



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
BADGINGARRA COMMUNITY CENTRE
on
THURSDAY 22 JANUARY 2015
COMMENCING AT 5.06 PM

(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

The presiding member declared the meeting open at 5.06pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 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 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 K McGlew	(Deputy President)
Councillor L Short	
Councillor J Kulisa	
Councillor D Kent	
Councillor M Sheppard	
Councillor L Holmes	
Councillor D Slyn	

Staff

Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Manager Planning)
Mrs B Macaulay	(Planning Officer)

Apologies

Mr T Nottle	(Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)

Approved Leave of Absence

Councillor T Bailey

Observers

There were 6 members of the public present

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3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Jonathan Nelson asked if Council would consider putting a sign and bollards on Meagher Drive in Badgingarra.

Jonathan was advised that the Executive Manager Infrastructure would respond to his question.

Bev Fisher enquired about an email she had sent to Council regarding the crossover to her house and no response was received.

Bev was advised that the Executive Manager Infrastructure would respond to her question.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF ORDINARY MEETING HELD 18 DECEMBER 2014

COUNCIL DECISION

Moved Cr Holmes, seconded Cr Short

That the minutes of the Ordinary Meeting of Council held 18 December 2014 be confirmed with amendments to the decisions of Council at item 9.4.14 as follows:

"The Presiding member advised that the Officer Recommendation would be broken into parts for clarity.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew

That Council advise the Jurien Bay Men's Shed that Council supports the Rest in Reef project for placement of memorial reef balls.

CARRIED 8 / 1

OFFICER RECOMMENDATION / COUNCIL MOTION

Moved Cr McGlew, seconded Cr Kulisa

Council does not support the placement of memorial plaques in

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the Foreshore Reserve or beachfront as the display of what could be several hundred memorial plaques is not in keeping with the recreational purposes of the area.

LOST 4 / 5

COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Short

That Council supports the placement of name plates to accompany the Rest in Reef Balls in the Artificial Reef Interpretive Area with the following qualifications:

- 1. that the name plates be a maximum of 50mm x 30mm;***
- 2. name plate eligibility be limited to those persons whose ashes have been placed within the Rest In Reef Balls and had resided in the Shire of Dandaragan or had a close affinity with the Shire; and***
- 3. that the Jurien Bay Community Men's Shed be advised that they are wholly responsible for all costs associated with installation, administration and all future maintenance and renewal costs.***

CARRIED 5 / 4"

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS

Cr Holmes

- 23 December 2014 Joint Shire Meeting Lancelin WSRA
- 7 January 2015 Cervantes Ratepayers Meeting
- 20 January 2015 Regional Development Australia Mid-West Gascoyne Meeting – Green Head
- 16 January 2015 Cervantes Community Recreation Centre Working Party Meeting
- 18 January 2015 David Lantzke – Jurien Bay

Cr Sheppard

Nil

Cr Short

- 31 December 2014 Wolba Wolba New Year's Eve fundraiser BBQ
- 19 January 2015 Moore Catchment Council (Finance)

Cr McGlew

- 13 January 2015 Citizenship Ceremony – Jurien Bay
- 14 January 2015 State Library WA Board meeting
- 16 January 2015 Cervantes Community Recreation Centre Working Party Meeting

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COUNCIL DECISION

Moved Cr Short, seconded Cr Sheppard

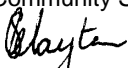

That the delegates' reports to 22 January 2015 as presented be accepted.

CARRIED 8/0

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS**9.1 FINANCE****9.1.1 ACCOUNTS FOR PAYMENT – DECEMBER 2014**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	06 January 2015
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque and direct debit listing for the month of December 2014.

BACKGROUND

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

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for December 2014 totalled \$ 1,705,760.70 for the Municipal Fund.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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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 December 2014 (Doc Id: 44775)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

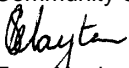

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Slynns

That the Municipal Fund cheque and EFT listing for the period ending 31 December 2014 totalling \$1,705,760.70 for the Municipal Fund be accepted.

CARRIED 8 / 0

9.1.2 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2014

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 January 2015
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Tony Mottle, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 December 2014.

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 December 2014.

COMMENT

Regulation 34 of the Financial Management Regulations (1996)

requires the following information to be provided to Council:

1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 31 December 2014 was \$4,270,142. 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, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

The Statement of Financial Activity provides variances to budget by way of percentages. During budget adoption a 10 percent or \$10,000 threshold for these variances to be reported was set. An explanation of these variances is as follows:

Governance

Income is at 445% of Y-T-D budget and is primarily due to a dividend payment from the Shire's insurance service, LGIS.

Recreation and Culture

Expenditure is at 85% of Y-T-D budget and is due to less than budgeted salaries, materials and on costs. The cause of this is twofold. Firstly, parks and gardens have been operating at less than full staff capacity. Secondly, timing could mean staff have been spending more time in other areas. It is possible that this could correct itself as the year progresses.

Other Economic Services

Income is at 178% of Y-T-D budget and is due to a large private works job undertaken for Water Corporation to reinstate a carpark.

Expenditure is at 285% of Y-T-D budget and is due to four separate factors.

Firstly, an allocation of staff costs for the Shire's yardman needs to be made to this schedule from recreation and culture.

Secondly, Workers compensation premium actual allocation does not match the budget allocation.

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These first two points will be reviewed and amended if necessary during budget review.

The final reason for the variance in the contract expenses for undertaking the Water Corporation private works job.

Should Councillors wish to raise any issues relating to the 31 December 2014 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 December 2014 (Doc Id: 44828)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Holmes, seconded Cr Short



That the monthly financial statements for the period ending 31 December 2014 be adopted.

CARRIED 8 / 0

9.1.3 CONFERENCE & EDUCATION CENTRE HIRE FEES

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Council Properties / Usage / Hire

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Disclosure of Interest: Nil
 Date: 12 January 2015
 Author: Alison Slyns, Tourism & Marketing Coordinator
 Signature of Author: 
 Senior Officer: Tony Nottle, Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

For Council to adopt new fees and charges earned by hiring of facilities within the Conference and Education Centre at the Jurien Bay Visitor Information and Civic Centre building.

BACKGROUND

The Conference and Education Centre, including the amphitheatre, at the Jurien Bay Visitor Information and Civic Centre building will be available for hire for community and commercial applicants. Hire fees will be collected on behalf of the Shire by the Jurien Bay Community Resource Centre as part of their operational Service Agreement.

COMMENT

The hire fees for the building have been created for the Conference and Education Centre and the Amphitheatre. The tenancy leased by the Jurien Bay Community Resource Centre, as well as the Visitor Centre and Library are not for hire at this time. Once the building has opened hire options will be considered for these areas. It is proposed that hire fees for the premises are:

HIRE FACILITY	TIME	COMMUNITY	COMMERCIAL
Classroom 1	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Classroom 2	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Classroom 1&2	Per Hour	\$24.50	\$43.00
	Full Day	\$177.00	\$310.00
Classroom 3	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Conference Room	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Full facility (internal)	Per Hour	\$50.00	\$87.00
	Full Day	\$360.00	\$628.00
Amphitheatre	Full Day	\$40.00	\$40.00

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

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- a) its intention to do so; and
- b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

There are no known policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no known policy implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no known strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council in accordance with Section 6.19 of the Local Government Act, authorise the introduction of a new fee and charge effective 23 January 2015 for the hire of facilities in the "Conference and Education Centre" of the Jurien Bay Visitor Information and Civic Centre building as follows:

HIRE FACILITY	TIME	COMMUNITY	COMMERCIAL
Classroom 1	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Classroom 2	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Classroom 1&2	Per Hour	\$24.50	\$43.00
	Full Day	\$177.00	\$310.00
Classroom 3	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Conference Room	Per Hour	\$15.50	\$27.00
	Full Day	\$112.00	\$194.00
Full facility (internal)	Per Hour	\$50.00	\$87.00
	Full Day	\$360.00	\$628.00
Amphitheatre	Full Day	\$40.00	\$40.00

COUNCIL DECISION

Moved Cr Short, seconded Cr Kent

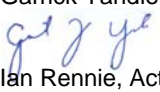

That the item be deferred due to further details being required.

CARRIED 8 / 0

Council did not adopt the Officer Recommendation as it required more information prior to adopting the fees and conditions of hire.

9.2 INFRASTRUCTURE

9.2.1 FUEL SUPPLY AND REPORTING SYSTEM

Location:	Dandaragan Depot and Jurien Bay Depot
Applicant:	Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Financial Management / Tendering / Contracts
Disclosure of Interest:	None
Date:	13 January 2015
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Ian Rennie, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

For Council to authorise the procurement of a fuel reporting system for both the Dandaragan and Jurien Bay Depots, to be installed and supplied by *Fuel Distributors of WA*. The proposed Contract for the system will be for a 3 year term and includes the supply of diesel fuel.

BACKGROUND

The Shire of Dandaragan plant and equipment uses approximately 250,000L of diesel fuel each year. At an average rate of \$1.20/L this is approximately \$300,000 per year.

The Shire currently sources its fuel supplies through *Fuel Distributors of WA*. They have depot in Moora and have been a long standing supplier, over 7 years, of the Shire's fuel requirements. This procurement process is not undertaken through any tender process, as the procurement of fuel is exempt from local government tender regulations under the Local Government (Functions and General) *Regulations 1996, Part 4 - Provision of goods and services, Regulation 11(2)(g)*. *Fuel Distributors of WA* also supply other local governments including Moora, Dalwallinu, Gingin, Mandurah and Wandering.

Majority of the plant and equipment is used by the Infrastructure Department and the Regulatory Services Department, along with light vehicles of office staff.

Historically the reporting and recording of fuel use at both the Dandaragan and Jurien Bay Depots has been undertaken manually in various forms. Most recently this has included a recording sheet whereby each operator is required to write down the quantity of fuel, plant number, vehicle registration number, and odometer reading each time they fill up a specific plant item at the depot fuel bowsers. It also includes the ad hoc dipping of onsite storage tanks to determine volumes of storage onsite. These figures are then cross referenced against supply volumes to determine usage quantities and allocate each volume, and subsequent cost, to specific plant and activities identified in the budget.

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Such a manual recording system is somewhat cumbersome and provides significant inaccuracies in recording usage of diesel fuel over the course of each year. It is estimated that approximately 15,000L of diesel is unaccounted for on average each year, which at \$1.20 is approximately \$18,000 per year or 6% of total diesel consumption each year.

COMMENT

The Infrastructure team has been in discussions with *Fuel Distributors of WA* regarding the procurement and installation of an automated fuel recording and reporting system for both the Dandaragan and Jurien Bay Depot diesel fuel bowsers.

Under the proposed system the fuel supplier will install the recording and reporting system and upgrade the current bowsers where necessary. They would also manage data recorded and provide monthly reports on supply and usage back to the Shire. All usage and costs recorded would be able to be allocated to specific plant items.

The system would entail a plant specific tag or swipe card, plus a bowser mounted key pad. The user would swipe their card or tag and be prompted by the key pad to enter the relevant information of the plant item associated with that tag (ie odometer, plant number etc). Each tag would have its own unique security code, similar to a commercial fuel card. The system will record the relevant information for each usage at the bowser, which will then be reported back to the Shire each month.

The indicative cost of the proposed system would be an additional 4.39c/L on top of the current fuel supply costs (ie. if the supply cost of fuel to the Shire was \$1.20/L, with this system it would be \$1.24/L). Based upon an annual usage of 250,000L this would be approximately \$10,975. This would include all procurement, installation, recording, reporting and maintenance costs.

The Shire only uses approximately 2,000L of petrol fuel annually and this volume was deemed as insufficient to warrant the installation of a similar system for petrol fuel.

The installation of the proposed system is approximately \$10,000, however the proposed Contract also includes the supply of fuel, as well as the reporting system, which approximately \$310,000 per year. This figure exceeds the limit under Delegated Authority 103 provided to the Chief Executive Officer (\$100,000), hence this item is being brought before Council for approval.

CONSULTATION

- Executive Manager Corporate & Community Services
- Operations Supervisor – Jurien Bay
- Operations Supervisor – Dandaragan

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STATUTORY ENVIRONMENT

The procurement of fuel is exempt from local government tender regulations under Local Government (Functions and General) Regulations 1996, Part 4 - Provision of goods and services, Regulation 11(2)(g), as follows.

11. When tenders have to be publicly invited...

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —...

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

- Limit of proposed Contract exceeds the limit under Delegated Authority 103 provided to the Chief Executive Officer (\$100,000).

FINANCIAL IMPLICATIONS

The cost of the proposed system includes both:

- the supply of fuel; and
- the supply, installation and management of the recording and reporting system.

Cost estimates for this Contract are based upon an annual diesel fuel usage of 250,000L, with a summary of these being as follows:

Item	Unit Rate	Total Annual Cost
Fuel Supply	\$1.20/L (estimate only)	\$300,000
Reporting System	4.39c/L (indicative rate)	\$10,975
Annual Cost Estimate		\$310,000
3 year Contract Cost Estimate		\$932,925

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa


That Council authorise the procurement of a fuel reporting

system for both the Dandaragan and Jurien Bay Depot diesel bowzers, to be installed and supplied by *Fuel Distributors of WA*. This Contract is for a term of 3 years and includes the supply of fuel and the supply, installation and management of the reporting system at an indicative cost of 4.39c/L on top of the supply cost of diesel fuel.

CARRIED BY ABSOLUTE MAJORITY 8 / 0

9.3 ADMINISTRATION

9.3.1 APPLICATION OF COMMON SEAL

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Governance / Authorisations / Council Seal
Disclosure of Interest:	None
Date:	8 January 2015
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 Contract for Partial Town Maintenance Services from 1 November 2014 to 30 June 2015 between the Shire and Badgingarra Community Association.

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.

COMMENT

Nil

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

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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 / COUNCIL DECISION



Moved Cr Short, seconded Cr Kulisa

That Council endorse the affixing of the Shire of Dandaragan's common seal to the Contract for Partial Town Maintenance Services from 1 November 2014 to 30 June 2015 between the Shire and Badgingarra Community Association.

CARRIED 8 / 0

9.4 TOWN PLANNING

9.4.1 PLANNING APPROVAL – PROPOSED DWELLING WITH INCREASED FRONT SETBACK – LOT 763 MIDDLETON BLVD, JURIE BAY

Location:	Lot 763 Middleton Blvd, Jurie Bay
Applicant:	Bush to Beach Builders on behalf of B Crisp and J Richardson
Folder Path:	Development Services App / Development Application / 2014 / 83
Disclosure of Interest:	None
Date:	8 January 2015
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 for an increased setback to a dwelling.

BACKGROUND

This item was deferred at the 18 December 2014 Council meeting for further information to be obtained.

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The proponent is seeking approval for a front setback variation to the Beachridge Residential Design Guidelines.

The Design Guidelines state:

- The primary street setbacks are reduced to consolidate the character of the development, encouraging interaction between the public street domain and private property.
- The setback of any structure (including a building, verandah or porch) other than a carport or garage, shall be 3.0m from the front boundary (ie. a build-to line), except that the setback to the build-to line may be increased at Shire's discretion for lots considered to have irregular shapes making the 3.0m setback impracticable.
- Garages are to be setback 5.5m

The proposed dwelling will have the garage setback 5.5m as per the design guidelines, however the applicant is seeking Council approval for the dwelling portion to be setback 5.5m instead of the required 3m setback.

The applicant has submitted the following justification in support of the application:

We are in the process of working with Bradley Crisp & Jennifer Richardson to build them a new dwelling in Beachridge Estate as they have moved up here from Perth and have taken over a business in Jurien Bay. They have purchased a plan they like from Gemill Homes and would like this to be built by us on their block they have got on Middleton Blvd.

In the guidelines of the Ardross Estate in Beachridge they specify that the front of the home must be set back to a 3.000m frontage, and the garage to be at a 5.500m setback. As you will see in the plans submitted this dwelling does not have these setbacks, but it does co-inside the R-Code regulations for that area.

The main reason why my clients would not like the front of their home to be on a 3.000m setback is because they live opposite a cross road of Bremer Parade. if a vehicle happens to lose control at that intersection it has only 3.000m of breaking distance before it crashes through the front two bedrooms. With the setback being at the 5.SODm this gives the car further breaking distance.

The front elevation of this dwelling has a real good street appeal about it as it is designed and being set back to 5.500m would not alter the street scope in Beachridge but would be a safer option to build on an intersection.

Ardross Estates do not support the application and have provided the following comments.

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The 3.0m build-to line was incorporated into the Guidelines to provide a consistent urban edge to development, creating a strong sense of place.

The build-to line is also related to the water sensitive design of Beachridge, which has been the subject of development industry awards. The build-to line represents a lesser front setback than the generic R Codes, which offsets the extra wide road reserves within the suburb that incorporate drainage amenities. A lesser build-to line maintains a community feel across the larger road reserve and is accommodated without resulting in excessive building bulk or a hemmed-in feeling.

Development of sites within Beachridge has complied with this requirement confirming consistent application by Council, except where an irregular lot shape warrants a variation. This site is not listed as an irregular lot in Appendix 2 of the Guidelines.

The property owner is party to a restrictive covenant which is to the benefit of 97 other lots. Clause 2.2 (2) requires compliance with the provisions of the Residential Design Guidelines.

Ardross Estates does not support a variation of the requirements in this instance.

The applicant's justification for the reduced setback is that the property is located at the head of a T-junction, so the increased setback will reduce traffic impacts on habitable rooms. In response to that justification, please find the following comments:

- *Middleton Boulevard is a very wide thoroughfare in Beachridge Estate. It has a road reserve of 30m to accommodate a landscaped central median, which will protect the subject site from traffic impacts.*
- *Bremer Parade (which results in the T-junction in front of the subject site) can best be described as a local access road which services only 12 lots exclusively, between Middleton Boulevard and Bells Boulevard. The 12 lots will not generate sufficient traffic to have any real impacts on the subject site.*

The landowner has provided the following comments. A full copy of their submission which includes photographs is provided in the attachments.

We have some major concerns regarding the safety aspect on our proposed home regarding this set-back as we believe the front of the home will be situated too close to the roadway, especially when a vehicle is making a right-hand turn from Bremer Parade as the island cut-out for turning right is situated at the front of our block.

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If a vehicle loses control whilst turning right into Middleton Boulevard from Bremer Parade there is a potential threat of the vehicle crashing through the front rooms of our home. These rooms are two minor bedrooms which may have our sleeping grand-children, children, aged parents or visitors located in them. As you can appreciate and recall, there have been a number of cases recorded in the 2014 period of cars losing control and crashing into the front of homes and we believe the 3 metre set-back in our case, situates our home way too close to the roadway especially as the turning point from Bremer Parade is situated right out the front of our block.

The proposed dwelling complies with all other aspects of the guidelines.

COMMENT

Council recently approved an amendment to the list of properties granted variations to the Beachridge Residential Design Guidelines.

This lot was not included in the listing as it is not an unusual shaped lot.

However the lot is unusual in that it directly aligns with the T junction of Bremer Parade.

The applicant has submitted a valid reason for permitting the variation and the proposal is recommended for approval.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 2 December and closed on the 18 December 2014.

One objection was received from Ardross Developments.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Beachridge Residential Design Guidelines

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

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

- Location plan (Doc Id:43441)
- Development Application (Doc Id:43442)
- Ardross submission (Doc Id:43686)
- Land owners submission (Doc Id:44670)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for the dwelling setback of 5.5m in accordance with the attached approved plans date stamped 19 November 2014 on Lot 763 Middleton Blvd, Jurien Bay subject to all development shall be in accordance with the attached plans date stamped 19 November 2014 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.

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 this approval has been granted special dispensation by Council for an increase in the front setback of the dwelling due to the unique nature of the lot being directly opposite a T junction.
- 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"

COUNCIL DECISION

Moved Cr Kent, seconded Cr Short



That Council refuse planning approval for the dwelling with a

setback of 5.5m as it does not comply with the Jurien Bay – Turquoise Coast, Residential Design Guidelines.

CARRIED 8 / 0

Council did not adopt the Officer Recommendation as the application did not comply with the Jurien Bay – Turquoise Coast, Residential Design Guidelines

9.4.2 DEVELOPMENT ASSESSMENT PANEL – COUNCILLOR NOMINATIONS

Location:	N/A
Applicant:	Department of Planning
File Ref:	Business Classification Scheme / Government Relations / State Liaison / State Government
Disclosure of Interest:	Nil
Date:	5 January 2015
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To consider a request from the Department of Planning to nominate two local government members and two alternate local government members to the Development Assessment Panel (DAP) due to the expiry of all current DAP members terms of appointment.

BACKGROUND

Correspondence has been received from the Department of Planning advising that current appointments of all local government DAP members expire on 26 April 2015.

Current members are:

Cr Lawrie Short and Cr Michael Sheppard
as DAP members

and

Cr Wayne Gibson and Cr Tim Bailey
as alternate DAP members

Nominations from Council for DAP members are required by 27 February 2015. Existing members may renominate.

In the event that more nominations are received than positions, a secret ballot will be taken.

COMMENT

DAP regulations prevent a DAP member from attending a meeting without first completing mandatory training. As soon as DAP

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members are appointed training will commence. DAP members who successfully complete the training are entitled to the payment of \$400 from the Department. Members who are not entitled to payment of sitting, training and DAP attendance fees include Federal, State and Local Government employees, active or retired judicial officers and employees of public institutions.

Council should be aware that failure to nominate a total of four names by the said due date, the Minister will appoint members from the community.

CONSULTATION

- Nil

STATUTORY ENVIRONMENT

- Part 11A of the Planning and Development Act 2005
- Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Correspondence from Department of Planning (Doc Id: 44259)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Kent

That Council resolves to advise the Minister for Planning that it nominates:

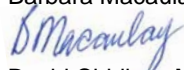

**Cr Lawrie Short and Cr Darren Slyns
as DAP members**

and

**Cr Judy Kulisa and Cr Kaye McGlew
as alternate DAP members**

CARRIED 8 / 0

9.4.3 PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE AND CARPORT) – LOT 235 YORK STREET, JURIE BAY

Location: Lot 235 York Street, Jurie Bay
 Applicant: Michael Chambers
 Folder Path: Development Services App / Development Application / 2014 / 52
 Disclosure of Interest: None
 Date: 8 January 2015
 Author: Barbara Macaulay, Planning Officer
 Signature of Author: 
 Senior Officer: David Chidlow, Manager of Planning
 Signature of Senior Officer: 

PROPOSAL

The applicant seeks planning approval for an outbuilding with a reduced rear and side setback and a skillion roof where the higher wall is not orientated away from the closest common boundary.

BACKGROUND

The applicant originally submitted plans for an outbuilding that exceeded Council Policy (a wall height of 3.9m and length of 15.27m). After discussion with Shire Officers the applicant has reduced the bulk and scale reducing the wall height to 3.5m and the length of the garage component to 9m on the northern side boundary and 6m on the western rear boundary.

The proposal is for a garage (64.4m²) with an attached carport (35.4m²) of a skillion roof construction inside the fence line. The garage has a wall height of 3.5m and wall length of 9m and 6m inside the side and rear boundary respectively. Attached to the garage is a carport with a height of 3.5m and length of 6m inside the rear boundary. The total roof area of outbuilding is 99.8m² and complies with Council Policy.

In accordance with clause 10 of the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy)

A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved:

- the higher end of the sloping wall is adequately screened from the roadside;
- the higher wall is orientated away from the closest common boundary/s;
- the skillion roof is pitched between the lesser wall span; and
- boundary setbacks are as per clause 7.

The applicant is seeking the following variations:

1. The location of the higher wall at the closest common boundary to allow stormwater to be drained towards the subject lot.

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2. A reduced setback to inside the fence line (a 1m setback is required).

COMMENT

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

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

Further to the R-Codes Design Principles, any variation to Council Policy is required to obtain comment from affected adjoining property owners and the proposal is to be determined by Council. The adjoining neighbours have been contacted and have no objection to the proposal.

Thus the two issues to be considered are:

1. Does the proposal detract from the Streetscape?
2. Does the proposal affect the visual amenity of residents or neighbouring properties?

The proposed outbuilding will abut a shed on the adjoining rear property and will be adequately screened from the side boundary by the establishment of mature trees on the adjoining side property. Due to these circumstances the proposal is recommended for approval as it is considered the proposal will not impact negatively on the streetscape or the visual amenity of the adjoining neighbours.

CONSULTATION

Adjoining affected property owners of 33 and 35 Cameron Street have signed the plans with no objection to the proposed outbuilding.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas

Outbuildings

1. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of Clause 3.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

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

2. 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.
3. 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.
4. Where a parapet/boundary wall is proposed (ie 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
5. This policy does not exempt compliance with all other requirements of the Residential Design Codes (2010) and any other policy of Council.
6. A wall height in excess of 3.6m (to a max. of 3.9m) to the top of a skillion or curved type of roof construction may be permitted at the discretion of the Shire Building department where the following criteria can be achieved:
 - the higher end of the sloping wall is adequately screened from the roadside;
 - the higher wall is orientated away from the closest common boundary/s;
 - the skillion roof is pitched between the lesser wall span; and
 - boundary setbacks are as per clause 7.

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: 44690)
- Site and Elevation Plan (Doc Id: 44689)
- Letter from Applicant (Doc Id: 44858)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council grant planning approval for the proposed Outbuilding (garage with attached carport) in accordance with the attached approved plans date stamped 18 December 2014 on Lot 235 York Street, Jurien Bay subject to:

1. All development shall be in accordance with the attached plans date stamped 18 December 2014 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 this approval has been granted special dispensation for reduced setback by Council due to being adequately screened by the existing development on adjoining lots (shed and mature trees).

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"

COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Kulisa

That Council grant planning approval for the proposed Outbuilding (garage with attached carport) in accordance with the attached approved plans date stamped 18 December 2014 on Lot 235 York Street, Jurien Bay subject to:

- 1. All development shall be in accordance with the attached plans date stamped 18 December 2014 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;**
- 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; and**
- 4. Removal of all structures as outlined in the proponents letter of application with a period of three years.**

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 this approval has been granted special dispensation for reduced setback by Council due to being adequately screened by the existing development on adjoining lots (shed and mature trees).



Note 5: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 8 / 0

The Officer Recommendation was not adopted due to condition number 4 being added to the motion.

9.4.4 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 594 DROSERA WAY, JURIE BAY

Location:	Lot 594 Drosera Way, Jurien Bay
Applicant:	K Marshall
Folder Path:	Development Services App / Development Application / 2014 / 90
Disclosure of Interest:	None
Date:	12 January 2015
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 for a proposed shed with two lean-to's attached.

BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 7m x 11.5m (80.5m²) with two attached carports measuring 4m x 11.5m (46m²) totalling 92m². The combined outbuilding and carport floor area will be 172.5m². The subject lot is located in the Beachridge area of Jurien Bay.

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy), the applicant is seeking the following variations:

3. All garages and carports shall not exceed a floor area of 40 m².

COMMENT

The proposal exceeds the floor area permitted for a carport.

The Council at its discretion can approve variations to the Policy.

The Council may consider applications for carports and garages that exceed the size limitations where the following criteria are, in the opinion of Council, satisfactorily addressed:

- a. the garage or carport is attached to and forms part of the adjoining dwelling;
- b. the garage or carport is situated under the roof line of the adjoining dwelling;
- c. the garage or carport is located at least 0.5m behind the

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- dwelling alignment (excluding any porch, verandah or balcony);
- d. the garage or carport will not have an impact on the streetscape or amenity of the area; and
- e. the garage or carport complies with any design guidelines adopted by Council.

The application does not comply with the Residential Outbuildings Policy or the Beachridge Design Guidelines and given the bulk and scale of the proposal, it is recommended the application be refused.

CONSULTATION

Notice of the proposed development was advertised to potentially impacted neighbouring landowners. One letter of objection was received from an impacted neighbour concerned about the overall size of the shed and lean-to and that the proposed structure is not within the guidelines of the Shires' Outbuildings Policy.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings 'Residential Areas

Outbuildings

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan and Development Application (Doc Id: 44865)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Kulisa

That Council refuse planning approval for the proposed Outbuilding and attached carports in accordance with the attached approved plans date stamped 24 November 2014 on Lot 594 Drosera Way, Jurien Bay for the following reasons:

- 1. the proposed development does not comply with Local Planning Policy 8.6 - Outbuildings 'Residential Areas' for as the carports exceeds the maximum floor area of 40m²;**
- 2. the proposed development detracts from the visual amenity of residents and neighbouring properties; and**
- 3. the proposed development does not comply with orderly and proper planning for the locality.**

ADVICE NOTES:

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

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

CARRIED 8 / 0

9.5 HEALTH

9.6 BUILDING

9.7 COUNCILLOR INFORMATION BULLETIN

9.7.1 SHIRE OF DANDARAGAN – DECEMBER 2014 COUNCIL STATUS REPORT

Document ID: 44789

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 18 December 2014. **(Marked 9.7.1)**

9.7.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JANUARY 2015

Document ID: 44767

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for January 2015. **(Marked 9.7.2)**

9.7.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2014

Document ID: 44303

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for December 2014. **(Marked 9.7.3)**

9.7.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2014

Document ID: 44448

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for December 2014. **(Marked 9.7.4)**

9.7.5 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – AMENDMENTS TO CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS 1997 – NATURE BASED PARKS

Document ID: 43744

Amendments to the *Caravan Parks and Camping Grounds Regulations 1997* (the Regulations) took effect from 1 January 2015. The Regulations were published in the Government Gazette on 12 December 2014.

A summary of the key amendments are outlined in the attachment. **(Marked 9.7.5)**

9.7.6 MAIN ROADS WESTERN AUSTRALIA – INVITATION FOR SUBMISSION, BRAND HIGHWAY PASSING LANES

Document ID: 43129

Increasing traffic movement in the northern corridor has prompted the construction of several passing lanes on Brand Highway. Works are to be constructed between:

- SLK 71.0 – 68.7 southbound
- SLK 79.7 – 81.5 northbound
- SLK 112.8 – 10.4 southbound
- SLK 113.6 – 116.3 northbound
- SLK 126.2 – 129.0 southbound
- SLK 160.3 – 163.9 northbound
- SLK 160.0 – 162.0 southbound

Attached to the agenda is a copy of the above mentioned

correspondence. **(Marked 9.7.6)**

9.7.7 WALGA LOCAL GOVERNMENT NEWS – ISSUE 48

Document ID: 43691

Inside this issue:

- WALGA Governance Manuals Move Online
- Vacancies on Boards and Committees
- Get Snap Happy With *Road Ribbon for Road Safety*
- Waste Local Law – Joint Standing Committee Report
- Call for Nominations – WARR Act Review Policy Forum
- New Threatened Flora and Fauna Notices
- Freight Policy Forum – Nominations Open
- Seeking Comment: Swan Region NRM Strategy

9.7.8 DISABILITY SERVICES COMMISSION – DISABILITY ACCESS AND INCLUSION PLAN PROGRESS REPORT 2012-2013

Document ID: 42984

The Disability Access and Inclusion Plan Progress Report 2012-2013 has now been published and is available on the Disability Services Commission's website:

<http://disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/>

9.7.9 LORD MAYOR'S DISTRESS RELIEF FUND – FIRE RISK MANAGEMENT

Document ID: 42816

"As Chair of the Lord Mayor's Distress Relief Fund and given that summer is fast approaching I felt it timely to write to remind your Council of the importance of fire risk management."

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.9)**

9.7.10 REGIONAL DEVELOPMENT AUSTRALIA – WHEATBELT WA NEWSLETTER

Document ID:

Inside this issue:

- RDA Wheatbelt farewells the Youth Connections team
- RDA Wheatbelt Initiatives
- Digital Action Plan
- Regional Children's Service Plan
- Youth Updates
- Government and Community News
- Grants and Opportunities

9.7.11 ROYAL AUTOMOBILE CLUB – REVIEW OF ROAD SAFETY GOVERNANCE IN WESTERN AUSTRALIA

Document ID: 44578

Attached to the agenda is a copy of RACs response to the *Review of Road Safety Governance in Western Australia (the Review)*, which was released for public comment in September. **(Marked 9.7.11)**

**9.7.12 WALGA – MUNICIPAL WASTE ADVISORY COMMISSION
INFORMATION BULLETIN – ISSUE 202**

Document ID:

Inside this issue:

- What's happening in Waste?
- Don't Mess with the Law
- HHW Hurdles
- Venture to the Verge
- Happy Birthday MWAC
- Donnybrook gets Organic
- Perfect Gift this Season

**9.7.13 HON KEN BASTON MLC – MEDIA STATEMENT –
RECREATIONAL FISHING FUND GRANTS OPEN**

Document ID:

Applications are now open for grants under the State Government's recreational fishing fund.

Fisheries Minister Ken Baston encouraged incorporated individuals, research institutions, government departments, clubs/organisations or community groups to register expressions of interests for Round 4 of the Recreational Fishing Initiatives Fund by February 8, 2015.

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

**9.7.14 ANNE WILKINS – WEST MIDLANDS GROUP – LIME ACCESS
AT SANDY CAPE**

Document ID:

"The WMG would like to acknowledge and thank the Shire of Dandaragan's great work to resolve the trucking issues for lime access at Sandy Cape."

**9.7.15 ABC NEWS – YUED ELDER CONFIDENT TURQUOISE COAST
NATIVE TITLE DEAL TO PROTECT ICONIC SITES**

Document ID:

"A traditional owner says he is confident a native title agreement with an oil and gas explorer and the Yued people will see culturally significant sites protected."

The agreement, over an area of land that stretches from Lancelin to Green Head in the Turquoise Coast district, has been formally acknowledged through a ceremony in Perth."

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.15)**

A copy of the agreement to be obtained for Council.

**9.7.16 WESTERN ROVERS CHAPTER OF CMCA – MOTORHOME
RALLY**

Document ID:

“The rally attracted 150 motorhomes containing 260 persons. It was a major success, without one complaint reported to us.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.16)**

9.7.17 ROYAL AUTOMOBILE CLUB – RAC RISKY ROADS SURVEY 2014

Document ID: 43458

RAC recently published the results of its Risky Roads survey.

The campaign received more than 5000 nominations from Western Australian motorists and road users and aims to increase public awareness around one of the key priorities for the RAC – road safety.

On hand is a copy of the Risky Roads Survey Results 2014.

9.7.18 MARINE PARK AND RESERVES AUTHORITY – 2013 / 2014 ANNUAL REPORT OF THE MARINE PARKS AND RESERVES AUTHORITY

Document ID: 43456

A copy of the above mentioned report is on hand.

9.7.19 WALGA – MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 203

Document ID:

Inside this issue:

- Consultation for 2015
- We Can Hardly Contain Our Excitement!
- Plastic Free Summer Festival
- Not a Waste Guidelines Released
- Litter Prevention Package
- 25 years of Clean Up Australia Day

9.7.20 SOUTH COAST NATURAL RESOURCE MANAGEMENT INC – PROJECT DIEBACK UPDATE

Document ID:

The final report on the Framework is on hand and was emailed to Councillors on Tuesday 13 January 2015.

9.7.21 WALGA – STATE COUNCIL SUMMARY MINUTES – DECEMBER 2014

Document ID:

Attached to the agenda is a copy of the above mentioned Minutes. **(Marked 9.7.21)**

9.7.22 TRONOX COOLJARLOO ENVIRONMENTAL MANAGEMENT PROGRAMME

Document ID: 43831

The above mentioned document was approved by the Office of Environmental Protection in May 2014 and is currently being implemented at the Mine site.

A copy of this correspondence was emailed to Councillors on Wednesday 14 January 2015.

9.7.23 WHEATBELT DEVELOPMENT COMMISSION – WHEATBELT AGED SUPPORT AND CARE SOLUTIONS REPORT

Document ID: 43460

The *Wheatbelt Aged Support and Care Solutions Report* is based upon a comprehensive and evidence based planning process that aims to identify innovative solutions to deliver aged care services across the Wheatbelt and allow older residents to remain in their community as their care needs change.

A full copy of the Report and other information related to age care initiatives can be found at www.wheatbelt.wa.gov.au.

9.7.24 WALGA LOCAL GOVERNMENT NEWS – ISSUE 49

Document ID: 44073

Inside this issue:

- Vacancies on Boards and Committees
- Breakfast with Sir Bob Parker
- Children and Young People Forum
- Parliamentary Review of Development Assessment Panels (DAPs)
- What's Happening in Waste?
- Built Environment Adaption Framework
- Free Online National Construction Code in 2015
- Exemption from Owner Signature on Building Permit Applications Extended
- Training
- 2015 ALGWA National Conference

9.7.25 JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION – INQUIRY INTO ACCESS TO AUSTRALIAN STANDARDS ADOPTED IN DELEGATED LEGISLATION

Document ID: 43375

The Parliament of Western Australia, Joint Standing Committee on Delegated Legislation has commenced an inquiry into access to Australian Standards adopted in delegated legislation.

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

9.7.26 STATE EMERGENCY MANAGEMENT COMMITTEE – WESTPLAN ANIMAL PLANT BIOSECURITY

Document ID: 43826

The Department of Agriculture and Food Western Australia has been assigned responsibility for Westplan – Animal and Plant Biosecurity and in accordance with SEMC Policy 2.2 Development and Review of State Emergency Management Plans, this plan is due for formal review. Westplan Animal and Plant Biosecurity details the strategic management arrangements for a Level 2 or 3 response to a significant agricultural animal or plant pest or disease incursion (Biosecurity incursion).

Westplan - Animal and Plant Biosecurity applies when a biosecurity emergency has occurred or is imminent within the State of Western Australia, or if an emergency has occurred in another State of Australia and it is likely to have a significant adverse impact on Western Australia.

A copy of this correspondence was emailed to Councillors on Thursday 15 January 2015.

9.7.27 WALGA ECO-NEWS – ISSUE 12

Document ID: 43974

Inside this issue:

- Habitat for Homes Trial Program
- Toodyay Wins Tidy Towns Awards
- Exotic Ant Found in Perth
- City Switch Annual Awards
- Quendas in the City of Perth
- Make Sure Your Council is a Waterwise Leader
- World's Rarest Marsupial Back from the Brink
- Town of Cambridge Making Repurposed Bins
- Perth Garden Festival's New Home for 2015
- What's happening in Waste?

9.7.28 MOORA FRAIL AGED LODGE INC – APPRECIATION FOR DONATION

Document ID: 43558

“On behalf of the Moora Frail Aged Lodge Committee Inc we would like to thank you for the donation of \$10,000 towards the funds for the Lodge Extension.”

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.28)**

9.7.29 MEG ROSSENRODE – RATES INCENTIVE PRIZE

Document ID: 43570

“Just to let you know I attended the WA Symphony Orchestra's performance of Tchaikovsky's Serenade in Fremantle on 30th November, which was second prize in the above.

It was delightful and I thank whoever selected this as my second prize, my daughter and I had a most enjoyable afternoon in Fremantle after the show.”

9.7.30 JURIE BAY DISTRICT HIGH SCHOOL – JURIE BAY COUNTRY WEEK DONATION

Document ID: 43707

“The Jurie Bay Country Week squad of 2014 would like to thank you for your generous donation. With the goods & money that was donated, we were able to subsidise the cost of the week by a substantial amount.”

9.7.31 WESTERN POWER – RECOVERY OF TAX ON CAPITAL CONTRIBUTIONS

Document ID: 43708

Western Power has been reviewing its process in relation to the recovery of taxation costs arising from capital contributions. Western Power has absorbed these costs to date, however, a review by the Economic Regulation Authority (ERA), as part of Western Power's Third Access Arrangement (AA3), concluded that it is more appropriate for these costs to be passed on to the customer who requested the work.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.31)**

9.7.32 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES – AMENDMENTS TO THE LOCAL GOVERNMENT (CONSTITUTION) REGULATIONS 1998

Document ID: 44119

Amendments to the *Local Government (Constitution) Regulations 1998* (the Regulations) were published in the Government Gazette on 12 December 2014 and took effect on the following day.

Attached to the agenda is a copy of the above mentioned circular. **(Marked 9.7.32)**

9.7.33 JURIE BAY DISTRICT HIGH SCHOOL – PRESENTATION ASSEMBLY DONATION

Document ID: 44116

“On behalf of all students, teachers and parents, I wish to thank you for making a donation towards our awards presentation.”

9.7.34 COMMONWEALTH MARINE RESERVES REVIEW UPDATE – CHAIRS' UPDATE DECEMBER 2014

Document ID: 43803

Inside this issue:

- Join the conversation
- Expert Scientific Panel
- Bioregional Advisory Panels
- What's new – submission open

9.7.35 DEPARTMENT OF SPORT AND RECREATION – COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) POLICY CHANGES

Document ID: 44851

The above mentioned program provides financial assistance to community groups and local governments to develop basic, sustainable infrastructure for sport and recreation. The program aims to increase physical activity and participation in sport and recreation and ensure the rational development of good quality, well designed and utilised facilities.

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.35)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JANUARY 2015

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

10.1 FINANCE

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 apply to the State Administrative Tribunal (SAT) to quash the rates imposed by the Shire for the 2014/2015 financial year which do not comply with the Local Government Act 1995 (LG Act) and subsequently apply to the Minister for Local Government to re-impose the non-compliant rates.

OFFICER RECOMMENDATION / COUNCIL DECISION



Moved Cr Kulisa, seconded Cr Short

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

To apply to the State Administrative Tribunal (SAT) to quash the rates imposed by the Shire for the 2014/2015 financial year which do not comply with the Local Government Act 1995 (LG Act) and subsequently apply to the Minister for Local Government to re-impose the non-compliant rates.

CARRIED 8 / 0

10.1.1 APPLICATION TO QUASH AND SUBSEQUENTLY REAPPLY GRV RATES

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Rates and Valuations / Rate Classifications / Residential
Disclosure of Interest:	N/A
Date:	21 January 2015
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 apply to the State Administrative Tribunal (SAT) to quash the rates imposed by the Shire for the 2014/2015 financial year which do not comply with the Local Government Act 1995 (LG Act) and subsequently apply to the Minister for Local Government to re-impose the non-compliant rates.

BACKGROUND

On 16 June 2014, the Shire applied to the Minister for Local Government for approval to impose differential general rates for

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GRV Vacant Residential land that was more than twice the lowest rate in the GRV category.

Following consideration by the Minister approval for a GRV Vacant Residential rate of \$0.1818 was approved.

Between the time of requesting approval and final adoption of rates, changes to the draft budget necessitated a small increase required to balance the budget.

The budget was adopted on 24 July 2014 imposing a GRV Vacant Residential rate of \$0.18231, \$0.00051 greater than the Minister's approval.

The Shire is now in receipt of a letter from the Department of Local Government that states;

"A subsequent review of the Shire's 2014/15 Annual Budget and minutes of the 24 July 2014 meeting when the budget was adopted indicates that the Shire has imposed a rate of \$0.18231; not the rate approved. In the Department's view GRV rates have therefore been unlawfully imposed."

COMMENT

Advice was sought from Mr Denis McLeod from McLeods Barristers and Solicitors on the best way to rectify this error, his response follows;

"In order to cure what is essentially a small problem, the Department considers the only course that is feasible is to have the GRV rates imposed by the Shire for 2014/2015 quashed by the SAT. A SAT application will need to be made pursuant to s.6.82 of the LG Act."

"Once the SAT has quashed the GRV rate, the Shire can seek the Minister's approval to impose the GRV differential rates at the levels which you in fact did in your 2014/15 budget, and when the Minister's approval is obtained, the Council at the next available Council Meeting would resolve to adopt the budget and impose the rate in accordance with the Minister's approval."

CONSULTATION

- Denis McLeod

STATUTORY ENVIRONMENT

6.33. Differential general rates

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.82. General review of imposition of rate or service charge

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- (1) Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved.
- (2) Subsection (1) does not enable a person to have a question relating to that person's own individual case resolved under this section if it could be, or could have been, resolved under section 6.76.
- (3) The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.

POLICY IMPLICATIONS

There are no policy implications relevant to this report.

FINANCIAL IMPLICATIONS

Should the proposed course of action be successful, there are no financial implications.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report.

ATTACHMENTS

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

- Letter from Department of Local Government (Doc Id: 45034)
- Letter from McLeods Barristers and Solicitors (Doc Id: 45482)

(Marked 10.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kulisa, seconded Cr Short

That Council instruct McLeods Barristers and Solicitors:

- 1. to make application to the State Administrative Tribunal under section 6.82 of the Local Government Act 1995 (LG Act) to quash the rates imposed by the Shire for the 2014/2015 financial year which do not comply with the LG Act; and**
- 2. to undertake all formalities necessary to obtain approval from the Minister for Local Government for the re-imposition of the non-compliant rates.**

CARRIED 8 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 JANUARY 2015

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 5.53pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date