



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
CERVANTES PINNACLES MOTEL, CERVANTES
on
THURSDAY 24 MAY 2018
COMMENCING AT 4.03PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
	1.1 DECLARATION OF OPENING	1
	1.2 DISCLAIMER READING	1
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	3
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6	CONFIRMATION OF MINUTES	4
	6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 26 APRIL 2018	4
7	NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	4
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	4
9	REPORTS OF COMMITTEES AND OFFICERS	5
	9.1 CORPORATE & COMMUNITY SERVICES	5
	9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 APRIL 2018	5
	9.1.2 ACCOUNTS FOR PAYMENT – APRIL 2018	7
	9.2 INFRASTRUCTURE SERVICES.....	8
	9.2.1 TURQUOISE WAY - RELOCATION BUDGET AMMENDMENT	8
	9.3 DEVELOPMENT SERVICES	16
	9.3.1 REVISED DRAFT LOCAL PLANNING POLICY 8.13 HOLIDAY HOMES.....	16
	9.3.2 DRISCOLL PLANNING – FINAL ADOPTION SCHEME AMENDMENT NO.27 – LOT 1 JURIEEN ROAD, JURIEEN BAY	23
	9.3.3 PROPOSED OVER-HEIGHT RETAINING WALL & FRONT BOUNDARY FENCE – LOT 339 MELALEUCA WAY, JURIEEN BAY	36
	9.4 GOVERNANCE & ADMINISTRATION.....	42
	9.4.1 ANNUAL GENERAL MEETING OF FIRE CONTROL OFFICERS AND THE APPOINTMENT OF FIRE CONTROL OFFICERS	42
	9.5 COUNCILLOR INFORMATION BULLETIN	48
	9.5.1 SHIRE OF DANDARAGAN – APRIL 2018 COUNCIL STATUS REPORT	48
	9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – APRIL 2018	48
	9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – APRIL 2018.....	48
	9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR APRIL 2018.....	48
	9.5.5 WALGA – SUMMARY STATE COUNCIL MINUTES.....	48

9.5.6	DEPARTMENT OF TRANSPORT – REVITALISATION AGRICULTURE FREIGHT ROUTE.....	48
10	NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING	48
11	CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....	48
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
13	CLOSURE OF MEETING	49

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.04pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 6 members of the public present.

“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 P Scharf	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanhun	
Councillor A Eyre	
Councillor J Clarke	
Councillor D Slys	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Mr R McKay	(Planning Officer)
Ms M Perkins	(Community Development Officer)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

Mr Tim Bailey, Mr John Astill, Ms Dorothy Boys, Mrs Opal Wilkins, Ms Susan Moore and Mr David Kent.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Written response was given to questions taken on notice at the Council Meeting held 26 April 2018 as follows:

Mr Kulisa asked the following questions:

On what grounds was the first application (Murray and Andrews Streets) rejected when Council were aware that if an appeal was made to State Government the proposal would be supported and what will the ultimate cost to rate payers be as a result of the action taken by Council?

Council refused the first application for a Service Station (Cnr Murray and Andrews Streets) in September 2017 as the proposal was deemed to be detrimental to the amenity of the adjoining land uses. An appeal was lodged and the State Administrative Tribunal (SAT) required the Council to seek legal advice on refusing a permitted use under the Local Planning Scheme. The legal advice received was that Council was not able to refuse a permitted use and based on this advice the Council signed a consent order. The application was granted approval by SAT. The cost to Council was \$4,969 in legal fees which included preparation of appeal papers. This cost is partially offset by the application fee income of \$3,500.

The second part of the question is asked because of the proximity of the site at the corner of Bashford Street and Cook Street) to the St Johns Ambulance station, the Fire Station and the intersection commonly used by a large number of school students when crossing Bashford Street on their way to school.

Why did Council make the decision to re zone the land on the corner of Bashford Street and Cook Street enabling its use for a petrol station/convenience store when the positioning of such a commercial enterprise at this intersection will be detrimental to the safety of the community? Will this decision mean that the proposed by-pass will need to be brought forward?

The proposed Convenience store with sale of fuel is a discretionary use in the Residential zone under the Local Planning Scheme. It did not require rezoning in order for this use to be approved, hence the scheme amendment was not required for this development. The previous proposal for a drive through liquor store on this site was a use not permitted in the Residential zone and the rezoning would have been of benefit if this proposal was pursued by the applicant.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
--

Current layout and future plans for upgrading Bashford Street were taken into account in the design of the crossovers and vehicle movements by traffic engineers. The applicant will be providing a footpath and slip lane to assist in safe movements around the site. There is not expected to be any impact on a future bypass from this development.

4 PUBLIC QUESTION TIME

Mr Tim Bailey asked if the Shire had any input into the road works on Indian Ocean Drive immediately north of Jurien Bay.

The Chief Executive Officer responded that the project is entirely a Main Roads WA project which input from the Local Government is not sought.

The Executive Manager of Infrastructure believes the project is to widen the road to 8 – 9m, with 3.5m lanes and a modified intersection into the light industrial area.

Mr David Kent asked why the Shire would accept a submission regarding the proposed rezoning application after the advertised period had passed.

The Executive Manager Development Services responded by saying the submission period is for a minimum required time for advertising, and submissions can be accepted after the nominated date at the discretion of the Local Government when it is reasonable and adds value to the planning process.

Mrs Opal Wilkins Cervantes Historical Society asked why a response had not been promptly received to their written request for event funding.

The Executive Manager of Corporate and Community Services apologised for the administrative oversight. A representative of the Cervantes Historical Society has since been contacted regarding the request. Mrs Wilkins was advised that the request is scheduled for discussion during budget deliberations but it was suggested a Community Grant application also be submitted for the event.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Gibson, seconded Cr Eyre

That leave of absence be approved:

Cr Richardson - 7 June 2018 – 14 June 2018.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 26 APRIL 2018****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Scharf

That the minutes of the Ordinary Meeting of Council held 26 April 2018 be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President made comment on her disappointment regarding vehicles being driven on and damaging the Turquoise Way Path - compromising pedestrian safety. She also referred to the recent article by the Jurien Bay Police and commended their collaboration with the Shire which resulted in charges being laid against an individual caught vandalising the walkway.

The President also mentioned that she was pleased to see that the bollards had been installed at Thirsty Point to discourage vehicles accessing and driving on restricted area of the beach.



8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 APRIL 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	16 April 2018
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 April 2018.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 April 2018.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 30 April 2018 was \$3,693,078. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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2. Material Variances

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

Note 14 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 30 April 2018 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 30 April 2018 (Doc Id: 111287)
(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr McGlew, seconded Cr Clarke

That the monthly financial statements for the period 30 April 2018 be adopted.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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9.1.2 ACCOUNTS FOR PAYMENT – APRIL 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	14 May 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of April 2018.

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 2018 totalled \$831,777.33 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the April 2018 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for April 2018
(Doc Id: 111260)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

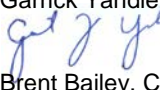

Moved Cr Richardson, seconded Cr Gibson

That the Municipal Fund cheque and EFT listing for the period ending 30 April 2018 totalling \$831,777.33 the Municipal Fund be accepted.

CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 TURQUOISE WAY - RELOCATION BUDGET AMMENDMENT

Location:	Turquoise Way, Jurien Bay
Applicant:	Garrick Yandle, Executive Manager Infrastructure
Folder Path:	Business Classification Scheme / Traffic and Transport / Design and Construction / Cycleways
Disclosure of Interest:	Nil
Date:	14 May 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

That Council endorse a budget amendment for the relocation of a section of Turquoise Way between Shingle Avenue and Island Point due to imminent risk of coastal inundation.

BACKGROUND

In March 2018 an asset "condition assessment" was undertaken on the "original" section of Turquoise Way dual use path that circumnavigates the shoreline of the Jurien Bay town site from the Marina to Beachridge. This "original" section was installed around 2006.

The condition assessment split the path into nominal sections, where the following was undertaken for each nominal section:

- Identified Key Issues.
- Condition Rating Value.
- Outlined Maintenance Actions.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

- Develop Immediate Renewal Priorities

The section from Shingle Avenue Beach Access Track to Island Point was deemed to be rated the worst of the whole path and giving a condition rating of 5. The issues identified along this section of path were:

- Edge break and cracking.
- Immediate ocean encroachment and coastal inundation.
- Damage from vehicles accessing the path illegally from the beach.

Sections of the path within the vicinity of Island Point have previously been subjected to coastal inundation and have been relocated to avoid such risks. This section is further north than the previously relocated sections of path at Island Point.

The image below shows this section of path relevant to the shoreline and its imminent risk to coastal inundation.



An overview of the condition assessment and three options for relocation of the path at Island Point were presented to Council for discussion at Council Forum in March 2018. These options can be described as follows

Option 1 – Minor Realignment

- Indicative length
- Length = 550m
- Indicative Unit Cost \$200/m
- Indicative Total Cost = \$110,000 ex GST

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018



Option 2 – Realignment through sand dunes along identified high section

- Indicative Length = 700m
- Indicative Unit Cost \$200/m
- Indicative Total Cost = \$140,000 ex GST



Option 3 - Realigned along existing gravel tracks via Eucalypt Way

- Indicative Length = 900m
- Indicative Unit Cost \$200/m
- Indicative Total Cost = \$180,000 ex GST

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018



COMMENT

Since the Council Forum discussion in March 2018, Shire Officers have been contacted by Department of Transport (DoT) representatives who indicated that funding is potentially available to local governments for additional bike path projects. These projects would need to be ready for immediate construction (before 30 June 2018) and have been identified as part of a Bike Network Plan. The indicative funding value available is approximately \$80,000 ex GST, which Council would have to provide matching funds as part of the completion of the project.

Due to its ongoing successful completion of Regional Bike Network projects, the Shire of Dandaragan was identified as a possible candidate for such a project.

Discussions between Shire Officers and DoT representatives identified the relocation of the above identified section of Turquoise Way a project suitable for potential funding.

Shire Officers obtained written quotes for both Options 2 and 3 for the relocation of Turquoise Way, from local contractor and WALGA Preferred Supply Panel Member, Direction Contracting, as follows:

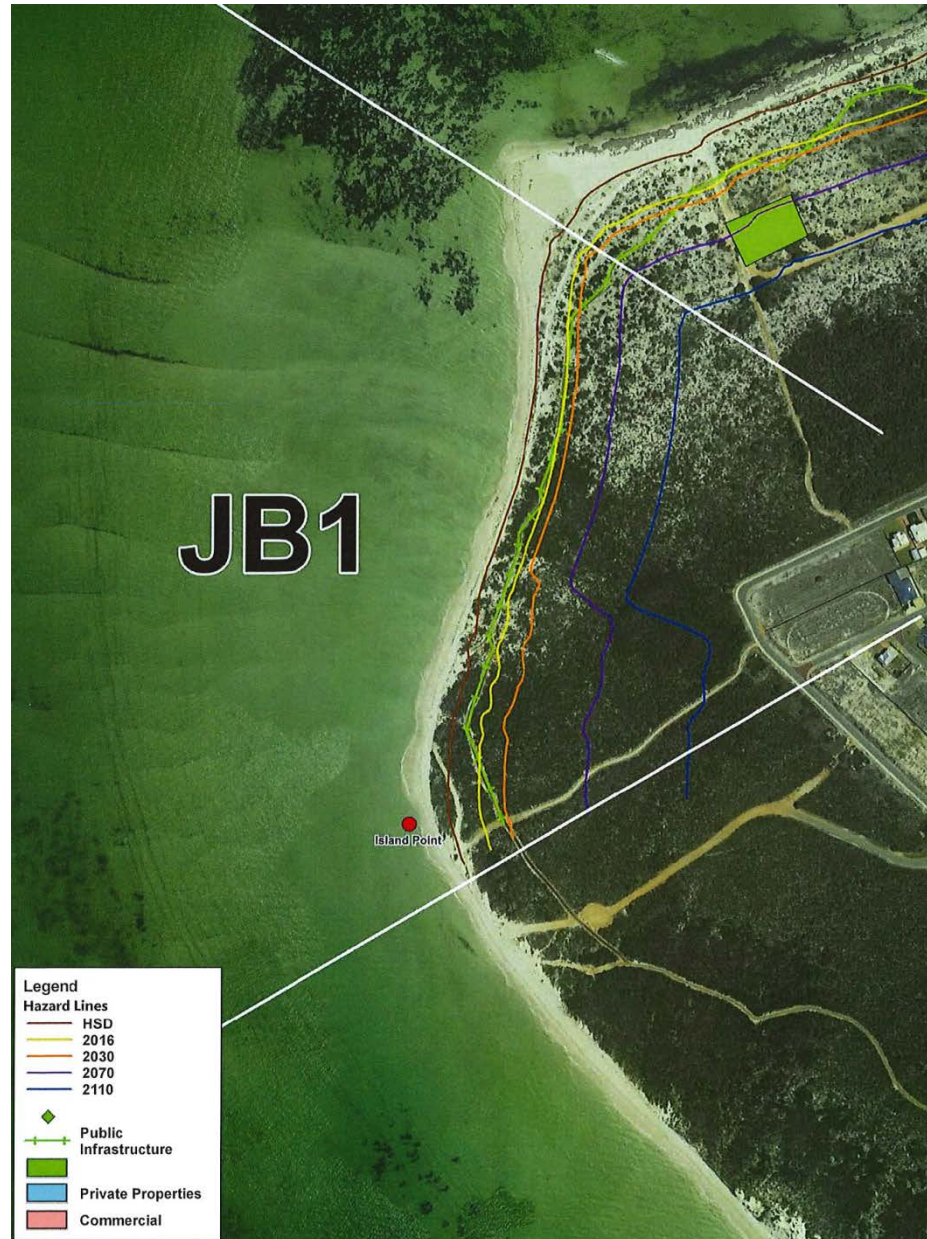
Option 2	
Alignment	Through dunes along identified high section
Length	700m
Base	Imported gravel
Base width	5m
Base depth	150mm
Seal	3.2m Bitumen tack coat with 7mm stone
Surface	3.0m Asphalt 25mm
Total Cost	\$122,000 ex GST
DoT Funding	\$61,000 ex GST
Shire Funding	\$61,000 ex GST
Option 3	

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
--

Alignment	Realigned along existing gravel tracks via Eucalypt Way
Length	900m
Base	Imported gravel
Base width	5m
Base depth	150mm
Seal	3.2m Bitumen tack coat with 7mm stone
Surface	3.0m Asphalt 25mm
Total Cost	\$142,220 ex GST
DoT Funding	\$71,110 ex GST
Shire Funding	\$71,110 ex GST

Officers have reviewed the options and costs against recently undertaken Coastal Hazard Risk Mapping. This review identified the predicted 2070 Coastal Hazard Risk Line as the bench mark in determining the location of any proposed realignments.

It recommended Option 2 that be considered based upon the indicative costs and to maintain a reasonable proximity to the shoreline, which is the primary purpose of this amenity. The alignment is to follow the predicted 2070 Coastal Hazard Risk Line as identified by the purple line in the next image. Following this alignment should reduce the risk of further inundation in the short to medium term, but still maintain visibility of the ocean.



CONSULTATION

- Chief Executive Officer – Brent Bailey.
- Executive Manager Corporate and Community Services – Scott Clayton.
- Department of Transport (Coordinator Regional Bike Networks) – Sarah Court.
- Direct Contracting (Local Earthworks Contractor) – David Seiner.

Community and Council Consultation

- Shire of Dandaragan Regional Bike Network Plan 2016.

STATUTORY ENVIRONMENT

- Section 6.8 Local Government Act – 1995.
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004 - Regulation 5, Items 12 and 13

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

"Clearing of vegetation is permitted under Regulation 5, Items 12 and 13 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, but is limited to a maximum of 5ha on the land vested in the Shire. As a general principal, clearing should be minimised."

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.
Shire of Dandaragan Asset Management Policy 2.4.

FINANCIAL IMPLICATIONS

This specific project is not in Council's 2017 / 18 Budget and will require a budget amendment in order for it to be appropriately funded.

Funding for this project is potentially available from the Department of Transport. This will be confirmed once Council commits to going ahead with the project. Requirements of DoT funding are the Council must provide matching funds as a minimum.

Details of the funding for this project can be summarised as follows.

Option 2	
Total Cost	\$122,000 ex GST
DoT Funding	\$61,000 ex GST
Shire Funding	\$61,000 ex GST
Option 3	
Total Cost	\$142,220 ex GST
DoT Funding	\$71,110 ex GST
Shire Funding	\$71,110 ex GST

STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objective	How the Shire will contribute
1.1: Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use and planning across the Shire, with a focus on coastal settlement and town centre strategy
1.3: Ensure timely provision of essential and strategic infrastructure	b) Provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation f) Ensure safety and accessibility of swimming areas and beaches
1.5: Facilitate population and visitor attraction and growth to expand and diversify the regional economy.	

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
--

<i>Goal 4: Health Natural and Built Environment</i>	
Objective	How the Shire will Contribute
4.2: Support positive land and bio-diversity management practices.	
<i>Goal 1: Great Place for Residential and Business Development</i>	
BUSINESS AS USUAL	1a) Strategic land use planning and projects 1f) Footpaths, cycleways, walkways and trails.

ATTACHMENTS

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

- Island Point Coastal Hazard Risk Map (Doc Id: 111364)
(Marked 9.2.1)

VOTING REQUIREMENT

Absolute Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McGlew



That Council, subject to successful grant application:

1. Endorse Option 2 for the proposed realignment of Turquoise Way between Shingle Avenue Beach Access and Island Point, Jurien Bay.
2. Authorise a budget amendment:
 - i. to recognise an infrastructure – footpath asset of \$122,000 to realign Turquoise Way between Shingle Avenue Beach Access and Island Point;
 - ii. to transfer \$61,000 from the Infrastructure Renewal Reserve to the Municipal Fund; and
 - iii. to recognise a non-operating grant of \$61,000 from Department of Transport.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.3 DEVELOPMENT SERVICES

9.3.1 REVISED DRAFT LOCAL PLANNING POLICY 8.13 HOLIDAY HOMES

Location:	Residential zoned properties of Cervantes and Jurien Bay and Special Development Area 1 (Beachridge Estate)
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Planning Policies
Disclosure of Interest:	Nil
Date:	17 April 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

For Council to consider a revised draft of Local Planning Policy 8.13: Holiday Homes with modifications based on submissions received during the advertising period for the initial draft policy.

BACKGROUND

The following was outlined to Council at the Forum on 8 February 2018:

With the growing trend of short stay commercial holiday home accommodation in tourist areas Australia wide it has been a long term goal of the Shire to draft and adopt a Local Planning Policy to provide greater regulation of the topic. Strategic guidance for the creation of such a policy is given by the Shire's Local Tourism Planning Strategy adopted in 2012, the WAPC's Planning Bulletin 99: Holiday Homes Guidelines released in 2009 and WALGA's Short-term Rental Accommodation and the Sharing Economy Discussion Paper released in 2017. These documents formed the basis of in-depth research into Holiday Home regulation by Australian Local Governments. The key issues of this study compatible to the Shire are reflected in the draft policy.

One of the major contemporary concerns with holiday homes is the introduction and use of peer to peer online organisations such as Airbnb and Stayz. These platforms do not own the properties listed on their internet sites; rather they simply connect customers and providers, facilitating the financial transaction between the two parties virtually. As a result, many of the listings on these platforms have been located in residential buildings and neighbourhoods that have not traditionally contained short-term rental accommodation. To aid regulation, some of these organisations require users listing a property to agree to certain codes of conduct, but this is not consistent across the board. Furthermore, these online platforms do not generally require users to provide any evidence that they obtained any necessary

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
--

approvals to list a property for short-term accommodation purposes. With this in mind, due diligence will need to be taken in identifying, contacting and notifying all current holiday home operators from the variety of sources of the future adoption of this policy to ensure full regulation of the target audience.

In summary, the draft Local Planning Policy provides direction and guidance on the appropriate location, scale and use of single dwellings, grouped dwellings or multiple dwellings for “holiday homes” and “holiday homes (large)” in residential zoned areas of Jurien Bay and Cervantes. The policy objectives are:

- I. To recognise the increasing market demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the local government wishes to address.*
- II. To establish clear guidelines whereby holiday homes can be permitted and controlled in the central residential areas highlighted in the Local Tourism Planning Strategy.*
- III. To encourage the development of holiday homes in areas of high tourist amenity and attraction and in proximity to relevant services.*
- IV. To ensure that these types of uses do not comprise the amenity of residential areas or nearby residents.*
- V. To support the role of holiday homes as part of the tourism industry.*
- VI. To encourage the provision of good quality, well managed holiday homes.*

Following on from this discussion Council resolved the following at their 22 February 2018 meeting:

That Council pursuant to the Shire of Dandaragan Local Planning Scheme No.7 adopt for the purpose of advertising draft Local Planning Policy 8.13 – Holiday Homes as provided as an attachment to this report, and proceed to publish a notice twice in the local newspapers seeking public comment for a minimum period of 35 days.

Subsequently, the draft policy was advertised from 22 February 2018 to 16 April 2018. Council are requested to consider submissions received (see attached schedule of submissions) and modifications proposed on the Draft Local Planning Policy based on said submissions.

COMMENT

Council have previously resolved it is preferable to support the use of Residential dwellings for holiday accommodation subject to specific controls as the benefits outweigh the setbacks. The draft Local Planning Policy (LPP) only applies to landowners utilising their Residential zoned property of Cervantes or Jurien Bay as a commercial investment for short stay accommodation and not those using their premises for personal holiday use by friends and

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
--

/ or family of the landowner(s). Pursuant to Local Planning Scheme No.7 (LPS7), the use of a Residential zoned property as a commercial holiday home is a discretionary use, which therefore requires planning approval. However, Council has to now, allowed holiday homes to operate without planning approval.

A number of submissions raised questions on why now the Shire is enforcing this matter. Staff responses to submitters simply stated Council have identified it is now time to formalise the matter before it becomes exacerbated further given the large uptake of Residential zoned listings on peer to peer organisations such as AirBnB. The LPP will streamline the process and detail the requirements of all parties in the approval of holiday homes in Residential zoned areas of Cervantes and Jurien Bay.

In regards to Shire known established holiday homes of which there is over 100 (see attached known holiday homes map), each will be given a period of 12 months from the adoption of the policy to apply for planning approval. The Shire will then consider enforcement measures pursuant to Part 13 of the *Planning and Development Act 2005*.

In total 23 submissions were received, these have guided staff in their modification of the LPP. The major concern / comments were:

- why the policy is being formulated (14 comments);
- the effect the policy will have on rates (9 comments);
- the fees involved with gaining planning approval under the policy (8 comments);
- questioning the need or right of privacy for a register of tenants to be kept by the property manager which can be requested by the Shire at any time (4 comments);
- comments on vehicle parking requirements (4 comments);
- questioning the management plan, code of conduct and fire and emergency plan (3 comments); and
- questioning any reference to holiday homes only being permitted in central areas of the two town sites (3 comments).

Chronological modifications of the LPP are as follow:

Throughout the modified policy bold print is used to alert readers to key fundamental points of the policy.

A Background section (2.0) has been added to detail the history of holiday homes throughout the State and in the Shire.

A Statutory Basis section (3.0) has been added to outline why and how the policy has been formulated in a statutory planning sense. Please note this now moves each clause discussed below up two numbers up i.e. clause 4.3 is now clause 6.3 in the modified policy.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

Objective 2.2 (new 4.2) reworded from 'central residential areas' to 'Residential zoned areas' to be consistent with not just the introduction of the LPP but the statutory requirements of LPS7 and to eliminate any misleading interpretation that outskirt residential properties of both town-sites will not be approved. Clauses 4.1, 4.3, 4.6 and 6.2 (new clauses 6.1, 6.3, 6.6 and 8.2), have also been modified to provide consistent language throughout the LPP. New clause 6.1 additionally includes "all land within Special Development Area 1 (Residential)" as this is the LPS7 name for the Residential Beachridge Estate.

Inserting LPS7's definition of short stay accommodation into 3.0 Definitions (new 5.0), as a number of submissions required clarification.

Rewording clause 4.5 (new clause 6.5) to outline all planning approvals for holiday homes shall expire on 31 July each year. Invoices for the annual renewal fees of planning approval will be mailed to applicants on 1 July each year. For renewal, invoices for fees are required to be paid before the 31 July expiry date. The first annual renewal fees will be waived for a holiday homes which receive initial planning within six (6) months of 31 July in the same calendar year. This has been agreed by Development Services Staff as the most efficient and practicable system of approval / renewal for all applicants.

Rewording clause 4.8 (new clause 6.8) to state the annual renewal fees not only includes the planning approval renewal but also includes the fee for the health inspection outline in clause 4.10 (now clause 6.10). These two fees to be included in the new budget will be approximately \$73 for the renewal of planning approval and \$100 for the health inspection.

Rewording clause 4.9 (new clause 6.9) as it was misleading, because the land use of a Residential zoned property as a holiday home would have no effect on rates. Property rates are exclusively based on the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land.

Adding to clause 4.10 (new clause 6.10) that health inspections will be undertaken in accordance with Part 8 – Lodging Houses of the *Shire of Dandaragan Health Local Laws 2005* and Division 2 – Lodging-houses of the *Health (Miscellaneous Provisions) Act 1911* as both pieces of legislation cover all applicable health requirements, including, but not limited to, holiday home operators keeping a register of tenants. These health implications have been listed within the LPP because the definition between a holiday home in planning terms and lodging house in health terms is transparent and reflective of each other. Therefore, given a

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

lodging house is a premise which requires health inspections to meet set standards the link between the two was introduced within the LPP to streamline both these Development Services regulated by the Shire.

Rewording subclauses 5.6 a & b (new clause 7.6) to state additional parking for boats, trailers, caravan etc. and sealed conditions of driveways will be assessed on a case by case basis with specific requirements and / or allowances stated as conditions of planning approval.

Merging clauses 5.7 and 5.8 (new clause 7.7) and including reference to the template management plan, code of conduct and fire and emergency management plan provided in schedule 1 of the policy by the Shire and required to be submitted as part of the planning application. Further adding to the clause that once holiday homes are approved these formal documents are to be displayed inside the premises in addition to the certificate of registration supplied with the planning approval.

Within the “duties of property manager” contained in the property management plan, the manager is to maintain a register of all people who utilise the premises (register of tenants), available for inspection by the Shire of Dandaragan upon request, pursuant to section 157 of the *Health (Miscellaneous Provisions) Act 1911*.

Merging clauses 5.9 and 5.10 (new clause 7.8), whereby clause 5.9 is added to the end of clause 5.10 as i.e. “this may be required to be submitted as part of the application for planning approval”.

Rewording clause 5.12 (new clause 7.10) to state written complaints received during the annual period will be considered and weighted against an application for renewal of planning approval in addition to meeting the requirements of clause 4.1 health inspection and ensuring that there has been no change in the circumstances under which the previous approval was granted.

Adding a clause following the above clause to state approvals for a Holiday Home (Large) will require the applicant to obtain (if not already) an extra rubbish bin service from the Shire then what is compulsory for approved single house dwellings. This has been introduced as one bin service caters for a dwelling which houses a maximum of six (6) persons or in this context the equivalent of a Holiday Home and not a Holiday Home (Large) which can provide short stay accommodation for more than 6 people but not more than 12 at any one time.

Inserting the following into clause 6.4 (new clause 8.4): “the certificate of registration must be displayed within the premises at all times”.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018</p>

Rewording clause 6.5 (new clause 8.5) from “a list of all approved Holiday Homes and their manager’s contact details is to be kept and made available to the public at the Turquoise Coast Visitor Centre for tourism purposes” to “the Shire may provide details of the Holiday Homes Register to third parties for emergency and tourism purposes”.

Rewording clause 7.1 (new clause 9.1) to state with enforcement provisions of Part 13 of the *Planning and Development Act 2005* not LPS7.

It is viewed that such a policy will prove beneficial in informing applicants of the requirements to be met prior to the lodgement of a planning application and ongoing management post approval. Similarly, the process will be streamlined through clear delegation to Staff to approve the application based on full compliance with the policy standards. Additionally, this policy is to be provided as a tool to set a higher standard in the stock of holiday homes and creating a competitive market for accommodation within the two town sites.

Given the above Council are requested to adopt for the purpose of advertising Modified Draft Local Planning Policy 8.13: Holiday Homes.

CONSULTATION

The draft policy was advertised via the Shire’s website / Facebook and local newspapers from 22 February 2018 to 16 April 2018. Letters were also sent to local real estate and accommodation operators advising them of the draft and inviting submissions on the draft policy.

The modified draft will also be advertised via the above formats in addition to notifying previous submitters of the modified draft and inviting comment for a minimum period of 28 days.

STATUTORY ENVIRONMENT

The ability to prepare a Local Planning Policy is afforded to the Council under clause 3 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7. The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and relate to one or more parts of the Scheme area. Clauses 5 and 6 of the Deemed Provisions of the Scheme allow Council to amend or rescind its planning policies.

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

government must have due regard to relevant Local Planning Policies as required under the Scheme.

POLICY IMPLICATIONS

As outlined above.

FINANCIAL IMPLICATIONS

There will be a cost involved in publishing a notice of advertising the draft policy; this is, however, covered in the adopted budget.

STRATEGIC IMPLICATIONS

The draft policy will assist in the procedural and governance aspects of the Shire's development control responsibilities. Generally and for the most part local planning policies are formulated within the legal framework prescribed by legislation and aligned with the strategic direction as set by the Council. In this case the policy has been aligned with the recommendations of the Local Tourism Planning Strategy.

Local Planning Policies aim at prescribing minimum standards acceptable to the Council in consideration of community sentiment for various types of development and land use. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

- 2012 Local Tourism Planning Strategy
- 2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
<i>Goal 5: Proactive and Leading Local Government</i>	
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them

ATTACHMENTS

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

- Schedule of Submissions (Doc Id: 108069)
- Known Holiday Homes Map (Doc Id: 107636)
- Previous Draft Local Planning Policy 8.13: Holiday Homes (Doc Id: 107628)
- Revised Draft Local Planning Policy 8.13: Holiday Homes (Doc Id: 109720)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

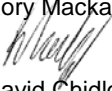

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Slyns

That Council pursuant to clause 4 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7 adopt for the purpose of advertising Modified Draft Local Planning Policy 8.13: Holiday Homes as provided as an attachment (Doc Id: 109720) to this report, and proceed to publish a notice twice in the local newspapers seeking public comment for a minimum period of 28 days.

CARRIED 9 / 0

9.3.2 DRISCOLL PLANNING – FINAL ADOPTION SCHEME AMENDMENT NO.27 – LOT 1 JURIE ROAD, JURIE BAY

Location:	Lot 1 Jurie Road, Jurie Bay
Applicant:	Driscoll Planning on behalf of DG Kent
Folder Path:	Business Classification Scheme /Land Use and Planning/Planning/Planning Scheme/Amendment 7.27
Disclosure of Interest:	None
Date:	28 April 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager Development Services
Signature of Senior Officer:	

PROPOSAL

The purpose of this report is for Council to consider submissions to Scheme Amendment 27 and final adoption (with modifications) of the amendment to rezone Lot 1 Jurie Road, Jurie Bay from 'Rural' to 'Rural Smallholdings' and introduce various zoning controls under the Shire of Dandaragan Local Planning Scheme No.7 (LPS7).

The rezoning introduces appropriate management controls relating to land use and development, to provide for a sustainable form of development in the future 'Rural Smallholdings' zone.

BACKGROUND

The landowner first tried to the rezone Lot 1 Jurie Road, Jurie Bay in 2008 (Amendment 11) from 'Rural' to 'Rural Residential' and introduce 'Parks and Recreation' reserves to facilitate the subdivision proposal for 277 rural residential lots ranging from 2 – 17ha, with 4 lots having additional uses to permit commercial/community uses. However Amendment 11 was subsequently refused by the Minister for Planning on 23

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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December 2013. The Minister did however advise that the Department of Planning, Lands and Heritage would consider an alternate proposal with a lesser density/land use impact.

Following this the applicant proposed amended rezoning and a subdivision guide plan (Amendment 27) of Lot 1 with significantly less and larger lots, which Council resolved to, initiate and proceed to advertise with a number of detailed provisions (see attachment 1) on 25 August 2016.

Provision 8 resolved, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 27 is a complex amendment for the following reasons:

- a) it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
- b) it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and
- c) the amendment is not recognised as being a basic or standard amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations.

Given Amendment 27 was identified as a complex amendment, r.37 of the Regulations requires the local government before advertising the amendment to the public to first refer the amendment to the Western Australian Planning Commission (WAPC) for their examination and advice on whether the amendment requires modification before advertising can proceed.

After referral of Amendment 27 to the WAPC under the above regulation, the WAPC advised the Shire Amendment 27 required numerous modifications to be deemed acceptable for public advertisement (see attachment 2). The WAPC also required the applicant address the reasons why Amendment 11 was refused and what has been proposed to rectify such issues in Amendment 27. This was forwarded to the applicant who responded to the WAPC requirements in due course (see attachments 3 & 4).

The applicant amended the scheme amendment documentation accordingly; within the amendment report the applicant stated the following on substantial changes from Amendment 27 initiated by Council in August 2016 after the above process:

Amendment 27 proposed the following:

- 55 x 4.0-10 ha rural residential lots;
- 1 x 47 ha rural residential lot;
- 2 x 300 ha rural residential lots;
- 1 x 5 ha service station/roadhouse lot; and

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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- 1 x 285 ha for an airpark/airport.

After examining the issues to be addressed from both the Amendments 11 and 27 proposals, then undertaking a bushfire risk assessment and carrying out further investigation of the potential karst landform risks, this current Amendment has been modified proposing:

- *the introduction of the Rural Smallholdings zone;*
- *47 x 4.0 ha-13.5 ha rural smallholdings lots;*
- *1 x 46.0 ha rural smallholdings lot;*
- *3 x ≈ 300 ha rural lots;*
- *additional restrictions on the release and development of lots within the buffer around the limestone quarry;*
- *subdivision conditions with respect to any lot with potential risk from subsidence or movement in areas identified with the karst risk formation.*
- *Supporting information is in Appendix 4;*
- *redesign of roads and the identification of building envelopes avoiding the need for clearing of vegetation. In addition there would be minimal clearing required for access, fences and firebreaks;*
- *providing the property market with the first rural smallholdings lots in the Shire supporting housing and lifestyle diversity;*
- *protecting and making available productive agricultural land for ongoing agricultural activity;*
- *a Bushfire Management Plan (BMP) including a Bushfire Attack Level assessment has been prepared by BPP Group Pty Ltd dated 9th June, 2017 to support the proposal. The BMP is attached in Appendix 3.*

With such modifications the amendment was cleared to be advertised to the public by the WAPC for a minimum period of 60 days. Advertisement commenced in the Midwest Times, Shire Matters and on the Shire website from 20 February 2018. The consultation period closed on 11 May 2018. Council is requested to consider submissions made (see attached schedule of submissions) and modifications proposed on Amendment 27.

COMMENT

The scheme amendment in addition to its proposal also provides an opportunity to update elements of LPS7 to be more consistent with the Regulations. However, whilst Amendment 27 introduces zoning objectives reflective of clause 14 of schedule 1 of the Regulations; the Amendment is not intended to be the mechanism for a comprehensive review of LPS7 as required under regulation 65 of the Regulations, which shall be undertaken at a later stage.

In total 3 submissions were received for Amendment 27. However, none of the submissions influenced and / or warranted Shire Staff to proposed modifications to the scheme amendment (please see the attached schedule of submissions for clarification).

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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Nonetheless, Shire Staff propose minor administration changes to the scheme amendment documentation. The proposed changes are to the suggested LPS7 provisions listed on pages 55-59 of the scheme amendment report, in brackets is the reference to the changes to be reflected in the amendment initiation pages. The proposed changes are listed below:

1.
 - b) The subdivider shall prepare and implement a Fire Management Plan to the satisfaction of Council in consultation with the Department of Fire and Emergency Services. **(7vii – a)**
 - c) The subdivider shall prepare a drainage study to determine how to alleviate adjacent lots from hazards posed by floodwaters, but without degrading the conservation values of the wetlands and associated features. The basis of information regarding a drainage and flood risk study, shall reflect the criteria provided in the Land Capability and Geotechnical Assessment. **(7i - b)**
 - e) The subdivider shall install suitable fencing to the perimeter of the Estate and to the boundaries of lots within. The style of fencing shall be open in nature and befitting the rural character of the locality. **(7i - d)**
 - f) At the time of subdivision, the Local Authority shall request the Western Australian Planning Commission impose condition/s requiring the construction of any roads, battle-axe legs, shared access legs, or crossovers required to provide adequate vehicular access to the proposed lots. **(7vii – c)**

3.

Delete e) 2) **(7iii – e)**

 - i) 5) Any proposed clearing of River Gums on Lot 5 will require local government and Department of Biodiversity, Conservation and Attractions approval aimed at protecting the habitat of the Carnaby's Black Cockatoo.
Notwithstanding 3 above, no clearing of the River Gums (*Eucalyptus camaldulensis*) will be permitted on Lot 5 without the approval of the local government and the Department of Biodiversity, Conservation and Attractions by obtaining a clearing permit obtained from the Department of Water and Environmental Regulation under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. **(7vii – e – 5)**

6.
 - a) Subdivision clearance shall not be granted by the local authority for Lots 31, 33, 35 and 38-41 until the current extraction licence has ceased to operate or the buffer has been redefined and no longer affects the above lots. **(7v – a)**
Delete 6d) **(7v – d)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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7.

- a) Prior to any development occurring, including the construction of subdivisional roads, a sub-surface investigation must be undertaken involving at a minimum the sinking of eight boreholes across the western third of the site (the Rural Smallholdings Zone) to determine depth to water table and thickness of limestone. This shall result in a report, based upon the analysis of data, being produced by a suitably qualified consultant for submission to the WAPC explaining the results and detailing if further work is required to guarantee the foundation stability of each building envelope identified as having potential risk. **(7vi – a)**

These recommended changes to the proposed scheme provisions of Amendment 27 are to align the language of the amendment with the language already displayed in LPS7 (and the Regulations) to provide consistency between the two.

Council are requested to grant final adoption of Amendment 27 with these modifications and authorise Shire staff to prepare the amendment documentation for submission to the WAPC for final approval from the Hon. Minister of Planning.

CONSULTATION

In accordance with r.38 of the Regulations, Amendment 27 was advertised in the Midwest Times, Shire Matters and on the Shire website for a period of 80 days from 20 February 2018 to 11 May 2018.

In response 3 submissions were received and considered in accordance with r.41 of the Regulations by Shire Staff as shown in the attached schedule of submissions. It is noted no government agencies/departments were consulted; this was due to agency consultation of the previous version of the amendment being deemed adequate given the lesser extent of the rezoning proposed by the current scheme amendment.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No.7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant will be required to pay the costs of advertising and preparation of the scheme amendment, to be recouped by the Shire once the procedure is finalised.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

STRATEGIC IMPLICATIONS

- Rural Land Use Planning Strategy 2012
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan:

Goal 1: Great Place for Residential and Business Development

Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy

ATTACHMENTS

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

- 20160825 Minute Extract 9.4.1 Scheme Amendment No 27 – 25 August 2016 (Doc Id: 72563)
- WAPC Letter Required Modification (Doc Id: 108193)
- Amendment 11 Response to WAPC Changes (Doc Id: 108202)
- Amendment 27 Response to WAPC Changes (Doc Id: 108201)
- Scheme Amendment 27 Report (Doc Id: 108200)
- Schedule of Submissions (Doc Id: 110800)

Marked (9.3.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council:

Resolve pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. **Rezoning a portion of Lot 1 Jurien Road, Jurien Bay from ‘Rural’ zone to ‘Rural Smallholdings’ zone as shown on the Scheme Amendment Map.**
2. **Insert a new Schedule into the Scheme as ‘Schedule 10 – Specific Provisions for Rural Smallholdings Zones’ introducing site specific development and subdivision provisions including a Structure Plan for Rural Smallholdings Area 1.**
3. **In Clause 3.2 replace ‘Rural Residential Zone’ and its objective; ‘To provide for rural lots for residential purposes. Lots should generally range in size between 2.0 ha and 20.0 ha’, with the following:**
‘Rural Residential Zone
 - **To provide for lot sizes in the range of 1 ha to 4 ha.**
 - **To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.’
4. Insert the following into Clause 3.2 of the Scheme to follow ‘Rural Residential Zone’:
‘Rural Smallholdings Zone
- To provide for lot sizes in the range of 4 ha to 40 ha.
 - To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
 - To set aside areas for the retention of vegetation and landform or other features which distinguish the land.’
5. Insert the Rural Smallholdings Zone into Table 1: Zoning Table with the following land use permissibilities:

Use Classes	Rural Smallholdings
Bed and breakfast	D
Cabin	A
Caretakers dwelling	D
Chalet	A
Cottage industry	D
Single house	P
Holiday house	P
Home occupation	D
Rural pursuit	D
(all other uses are not permitted)	

6. Amend the provisions in Clause 4.13 of the Scheme to the following:
- 4.13 DEVELOPMENT IN THE RURAL RESIDENTIAL AND RURAL SMALLHOLDINGS ZONES**
- 4.13.1 The subdivision of any land within the Scheme area classified Rural Residential or Rural Smallholdings Zone shall generally be in accordance with a structure plan prepared pursuant to Part 4 of the deemed provisions.
- 4.13.2 The subdivision of existing Rural Residential or Rural Smallholdings lots that do not have approved structure plans will generally not be supported.
- 4.13.3 Development in a Rural Residential or Rural Smallholdings Zone shall comply with the following general requirements:
- i. Not more than one single dwelling per lot shall be erected.
 - ii. When an application is made to Council for development approval, a landscape plan shall be submitted identifying the existing vegetation to be retained and the location and species of tree and shrubs to be planted as part of site development. Issue of a building licence will be conditional on the implementation and maintenance of the landscape plan.

- iii. Native vegetation shall be retained unless its removal is authorised by Council except in the cases of vegetation which is proposed to be removed to make way for approved construction, fences, access ways, fire management and for trees that are dead, diseased or dangerous. Where in the Council's opinion there is a deficiency of vegetation on any particular allotment, the Council may require the planting and subsequent maintenance of an adequate area of vegetation as a condition of development approval.
- iv. In the Rural Residential and Rural Smallholdings Zones, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission policy.
- v. The siting and erection of any building, outbuilding or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the rural character of the land within the zone and locality generally.
- vi. On-site effluent disposal systems servicing development on the lots should be to the specifications of the local authority or Department of Health. The use of non-standard effluent disposal systems may be required and in any event the following requirements shall be satisfied:
 - (a) Adequate separation achieved between the base of the leach drains and the highest recorded groundwater level.
 - (b) Adequate horizontal separations achieved between the disposal system and existing drains, water courses or water bodies.
 - (c) The area around each effluent disposal system shall be planted with indigenous trees and shrubs by the land owner and be maintained to the satisfaction of the local authority.
 - (d) Prevention of direct movement of wastewater and nutrients from the locality of each disposal area.
- vii. The subdivider shall advise all purchasers of subdivided lots that if the lots are located within a Groundwater Area and that water extraction requires licensing.
- viii. The keeping of livestock for commercial purposes shall not be permitted. The keeping of livestock for domestic purposes will only be permitted to manage areas of cleared pasture and then only to maximum stocking rates permitted under Department of Food and Agriculture guidelines given the soil and vegetation types in the locality. Given Council's preferred aim to revegetate cleared

pasture areas, the keeping of livestock for domestic purposes is to be discouraged;

- ix. All residences, outbuildings, carports and the like shall be constructed of materials sympathetic to the character of the locality, as may be approved or required by Council. The scale of outbuildings shall be of a domestic nature such that the rural residential amenity of the locality is not prejudiced. Large industrial type buildings will not be permitted.
- x. It is the responsibility of the landowner to maintain the bushfire protection measures on their property. This includes the vegetation separation distance, the asset protection zone and hazard separation zone and compliance with the local government's annual firebreak notice issues under s33 of the Bush Fires Act 1954.

4.13.4 Specific additional requirements which relate to Rural Residential or Rural Smallholdings zoned land are set out in Schedule 7 and 10. Where there is a conflict with any other provision of the Scheme, the provisions of Schedule 7 and 10 shall prevail.

7. Introducing a schedule of site specific development and subdivision provisions, including a Structure Plan, in Schedule 10 as follows:

- i. Subdivision and Development
 - a) A Structure Plan and the requirement for subdivision to be in accordance with a Structure Plan approved by the WAPC will be required.
 - b) The subdivider shall prepare a drainage study to determine how to alleviate adjacent lots from hazards posed by floodwaters, but without degrading the conservation values of the wetlands and associated features. The basis of information regarding a drainage and flood risk study, shall reflect the criteria provided in the Land Capability and Geotechnical Assessment.
 - c) Prior to subdivision, the subdivider shall prepare building guidelines to inform the desired character of future development. The guidelines shall be prepared to Council's satisfaction.
 - d) The subdivider shall install suitable fencing to the perimeter of the Estate and to the boundaries of lots within. The style of fencing shall be open in nature and befitting the rural character of the locality.
- ii. Public Open Space (Reserve for Recreation)
 - a) Council shall at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a management plan for the Public Open Space (Reserve for 'Recreation') as

delineated on the Structure Plan which is to address the following:

- 1) rehabilitation of the natural environment;
- 2) a maintenance regime; and
- 3) access to water for fire- fighting purposes.

iii. **Development & Land Use Controls**

- a) All buildings in the 'Rural Smallholdings' Area 1 shall be contained within a building envelope not exceeding 4,000 m². For the purpose of this clause "buildings" shall include dwellings, outbuildings and effluent disposal systems.
- b) Building envelopes shall be nominated by the landowner at the development approval stage and shall comply with the following:
 - 1) Minimum front setback 20 metres,
 - 2) Minimum side setback: 10 metres,
 - 3) Minimum rear setback: 10 metres, and
 - 4) Minimum setback from water body: 50 metres.
- c) Notwithstanding provisions b) above the application to approve a building envelope must be accompanied by relevant building plans, and information addressing visual amenity, privacy and screening, vegetation loss, access and proximity to natural features.
- d) In the case of lots adjoining rural lots, the building envelope shall be a minimum of 100 metres as measured from the lot boundary containing the rural use.
- e) Only one dwelling is permitted on any lot within the 'Rural Residential' zone and 'Rural Smallholdings' zone, although the local government may, at its discretion, also approve one ancillary accommodation unit as defined in the Residential Design Codes.
- f) Prior to Council recommending endorsement to the WAPC of a deposited plan of subdivision, the subdivider shall enter into a notification pursuant to section 165 Planning & Development Act 2005 advising registered proprietors and prospective purchasers of the subdivided lots that the lots are subject to the provisions of a Structure Plan which contains factors affecting the use and enjoyment of the lots ("the Notification"). The Notification shall be prepared at the subdivider's cost to the satisfaction of the WAPC and shall be registered against each of the certificates of title for the subdivided lots.
- g) Development must be consistent with the "Indian Ocean Drive Planning Guidelines" WAPC, March 2014, if it will be visible from Indian Ocean Drive.

iv. **Water Supply**

- a) Construction of a single dwelling on any lot shall be supported by a minimum:
 - 1) 260m² of roof catchment area from all buildings and a minimum rain water storage tank capacity of 120,000 litres as calculated under the Department of Water and Environmental Regulation's Stormwater Management Manual for WA formula; and
 - 2) A 10,000 litre storage tank fed from roof collection, an on-site dam or under-ground bore for fire-fighting use. All tanks shall include the installation of a 50mm outlet with gate valve and male coupling located at the base clearly marked "Fire Brigade Connection Point".
- b) The government does not require a licence to install a groundwater bore and to extract water when it is only to be used for:
 - the only water that can be taken from the well is from the water table aquifer;
 - water taken from the well/bore is to be used for one or more of the following:
 - i) firefighting;
 - ii) watering cattle or other stock but not under intensive conditions;
 - iii) watering an area of lawn or garden that does not exceed 0.2 ha;
 - iv) other ordinary domestic purposes.
 (Rights in Water and Irrigation Exemption [Section 26c] Order 2011 under the Rights in Water and Irrigation Act 1914).
- v. Development within Quarry Buffer
 - a) Subdivision clearance shall not be granted by the local authority for Lots 31, 33, 35 and 38-41 until the current extraction licence has ceased to operate or the buffer has been redefined and no longer affects the above lots.
 - b) No residential development shall be permitted within the Quarry Buffer as delineated on the Structure Plan.
 - c) Notwithstanding b) above, no residential development is permitted within the buffer until the complete extraction and rehabilitation of the resource to the satisfaction of the Director of Geological Survey of WA.
- vi. Development within the Karst Risk Area
 - a) Prior to any development occurring, including the construction of subdivisional roads, a sub-surface investigation must be undertaken involving at a minimum the sinking of eight boreholes across the western third of the site (the Rural Smallholdings Zone) to determine depth to water table and thickness of limestone. This shall result

in a report, based upon the analysis of data, being produced by a suitably qualified consultant for submission to the WAPC explaining the results and detailing if further work is required to guarantee the foundation stability of each building envelope identified as having potential risk.

- b) As a result of assessing the karst landform, the WAPC may approve minor changes to the:
- lot boundaries;
 - building envelopes; or
 - road alignment

without requiring an amendment to the Structure Plan or approved subdivision plan.

vii. **Bushfire Management and Clearing of Vegetation**


- a) The subdivider shall prepare and implement a Fire Management Plan to the satisfaction of Council in consultation with the Department of Fire and Emergency Services.
- b) At the time of subdivision, the local government may request the WAPC impose a condition that requires the subdivider provide fire-fighting facilities (or a financial contribution in-lieu of) to service the subdivision.
- c) At the time of subdivision, the Local Authority shall request the WAPC impose condition/s requiring the construction of any roads, battle-axe legs, shared access legs, or crossovers required to provide adequate vehicular access to the proposed lots.
- d) The WAPC may impose a condition requiring the subdivider to prepare and implement a management plan for Public Open Space which must address, if required, access to water for fire-fighting purposes.
- e) No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:
- 1) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government, and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
 - 2) Clearing for vehicular access or fire breaks specifically identified on the Structure Plan;
 - 3) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government;

- 4) Trees that are diseased or dangerous as determined by the local government.
 - 5) Any proposed clearing of River Gums on Lot 5 will require local government and Department of Biodiversity, Conservation and Attractions approval aimed at protecting the habitat of the Carnaby's Black Cockatoo.
Notwithstanding 3 above, no clearing of the River Gums (*Eucalyptus camaldulensis*) will be permitted on Lot 5 without the approval of the local government and the Department of Biodiversity, Conservation and Attractions by obtaining a clearing permit obtained from the Department of Water and Environmental Regulation under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
 - 6) It is the responsibility of the landowner to maintain the bushfire protection measures on their property. This includes the vegetation separation distance, the asset protection zone and hazard separation zone and compliance with the local government's annual firebreak notice issues under s33 of the Bush Fires Act 1954.
8. Resolves, pursuant to Regulation 35(2) of the Regulations, that Amendment 27 is complex under the provisions of the Regulations for the following reason:
 - a) it is an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;
 - b) it is an amendment relating to a development that is of a scale, or will have an impact, that is significant relative to development in the locality; and
 - c) the amendment is not recognised as being a basic or standard amendment.
 9. Amending the Scheme Map accordingly.
 10. Authorise Council officers to prepare the scheme amendment documentation.
 11. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
 12. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 35 to the Environmental Protection Authority.
 13. Pursuant to regulation 44 (1) of the Regulations, provides two copies of Amendment 27 to the Western Australian Planning Commission.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

9.3.3 PROPOSED OVER-HEIGHT RETAINING WALL & FRONT BOUNDARY FENCE – LOT 339 MELALEUCA WAY, JURIE BAY

Location:	Lot 339 Melaleuca Way, Jurie Bay
Applicant:	S C Nottle
File Ref:	Development Services Apps\Development Application\2018\23
Disclosure of Interest:	None
Date:	3 May 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

The proponent is seeking planning approval for an over-height retaining wall and the construction of a front fence above on Lot 339 (16) Melaleuca Way, Jurie Bay.



Location Plan

BACKGROUND

The applicant is seeking planning approval to construct a 1.3m high limestone retaining wall and a 1.5m front fence of limestone pillars and aluminium slat inserts above said retaining wall on the front property boundary. The fence is truncated 1.5m from each of the two property driveways and is proposed to be constructed back towards the setback of the dwelling to create an enclosed courtyard as shown in the attached plans.

The applicant has detailed the reason for proposing the 1.3m high retaining wall is to bring the top of the retaining wall in line with the house pad as shown in current photo of the property below.



The applicant has further detailed the reasons for enclosing the front area of the house to be used as courtyard garden is to provide a:

1. *windbreak to the front of the house. Whereas the sea breeze is a welcome relief on hot summer days, the extremely strong southerlies that occur most days blow relentlessly straight into the front of the house. Apart from the strong winds, a fair amount of sand and dust is blown into the house as well; and*
2. *reasonable level of privacy at the front of the house and create a pleasant and protected area to enter the front of the house.*

This proposal is a variation to deemed-to-comply provision (C8) of clause 5.3.8 Retaining walls of the Residential Design Codes (R-codes) which states the following:

Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary.

The design principle (P8) for this R-codes clause is:

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 (Site works) and 5.4.1 (Privacy).

Ensuring due regard to these listed additional clauses it has been determined clause 5.4.1 Privacy is not applicable for this proposal. However, it is identified the proposal is also not compliant with clause 5.3.7 Site works (C7.1), which states:

Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018</p>

Clause 5.2.4 Street walls and fences is also relevant for this proposal, C4 outlines:

Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

Visually permeable is defined by the R-codes in reference to a wall, gate, door or fence that the vertical surface has:

- *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*
- *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
- *a surface offering equal or lesser obstruction to view; as viewed directly from the street.*

In assessment, the proposal also seeks a variation or is required to be modified to meet this deemed-to-comply clause of the R-codes.

Furthermore, the Shire of Dandaragan Local Law – Fencing also sets out the requirements for fencing forward of the building line as follows:

Reg 7. Fences Within Front Setback Areas

A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.

The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

The provision of sub-clause (2) shall not apply to a fence:

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare;*
or
- (b) that does not adjoin a footpath.*

The matter of truncating fences mentioned above is also addressed in the R-codes via clause 5.2.5 Sight lines, whereby C5 outlines:

Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

As stated above, the proposal complies with this clause and can be approved under the local law regulation through a building permit if planning approval is granted by Council.

COMMENT

Where a proposal does not meet the deemed-to-comply provisions of R-codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the design principles of the R-codes.

The current streetscape of Melaleuca Way exhibits no structures (retaining walls or fences) within the front building setbacks of properties as shown below.



However, it is noted in the right of photo there is a retaining wall for the side boundary of Lot 372 (31) Eucalypt Way which is approximately around 1 -1.3m in height and could possible see a 1.8m side fence constructed above when the land is developed. Nevertheless, this is treated different as the retaining wall was installed during subdivision and the fact it is a side boundary.

The applicant originally submitted plans to build a 1.8m fence with a centre stone wall feature above the 1.3m retaining wall. This original concept was also not truncated for sight lines of the two property driveways. This meant the development was proposing four variations to the deemed-to-comply provisions of the R-codes in a locality where no other similar structure currently exist.

Noting this proposal would likely result in refusal given its number of variations and bulk and scale of the overall structure being 3.1m in height at the front boundary, Shire Staff asked for revised plans to be submitted which better addressed and / or limited variations of the R-codes sort.

The proponent swiftly worked with Staff and submitted revised plans which are the subject of this decision by Council. As noted previously these plans show the fence truncated as per R-codes clause 5.2.5 (C5). The applicant also reduced the height of the fence from 1.8m to 1.5m, noting this is the minimum height they believe can still achieve their wind break and privacy ambitions of the fence. This has reduced the overall bulk and scale of the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

proposal at the front boundary from 3.1m to 2.8m with only the retaining wall section of 1.3m being fully enclosed.

The current proposed 20mm gap between the 65mm aluminium slat infill panels of the fence is non-compliant with clause 5.2.4 (C4) Street walls and fences of the R-codes. For the 1.5m fence to be compliant (visually permeable 1.2 above natural ground level) the gaps are required to be increased to 50mm resulting in an approximate total vertical surface of 650mm being open and 850mm enclosed by the aluminium slat infill panels, satisfying the definition of visually permeable given by the R-codes. A condition of approval will ensure the 50mm gaps are installed within the fence.

Finally, it can be argued the proposal satisfies the design principles of R-codes clause 5.3.7 Site works of:

P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation / fill.

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

As shown in attached elevations of the property, where approximately 80% of the property is at 11.5m and the other 20% falls away to the road level of 10.2m. The proposed retaining wall would fill in a portion of this sloping area to be used more effectively by the landowner without comprising natural street surveillance and sight lines of the landowner's driveways.

Given all discussed, Council is requested to exercise discretion and grant planning approval to the two deemed-to-comply variations (C7.1 & C8) of the R-codes sort by the applicant as the variations accomplish orderly and proper planning.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period closed on the 21 May 2017. Two (2) supportive submissions were received.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7 (Residential Design Codes)
- Fencing Local Laws

POLICY IMPLICATIONS

- There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$147 in line with Shire's Schedule of Fees for development applications.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

ATTACHMENTS

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

- Revised Plans (Doc Id: 110880)
- Site Elevations (Doc Id: 110885)

(Marked 9.3.3

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council grant planning approval for a retaining wall and front fence on Lot 339 Melaleuca Way, Jurien Bay subject to the following conditions:

- 1. All development shall be in accordance with the attached plans date stamped 24 May 2018 subject to any modifications required as a consequence of any conditions of this approval (see condition 2) and shall not be altered without the prior written approval of the local government.**
- 2. The individual spacing between the ‘aluminium slat in-fill panels’ denoted on the dated approved plans shall be increased to 50mm in order to comply with clause 5.2.4 (C4) Street walls and fences of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7.**

Advice Notes:

- 1. The applicant is advised this is planning approval only and not a building permit. A building permit must be obtained for this development.**
- 2. 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.**
- 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.**
- 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”

CARRIED 9 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 ANNUAL GENERAL MEETING OF FIRE CONTROL OFFICERS AND THE APPOINTMENT OF FIRE CONTROL OFFICERS

Location:	Shire of Dandaragan
Applicant:	Fire Control Officers
Folder Path:	Business Classification Scheme / Emergency Services / Bush Fire Council / Meetings
Disclosure of Interest:	None
Date:	9 April 2018
Author:	Matthew Dadd, Community Emergency Services Coordinator
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To receive the minutes of the Annual General Meeting of Fire Control Officers and to appoint certain members to various bush fire roles in accordance with the Bush Fires Act 1954.

BACKGROUND

At the Annual General Meeting of Fire Control Officers recommendations are made to Council for individuals to be appointed to various roles in accordance with the Bush Fires Act 1954.

Those recommendations are to be considered by Council for formal appointment.

Appointments made by Council in accordance with the Bush Fires Act 1954 must subsequently be circulated via a newspaper within the district.

The Annual General Meeting of Fire Control Officers also presents an opportunity for relevant stakeholders to raise issues that may warrant action by the Local Government.

COMMENT

The Annual General Meeting of Fire Control Officers (AGM) was held 14 March 2018.

Item 4.1 of the AGM carried the following motion;

*Moved Mr Rick Allen, seconded by Mr Hugh Roberts
Motion moved to increase the current non-compliant firebreak
penalty amount from \$250.00 to \$1000.00.*

CARRIED 20 / 0

Section 33 of the Bush Fires Act 1954 (Act) states;

Local government may require occupier of land to plough or clear fire-break

(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 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 fire-breaks 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 fire-breaks 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 —

(c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018</p>

(d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

The penalty for non-compliance of this section of the Act as legislated by Bush Fires (Infringements) Regulations 1978 is \$250. This amount is prescribed and can't be amended, therefore, the AGM recommendation cannot be endorsed.

Item 6 of the AGM dealt with the recommendations to Council of various appointments in accordance with the Act.

ELECTIONS

*Chief Bush Fire Control Officer / Chief Fire Weather Officer
Mr Rick Allen was nominated as Chief Bush Fire Control Officer / Chief Fire Weather Officer.*

Mr Hugh Roberts nominated Mr Richard Brown as Chief Bush Fire Control Officer / Chief Fire Weather Officer. Mr Richard Brown accepted. Mr Rick Allen declined the nomination due to Mr Richard Brown accepting.

CARRIED

Deputy Chief Bush Fire Control Officers

Nominations determined that Mr Aubrey Panizza, Mr Peter Ivey, Mr Hugh Roberts, Mr Peter McIndoe and Mr Andrew Kenny be elected for position of DCBFCO for the next 12 months.

CARRIED

Deputy Fire Weather Officers

Nominations determined that Mr Aubrey Panizza, Mr Colin McAlpine and Mr Bruce Cook be elected as DFWO.

CARRIED

Unfortunately, various components of these nominations are not compliant with the Act.

Section 38 (1) of the Act limits the number of Deputy Chief Bushfire Control Officers to only one;

Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Furthermore, the positions of "Chief Fire Weather Officer" and "Deputy Chief Fire Weather Officer" are not defined roles in the Act. Rather, they should be referred to as "Fire Weather Officer" and "Deputy Fire Weather Officer"

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018
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The Community Emergency Services Coordinator discussed these non-compliant issues with both Mr Richard Brown and Mr Richard Allen.

The resulting officer recommendation achieves legislative compliance while maintaining, as far as possible, the overall intent of the recommendations moved at the AGM.

CONSULTATION

- Fire Control Officers Annual General Meeting.
- Michelle Smith DFES Legal & Legislative Services.
- Richard Brown
- Richard Allen
- Scott Clayton Executive Manager Corporate & Community Services.

STATUTORY ENVIRONMENT

Bush Fires Act 1954, Section 38.(1)(8)

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.*

Bush Fires Act 1954, Section 33.(1)

33. Local government may require occupier of land to plough or clear fire-break

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

- (a) *to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks 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 fire-breaks 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 –
- (c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
- (d) *in any event, 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

3.1 Bush Fires Act - Administrative Matters

FINANCIAL IMPLICATIONS

Council will be responsible for the costs associated with advertising.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe and Active Community</i>	
Objectives	How the Shire will contribute
2.5 Provide environmental health and safety services	d) Emergency management services, including coordination and support to Volunteer Bushfire Brigades

ATTACHMENTS

Attached to the agenda is the following item relevant to this report:

- Minutes AGM Fire Control Officers - 14 March 2018 (Doc Id: 108278)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUCIL DECISION

Moved Cr McGlew, seconded Cr Slys

That Council receive the unconfirmed minutes of the Fire Control Officers Annual General Meeting held 14 March 2018.

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That the Chief Executive Officer advise the Chief Bushfire Control Officer that the penalty for non-compliance of section 33 of Bush Fires Act 1954 cannot be amended as it is a prescribed within the Bush Fires (Infringements) Regulations 1978.

CARRIED 9 / 0

OFFICER RECOMMENDATION 3 / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Richardson

That Council,

1. In accordance with Section 38(1) of Bush Fires Act 1954, appoint;
 - a) Mr Richard Brown, Mr Aubrey Panizza, Mr Peter Ivey, Mr Hugh Roberts, Mr Peter McIndoe, Mr Andrew Kenny, Mr Bruce Cook, Mr Colin McAlpine, Mr Richard Allen as Bushfire Control Officers, and;
 - b) Mr Richard Brown as Chief Bushfire Control Officer, and;
 - c) Mr Aubrey Panizza, as Deputy Chief Bush Fire Control Officers.
2. In accordance with Section 38(8) of Bush Fire Act 1954;
 - a) and Shire Policy 3.1 Bush Fires Act - Administrative Matters, appoint Mr Richard Brown as Fire Weather Officer, and;
 - b) appoint, in order of seniority, Mr Bruce Cook, Mr Aubrey Panizza and Mr Colin McAlpine to the role of Deputy Fire Weather Officers.

CARRIED 9 / 0

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Gibson

That Council advocate through WALGA for the infringement penalty associated with non-compliance of Section 33(1) of the Bush Fires Act 1954 to be increased.

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN**9.5.1 SHIRE OF DANDARAGAN – APRIL 2018 COUNCIL STATUS REPORT**

Document ID: 110939

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 26 April 2018. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – APRIL 2018

Document ID: 111119

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for April 2018. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – APRIL 2018

Document ID: 111118

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for April 2018. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR APRIL 2018

Document ID: 111298

Attached to the agenda is monthly report for Tourism / Library for April 2018. **(Marked 9.5.4)**

9.5.5 WALGA – SUMMARY STATE COUNCIL MINUTES

Document ID: 111429

The Summary Minutes of State Council 4 May 2018 have previously been emailed out.

9.5.6 DEPARTMENT OF TRANSPORT – REVITALISATION AGRICULTURE FREIGHT ROUTE

Document ID: 110658

Attached to the agenda is information in relation to *Revitalising Agricultural Region Freight* stakeholder. **(Marked 9.5.6)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 MAY 2018

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The Presiding member declared the meeting closed at 4.40pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date