of Parks and Wildlife have relocated too for a term of 11 months and 30 days (with an expiry date of 30 May 2014).

COMMENT

Nil

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority



**OFFICER RECOMMENDATION**

**That Council endorse the affixing of the Shire of Dandaragan's Common Seal to the:**

- 1. Surrender of Lease document between Shire of Dandaragan and Minister for Works for the land tenure for the Civic Centre Precinct; and**
- 2. Sublease document between Shire of Dandaragan, Minister for Works and M & N Developments Pty Ltd for Units 5 & 6, 12 Murray Street, Jurien Bay (Department of Parks and Wildlife formerly Department of Environment and Conservation).**

## 9.4 TOWN PLANNING

### 9.4.1 PLANNING APPLICATION – PROPOSED EXTRACTIVE INDUSTRY (LIMESTONE & SAND) – LOT 3157 WOOLKA ROAD COOLJARLOO

Location:	Lot 3157 Woolka Road, Cooljarloo
Applicant:	Halsall & Associates on behalf of J Percy
Folder Path:	Development Services Apps / Development Application / 2013 / 42
Disclosure of Interest:	None
Date:	12 July 2013
Author:	David Chidlow, Manager Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for an Extractive Industry Licence (Limestone & Sand) on Lot 3175 Woolka Road, Cooljarloo (subject site).

#### BACKGROUND

This item was deferred from the July 2013 Ordinary Meeting of Council as further information was to be provided by the Department of Water and applicant. That advice is now provided and addressed in the recommendation.

The subject site is located approximately 25km west northwest from Cataby. The subject site is zoned Rural under Local Planning Scheme No 7 (the Scheme).

The site has an area of 387.5831 hectares and severed by an unconstructed public road reserve which does not connect with the wider public road network.

The site is accessed off Brand Highway via Cooljarloo Road through to Woolka Road and then via an existing road / track through a pastoral lease to the subject site, approximately a 20km distance from the Brand Highway. It adjoins Crown land to the north and west, utilised for extensive grazing, and freehold rural land to the south and east.

The site is predominantly flat with small hills in the northern region of the site ranging from 10 to 20 metres above the flat paddock areas in the central to southern parts of the site.

The proponent intends to extract limesand for use in the broader rural areas of the Shire of Dandaragan and other areas to improve agricultural capability. The extraction is to take place over three areas within the site, in three stages. The first stage proposing to extract an estimated 225,300 tonnes with an approximate 2 – 4 year lifespan, stage two having an estimated 162,000 tonnes having an approximate lifespan of 1.75 – 3.5 years and an estimated 96,750 tonnes of limesand with an approximate 1.25 –

2.5 year lifespan.

Further advice from the applicant is that *“The intention is to take out small hillocks which are shown on the application plan with slight rises in contour. The maximum depth of the pit will therefore be consistent with natural ground level about these hillocks.”*

In assessing the application for an extractive industry on the proposed lot, Appendix 1 of the Local Planning Strategy ‘Planning Considerations for Extraction of Basic Raw Materials’ have been addressed and the submission is to the satisfaction of the Shire’s Planning Officer.

#### COMMENT

Given its location, the site is quite isolated as such, making it vastly remote from any dwellings, alleviating the requirement for impact assessments in relation to any nuisance impacts that are sensitive to households.

The proposal is to take place on freehold land situated within the Gingin Groundwater Area. The site holds no environmental significants.

Agreements between the proponent and the landowner’s have been or are to be made to ensure all parties are satisfied.

Access to the site is proposed to be through various tenure including road reserve, Crown land and a pastoral lease which is subject to a mining tenement held by Tronox. There is no formal road to the site with access to be via an existing track which has been utilised for many years for agricultural activities on the site.

Shire officers have notified the proponent that maintenance of the road is to not be burdened by the Shire and is the responsibility of the proponent with arrangements being made to the satisfaction of the adjoining affected landowners.

The proposal is to utilise the existing track and maintain the road for the extraction of between 48,000 and 96,000 tonnes of limesand per annum in three stages. The rehabilitation will be through placement of topsoil and reseeding with paddock grasses.

The proponent intends to operate between 5am and 8pm daily with an average of 10 to 20 truck movements per week which it is most likely to increase in activity around the spreading season (February – April).

Due to its remoteness and small volume of activity, Shire officers recommend Council grant conditional approval for the Extractive Industry Licence for limesand.



### CONSULTATION

The proponent has submitted written consent forms from the adjoining affected landowners, each granting permission with arrangements and to be negotiated with the adjoining landowners separately.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Planning Strategy

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

A standard planning application fee of \$139 has been paid, as well as an Extractive Industry Licence fee of \$500.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Extract of Report (Doc Id: 15016)
- Letter of support (Doc Id: 15167)
- Site Plan (Doc Id: 15836)
- DoW advice notes (Doc Id: 15837)

***(Marked 9.4.1)***

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That Council grant planning approval for an Extractive Industry Licence on Lot 3157 Woolka Road, Cooljarloo expiring on 31 July 2028 subject to the following conditions:**

- 1. No excavation below existing ground surface is to be carried out without an amended application being submitted to the Shire of Dandaragan and also forwarded to the Department of Water for comment.**
- 2. The construction and maintenance of Woolka Road is the responsibility of the proponent. The Shire of Dandaragan is not to be burdened by any of the costs for construction or maintenance of the proposed road through Crown Reserve Lots 4246 and 4116 and traversing stock route.**
- 3. The proponent is to contribute to the maintenance of any existing roads under the Shire control and liaise with the Shire's Executive Manager Infrastructure / Major Projects prior to commencement of operations.**
- 4. The clearing of native vegetation will be limited to 1 hectare in area within any financial year. Anything exceeding this**

limit will require a Clearing Permit from the Department of Environment Regulation.



5. All stormwater being contained on-site (including roads) and treated to remove contaminants as outlined in the WQPNs e.g. bunds, sedimentation basin/s as supported by the Department of Water.
6. An Emergency Response Plan for HAZ-MAT and other potential site emergencies, such as fire, or injury, is required and is to be communicated to all employees and contractors prior to commencing any works.

#### **Advice**

- In addition to this extractive industry licence, the licensee will be required to pay an annual licence fee of \$150.00 on or before 30 June each year.
- The licensee will be required to furnish to the Local Government each year, at the time of submitting the renewal fee, a statement specifying the quantity of material extracted.
- The proponent entering into an agreement with the affected adjoining landowners for suitable access and rehabilitation plan and notifying the Shire.
- The applicant is advised to consult with the DAA and the South West Aboriginal Land Council as advice has been provided that there is a registered Aboriginal site, Tombstone Rocks, over a large portion of Lot 3157, and also a Native Title Claim which covers the entire Lot.
- The applicants attention is drawn to DoW advice notes attached to this approval.

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 22 AUGUST 2013**

**9.4.2 PLANNING APPROVAL – FRONT BOUNDARY RETAINING WALL – LOT 1091 (NO.12) SEAWARD DRIVE, JURIEN BAY**

Location:	Lot 1091 (No.12) Seaward Drive, Jurien Bay
Applicant:	Brett Martin
Folder Path:	Development Services App / Development Application / 2013 / 46
Disclosure of Interest:	None
Date:	6 August 2013
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 dwelling with a 1.5 metre retaining wall (outdoor area) on portion of the front boundary.

**BACKGROUND**

The subject lot is zoned Residential R12.5. The land is currently vacant.

This application requires Council approval as it does not comply with the deemed-to-comply front setback and fill requirements of the Residential Design Codes.

**COMMENT**

The applicant is seeking approval to construct a dwelling with an outdoor area that extends into the front setback area. Due to the slope of the land, the floor level of the outdoor area is approximately 1.5 metres above the verge at the boundary.

The proposal does not comply with the “deemed to comply” provisions of the Codes which requires a 7.5 metre setback for retained fill greater than 0.5 metres, the applicant seeks approval under “design principles” as detailed in the below extract from the Codes:

<b>Design principles</b> <i>Development demonstrates compliance with the following design principles (P)</i>	<b>Deemed-to-comply</b> <i>Development satisfies the following deemed-to-comply requirements (C)</i>
<b>5.3.8 Retaining walls</b> P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1. <i>(follows contours of the land)</i>	C8.1 Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1 (7.5 metres).

The proposed retaining wall and outdoor area extends approximately 33% of the width of the lot and while it has a nil setback from the front boundary, it is setback 10.9 metres from the road verge. The remainder of the frontage of the lot is open space. The height of the retaining wall and piers will be approximately 2.5 metres above natural ground level. Fencing/balustrade between the piers will be open aspect fencing.

Precedence has been set with a similar constructed feature at No.8 Echeró Mews.

There is no detrimental impact to adjoining properties, therefore this application is recommended for approval under the design principles of the Codes.

#### CONSULTATION

The applicant has provided signed copies of “no objection” from neighbouring landowners impacted by the development.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

#### POLICY IMPLICATIONS

- Local Planning Policy

#### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$500.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Site Plan and Elevations (Doc Id: 15852)  
**(Marked 9.4.2)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant approval to Brett Martin for a proposed dwelling with retaining wall (outdoor area) within the front boundary setback in accordance with the attached plans dated 1 August 2013 on Lot 1091 Seaward Drive Jurien Bay subject to the following conditions:**

- 1. All development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any conditions of this approval. The**



- endorsed plans shall not be modified or altered without the prior written approval of the local government; and
2. Fencing/balustrade between the piers of the outdoor area to be open aspect (minimum 50% open) fencing.

**Advice**

- A grant of planning consent is not a building permit. A building permit must also be obtained for this development.
- 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**

### 9.4.3 PLANNING APPROVAL – ACCOMMODATION UNITS – LOT 113 MEAGHER DRIVE (BADGINGARRA TAVERN), BADGINGARRA

Location: Lot 113 (No.30) Meagher Drive, Badgingarra  
 Applicant: Shaun & Joan Nelson  
 Folder Path: Development Services App / Development Application / 2013 / 45  
 Disclosure of Interest: None  
 Date: 6 August 2013  
 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 locate 3 transportable accommodation units at the rear of the existing Tavern.

#### BACKGROUND

The subject lot is zoned Commercial and currently used as a “Tavern”.

The applicants propose to locate 3 transportable donger type units (one with disabled design/access) to provide accommodation associated with the tavern.

The applicants have advised that they do not wish to convert the licence to a “Hotel”. Under their Tavern liquor licence they cannot serve alcohol for consumption in accommodation units. Whereas under a Hotel licence they may serve alcohol for consumption in accommodation as a Hotel by definition contains rooms for guests. In effect this is the only point of difference between the two uses (Hotel/Tavern)

Tavern/Hotel and Motel are all permitted uses within the Local Planning Scheme Zoning Table. A footnote in the Scheme advises that the Council cannot refuse a “permitted (P) use” but may apply conditions of approval.

#### COMMENT

Setbacks - The development is proposed to be located on the southern side of the Tavern approximately 30 metres from the southern boundaries. Under Table 2 of the Scheme all setbacks are to be determined by the Council. The location and setbacks as shown on the plans are supported by the Manager Planning.

Parking - The Local Planning Scheme No.7 and Local Planning Policy LPP 8.8 Car Parking require one bay per room to be provided.

Landscaping – the Scheme requires 10% of the site to be landscaped. There is existing landscaping that satisfies this requirement.

### CONSULTATION

In accordance with Clause 9.4.3 of the Scheme the proposal was advertised to nearby property owners that may be impacted by the development.

To date no submissions have been received. Any submissions received will be presented to Council prior to the meeting.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

### POLICY IMPLICATIONS

- Local Planning Policy 8.8 Car Parking

### FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$640.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Site Plan (Doc Id: 15604)
- Elevations (Doc Id: 15606)
- Floor Plans (Doc Id: 15605, 15607)

***(Marked 9.4.3)***

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That Council grant planning approval to Shaun and Joan Nelson for proposed accommodation units associated with the Tavern in accordance with the attached plans dated 26 July 2013 on Lot 113 Meagher Drive, Badgingarra subject to the following condition:**

- 1. All development shall be in accordance with the attached plans dated 26 July 2013 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. The external cladding and finishes of the units shall be to the satisfaction of the Manager Planning Services.**
- 3. Disabled access to be provided in accordance with the Building Code of Australia.**
- 4. Provision of one parking bay per room.**
- 5. Onsite car parking to be constructed to a sealed, drained and line marked standard to the satisfaction of Council's**

**Executive Manager Infrastructure & Major Projects.**

6. **Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable storm-water drainage system to the satisfaction of Council's Executive Manager Infrastructure & Major Projects.**
7. **No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.**
8. **On site bin storage area being provided capable of accommodating additional waste from units.**

**Advice:**

- **A grant of planning consent is not a building permit. A building permit must also be obtained for this development.**
- **The standard of finish and appearance of the units should be appropriate to the setting and locality and not determinately impact on the visual amenity of the locality. The units should blend in with the existing Tavern and surrounds.**
- **Health Department approval is required for the waste water treatment and effluent disposal systems, please liaise with the Shire's Manager Environmental Health Services.**
- **The applicant is advised to consult with the Shire's Manager Building Services on the requirements for a building permit and disabled access.**
- **This approval is valid for a period of two years. If the development has not substantially commenced within this period the approval will lapse.**
- **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**



**9.5 HEALTH****9.6 BUILDING****9.7 COUNCILLOR INFORMATION BULLETIN****9.7.1 DEPARTMENT OF TRANSPORT – 2013-15 REGIONAL AIRPORTS DEVELOPMENT SCHEME FUNDING ROUND**

Document ID:

*"I would like to thank you for your application for funding under the 2013-15 round of the Regional Airports Development Scheme. Due to the State election there has been a delay in the announcement of the State Budget and finalisation of successful grantees for the 2013-15 Regional Airport Development Scheme. It is anticipated that a draft recommendation package will be forwarded to the Minister for Transport in August for his consideration."*

**9.7.2 COUNTRY ARTS WA – 2012 ANNUAL REPORT SUMMARY**

Document ID: 15387

On hand is a copy of the Country Arts WA 2012 annual report summary however this is only a snippet of what was achieved. You can download the full annual report from their website at [www.countryartswa.asn.au](http://www.countryartswa.asn.au)

This document shows a brief outline of Country Arts WA core projects including advocacy, performing arts touring and regional arts development programs that have been running successfully now for many years.

**9.7.3 HEARTLANDS WESTERN AUSTRALIA – HEARTLANDS LOCAL GOVERNMENT MEMBERSHIP 2013/14**

Document ID: 15223

*"Heartlands WA membership take-up was very positive. Many of the Local Governments in the Avon Midland Zone will now benefit from Heartlands WA marketing activities."*

*"To join Heartlands WA and market your opportunities, jobs, housing developments, industrial land and great lifestyle please complete the membership form"*

**9.7.4 MURPHY AUSTRALIA OIL PTY LTD – EXPLORATION DRILLING IN PERMIT WA-481-P, OFFSHORE WESTERN AUSTRALIA**

Document ID: 15143

*"We write to inform you of a proposal by Murphy Australia WA-481-P Oil Pty Ltd (Murphy) to test for hydrocarbon potential in permit WA-481-P through an exploration drilling program,"*

*expected to commence in late 2014 / early 2015.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.4)**

**9.7.5 MCLEODS BARRISTERS & SOLICITORS – STATE OF WA OFFER OF SETTLEMENT ON SW NATIVE TITLE CLAIMS**

Document ID: 15187

*“I confirm that McLeods is on the Federal Court’s record as representing the Shire in the Single Noongar native title claim.”*

The State of Western Australia has made a “Final Offer” to the registered native title claimant groups in the South West.

There was a briefing which was provided by the Department of Premier & Cabinet for registered respondents held at Dumas House on 22 July 2013.

**9.7.6 WA POLICE – OFFICE OF DEPUTY COMMISSIONER (SPECIALIST SERVICES & REFORM) – REPORTING INCIDENTS OF GRAFFITI VANDALISM TO WA POLICE**

Document ID: 15220

The Chair of the State Graffiti Taskforce has invited the Shire of Dandaragan to be part of participating Council’s uploading graffiti incidents into the WA Police Goodbye Graffiti Database.

The Goodbye Graffiti Database (GG Database) is an online service, accessed through the Goodbye Graffiti website. The database is designed to collect and store graffiti incident reports across Western Australia. Reporting graffiti vandalism into the database enables WA Police to collate comprehensive information about offenders that is otherwise not captured, including photographs taken of the graffiti.

To make a report visit [www.goodbyegraffiti.wa.gov.au](http://www.goodbyegraffiti.wa.gov.au)

**9.7.7 DEVELOPMENT ASSESSMENT PANELS – WHEATBELT JDAP – SHIRE OF DANDARAGAN – DAP APPLICATION DA18/13 – LOT 3842 BIBBY ROAD, BADGINGARRA**

Document ID: 15259

*“This application was considered by the Wheatbelt JDAP at its meeting held on 4 July 2013, where in accordance with the provisions of the Shire of Dandaragan Local Planning Scheme No.7, it was resolved to approve the application as per the attached notice of determination.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.7)**

**9.7.8 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 27.13 – 15 JULY 2013**

Document ID: 15261

Inside this issue:

- Meeting With Shadow Minister Hon Ken Travers MLC
- Vacancies On Boards And Committees
- Training
- Difficulties Faced By WA Farmers – Survey Reminder
- WALGA’s Cotton Bush Questionnaire
- Report On Public Open Space Forum
- Engineering Consulting Services
- Elected Member Tax Guide
- Partnership – Past, Present and Future
- 2013 Children’s Environment And Health Local Government Report Card Project

**9.7.9 WALGA INFOPAGE – VACANCIES ON BOARDS AND COMMITTEES**

Document ID: 15262

Key Issues:

- Committee Boards and Panels who have requested representative from Local Government.

**9.7.10 WALGA INFOPAGE – DEPARTMENT OF ENVIRONMENT REGULATION RELEASES GUIDES TO LICENSING AND FEES**

Document ID: 15263

Key Issues:

- The Department of Environment Regulation has released two new Guides under the Re-Engineering for Industry Regulation and Environment (REFIRE) reform program.
- The documents are: a *Fee Guide for Works Approvals and Licence*, and a *Guide to Licencing* (under the *Environmental Protection Act 1986*).

**9.7.11 WALGA INFOPAGE – INFORMATION FROM PIA / UDIA PUBLIC OPEN SPACE FORUM**

Document ID: 15269

Key Issues:

- PIA and UDIA public open space forums held in June 2013.
- Key information presented at the forum is summarised in this infopage, for Local Government interest.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.11)**

**9.7.12 THE COUNTRY WOMEN’S ASSOCIATION OF WESTERN AUSTRALIA (INC) – JURIE COMMUNITY CENTRE**

Document ID: 15298

*“CWA Jurien Bay Branch wish to express concern at the high charges levied for use of the Jurien Community Centre.*

*CWA are unable to hire the Jurien Community Centre for functions due to charges now required to set up before events.*

*We therefore appeal to you to investigate this matter.”*

### 9.7.13 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – 2013 CAPABILITY SURVEY RESULTS

Document ID: 15335

*“Thank you for participating in the 2013 local government capability survey. The survey was undertaken to measure the implementation of the Integrated Planning and Reporting (IPR) by local governments and the Department’s key performance indicator related to improvement in local government capability.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.13)**

### 9.7.14 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 28.13 – 22 JULY 2013

Document ID: 15347

Inside this issue:

- NRM Workshop For Local Government Officers On Friday 9 August
- WALGA Composite Advertising Program – October 2013 Election
- Integrated Waste Treatment Event
- Vacancies On Boards And Committees
- Training
- Local Government Vision – Waste Management Breakfast
- 2013 International BiodiverCities Conference
- Roadside Advertising Within And Beyond State Roads
- Corella And Rainbow Lorikeet Survey Results

### 9.7.15 EWATCH – ONLINE COMMUNITY SAFETY AND CRIME PREVENTION INITIATIVE

Document ID: 15428

Ewatch will be launched state-wide on 28 September 2013.

Ewatch is an email based system that connects residents to their local police and council in an effort to monitor crime and encourages neighbours to be proactive in making their community a safe and vibrant place to live. Residents who join ewatch receive regular email updates on crime trends and statistics, safety initiatives, emerging issues and events that are specific to their area.

A copy of this correspondence is on hand.

### 9.7.16 HON MARTIN ALDRIDGE MLC – MEMBER FOR AGRICULTURAL REGION – RECENTLY ELECTED MEMBER FOR THE AGRICULTURAL REGION

Document ID: 15452

*“I am writing to introduce myself as a recently elected Member for the Agricultural Region in the Legislative Council of Western Australia. As a parliamentary member for The Nationals WA I understand the importance of strong communities, and the important role Local Government plays across regional Western*

*Australia.”*

A copy of this correspondence is on hand.

**9.7.17 AUSTRALIAN HUMAN RIGHTS COMMISSION – NATIONAL ANTIRACISM CAMPAIGN**

Document ID: 15453

*“I am writing to invite Shire of Dandaragan to become a supporter of the national antiracism campaign, ‘Racism It Stops With Me’, which is led by the Australian Human Rights Commission.”*

Over 150 organisations have now committed their support, including a number of local Councils. A full list of organisations is featured on the campaign website: <http://itstopswithme.humanrights.gov.au/>

**9.7.18 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 29.13 – 29 JULY 2013**

Document ID: 15591

Inside this issue:

- NRM Workshop For Local Government Officers On Friday 9 August
- Local Government Vision – Waste Management Breakfast
- Local Government Reform
- Roadside Advertising Within And Beyond State Roads
- Criminal Property Confiscation Grants Program
- WALGA Composite Advertising Program – October 2013 Election
- MWAC Info Bulletin Out Now
- Community Safety Month
- Anti-Poverty Week

**9.7.19 THE HON TONY SIMPSON MLA – ANNOUNCEMENT OF METROPOLITAN LOCAL GOVERNMENT RESPONSE**

Document ID: 15633

On 30 July 2013 the Hon Tony Simpson along with Premier Colin Barnett announced the details of the State Government’s response to the *Report of the Independent Panel of the Metropolitan Local Government Review* (The Robson Report). This includes plans to reduce the number of metropolitan local governments from 30 to 14 from 1 July 2015.

More information is on hand.

**9.7.20 WALGA MEDIA RELEASE – REFORM PLAN “CLOSE” TO LOCAL GOVERNMENT PLAN**

Document ID: 15646

Wide ranging structural changes to WA metropolitan Local Government is closely aligned to the model preferred by the majority of the sector.

WA Local Government Association President Mayor Troy Pickard said the plan for 14 metropolitan Councils was “close” to sector-endorsed model of between 15 and 20 metropolitan Councils.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.20)**

**9.7.21 WALGA – LOCAL GOVERNMENT NEWS – ISSUE NO 30.13 – 5 AUGUST 2013**

Document ID: 15729

Inside this issue:

- Metropolitan Local Government Reform Announced
- Removal Of The Poll Provisions Questioned
- Association Support During The Reform Process
- WALGA Meeting With The Minister For Planning
- WALGA Meeting With The Minister For Health
- WALGA Meeting With The Fire Commissioner
- Regional Forest Agreement For South West Forests – Submissions Sought

**9.7.22 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – METROPOLITAN LOCAL GOVERNMENT REFORM UPDATE – ISSUE 12 – 05 AUGUST 2013**

Document ID: 15751

Inside this issue:

- Plans Unveiled
- Next Steps
- Business As Usual
- Staff Guarantee
- Poll Provisions

**9.7.23 HON DARREN WEST MLC – MEMBER FOR AGRICULTURAL REGION – INTRODUCTION**

Document ID: 15770

*“As you may be aware, I was elected to the Legislative Council, representing the Labor Party in the Agricultural Region in the State election and wish to take this opportunity of introducing myself to both the Shire and yourself.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.23)**

**9.7.24 JURIE BAY PROGRESS ASSOCIATION INCORPORATED – JURIE BAY MARINA**

Document ID: 15780

Member of the Jurie Bay Progress Association have raised concern regarding a perennial problem with the condition of the Jurie Bay Marina.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.24)**

**9.7.25 JURIEBAY BAY PROGRESS ASSOCIATION INCORPORATED – DISPOSAL OF CRAY BAIT STRAPPING**

Document ID: 15781

*“During a Coast Care clean up recently in the Marina, a large amount of Cray bait strapping was collected by the clean up volunteers, Several of those volunteers were at the July meeting of the Juriebay Progress Association.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.25)**

**9.7.26 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – AMALGAMATION OF DANDARAGAN EAST & DANDARAGAN WEST VOLUNTEER BUSHFIRE BRIGADES**

Document ID: 15815

*“The Department of Fire and Emergency Services (DFES) acknowledges the amalgamation of Dandaragan East and Dandaragan West Volunteer Bushfire Brigades to form the Dandaragan Volunteer Bushfire Brigade.*

*This change has been reflected in DFES Operational Management Systems.”*

**9.7.27 SHIRE OF DANDARAGAN – JULY 2013 COUNCIL STATUS REPORT**

Document ID: 15810

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 25 July 2013. **(Marked 9.7.27)**

**9.7.28 SHIRE OF DANDARAGAN INFRASTRUCTURE AND MAJOR PROJECTS REPORT – JULY 2013**

Document ID: [DOC ID]

Attached to the agenda is a copy of the Shire’s Infrastructure and Major Projects Report from July 2013. **(Marked 9.7.28)**

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

## 11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

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

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

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

*Local Government Act 1995*

### 5.23. Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public -*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
  
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
  - (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal -*
    - (i) *a trade secret;*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
  - (f) *a matter that if disclosed, could be reasonably expected to -*



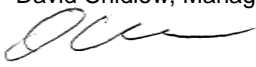

- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) *endanger the security of the local government's property; or*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

#### **OFFICER RECOMMENDATION**

That the meeting be closed to members of the public at \_\_\_\_\_ in accordance with Section 5.23 (2) (d) and Section 5.23 (2) (e) (ii) of the *Local Government Act 1995* to allow Council to discuss item 11.1.1 – ‘Tribunal mediation – proposed car park (temporary approval and Scheme amendment) – Lot 8 Catalonia Street, Cervantes’.

#### **11.1 TOWN PLANNING**

##### **11.1.1 TRIBUNAL MEDIATION – PROPOSED CAR PARK (TEMPORARY APPROVAL AND SCHEME AMENDMENT) – LOT 8 CATALONIA STREET, CERVANTES**

Location:	Lot 8 Catalonia Street, Cervantes
Applicant:	David Thompson
File Ref:	Development Services Apps/ Development Applications / 2012 / 59
Disclosure of Interest:	None
Date:	12 July 2013
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### **12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

#### **13 CLOSURE OF MEETING**