



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 23 June** at the **Cervantes Motel, Cervantes** commencing at **5.00pm**.

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

*The format for the day is as follows:*

**9.00 am**                      **Strategic Planning Session**

**12.00 noon**                **LUNCH**

**Site inspection**

- **Ronsard Park – Ship outline**
- **Cervantes Yacht Club**

**Agenda Briefing Session**

**Councillor Discussion Session**

**Council Forum**

- 3.00 pm**                      - **NBN Presentation (Jane McNamara)**
- 3.30 pm**                      - **Dandaragan Water Group**
- 4.00 pm**                      - **Waves Amendment – Debbie Whiting – Attachment #1**
- **David Kent – Airfield alternate Report – Attachment #2**
- **Citizen of the Year Categories Review – Attachment #3**

**5.00pm**                      **Ordinary Meeting of Council**

**6.00pm**                      **Public Forum**

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

15 June 2016



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

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE CERVANTES MOTEL, CERVANTES**

on

**23 JUNE 2016**

**COMMENCING AT 5.00PM**

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



## ORDINARY COUNCIL MEETING

**23 JUNE 2016**

Welcome to the Ordinary Council Meeting of the Shire of Dandaragan.

Please be advised that the Ordinary Meeting of Council will be held on the following dates, times and venues:

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>MEETING VENUE</b>
Thurs	23 June 2016	5.00pm	Cervantes
Thurs	28 July 2016	4.00pm	Jurien Bay
Thurs	25 August 2016	4.00pm	Jurien Bay
Thurs	22 September 2016	4.00pm	Badgingarra
Thurs	27 October 2016	4.00pm	Jurien Bay
Thurs	24 November 2016	4.00pm	Cervantes
Thurs	15 December 2016	4.00pm	Jurien Bay
Wed	25 January 2017	4.00pm	Cervantes (AGM of Electors - 6.00pm)
Thurs	23 February 2017	4.00pm	Jurien Bay
Thurs	23 March 2017	4.00pm	Jurien Bay
Thurs	27 April 2017	4.00pm	Dandaragan
Thurs	25 May 2017	4.00pm	Jurien Bay
Thurs	22 June 2017	4.00pm	Jurien Bay

Public Forums commence immediately following the closure of the Council Meeting which is generally about 6.00pm.

Members of the public are most welcome to attend both the Council Meetings and the Public Forums.

**BY ORDER OF THE COUNCIL**

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



## **DISCLAIMER**

INFORMATION FOR THE PUBLIC ATTENDING A COUNCIL MEETING

**Please note:**

The recommendations contained in this agenda are Officers Recommendations only and should not be acted upon until Council has considered the recommendations and resolved accordingly.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils Decision.

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



## COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

*Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.*

*When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.*

*Council has prepared an appropriate form and Public Question Time Guideline to assist.*

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

**Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

**Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration should it be determined appropriate by the Chief Executive Officer.**

**The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).**

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Shire of Dandaragan Administration Centre and all four libraries as well as on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Shire of Dandaragan Libraries and on the website [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au) within ten (10) working days after the Meeting.

### NOTE:

### 10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

## SHIRE OF DANDARAGAN QUESTIONS FROM THE PUBLIC

The Shire of Dandaragan welcomes community participation during public question time as per the Shire of Dandaragan Standing Orders Local Law.

A member of the public who raises a question during question time is requested to:

- (a) provide a copy of his or her questions at least 15 minutes prior to the commencement of the meeting;
- (b) first state his or her name and address;
- (c) direct the question to the President or the Presiding Member;
- (d) ask the question briefly and concisely;
- (e) limit any preamble to matters directly relevant to the question;
- (f) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
- (g) each **member of the public** with a question is **entitled to ask up to 3 questions** before other members of the public will be invited to ask their questions;
- (h) when a member of the public gives written notice of a question, the President or Presiding Member may determine that the question is to be responded to as normal business correspondence.

The following is a summary of procedure and a guide to completion of the required form.

1. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
2. Questions must relate to a matter affecting the Shire of Dandaragan.
3. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Mayor or Presiding Member and therefore not considered.
4. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
5. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
6. When the President or presiding member calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, then ask the question.
7. Questions to be put to the President or presiding member and answered by the Council. No questions can be put to individual Councillors.
8. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** Questions not asked may still be submitted to the meeting and will be responded to by mail.
9. When you have put your question, resume your seat and await the reply. If possible, the President or presiding member will answer directly or invite a staff member with special knowledge to answer in his place. However, it is more likely that the question will have to be researched, in which case the President or presiding member will advise that the question will be received and that an answer will be forwarded in writing. Please note under NO circumstances, will the question be debated or discussed by Council at that meeting.
10. To maximise public participation only three questions per person will initially be considered with a time limit of 2 minutes per person. If there is time after all interested persons have put their questions the President or presiding member will allow further questions, again in limits of two per person.
11. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
12. Please ensure your form is submitted to the minutes secretary.

If you have difficulty in or are incapable of writing the question, Shire staff are available on request to assist in this task.

We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

**SHIRE OF DANDARAGAN**

**QUESTIONS FROM THE PUBLIC**

**Any member of the public wishing to participate in Public Question Time during Council or Committee meetings is welcome to do so, however, Council requires your name, address and written questions to be provided to the meeting secretary.**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact No: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Council Agenda Item No: \_\_\_\_\_  
*(if applicable, see below\*)*

Name of Organisation Representing: \_\_\_\_\_  
*(if applicable)*

**QUESTION:**

*Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings.*

**Please see notes on Public Question Time overleaf...**

- \* **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.
- \* **Council Meetings:** Questions are to relate to a matter affecting the Shire of Dandaragan.





**REGISTER OF FINANCIAL / IMPARTIALITY / PROXIMITY INTEREST  
RECORD OF DISCLOSURES MADE**

**NAME OF PERSON MAKING DISCLOSURE**

Surname: \_\_\_\_\_

Christian Names: \_\_\_\_\_

Date of Disclosure: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Council Meeting:                      Yes                      No                      (Please  
Circle)

or

Committee Meeting:                      Yes                      No                      (Please  
Circle)

Name of Committee: \_\_\_\_\_

Agenda Book Page No: \_\_\_\_\_ Item No: \_\_\_\_\_

Nature and Extent of Financial Interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Person Making Disclosure:

\_\_\_\_\_

Signature of Staff Recording Financial Interest:

\_\_\_\_\_

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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, statement or intimation occurring during this meeting.*

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

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

### **Members**

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

### **Staff**

Mr T Nottle	(Chief Executive Officer)
Mr I Rennie	(Deputy Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Manager Planning)

### **Apologies**

### **Approved Leave of Absence**

Councillor Judy Kulisa - 20 June 2016 through to 30 June 2016

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

Mr Steven Taylor on behalf of Cervantes Ground Water Protection Group raised the following questions.

- 1. Under its duty-of-care obligations has council requested or received baseline water testing results from the Warro sites prior to drilling or at any stage since?**

No, groundwater monitoring commenced in the Warro area in 2008. Monitoring of bores was expanded in 2011 to include multiple landholder and neighbouring landholders bores in vicinity of the Warro project. All of these groundwater monitoring bores are managed by the Department of Mines and Petroleum, not by the Shire of Dandaragan.

- 2. If this crucial testing is securely in place, can you please provide the results?**

The Shire of Dandaragan does not have these results, Latent Energy's groundwater monitoring results are provided to the appropriate landholders, the Department of Mines and Petroleum (DMP) and the Department of Water (DoW). If any landholders are concerned about their groundwater quality, DMP encourages them to contact Latent Energy directly.

- 3. Has council requested to be kept fully informed of all ongoing groundwater testing results from the Warro sites and any other proposed drilling locations?**

No, State Government regulators have a key role in ensuring drinking water is and remains safe, not the Shire of Dandaragan. The roles and responsibilities of government regulators with regards to shale and tight gas related activities is outlined in the Government of Western Australia's Guide to the Regulatory Framework for Shale and Tight Gas in Western Australia. This publication is freely available from the DMP website here:  
[http://www.dmp.wa.gov.au/Documents/Petroleum/WEB\\_Shale\\_and\\_Tight\\_Gas\\_Framework.pdf](http://www.dmp.wa.gov.au/Documents/Petroleum/WEB_Shale_and_Tight_Gas_Framework.pdf)

- 4. Has council ensured reliable air-quality testing for carcinogenic volatile organic compounds known to emanate from gas flaring operations?**

No, however the risks to nearby residents from air emissions have been risk assessed in the environmental assessment by DMP. In the case of recent well testing and flaring, the nearest residence is located over 4 kilometres away.

- 5. Does council have reliable emergency response procedures in place to deal with the many known and highly dangerous fracking industry accidents and misadventures?**

The Shire of Dandaragan may become involved depending on the level of response such as a road closure or access requirements. The DMP assesses the company's spill and emergency response plans (as part of an environment plan) which include various levels of response (ie company response up to State response). Environmental plan summaries are freely available from the DMP website here:  
<https://ace.dmp.wa.gov.au/ACE/Public/PetroleumProposals>

**6. Will council provide assurance the fracking industry will not be permitted to self-regulate in matters of environmental safety and water protection?**

This is not an assurance that the Shire of Dandaragan can give, as we do not control the permits or regulation of fracking activity. DMP has conducted many compliance inspections of the Warro well sites, which increase in frequency whilst activities are being undertaken. Government regulators will not approve petroleum activities where the risks are unacceptable.

**7. Can council please outline the process / procedure it has to reliably ensure the promised protection of our region's most valuable resource of uncontaminated high-quality groundwater?**

The Shire of Dandaragan does not monitor the groundwater in this area. The Environmental Protection Authority (EPA) has assessed the Warro project area in 2011, with public advice given. Multiple petroleum acts and regulations, Environmental Protection Act, Contaminated Sites Act, Rights in Water Irrigation Act, etc. ensure this project is robustly regulated and risks to the environment and public are managed and minimised. A comprehensive list of acts, regulations and penalties that apply to onshore petroleum activities is available in the Guide to the Regulatory Framework for Shale and Tight Gas in Western Australia.

**4 PUBLIC QUESTION TIME**

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**6 CONFIRMATION OF MINUTES**

**6.1 MINUTES OF THE ORDINARY MEETING HELD 26 MAY 2016.**

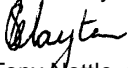

**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 CORPORATE & COMMUNITY SERVICES

### 9.1.1 ACCOUNTS FOR PAYMENT – APRIL 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	23 May 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

To accept the cheque and direct debit listing for the month of April 2016.

#### BACKGROUND

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

#### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for April 2016 totalled \$1,006,517.74 for the Municipal Fund

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque, EFT and direct debit listings for April 2016 (Doc Id: 67697)

**(Marked 9.1.1)**

VOTING REQUIREMENT



Simple majority

**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 April 2016 totalling \$1,006,517.74 for the Municipal Fund be accepted.**



## 9.1.2 ACCOUNTS FOR PAYMENT – MAY 2016

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	14 June 2016
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

### PROPOSAL

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

### BACKGROUND

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

### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for May 2016 totalled \$2,322,159.33 for the Municipal Fund

### CONSULTATION

- Chief Executive Officer

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Cheque, EFT and direct debit listings for May 2016 (Doc Id: 67799)

**(Marked 9.1.2)**

### VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**


**That the Municipal Fund cheque and EFT listing for the period ending 31 May 2016 totalling \$2,322,159.33 for the Municipal Fund be accepted.**

## **9.2 INFRASTRUCTURE SERVICES**

### 9.3 GOVERNANCE & ADMINISTRATION

#### 9.3.1 HERITAGE SURVEY OF RADAR STATION 48, NORTH HEAD, JURIEN BAY

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Recreation and Cultural Services / Programs / Heritage Protection
Disclosure of Interest:	Nil
Date:	2 June 2016
Author:	Michelle Perkins, Community Development Officer

Signature of Author:	
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

Signature of Senior Officer:	
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#### PROPOSAL

To receive the *Report on a heritage survey of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (April 2016)* by Heritage Consultant/Archaeologist Heritage Detection Australia.

#### BACKGROUND

The North Head survey site is located approximately 9km North of Jurien Bay town site. The remains of two (2) World War 2 (WW2) radar station bunkers are situated on coastal Reserve 19206 vested in the Shire of Dandaragan. Reserve 19206 was created as part of the removal of squatting shacks with the long term intention of transferring to Department of Parks and Wildlife, but to date, this has not been progressed. In addition, WW2 buildings associated with the radar camp site, including foundations, drains, building pads, and an underground tank are within the boundaries of private land Lot 8836. Shire staff received written approval from the Planner acting on behalf of the private landholder to include it in the archaeology survey. The whole survey site (particularly the bunkers themselves) is a popular campsite with locals and some visitors who use the access tracks running through sand dunes.

Following a brief report carried out in 2014 on the North Head Radar Station site by archaeologist Bob Sheppard from Heritage Detection Australia, it was established that a more intense survey could be carried out to determine the heritage values to create a conservation plan utilising National Trust guidelines.

A budget submission of \$5,500 was accepted for the 2015 / 2016 Shire of Dandaragan budget to undertake a three day preliminary survey including a pedestrian survey of the site at approximately 5m transects with all potential radar station related material to be recorded, photographed and mapped; creating a plan of the site and an aerial photo overlay created; undertaking historical research; and preparing a brief report.

#### COMMENT

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 JUNE 2016**

After consultation with both Shire Planning staff and the Department of Lands it is confirmed that rehabilitation of the bunkers at North Head is the Shire's responsibility. The bunkers are listed on the Shire's Municipal Heritage Inventory but are not State listed. The current state of the bunkers is very poor due to rubbish, erosion, graffiti, and 4WD use of nearby tracks and general lack of management of the area.

The local RSL group in Jurien Bay and Affiliate RSL Members from Cervantes have indicated to Shire staff of their desire to protect the site as it has important local WW2 heritage value.

The attached report to be received contains the outcome of the recent survey held in April 2016 and some recommendations for management and protection of the area.

**CONSULTATION**

- Deputy Chief Executive Officer
- Executive Manager Corporate & Community Services
- Heritage Detection Australia
- Dan Pearce – Principal, Roberts Day Planners
- Jurien Bay RSL Committee & Members
- Cervantes Affiliate RSL Member
- Erin Giuffre – Police Rangers Coordinator
- Shire of Dandaragan Facebook page
- Shire of Dandaragan Website
- Jurien Bay District High School

**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**

2015 – 2025 Strategic Community Plan

<b>GOAL 4: HEALTHY NATURAL AND BUILT ENVIRONMENT</b>	
<b>Objectives</b>	<b>How the Shire will contribute to these objectives</b>
4.4 Maintain and conserve significant cultural and built heritage	Manage and protect significant heritage places with a focus on Wolba Wolba Cottage and Bunkers at North Head (subject to further assessment) and capturing oral histories

**ATTACHMENTS**

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

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 JUNE 2016**

- Report on a Heritage Survey of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (Doc Id: 66326)  
**(Marked 9.3.1)**



**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council receive the *Report on a Heritage Survey of Radar Station 48, North Head, Jurien Bay for the Shire of Dandaragan (April 2016)* by Heritage Consultant / Archaeologist Heritage Detection Australia.**

### 9.3.2 DEPARTMENT OF LANDS - SOUTH WEST NATIVE TITLE SETTLEMENT – LANDBASED CONSULTATION

Location:	Shire of Dandaragan
Applicant:	Department of Lands
Folder Path:	Business Classification Scheme / Government Relations / Local and Regional Liaison / South West Aboriginal Land and Sea Council
Disclosure of Interest:	None
Date:	13 June 2016
Author:	Ian Rennie, Deputy Chief Executive Officer
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to consider a request from Department of Lands in regard to identification of Crown Land as part of the benefits package to be offered to the six claimant groups via the South West Aboriginal Land and Sea Council.

#### BACKGROUND

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

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

#### COMMENT

Six land parcels have been identified for consideration and Councils comments on each individual land parcel would be appreciated. Council has considered the issues at the Council Forum held 9 June 2016.

Attached to the agenda are aerial photographs indicating the various land parcels being considered in this process. These are listed as follows:

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

2. The area of the Regan's Ford Townsite that is currently undeveloped and west of the Brand Highway.
3. The area of Crown Land east of Harbour Drive and generally north of Seaward Drive in Jurien Bay.
4. The area of land east of Harbour Drive and generally north of (Item 3 above).
5. The area of land east of the Brand Highway within the Regan's Ford Townsite.
6. The area of Crown Land east of Indian Ocean Drive and located south of the freehold land owned by the Grigsons' on Cockleshell Gully Road.

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

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

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

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

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

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

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

It is suggested that an area of land immediately north of the existing development within the Regan's Ford Townsite be



excluded in order to allow for limited future development in the longer term.

**Area of Crown Land east of Harbour Drive and generally north of Seaward Drive in Jurien Bay.**

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

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

**Area of land east of Harbour Drive and generally north of (Item 3 above).**

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

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

**Area of land east of the Brand Highway within the Regan's Ford Townsite**

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

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

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

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

Staff don't see that Council should object to the proposed consideration as part of the South West Settlement.

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

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

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

At the time of finalisation of the Council agenda, no response has been received from the Department of Lands in regard to Councils queries.

**CONSULTATION**

Council at the Forum held 9 June 2016

STATUTORY ENVIRONMENT

- Land Administration Act 1997
- Land Administration (SW Native Title Settlement Act 2016)

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 are the following items relevant to this report:

- Aerial Photographs (Doc Id: 67341, Doc Id: 67342, Doc Id: 67343, Doc Id: 37344, Doc Id: 67345 & Doc Id: 67346)
- Email to Department of Lands (Doc id: 67841)

***(Marked 9.3.2)***

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

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

### 9.3.3 PROPOSED FIREBREAK NOTICE AMENDMENTS 2016 / 2017

Location:	Shire of Dandaragan
Applicant:	Shires of Dandaragan
Folder Path:	Business Classification Scheme / Emergency Services / Notifications / Fire Prevention
Disclosure of Interest:	None
Date:	13 June 2016
Author:	Rosalyn Edwards, Ranger

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

#### PROPOSAL

To consider amendments to the Firebreak Order to ensure an up to date and relevant document is utilised.

#### BACKGROUND

A review of the Annual Firebreak order has been conducted after consultation with the Community Emergency Services Coordinator, Senior Ranger and Chief Bush Fire Control Officer. It was agreed the Fire-Break Order lacked continuity, definition and it was agreed to reformat the Notice and add definitions in particular to building protection zone and low fuel zones.

It has also highlighted the need to ensure the Firebreak Order is issued as a new document annually to ensure its compliance is relevant with the latest changes to legislation.

The proposed firebreak notice was presented at the Council meeting held 26 May 2016. It was agreed to discuss the notice at the Council Forum 9 June 2016.

#### COMMENT

Cr Carey's provided useful feedback that will be incorporated into the document.

Cr McGlew provided a Dandaragan contractor details that will be added to the local contractors list.

Furthermore the Community Emergency Service Manager and Shire Ranger have contacted fire control officers and updated mobile phone numbers.

Listed below are the recommended changes. Attached to the agenda is the proposed Firebreak and Fuel Hazard Reduction Notice 2016 / 2017.

The previous document format had different property categories separated with harvesting operations etc. The titles were unclear and due to the format created confusion.

The Firebreak Order is now set out formally in order as per property categories e.g. Urban/Residential, Rural Residential, Rural and Plantation Lands. Definitions of standards have now been added for all relevant sections of the Notice. Images / diagrams have also been added to give a visual aid.

The regulatory changes are listed below and no other changes are considered necessary. ***Please note changes will appear in italic.***

**Page 1**

Title change from  
2015 / 2016 Firebreak Order to  
*2016 / 2017 Fire-Break and Fuel hazard Reduction Notice*

**Page 2**

*Added contents page to easily identify document information*

**Page 3 & 4**

*Change to important date  
Merging of dates previously found throughout the document e.g.  
restricted and prohibited burning times and camp fires*

**Page 5**

*Change to Giving Notice  
e.g. by order of the Shire of Dandaragan Chief Executive Officer  
and cancelling previous Notices*

**Page 6**

2015 / 2016  
Information found in previous document on page 9 titled Urban  
Land (All town sites)  
2016 / 2017  
*Changed to **Urban/Residential Land**, Fire Break and Fuel Hazard  
Reduction Notice (all gazetted town sites)*

No changes to requirements

**Page 7**

Title previously 2015 / 2016  
All other Non-Urban Land  
Information found in previous document on page 8

*Changed title to 2016 / 2017  
**Rural Residential Land**, Fire-Break and Fuel Hazard Reduction  
Notice, rural development properties 2,023m<sup>2</sup> (half acre) to 20  
hectares (50 acres)*

2015 / 2016

1. Clear a 3m wide firebreak (clear of all inflammable material)

with a vertical clearance of 4m high, clear of any obstructions (no hanging tree limbs or objects) immediately inside or as close as practical inside all external boundaries of the land to allow for the unobstructed movement of Fire Appliances

*New proposed 2016 / 2017*

1. *Clear a 3m wide firebreak with a vertical clearance of 4m high, clear of any obstructions (no hanging tree limbs or objects) immediately inside or as close as practical inside all external boundaries of the land to allow for the unobstructed movement of Fire Appliances.*

*In rural residential land, subject to erosion firebreaks can be slashed, however they MUST be maintained to a height less than 10cm.*

2015 / 2016

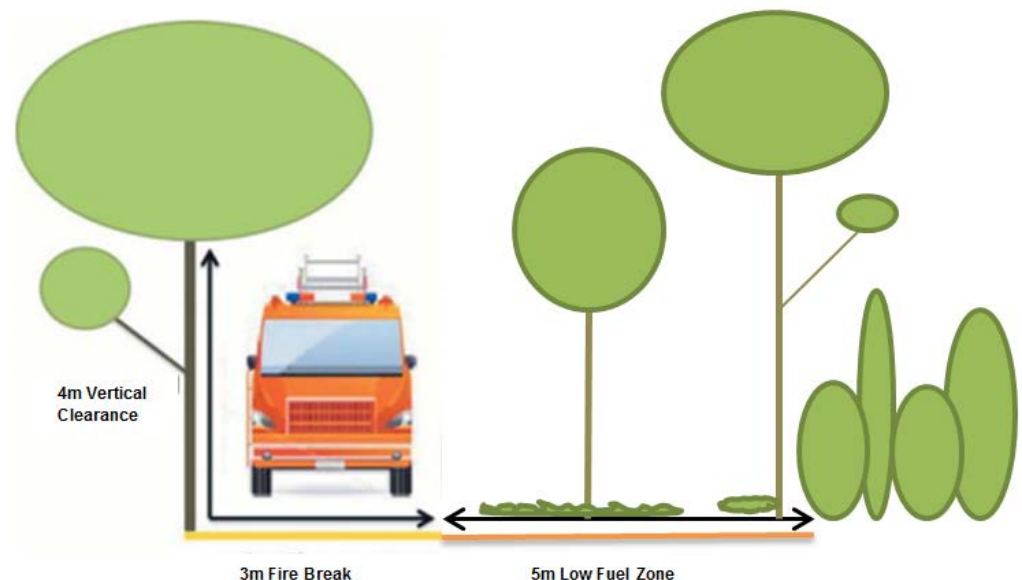
2. On heavily vegetated or grassed blocks, implement supplementary fuel reduction for a FURTHER 5m inside the firebreak. Subject to the satisfaction of Council's authorised officers.

*New proposed 2016 / 2017*

2. *On heavily vegetated or grass blocks a further 5m low fuel zone is required inside the 3m firebreak. Fuel is defined as any material such as grass, leaf litter, twigs, bark, logs, even live vegetation, that can be ignited and sustain a fire. Fuel loads must be less than 2 tonnes per hectare.*

**DEFINITION page 10**

*Low Fuel Zone - Means an area with low fuel. Fuel is defined as any material such as grass, leaf litter, twigs, bark, logs, even live vegetation, that can be ignited and sustain a fire. In the Low Fuel Zone fuel loads must be less than 2 tonnes per hectare*



2015 / 2016

3. Clear all inflammable material within 20m of all buildings to construct a 20m circle of safety. This can be maintained through domestic grass, mulch or slashed native grasses.

#### Building Protection Zone

Is a fire protection zone:

- in which all flammable material should be totally removed from the zone;
- which comprises an area with a minimum clearance distance in all directions from the walls of the buildings or structures of at least 20 metres on flat land, which is to increase in all directions by 10 metres for every 10 degrees increase in slope;
- which accommodates a turning area for a heavy duty fire vehicle; and
- which complies with the provisions of a local government adopted Fire Management Plan (FMP) or Local Planning Scheme (LPS) clause with respect to that property and the effect is such that the requirement under the FMP or LPS stipulates a greater area clear of flammable material or low fuel zone that required under part (b).

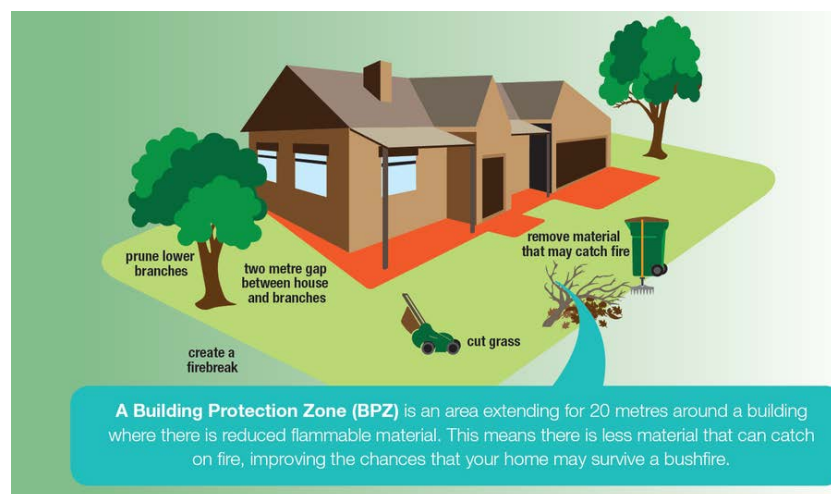
New proposed 2016 / 2017

3. *Clear a 20m Building Protection Zone around all habitable buildings*

#### DEFINITION

*Building Protection Zone – Means the area within a distance of 20 metres from a dwelling (As defined in the Residential Design Codes of WA and in AS 3959) that has a reduced bush fire fuel load, measured from the external walls within the boundaries of the lot on which the dwelling is situated.*

*Habitable (is defined page 11)*



*Building Protection Zones for habitable buildings must extend a minimum of twenty (20) metres out from any external walls of the*

*building, attached structures, or adjacent structures within six (6) metres of the habitable building.*

*On sloping ground the Building Protection Zone distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation;*

*Building Protection Zones must consist of non-flammable managed vegetation, reticulated lawns and gardens and other non-flammable features.*

*All grass in Building Protection Zones must be maintained to or under 5cm in height.*

*Fuel loads within Building Protection Zones must be maintained at 2 tonnes per hectare or lower.*

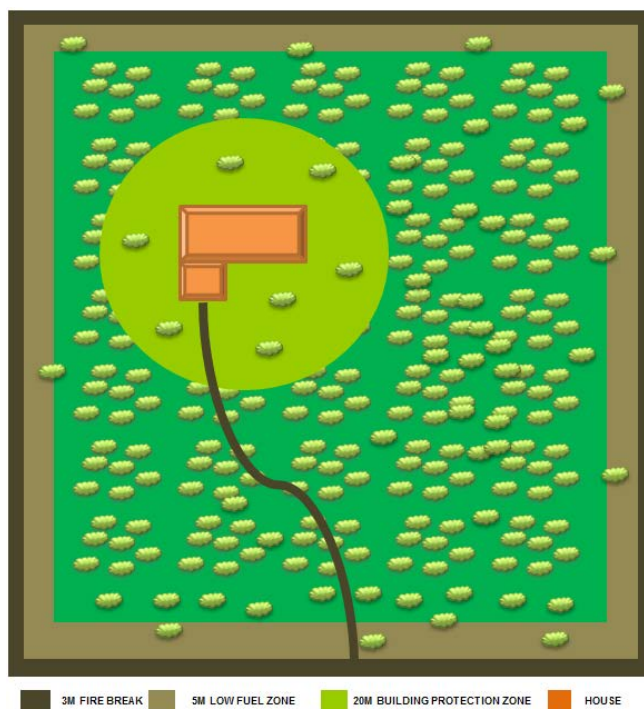
*Wood piles and flammable materials must be stored a safe distance from habitable buildings.*

*There must be no tree crowns or branches hanging over habitable buildings.*

*Trees are to be low pruned (or under pruned) to at least a height of two (2) metres from ground.*

*No tree, or shrub over two (2) metres high is to be within 2 metres of a habitable building.*

*Example of a Rural Residential Property*



## Page 8

Title previously 2015 / 2016  
Firebreak standards



Information found in previous document on page 5

*Changed title to 2016 / 2017*

**Rural Land, Firebreak and Fuel Hazard Reduction Notice**  
*properties 20 hectares (50 acres) or larger*

No changes to the following requirements

1. Clear a firebreak consisting of mineral earth, to a width of no less than 3m, as close as practical, inside the external boundaries of the property.
2. Fire-breaks must be maintained to provide a vertical clearance of a minimum 4m so as to allow adequate access for fire appliances.
3. Construct a 5m mineral earth firebreak immediately surrounding all fuel and chemical storage areas.
5. Areas cleared and piled for burning require a 20m mineral earth firebreak.

*New addition 2016 / 2017*

4. *Create a 2m mineral earth cleared area around all stationary pumps and motors*
6. *Clear a 3m mineral earth firebreak around all hay stacks and hay sheds.*

*These have been added as there have been a number of fires started in rural land that could have been prevented if these requirements were in place. Strongly supported by the Chief Bush Fire Officer*

2015 / 2016

4. Clear inflammable material within 20m of all dwellings to construct a 20m circle of safety. This can be maintained through domestic grass, mulch or slashed native grasses.

*New proposed 2016 / 2017*

7. *Clear a 20m Building Protection Zone around all habitable buildings. (See definitions page 11 & 12 for more information). Same changes as Rural Residential Building Protection Zone*

## **Page 9**

2015 / 2016

Previously titled Plantations information found on page 10

2016 / 2017

*Changed title to **Plantations, Firebreak and Fuel Hazard Reduction Notice***

No changes to  
Tree plantations of more than 3 hectares but less than 10 hectares

*Plantations larger than 10 hectares  
Added minimal requirements and a web link to DFES plantation guidelines*

Previous 2015 / 2016

Comply with the Code of Practice for Timber Plantations in Western Australia Guidelines for Plantation Fire Protection. A copy is available from the Shire of Dandaragan Administration Centre upon request.

*New proposed 2016 / 2017*

*Plantations established after the 30 November 1984 that exceed three (3) hectares in total area shall have a ten (10) metre wide firebreak completely surrounding the perimeter of planted trees. Each compartment of a plantation is limited to an area of less than thirty (30) hectares in size. Each thirty (30) hectare compartment shall have a ten (10) metre wide firebreak surrounding the planted trees. Furthermore all plantations shall comply with requirements contained in the Department of Fire and Emergency Services guidelines or standards for Plantation Fire Protection.*

*[http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireProtectionPlanningPublications/Guidelines\\_for\\_Plantation\\_Fire\\_Protection\\_2011\\_final.pdf](http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireProtectionPlanningPublications/Guidelines_for_Plantation_Fire_Protection_2011_final.pdf)*

#### CONSULTATION

- Deputy Chief Executive Officer
- Community Emergency Services Coordinator
- Chief Bush Fire Control Officer
- Senior Ranger
- Council at the Forum on 9 June 2016

#### STATUTORY ENVIRONMENT

##### ***Bush Fires Act 1954***

#### **33. Local government may require occupier of land to plough or clear firebreak**

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to

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commence to do at a time so specified all or any of the following things -

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land firebreaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the firebreaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so -

as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

**POLICY IMPLICATIONS**

Shire of Dandaragan Policy 3.2 FIREBREAK ORDER

**FINANCIAL IMPLICATIONS**

The Shire of Dandaragan will be responsible for the costs associated with the advertising and printing the FireBreak and Fuel Hazard Reduction Notice.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

**ATTACHMENTS**

- Proposed Firebreak and Fuel Hazard Reduction Notice 2016/2017 (Doc Id: 67808)  
**(Marked 9.3.3)**

**VOTING REQUIREMENT**



Simple majority

**OFFICER RECOMMENDATION**

**That Council agrees to adopt the proposed changes to the Firebreak and Fuel Hazard Reduction Notice 2016 / 2017 (Doc Id: 67808)**

### 9.3.4 DEPARTMENT OF PLANNING– GINGIN TO KALBARRI SUB-REGIONAL PLANNING STEERING GROUP – NOMINATION OF AVON-MIDLAND ZONE REPRESENTATIVE

Location:	Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Government Relations /Meeting / Representatives
Disclosure of Interest:	Nil
Date:	13 June 2016
Author:	Julie Rouse, Executive Secretary

Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to consider the endorsement of the nomination of the President, Cr Holmes for a vacancy on the Gingin to Kalbarri Sub-Regional Planning Steering Group.

#### BACKGROUND

In Issue 17 of WALGA's Local Government News (dated Friday, 6 May 2016), all local governments were advised that nominations were being sought for two vacancies on the newly-formed Gingin to Kalbarri Sub-Regional Planning Steering Committee.

This matter is presented to Council for consideration

Membership of this body is considered to be of particular interest or advantage to the Shire of Dandaragan.

#### COMMENT

WALGA has provided the following information in relation to the nature and purpose of the Gingin to Kalbarri Sub-Regional Planning Steering Group.

*The purpose of this terms-of-reference is to provide a governance structure to enable the 'Gingin to Kalbarri Sub-regional Planning Steering Group ("the Steering Group") to guide the preparation of the 'Gingin to Kalbarri Sub-regional Planning Strategy'.*

*On 27 October 2015 the Western Australian Planning Commission resolved to request that the Department of Planning commence preparation of a Sub-Regional Planning Strategy for the Central Coast (Gingin to Kalbarri) ("the Strategy").*

*The WAPC has identified a range of issues that are consistently experienced throughout the coastal area from Gingin to Kalbarri, particularly in the coastal settlements, including growth pressure, coastal inundation, protection of biodiversity and bushfire planning.*

*The primary aim of the Strategy is to manage and plan for coastal growth along the Indian Ocean coast from the northern boundary of the metropolitan region to Kalbarri.*

*The Strategy is intended to assist Local Governments to implement State strategic issues in a sub-regional context; assist decision making and; inform local planning documents such as local planning strategies and schemes.*

*Defining the Strategy area requires the consideration of the Steering Group.*

*The Steering Group is not a committee or subcommittee of the Western Australian Planning Commission as it is not constituted under Schedule 2 of the Planning and Development Act 2005.*

*The Steering Group is responsible to undertake certain functions and powers of the WAPC, as provided for in the Planning and Development Act 2005.*

*The Steering Group will seek consensus advice on project work. Decisions and main issues of discussion will be noted in minutes.*

*The Steering Group will run for the duration of the project, or until dissolved by the Western Australian Planning Commission.*

The membership of the Committee will be as follows:

- Western Australian Planning Commission – Chair
- Western Australian Planning Commission - Member
- Mid-West Development Commission - Member
- Wheatbelt Development Commission - Member
- WALGA Avon Midland Country Zone - Member
- WALGA Northern Country Zone - Member
- Department of Planning – 4 Members

At this point in time it is anticipated that the Steering Group will meet at critical stages of the Strategy development process, including (but not limited to):

- Inception and project definition;
- Consideration to advertise Strategy; and
- Consideration to approve Strategy.

Best endeavours will be made to schedule, as a minimum, one meeting in each of the relevant WALGA Zones (possibly in Geraldton and Gingin). In the event that a meeting is not scheduled for a regional location then it will be held in the Department of Planning's Perth office.

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No sitting fee will apply to membership of this body.

Nominations closed at 5.00pm on Monday, 13 June 2016 so this report seeks Council's endorsement retrospectively for the President to submit a nomination for a position on this Steering Group Committee.

The Shire of Gingin has nominated their Deputy President, Cr I Collard for the same position.

**CONSULTATION**

- West Australian Planning Commission
- President Cr Holmes
- Chief Executive Officer
- Deputy Chief Executive Officer

**STATUTORY ENVIRONMENT**

- *Planning and Development Act 2005* - Part 2 – The Western Australian Planning Commission

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications relevant to this item.

**STRATEGIC IMPLICATIONS**

2015 – 2025 Strategic Community Plan

<b>GOAL 5: PROACTIVE AND LEADING LOCAL GOVERNMENT</b>	
<b>Objective</b>	<b>How the Shire will contribute to these objectives</b>
5.1 High Performing Council of the Shire of Dandaragan's current Strategic Community Plan	Nominate Council delegates to key Associations.

**ATTACHMENTS**

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

- Terms of Reference (Doc Id: 67721)


**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council endorse the nomination of President, Cr Leslee Holmes to fill the vacancy currently existing on the Gingin to Kalbarri Sub-Regional Planning Steering Group for a member of the Avon Midland Country Zone.**

### 9.3.5 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:	3 June 2016
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 Transfer of Land document relating to the sale of Lot 3 Dandaragan Road, Dandaragan, Diagram 58543, Volume 1555 Folio 386; and
- the Lease Agreement of Aircraft Hangar at Cervantes Airstrip between the Shire of Dandaragan and Brian Francis White.

#### BACKGROUND

The Shire of Dandaragan's common seal is applied in circumstances where the Shire is selling the property located at Lot 3 Dandaragan Road, Dandaragan. Diagram 58543, Volume 1555 Folio 386, and the leasing of an aircraft hangar at the Cervantes airstrip to Mr Brian Francis White.

Application of the seal in all instances 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 and in this instance relates to Items 230, 231 and 232 within the Shire of Dandaragan's Seal Register.

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

#### COMMENT

Not applicable

#### 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**


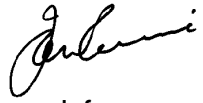
**That Council authorise the President and Chief Executive Officer to execute the relevant documentation and endorse the affixing of the Shire of Dandaragan's Common Seal to:**

- **the Transfer of Land document relating to the sale of Lot 3 Dandaragan Road, Dandaragan Diagram 58543, Volume 1555 Folio 386); and**
- **the Lease Agreement of Airport Hangar at Cervantes Airstrip between the Shire of Dandaragan and Mr Brian Francis White.**



## 9.4 DEVELOPMENT SERVICES

### 9.4.1 PLANNING APPLICATION – PROPOSED OUTBUILDING WITH NIL SETBACK – LOT 76 PADBURY STREET, JURIE BAY

Location:	Lot 76 Padbury Street, Jurien Bay
Applicant:	Swan Aussie Sheds on behalf of T & M Brodie
Folder Path:	Development Services App / Development Application / 2016 / 24
Disclosure of Interest:	None
Date:	31 May 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

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

#### BACKGROUND

The proponent has submitted a proposal to construct an 81.2 m<sup>2</sup> outbuilding with a nil setback (described by the applicant as "on boundary inside fence line"). The proposed wall height on the nil setback boundary is 3.6m and length 11.5m.

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

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

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

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

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

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

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

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

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

#### COMMENT

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

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

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

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

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

#### CONSULTATION

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

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

#### POLICY IMPLICATIONS

- Local Planning Policy 8.5 – Outbuildings 'Residential Areas'

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### Outbuildings

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

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

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

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

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location plan (Doc Id: 67525)
  - Plans (Doc Id: 67526)
  - Image of site area and adjoining structures Doc Id: 67527)
- (Marked 9.4.1)**

#### VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

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

- 1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;**
- 2. the proposed development does not comply with Local Planning Policy 8.6 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height for the applied for setback;**
- 3. the proposed development detracts from the visual amenity of residents and neighbouring properties; and**
- 4. the proposed development does not comply with orderly and proper planning for the locality.**

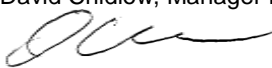
**ADVICE NOTES:**


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

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

### 9.4.2 ADVERTISING PROPOSED LOCAL DEVELOPMENT PLAN - SCHEME AMENDMENT NO.21- LOT 62 ROBERTS STREET, JURIE BAY

Location: Lot 62 Corner Roberts and Heaton Streets  
 Applicant: Burgess Design Group on behalf of Carl Aloï  
 Folder Path: Business Classification Scheme / Land Use Planning / Planning / Planning Scheme/ Amendment 7.21 – Lot 62 Roberts Street

Disclosure of Interest: None  
 Date: 1 June 2016  
 Author: David Chidlow, Manager Planning  
 Signature of Author: 

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

#### PROPOSAL

The Council is in receipt of a request to advertise a proposed Local Development Plan (LDP) for Lot 62 Roberts Street, Jurie Bay (Bluewave site). It is a requirement of Scheme Amendment No.21 that a LDP be approved by the Local Government.

#### BACKGROUND

Scheme Amendment No.21 was approved by the Minister for Planning on 3 September 2015.

Council at the Forum held on 14 April 2016 discussed a draft LDP for Lot 62 Roberts Street.

One of the requirements of Scheme Amendment No. 21 (the Bluewave Development site at lot 62 Roberts Street) is to prepare a Local Development Plan (LDP). Condition 2 of the Scheme Amendment is reproduced and discussed below. Comments have been amended in line with the discussions at the Council Forum in April.

*Condition 2. Development of the land shall be in accordance with a Local Development Plan (LDP) adopted by the local government. The LDP should provide sufficient information to address the requirements of the Scheme and the following:*

Scheme Amendment Requirements	Provided	Comment
(i) the staging of development;	Section 3.6 of the plan indicates that stage one will consist of the development of the Motel and ancillary uses. Timing for all other development will be subject to development and market conditions.	Council is keen to see the Hotel site developed as a priority.

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(ii) the staging of land tenure changes;	Does not appear to be covered in the LDP	The applicant is to provide advice on the staging of the land tenure prior to final adoption by Council.
(iii) provision of public, communal and private open spaces and landscaping on the site;	Covered by section 3.2.2 of the LDP	Satisfactory Note – Council will require the applicant for each DA to ensure that the whole site is landscaped and maintained, thereby avoiding the problem of partial development and unsightly earthworks, especially given the location.
(iv) provision of public access to areas of high amenity within or adjoining the site;	Covered by section 3.2.2 of the LDP	Satisfactory
(v) unrestricted access to the Jurien Bay Foreshore area;	Covered by section 3.2.4 of the LDP	Satisfactory
(vi) a connection between Heaton and Sandpiper Streets that incorporates a street of a minimum width of 11 metres along the north eastern boundary of the site;	Covered by section 3.2.4 of the LDP	Satisfactory
(vii) the integration of the realigned Heaton Street road reserve into the overall site;	Covered by section 3.2.4 of the LDP	Satisfactory
(viii) utilisation of the western portion of the site (divided by the realignment of Heaton Street) for hotel accommodation and associated ancillary uses;	Covered by section 3.1 of the LDP.	Satisfactory
(ix) demonstration that the design and scale of any residential component within the site is subsidiary to the tourism component such that the tourism component remains dominant;	Covered by section 3.1 of the LDP.	Satisfactory
(x) demonstration that the residential accommodation is to be concentrated in an	Covered by section 3.1 of the LDP.	Satisfactory

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area of the site and located to provide a transition between tourist development and surrounding residential uses;		
(xi) how areas of the site that provide the highest tourist values will be retained predominantly for tourist purposes and not permanent residential units;	Covered by section 3.1 of the LDP.	Satisfactory
(xii) the integration of facilities associated with tourist accommodation such as recreation (e.g. pools, gymnasium, function space), entertainment facilities (e.g. food and beverage facilities) and management facilities into the tourist resort;	Covered by section 3.5 of the LDP.	Council may want to sign off on any management plans that address this item.
(xiii) the integration of the management and use of recreation and amenity facilities associated with permanent residential accommodation into the tourist resort;	Covered by section 3.5 of the LDP.	Council may want to sign off on any management plans that address this item.
(xiv) evidence that the proportion of permanent residential accommodation units relative to the total number of accommodation units on the site will be equal to or less than 45%;	Covered by section 3.1 of the LDP.	Satisfactory
(xv) demonstration that the non-tourist developments (such as commercial, office, retail, reception centre, restaurant) will not detract from the main Jurien Bay commercial centre and will form an integrated part of the tourist resort;	Covered by section 3.1 of the LDP.	Satisfactory
(xvi) evidence that physical processes setback are in accordance with State	Covered by sections 3.3 and 3.4 of the LDP	Noted that the Shire will have its own coastal process mapping in the

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Planning Policy 2.6 Coastal Planning Policy;		near future that will supplement the implementation of a CHRMAP.
(xvii) consideration of the visual impacts of proposed structures on views from the Jurien Bay Marine Park and from the land and associated height limitations;	Covered by section 3.2.1 of the LDP.	Satisfactory.
(xviii) traffic management for the site, including the provision of car parking, vehicle access and circulation, loading and unloading areas, storage yards and rubbish collection closures, pedestrian access and walkways within and from the site; and	Covered by section 3.2.5 of the LDP.	Satisfactory. Addressed in the plans.
any other relevant matter, which the local government considers to be warranted to ensure properly and orderly planning of the site.	Opportunity for Council to add any additional planning considerations ?	?

**COMMENT**

The Local Development Plan should be read in conjunction with the Scheme Amendment conditions as the LDP is only one component of the list of requirements to be fulfilled by the developer.

Essentially the LDP is the same plan as has already been approved by Council as a planning approval and as part of the Scheme amendment.

At this stage the Council is being asked to advertise the draft Local Development Plan. Following advertising a schedule of submissions will be prepared and the matter brought back to the Council for any changes following the advertising process. Council has the opportunity to make changes to the document prior to approving and may also make later changes to the LDP once approved if required.

Once approved the document must be advertised on the Council website.

**CONSULTATION**



Scheme (Deemed provisions) requirements for consultation.

- (2) The local government must advertise the local development plan in one or more of the following ways —
  - (a) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (c) by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (d) by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (3) Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.
- (4) The local government —
  - (a) must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
  - (b) may publish the local development plan and the material accompanying it on the website of the local government.  
Council may choose to advertise with any or all of 2 (a) to (d) above.

Given the extensive advertising undertaken for the Scheme amendment and the fact that the LDP does not vary with what has already been extensively advertised, it is recommended that Council advertise under 2 (b) and (c) and 4 (b) above (newspaper and website for 14 days).

### STATUTORY ENVIRONMENT

Scheme Amendment No.21 to Local Planning Scheme No.7  
Local Planning Scheme No.7 and Deemed provisions of the  
Planning and Development (Local Planning Schemes) Regulations  
2015.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

Applicant will be required to pay a fee based on cost recovery for  
staff time and advertising expenses to be finalised once the  
process is completed.

### STRATEGIC IMPLICATIONS

There is a need for Lot 62 Roberts to be a highly intensive  
development for a tourism use, given its strategic location. The  
approved development for Lot 62 is focused on tourism as a land  
use, conforming to the objectives of the Tourism Planning Strategy  
and Jurien Bay Town Centre Plan.

### ATTACHMENTS

#### ATTACHMENTS

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

- Draft Local Development Plan (Doc Id: 65110)
- Scheme Amendment No.21 text. (Doc Id: 58849)

**(Marked 9.4.2)**

### VOTING REQUIREMENT



Simple majority

### **OFFICER RECOMMENDATION**

**That Council:**

**Advertise proposed Local Development Plan for lot 62  
Roberts Street, Jurien Bay by publishing a notice of the  
proposed plan in a newspaper circulating in the Scheme area  
and on the Council website including a statement that  
submissions may be made to the local government by 12  
August 2016.**

### 9.4.3 PROPOSED WORKFORCE ACCOMMODATION (BACKPACKERS) – LOT 2991 WOODBINE ROAD, REGANS FORD

Location:	Lot 2991 Woodbine Road, Regans Ford
Applicant:	P & J Ash
Folder Path:	Development Services App / Development Application / 2016 / 33
Disclosure of Interest:	None
Date:	2 June 2016
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant is seeking planning approval to construct and use two transportable units for workforce accommodation (8 Rooms total) to house itinerant workers.

#### BACKGROUND

Applicant proposes to locate two transportable units measuring 14.4m x 3.3m with 4 bedrooms each with private bathroom to each room. The transportable units will be separated by a verandah.

The transportable units will be located in proximity to the existing dwelling and sheds forming a cluster of buildings. Lot 2991 comprises an approximate land area of 40.5 ha.

The proposed structures are within the DFES Bushfire prone area mapping and a Bushfire Attack Level (BAL) has been carried out on the property by an accredited assessor with a resultant BAL of 12.5, which means that there is no requirement for the applicant to address bushfire protection criteria with the aim of achieving BAL-29 or less. There will however be Building Code of Australia permit requirements to be complied with for the BAL of 12.5

The term backpackers can loosely be used to describe either tourists or itinerant workers. The applicant intends to use the units primarily for the purpose of workers accommodation.

#### COMMENT

The subject land is currently zoned 'Rural' under the Shire's Local Planning Scheme No. 7 (LPS7). The adjoining land uses are also zoned 'Rural'.

There is no use class listed in the Shire of Dandaragan Local Planning Scheme No.7 for workforce accommodation, however the Model Scheme Text which forms part of the Planning and Development (Local Planning Schemes) Regulations 2015 provides the following standard definition.

**workforce accommodation** means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

The proposed facility is a use not listed under the LPS7 Zoning Table. As a use not listed, in accordance with Clause 3.4.2 of the Scheme, Council is to either:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted;*

The objectives set out in the Scheme for the Rural zone is as follows:

*“to provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.”*

Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions

In considering an application for development approval the local government is to have due regard to matters that are considered relevant as set out in Regulation 67 of the deemed provisions

The following matters have been assessed as relevant and are briefly discussed.

- (c) any approved State planning policy;  
SPP 2.5 Land Use Planning in Rural Areas – this proposal is not a significant development that would call in requirements of SPP 2.5.
- (g) any local planning policy for the Scheme area;  
Local Planning Strategy – Rural Land Use and Rural Settlement. – the proposal for rural workers accommodation is supported by this policy
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not

limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

There is no significant impact on adjoining properties due to the location and setbacks from boundaries.

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

(i) environmental impacts of the development;

There is a requirement that effluent disposal systems not be located within 100m of a watercourse.

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;

The only likely impact is from effluent disposal and this can be negated by ensuring a minimum distance to watercourse as discussed above.

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

Not considered necessary as the units will be located on cleared land and the owner wished to retain existing trees nearby.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

The subject property borders the Moore River. Additional conditions of approval will require the development to be constructed above the 100 year floodplain.

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

There will be minimal impact on traffic due to the scale of the project being relatively minor.

(y) any submissions received on the application;

The proposal was advertised, there were no submissions received.

The Shire's Rural Local Planning Strategy (Strategy) is the only relevant plan for such a proposal which supports the development as stated section 8.1.5 of the Strategy:

#### 8.1.5 Workers' Accommodation in Rural Areas

As the agricultural activities diversify and costs increase for travel, etc. there is a growing interest in providing on-site accommodation for managers, full-time, part time and seasonal workers working on the property. Many Schemes support this activity and some have restrictions on numbers and location of workers' accommodation. It is very difficult to try to anticipate the range of uses and

scenarios which could justify requiring workers' accommodation and the associated planning and design requirements.

#### Strategy

That Council supports the use of workers' accommodation on the properties on which they work in the rural area but each application must be assessed on its individual merits. Development conditions would be imposed based upon:

- (a) providing suitable access to the property;
- (b) the availability of services and infrastructure;
- (c) being able to avoid or manage any potentially adverse impacts including not creating any conflict with adjoining land use activity;
- (d) the preference to cluster these uses on the property; and
- (e) Council will not support the use of workers accommodation to justify a future application to subdivide the facilities developed for this purpose.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on the 17 June 2016.

No objections have been received.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7.
- Local Planning Strategy – Rural Land Use and Rural Settlement.
- Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions

#### POLICY IMPLICATIONS

- State Planning Policy 2.5 Land Use Planning in Rural Areas.

#### FINANCIAL IMPLICATIONS

The applicant has paid an application fee of \$256.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement.

#### ATTACHMENTS

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

- Location plan (Doc Id: 67546)
- Plans (Doc Id: 67547)

**(Marked 9.4.3)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council:**

- A. determine that the use “Workforce Accommodation” is consistent with the objectives of the “Rural” zone and is therefore permitted under section 3.4.2 of the Shire’s Local Planning Scheme No. 7**
  
- B. grant planning approval for the proposed Workforce Accommodation (backpackers) comprising two transportable units measuring 14.4m x 3.3m and associated verandah at Lot 2991 Woodbine Road, Regans Ford in accordance with the attached approved plans date stamped 10 May 2016 subject to:**
  - 1. All development shall be in accordance with the attached plans date stamped 10 May 2016 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
  - 2. A sufficient potable water supply is to be provided in accordance with drinking water and health guidelines to service the maximum occupancy capacity of accommodation units.**
  - 3. Land owner is to comply with the requirements set out in the Bushfire Attack level (BAL) assessment for the subject property.**
  - 4. Waste water disposal system (Leach drains) are not to be located within 100m of the watercourse (Moore river).**
  - 5. The transportable accommodation units and waste water disposal system are to be located outside of the 100 year floodplain and constructed with a FFL at least 300mm above any potential flood land.**
  - 6. Access and egress to the subject site from Woodbine road and any road works shall be located and constructed to the satisfaction of the Executive Manager Infrastructure and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent;**
  - 7. The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of :**
    - Transportation of materials, goods and commodities to and from the premises;**
    - Appearance of any buildings, works and materials; and**
    - The emission of noise, vibration, dust, wastewater, waste products or reflected light;**

**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. There will be a requirement for interconnected smoke alarms and fire extinguishers in accordance with the BCA and associated Australian Standards.

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

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

**Note 4:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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



## 9.5 COUNCILLOR INFORMATION BULLETIN

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

Document ID: 67305

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 26 May 2016. **(Marked 9.5.1)**

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

Document ID: 66731

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

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

Document ID: 67470

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

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

Document ID: 67304

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

### 9.5.5 HON TONY SIMPSON MLA – MEDIA RELEASE – SHARED SERVICES FOR COUNCILS A STEP CLOSER

Document ID: 67090

Local Government Legislation Amendment Bill passes the Legislative Assembly. Local governments to band together to share provision of services.

Mr Tony Simpson said the Local Government Legislation Amendment Bill introduces a new model which will enable two or more local governments to form a subsidiary body, in order to deliver a joint service or activity. *“An important focus of the legislation changes is reducing red tape for local governments. By creating a model for a legal entity which will have fewer compliance obligations than current arrangements, local governments will be able to deliver services more efficiently and at a lower cost”.*

### 9.5.6 WALGA – LOCAL GOVERNMENT NEWS – 20 MAY 2016 – ISSUE 19

Document ID: 66974

In this issue:

- 2016 AGM Motions
- 2016 Local Government Convention
- Vacancies on Boards and Committees
- NAMN Forum: Recruiting and Retaining Volunteers for Natural Area Management

- 2016 National General Assembly
- Training

Mailbag

- InfoPage: Legal Advice on Instant Start

#### **9.5.7 REGIONAL ACHIEVEMENT & COMMUNITY AWARDS**

Document ID: 67099

The Western Australian Regional Achievement and Community Awards have been launched for 2016 and I write to seek your support to help promote the call for nominations in your local area.

Attached to the agenda is the full correspondence and media release (**Marked 9.5.7**)

#### **9.5.8 WALGA – ROADWISE ROAD SAFETY NEWSLETTER – MAY 2016 – ISSUE 17**

Document ID: 67113

In this issue:

- Celebrating the RoadWise Network
- Kalgoorlie-Boulder *Share Our Roads* campaign
- Embracing Road Safety Week
- Carnarvon RoadWise hits Facebook
- Child car restraint update
- Wheatbelt embraces the *Belt Up* message
- Rockingham *Have a Go Day* promotes child car restraints
- Slow down and enjoy the ride in Toodyay
- Wheatbelt school road safety calendars
- Women motorcycle riders promote 'distracted drivers are dangerous' message
- Shire of Irwin school holiday program – road safety days
- \$145.7 million dollars for road safety initiatives
- Motor injury insurance expanded
- 'Unsecured loads, Unsafe Roads' campaign
- Road safety events, conferences and resources

#### **9.5.9 WALGA – PROCUREMENT NEWS – MAY 2016 – ISSUE 24**

Document ID: 67114

In this issue:

- Preferred Supplier Update
- Local Panels
- Sustainability Survey
- Procurement Network Forum
- WA Local Government Convention and Trade Exhibition
- WALGA provides assistance to the Waroona Local Government after recent fires

#### **9.5.10 CERVANTES HISTORICAL SOCIETY INC – RONSARD BAY PARK**

Document ID: 67173

*A project the Historical Society is pursuing this year is the construction of the outline of the ship "Cervantes" in the above park.*

Attached to the agenda is copy of correspondence outlining the proposal **(Marked 9.5.10)**

**9.5.11 WALGA – WASTE NEWS – 27 MAY 2016 – ISSUE 7**

Document ID: 67245

In this issue:

- Last Chance – Speak at Waste & Recycle 2016
- LG Spotlight: View Virtual Waste
- Are we still verging on the ridiculous?
- What's the Priority?
- Biodegradable shipping pallets

**9.5.12 WASTE AUTHORITY – GARAGE SALE TRAIL**

Document ID: 67365

The State Government through the Waste Authority will provide a 50 per cent subsidy to Western Australian local government authorities that wish to participate in Garage Sale Trail on Saturday 22 October 2016.

Garage Sale Trail provides an avenue through which householders can be encouraged to view their reusable personal and household items as a resource and to reduce the number of items that end up in landfill.

Attached to the agenda is correspondence **(Marked 9.5.12)**

**9.5.13 POWER ENEABBA – INITIAL RESPONSE TO THE UPPER HOUSE INQUIRY INTO FRACKING IN WA**

Document ID: 67359

*"In response to the report No.42*

*Implications for Western Australia of Hydraulic Fracturing for unconventional Gas.*

*In general, the report produced by the Inquiry Committee on fracking acknowledges the concerns that our P.O.W.E.R. committee and community have identified in regard to the impact of hydraulic fracturing in Western Australia. It is obvious that the Inquiry Committee has done a considerable amount of work digesting a very large amount of information, containing a very diverse range of opinions and interests."*

Attached to the agenda is correspondence **(Marked 9.5.13)**

**9.5.14 WALGA – LOCAL GOVERNMENT NEWS – 27 MAY 2016 – ISSUE 20**

Document ID: 67240

In this issue:

- 2016 WA Local Government Convention
- 2016 AGM Motions
- Local Government Legislation Amendment Bill 2014
- Tourism Strategy Workshop
- Training
- Forum Advocating Culture and Eco-Tourism

#### Mailbag

- Economic Briefing – May

### 9.5.15 WALGA – ENVIRONEWS – MAY 2016 – ISSUE 14

Document ID: 67170

#### In this issue:

- Shire of Trayning - Community Garden Project
- Restoring Native Vegetation for Malleefowl Habitat
- 2015-17 Light Industry Program Update
- Bold Park Sunset Stalks
- Management of Cactus Species Survey: Call for Participants
- 'Health Wildlife Healthy Lives': A One Health Project
- Cockburn Received Funding for Maritime Trail
- DAFWA MyWeedWatcher Tool
- Bayswater and Baigup Reserve
- Time to Remind Ratepayers to Switch off Their Sprinklers
- Virtual Tours of the Regional Resource Recovery Centre
- Release of Technical Specification: Separation distances for groundwater controlled urban development

#### Events and Funding Opportunities

- Upcoming Events
- Funding Opportunities

### 9.5.16 LOTTERYWEST – APPROVED LOTTERY WEST GRANT, APPLICATION: 421008887 – TOWARDS CONSTRUCTION OF STAGE 1 OF TURQUOISE WAY TRAIL

Document ID: 67403

*"I am pleased to advise you that your application for a grant has been recommended by the Board and approved by the Hon. Colin Barnett MLA, Premier of Western Australia."*

Further information can be made available should you require.

### 9.5.17 CWA OF WA JURIEN BRANCH – VARIOUS ISSUES

Document ID: 67431

Attached to the agenda is correspondence from the CWA Jurien Bay Branch with a couple of issues of concern. **(Marked 9.5.17)**

### 9.5.18 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES – "AGE-FRIENDLY WESTERN AUSTRALIAN WORKSHOP"

Document ID: 67432

I am pleased to invite you to the "Age-Friendly Western Australia Workshop" to be held on Tuesday 28 June 2016. This will be facilitated by Dr Jane Barratt, Secretary General, International

Federations for the Ageing, and opened by the Hon. Tony Simpson MLA, Minister for Seniors, the workshop will bring together State, local government, and non-government representatives to support outcomes in achieving an age-friendly WA.

**9.5.19 DEPARTMENT OF SPORT & RECREATION – COMMUNITY SPORTING & RECREATION FACILITIES FUND (CSRFF) 2017/18 FUNDING ROUND**

Document ID: 67433

*“Through the CSRFF funding program, the State Government 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 is an incentive for the rational development of good quality, well designed and well utilised facilities”.*

Attached to the agenda is correspondence (**Marked 9.5.19**).

**9.5.20 WALGA – LOCAL GOVERNMENT NEWS - 3 JUNE 2016 – ISSUE 21**

Document ID: 67523

In this issue:

- Meeting with new Minister for Planning and Disability Services
- Vacancies on Boards and Committees
- IPWEA / WALGA Specification for the Supply of Recycled Road base
- 2016 International Mentor Program – Mentors Wanted
- Training
- ALGWA WA Breakfast in Canberra

**9.5.21 WA POLICE – STATE CCTV STRATEGY INFRASTRUCTURE FUND**

Document ID: 67542

*“I am writing to you regarding the Expression of Interest (EOI) submitted by the Shire of Dandaragan in relation to the State CCTV Strategy Infrastructure Fund. A considerable number of EOIs were received from local governments with over \$10 million in funding being sought from a funding pool of \$5 million. Unfortunately, this means that not every EOI submission can be accommodated, and on this occasion the application from the Shire of Dandaragan has been unsuccessful.*

*Although your application was unsuccessful, should the Shire of Dandaragan need to access additional CCTV capability for a short period of time, WA Police may be able to provide some assistance through the Eyes on the Street Program. This program has a small number of CCTV cameras that can be made available on loan for short periods of time. The Eyes on the Street Program*

can be contacted by email at [eye@police.wa.gov.au](mailto:eye@police.wa.gov.au) or the contact can be made on your behalf by your local police.”

**9.5.22 WALGA – MEDIA RELEASE – PLANNING SCHEMES MORE THAN JUST ADOPTION**

Document ID: 67631

*“Claims Councils are operating under inconsistent or out of date planning schemes does not take into account ongoing scheme revisions or recent standardisation through State Regulations.*

*Cr Lynne Craig WA Local Government Association President said comments by the Property Council’s Executive Director implied individual Council planning schemes had remained static for many years and were out of step with current requirements. Whilst some Council planning schemes were initially adopted many years ago, they have not remained the same since then, with many amendments and updates occurring over time.”*

Attached to the agenda is the full content of the correspondence **(Marked 9.5.22)**

**9.5.23 WALGA – WALGA MEMBERSHIP FOR 2016 / 2017**

Document ID: 67681

*“To assist you in planning for the new financial year, I have provided below your preliminary forecast subscription/s and enclosed a brief outline of the additional subscription services available to WALGA Members.”*

Attached to the agenda is correspondence **(Marked 9.5.23)**

**9.5.24 DEPARTMENT OF FINANCE – LOCAL GOVERNMENT RATES – PENSIONER CONCESSIONS FOR 2016 - 2017**

Document ID: 67685

*“Since my letter dated 17 March 2016, State Revenue has received requests to individually notify pensioner of changes to local government rates concessions. Unfortunately, State Revenue has no direct contact with ratepayers. Attached is some information that may assist, should you wish to raise further awareness of the changes or personalise the message to your ratepayers.”*

Attached to the agenda is correspondence **(Marked 9.5.24)**

**9.5.25 ILUKA – CATABY MINERAL SANDS PROJECT – NEWSLETTER MAY 2016**

Document ID: 67699

*“The Cataby Project is a proposed mineral sands mine in the Shire of Dandaragan, in the Perth Basin, Iluka Resources is seeking to develop the mine, which shall use a truck-and-shovel mining method to extract about 9.8 million tonnes of ore per year.”*

Attached to the agenda is a copy of the Newsletter May 2016  
(**Marked 9.5.25**)

**9.5.26 WALGA – WASTENEWS – 10 JUNE 2016 – ISSUE 10**

Document ID: 67701

In this issue:

- Reuse Roll
- Verge Out
- Road Base Spec Released
- I'm Watching You

**9.5.27 WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT COMMITTEE – MINUTES OF MEETING HELD 5 APRIL 2016**

Document ID: 67543

Minutes of the West Koojan-Gillingarra Meeting held 5 April 2016.

**9.5.28 WALGA – LOCAL GOVERNMENT NEWS – 10 JUNE 2016 – ISSUE 22**

Document ID: 67695

In this issue:

- Tourism Strategy Workshop
- 2016 WA Local Government Convention
- Perth and Regional Bike Network Grants Option – Advance Notice
- Training
- What's on for Local Government

Media Releases

- Planning Schemes More Than Just Adoption

**9.5.29 WALGA – VACANCY FOR WA LOCAL GOVERNMENT ASSOCIATION MEMBERS – CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT ADVISORY COMMITTEE**

Document ID: 67713

Nominations are invited for two (2) members and two (2) deputy members for Control of Vehicles (Off-Road Areas) Act Advisory Committee. Nominees are asked to complete the [attached Nomination Form](#) and email by COB Monday 11 July 2016 to [nominations@walga.asn.au](mailto:nominations@walga.asn.au).

Attached to the agenda is relevant information and nomination form (**Marked 9.5.29**)

**9.5.30 AUSTRALIA DAY WA – AUSTRALIAN OF THE YEAR AWARDS – NOMINATIONS OPEN**

Document ID: 67765

The Australian of the Year Awards has been acknowledging achievement and contribution to the nation since 1960. The Awards profile Australians who are role models for us all, who inspire us through their actions and achievements and encourage us to work towards making Australia an even greater country. The

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 JUNE 2016**

Australian of the Year Awards provide the opportunity to recognise those in our community we admire, someone worthy of our attention, one nomination is all it takes.

Nominations close 7 August 2016. Nominate online at [www.australianoftheyear.org.au](http://www.australianoftheyear.org.au) or call us on 9325 9988 for further information.



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 23 JUNE 2016**

- 10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING**
  
- 11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**
  
- 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 13 CLOSURE OF MEETING**