



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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS, JURIE BAY**

**on**

**THURSDAY 26 JULY 2018**

**COMMENCING AT 4.03PM**

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

# Table of Contents

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>3</b>
	1.1 DECLARATION OF OPENING .....	3
	1.2 DISCLAIMER READING .....	3
<b>2</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>4</b>
<b>4</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
	6.1 MINUTES OF THE ORDINARY MEETING HELD 28 JUNE 2018.....	4
<b>7</b>	<b>NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>4</b>
<b>8</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....</b>	<b>4</b>
<b>9</b>	<b>REPORTS OF COMMITTEES AND OFFICERS .....</b>	<b>5</b>
	<b>9.1 CORPORATE &amp; COMMUNITY SERVICES .....</b>	<b>5</b>
	9.1.1 ACCOUNTS FOR PAYMENT – JUNE 2018.....	5
	9.1.2 SHIRE OF DANDARAGAN 2018 / 2019 ANNUAL MUNICIPAL BUDGET.....	6
	<b>9.2 INFRASTRUCTURE SERVICES.....</b>	<b>15</b>
	<b>9.3 DEVELOPMENT SERVICES .....</b>	<b>15</b>
	9.3.1 INITIATION AND CONSENT TO ADVERTISE – DRAFT BEACH CLOSURE POLICY.....	15
	9.3.2 INITIATION AND CONSENT TO ADVERTISE SCHEME AMENDMENT NO.37 – COASTAL HAZARD RISK AREA .....	17
	9.3.3 JOINT DEVELOPMENT ASSESSMENT PANEL – REQUEST FOR EXTENSION TO PLANNING APPROVAL – INTENSIVE PIGGERY – LOT 3616 AGATON ROAD, DANDARAGAN.....	22
	9.3.4 SANDI SMITH - REQUEST TO KEEP THREE (3) DOGS.....	24
	9.3.5 RETROSPECTIVE PLANNING REFUSAL RECONSIDERATION – UNAUTHORISED DEVELOPMENT – LOT 414 JURIE BAY VISTA, JURIE BAY HEIGHTS.....	27
	<b>9.4 GOVERNANCE &amp; ADMINISTRATION.....</b>	<b>32</b>
	9.4.1 TURQUOISE COAST VISITOR CENTRE WORKING GROUP.....	32
	<b>9.5 COUNCILLOR INFORMATION BULLETIN .....</b>	<b>33</b>
	9.5.1 SHIRE OF DANDARAGAN – JUNE 2018 COUNCIL STATUS REPORT .....	33
	9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2018.....	34
	9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2018 .....	34
	9.5.4 MACHINERY OF GOVERNMENT (MOG) CHANGES .....	34
	9.5.5 MCLEODS – PROPOSED RECORDING OF MEETINGS .....	34

9.5.6	MAIN ROADS DEPARTMENT – AGRICULTURE VEHICLE PILOT & PERMIT REQUIREMENTS .....	34
9.5.7	SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR JUNE 2018.....	34
<b>10</b>	<b>NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING .....</b>	<b>34</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....</b>	<b>34</b>
<b>12</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>34</b>
<b>13</b>	<b>CLOSURE OF MEETING .....</b>	<b>35</b>

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.03pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 1 member 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 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 J Clarke	
Councillor R Shanahun	
Councillor D Slys	
Councillor D Richardson	
Councillor A Eyre	

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Ms M Perkins	(Community Development Officer)

### Apologies

Nil

### Approved Leave of Absence

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018****Observers**

Mr M Sheppard

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD 28 JUNE 2018****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Scharf

That the minutes of the Ordinary Meeting of Council held be confirmed.

**CARRIED 9 / 0**

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

Nil

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

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 ACCOUNTS FOR PAYMENT – JUNE 2018

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure  
 Disclosure of Interest: None  
 Date: 16 July 2018  
 Author: Scott Clayton, Executive Manager Corporate & Community Services  
 Senior Officer: Brent Bailey, Chief Executive Officer

#### PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of June 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 June 2018 totalled \$2,384,974.27 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the June 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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for June 2018 (Doc Id: 115280)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Richardson**

**That the Municipal Fund cheque and EFT listing for the period ending 30 June 2018 totalling \$2,384,974.27 for the Municipal Fund be accepted.**

**CARRIED 9 / 0**

## **9.1.2 SHIRE OF DANDARAGAN 2018 / 2019 ANNUAL MUNICIPAL BUDGET**

Location:	N/A
Applicant:	None
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	None
Date:	17 July 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To adopt the Shire of Dandaragan's Budget for the 2018 / 2019 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2018 / 2019 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshops held between May and June 2018.

COMMENT

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

- a 1.9% overall rate increase.
- a capital works program totalling approximately \$4.1m for investment in infrastructure and buildings.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

- An estimated surplus of \$1.8m is anticipated to be brought forward from 30 June 2018. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

The opening surplus includes;

- approximately \$700,000 worth of carryover projects
- an advance WA Local Government Grants Commission grant payment of \$853,824

Budget highlights include;

- \$1.1m to gravel re-sheet over 60km of rural gravel roads.
- Reconstruction of a 3.3km section of Rowes Road.
- Reconstruction of a 2km section of Dandaragan Road.
- Reconstruction of a 1km section of Jurien East Road.
- Sealing of Airstrip Road in Jurien Bay.
- Reconstruction and Resurfacing of Cordoba and Santander Way in Cervantes.
- Installation of disabled beach access at the Marina in Jurien Bay.
- Completion of the Cervantes Sport and Recreation Centre upgrade.
- Relocation of the Badgingarra library to the mezzanine area of the Badgingarra Community Centre.
- Solar light installation along strategic locations in the recently extended Fauntleroy Park in Jurien Bay.
- Continued shared use path replacement along Bashford Street Jurien Bay, through Pioneer Park and Hastings Street to Seaward Drive. This will finalise connection of footpaths along the length of Bashford on both sides of the road.
- Funding to continue the extremely successful Spray the Grey Youth Festival
- Continued commitment to lease and sub-lease the Badgingarra Research Station to the West Midlands Group.
- Commitment to the Beach Emergency Numbering Project.
- Continued progress on the Northern Growth Alliance with the Shires of Chittering and Gingin.
- A significant review of the Shire's Strategic Community Plan.
- Finalisation of the concept plan for a skate park in Jurien Bay.
- Introduction of a Youth Advisory Council.
- Development of a Shire Arts and Culture Plan.
- Development of a North Head conservation plan.
- North Head / World War II oral history project.
- Finalisation of the Jurien Bay town centre revitalisation business case.
- Detailed design and detailed design audit of identified safety blackspot locations at the intersection of Jurien East and Munbinea Road and the intersection of Jurien East and Black Arrow Road. This is the required first stage in applying for Main Roads WA funding to reconstruct these intersection in a future financial year.



<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b></p>
--

- Detailed design of the Meagher Road intersections at North West Road and Brand Highway in Badgingarra.
- Participation in the Astro Tourism Towns.
- \$2,500 contribution towards the State History Conference to be held in Cervantes.
- \$5,000 contributions to the 50<sup>th</sup> year World War II memorial service being held in Jurien Bay.
- \$2,500 contributions to the State golf sand greens tournament being held in Jurien Bay.

At the ordinary Council meeting held 26 April 2018 the following decision was made;

**OFFICER RECOMMENDATION / COUNCIL DECISION**

*Moved Cr McGlew, seconded Cr Shanhan*

*That Council, authorise local public advertising of a proposal, effective 1 July 2018 and in accordance with section 67 Waste Avoidance and Resource Recovery Act 2007.*

- 1. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within designated town site boundaries, and;*
- 2. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within Rural Residential and Special Use / Rural Development estates, and;*
- 3. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved Temporary Accommodation in Rural Residential and Special Use / Rural Development estates where approval is for a person(s) to stay within an adapted habitable (self-contained) outbuilding while constructing their permanent dwelling , and;*
- 4. to apply a compulsory annual rural facility pass charge, as determined by the annual fees and charges adoption, for all vacant properties and properties with outbuildings for non-habitation within Rural Residential and Special Use / Rural Development estates.*

*CARRIED 8 / 0*

Following feedback from affected vacant land holders, it became clear that the majority of these land holders did not use their land for camping or any other domestic waste producing purposes and therefore, the budget includes the changes as per the above decision minus the charge for entirely vacant blocks of lands.

**CONSULTATION**

- Chief Executive Officer
- Executive Manager Development Services
- Executive Manager Infrastructure
- Manger Building Services
- Key Community Groups

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

### STATUTORY ENVIRONMENT

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

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2018 / 2019 budget as presented is considered to meet statutory requirements.

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

Specific financial implications are itemised in the draft 2018 / 19 budget attached for adoption.

### STRATEGIC IMPLICATIONS

The draft 2018 / 2019 budget has been developed based on the Strategic Community Plan.

### ATTACHMENTS

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

- Shire of Dandaragan Draft 2018 / 2019 Annual Municipal Budget (Doc Id: 115472)

***(Marked 9.1.2)***

### VOTING REQUIREMENT

OFFICER RECOMMENDATION 1 Absolute majority

OFFICER RECOMMENDATION 2 Absolute majority

OFFICER RECOMMENDATION 3 Simple majority

OFFICER RECOMMENDATION 4 Absolute majority

### **OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Eyre**

### **PART A – MUNICIPAL FUND BUDGET FOR 2018 / 2019**

**Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Budget as contained in Attachment 9.1.2 (Doc Id: 115472) of this agenda and the minutes, for the Shire of Dandaragan for the 2018 / 2019 financial year which includes the following:**

- Statement of Comprehensive Income by Nature and Type showing a net loss result for that year of \$3,229,493.
- Statement of Comprehensive Income by Department showing a net loss result for that year of \$3,229,493.
- Statement of Cash Flows.
- Rate Setting Statement showing an amount required to be raised from rates of \$6,202,176.
- Notes to and forming part of the Budget.
- Budget Program Schedules.
- Transfers to / from Reserve Accounts.

#### **PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

1. for the purpose of yielding the deficiency disclosed by the Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the general and minimum rates on Gross Rental Values and general and minimum rates on Unimproved Values.
  - 1.1 General Rates
    - General (GRV) 7.8972 cents in the dollar.
    - General (UV) 0.7622 cents in the dollar.
  - 1.2 Minimum Rates
    - General (GRV) \$933.
    - Lesser (GRV) (Dandaragan & Badgingarra) \$704.
    - General (UV) \$881.
    - Lesser (UV) (Non Mining) \$704.
2. pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full or by instalments:
  - Full payment and 1<sup>st</sup> instalment due date 28 September 2018.
  - 2<sup>nd</sup> instalment due date 28 November 2018.
  - 3<sup>rd</sup> instalment due date 29 January 2019.
  - 4<sup>th</sup> and final instalment due date 28 March 2019.
3. pursuant to Section 6.46 of the Local Government Act 1995, Council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears and service charges, on or before 28 September 2018 or 35 days after the date of service appearing on the rate notice, whichever is the later.
4. pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$6.67 (\$20 total) for each instalment after the initial instalment is paid.
5. pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial

Management) Regulations 1996, Council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.

6. pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 10% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

### **PART C – FEES AND CHARGES FOR 2018 / 2019**

1. pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included in the draft 2018 / 2019 budget included as Attachment 9.1.2 of this agenda and minutes.
2. pursuant to section 6.16 of the Local Government Act 1995, Council cap the maximum any one customer, as individually identified by the “customer ID” held by Avdata, will pay for the 2018- 2019 financial year towards landing fees at \$20,000 ex GST
3. pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

Rubbish Service Level 1	
Collection of one rubbish bin weekly and one recycling bin fortnightly	\$357
Pensioner Rate	\$309
Rubbish Service Level 2	
Collection of one rubbish bin weekly and two recycling bin fortnightly	\$434
Pensioner Rate	\$386
Rubbish Service Level 3	
Collection of one rubbish bin weekly and three recycling bin fortnightly	\$511
Pensioner Rate	\$463
Rubbish Service Level 4	
Collection of one rubbish bin weekly and four recycling bin fortnightly	\$588
Pensioner Rate	\$540
Rubbish Service Level 5	
Collection of one rubbish bin weekly and five recycling bin fortnightly	\$665
Pensioner Rate	\$617
Rural Facility Pass	
Rural 240l Disposal Charge	

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

\$149

**4. pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 Council adopt the following charges for the deposit of domestic and commercial waste:**

General refuse	per m <sup>3</sup>	28.00
Builders Waste	per m <sup>3</sup>	28.00
Clean bricks and concrete slabs (resalable)		Free
Separated recyclables		Free
Clean fill		Free
Scrap metal		Free
Motorcycle Tyres	each	2.50
Car Tyres without rims	each	3.60
4x4 Tyres without rims	each	6.50
Truck Tyres without rims	each	14.00
4x4 & Car tyres with rims	each	12.00
Truck Tyres with rims	each	33.00
Car tyres contaminated	each	10.00
Light truck contaminated	each	15.00
Truck tyre contaminated	each	37.00
Super single tyre	each	28.00
Bobcat tyre	each	11.00
Bobcat tyre contaminated	each	40.00
Tractor tyre 0m – 1m	each	80.00
Tractor tyre Large 1m to 2m	each	130.00
Earth mover tyre small 0m – 1m		Not accepted
Earth mover tyre large 1.m - 1.5m		Not accepted
Earth mover tyre large 1.5m – 2m		Not accepted
Asbestos (see note 1)	per m <sup>3</sup>	75.00
Freezers, Fridges, Air conditioners (see note 2)	each	15.00
Used Oil	per litre	Free
Oil Filters	each	Free
Uncontaminated green waste i.e. No weeds		Free
Large tree stumps	per m <sup>3</sup>	28.00

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

Power Poles	per m <sup>3</sup>	28.00
Problematic wastes (See note 3))	per m <sup>3</sup>	75.00
Emergency opening fee	per hour	100.00

*Note: Waste that originates from the Perth Metropolitan Area will incur the Department of Regulations current Landfill Levy, plus a 10% administration fee.*

*Note 1: A \$75.00 minimum charge applies to all asbestos quantities*

*Note 2: All fridges, freezers and white goods will be chargeable regardless of its gassed state*

*Note 3. Problematic Waste includes waste that requires additional handling i.e. animal carcasses, construction waste that requires further processing etc.*

#### **PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2018 / 2019**

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

President	<b>\$ 24,720</b>
Councillors	<b>\$ 15,965</b>

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

ICT Allowance	<b>\$ 3,500</b>
---------------	-----------------

**3. pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition to the annual meeting fee:**

President	<b>\$ 12,000</b>
-----------	------------------

**4. pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:**

Deputy President	<b>\$ 3,000</b>
------------------	-----------------

#### **PART F – MATERIAL VARIANCE REPORTING FOR 2018 / 19**

**In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

activity in 2018 / 2019 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Shanhun

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

1. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for the first four landings each calendar month for each customer as individually identified by the "customer ID" held by Avdata;
2. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for landings undertaken by the Royal Flying Doctors Service and student pilots.

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**OFFICER RECOMMENDATION 3 / COUNCIL DECISION**

Moved Cr Eyre, seconded Cr McGlew

That Council authorises the Shire of Dandaragan to pay identified landholders a gravel royalty of \$2.50 ex GST per cubic metre for the procurement of gravel for the 2018 / 2019 financial year.

**CARRIED 9 / 0**

**OFFICER RECOMMENDATION 4 / COUNCIL DECISION**

Moved Cr Slyns, seconded Cr Richardson

That Council, in accordance with section 67 of the Waste Avoidance and Resource Recovery Act 2007.

1. apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within designated town site boundaries, and;
2. apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within Rural Residential and Special Use / Rural Development estates, and;
3. apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved Temporary Accommodation in Rural Residential and Special Use / Rural Development estates where approval is for a person(s) to stay within an adapted habitable (self-contained) outbuilding while constructing their permanent

- dwelling , and;
4. to apply a compulsory annual rural facility pass charge, as determined by the annual fees and charges adoption, for all properties with outbuildings for non- habitation within Rural Residential and Special Use / Rural Development estates.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

## 9.2 INFRASTRUCTURE SERVICES

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 INITIATION AND CONSENT TO ADVERTISE – DRAFT BEACH CLOSURE POLICY

Location:	Beaches under the management of the Shire of Dandaragan
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Government Relations / State Liaison / State Government
Disclosure of Interest:	Nil
Date:	22 June 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

#### PROPOSAL

To seek Council authorisation to adopt, for purposes of advertising, a policy to guide the closure of Shire managed beaches in instances of a confirmed sighting and / or attack of a dangerous aquatic species.

#### BACKGROUND

A beach closure policy is one of the prerequisites for coastal southwest local governments to apply for a signage grant under the Department of Primary Industries and Regional Development's (DPIRD) new Beach Emergency Numbers (BEN) system.

The BEN system, named in honour of fatal shark bite victim Ben Gerring, is a coding system designed to improve emergency response times by installing signs with unique numbers at beach access points. These signs will provide specific location information which is vital when emergency services are deployed in the event of a shark sighting, bite or other beach emergencies. In December 2017, DPIRD launched a grants program to provide financial assistance to local governments who wish to introduce emergency response signs along beaches with public access.



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

Regional local governments located between Geraldton and the South Australian border may apply for up to \$50,000. The grant can be used for the following:

- a BEN sign to be located at selected beach access points within the local government; and
- design costs and signage fixtures (e.g. brackets, poles etc.).

Grant applications are to meet the following assessment criteria to be successful:

1. The application is from an eligible local government.
2. The application has been discussed with DPIRD prior to submission.
3. The application doesn't exceed the allocated funding of up to \$50,000 for regional local governments.
4. The application includes all relevant supporting documentation including:
  - a. data collection requirements
  - b. communications plan
  - c. beach closure guidelines
5. The application has been submitted using the online grant application form.

#### COMMENT

Dangerous aquatic animals are listed in the policy instead of only sharks to provide greater coverage to beach closures.

Given the policy is being formulated to pursue funding for a southwest Western Australia coastal public safety initiative, Council is requested to authorise the policy for local advertisement.

It is hoped the Shire's BEN application will be finalised in the near future so BEN signage can be installed before the summer months' high tourist period.

#### CONSULTATION

The recommendation of this report is to commence advertising of the draft policy. If authorised, a public notice will be placed in local papers and on the Shire's Website and Facebook pages in addition to a letter to relevant government agencies to invite submissions on the policy for period of 28 days.

Following this consultation period the policy will be modified based on submissions received and presented for final adoption at the next available Council meeting.

#### STATUTORY ENVIRONMENT

- Section 9.10 of the Local Government Act 1995.
- Shire of Dandaragan Property Local Law – Part 5 – Matters Relating to Particular Local Government Property, Division 1 – Beaches.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

POLICY IMPLICATIONS

This policy would be appropriately formulated under Section 3: Law Order and Public Safety of the Shire of Dandaragan Policy Manual.

FINANCIAL IMPLICATIONS

The policy outlines all beach closure responses will be subject to Shire resources. Provision has been allocated for this in the draft budget.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	f) Ensure safety and accessibility of swimming areas and beaches

ATTACHMENTS

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

- Draft Beach Closure Policy (Doc Id: 113301)  
**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr McGlew**

**That Council adopts, for purposes of advertising the Draft Beach Closure Policy as provided as an attachment (Doc Id: 113301) to this report, and invites submissions for period of 28 days.**

**CARRIED 9 / 0**

**9.3.2 INITIATION AND CONSENT TO ADVERTISE SCHEME AMENDMENT NO.37 – COASTAL HAZARD RISK AREA**

Location:	Cervantes and Jurien Bay Foreshore and associated areas
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Zoning / Rezoning Applications / 37
Disclosure of Interest:	None
Date:	3 July 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

PROPOSAL

This submission seeks to initiate for the purpose of advertising a new Special Control Area (SCA) into Local Planning Scheme No.7 (LPS7), in the form of SCA3 – Coastal Hazard Risk Area.

BACKGROUND

Council adopted the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) on 28 June 2018. One of the recommendations of implementation of the CHRMAP was to include land seaward of the forecast 2110 hazard line within a SCA under LPS7, the purpose of Amendment 37.

COMMENT

Amendment 37 introduces management controls to ensure land use and development within the Coastal Hazard Risk Area is dealt with appropriately. This includes provisions to:

- ensure development approval is required for any new development including single houses, outbuildings, fences, retaining walls, and additions or extensions or other structural modifications to existing buildings;
- issue time limited development approval related to the forecast hazard lines, after which time the development should be removed by the landowner unless a subsequent new approval is applied for and granted for a further period;
- ensure any approved development within the SCA is capable of accommodating short term inundation that may result from storm surges or capable of being relocated if necessary.
- ensure proponents (as a condition of planning approval) place a notification of the coastal risk on the certificate of title in accordance with Section 70A of the *Transfer of Land Act 1987*.
- ensure proponents undertake coastal hazard risk management and adaptation planning for developments deemed appropriate under *State Planning Policy 2.6 (SPP2.6)*.

Overall the SCA has following objectives:

- a) to ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;
- b) to ensure public safety and reduce risk associated with coastal erosion and inundation;
- c) to avoid inappropriate land use and development of land at risk from coastal erosion and inundation;
- d) to ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves; and
- e) to ensure that development addresses the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with SPP2.6.

Where the hazard line cuts across a segment of a lot, the whole of the cadastral boundary of that lot will be included in the SCA.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

The Scheme Amendment also provides an opportunity to update elements of LPS 7 to be more consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). However, 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.

Amendment 37 is defined as standard under the Regulations as;

- the amendment to the Scheme is to make it consistent with State Planning Policy 2.6 – State Coastal Planning Policy.
- the amendment to the scheme map is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan (CHRMAP);
- is not a complex or basic amendment.

#### CONSULTATION

As Amendment 37 is defined as standard under the Regulations it is required to be advertised for a minimum period of 21 days.

#### STATUTORY ENVIRONMENT

- Planning and Development Act 2005

Section 75 affords a local government the ability to amend its local planning scheme, which is undertaken in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- State Planning Policy 2.6: State Coastal Planning Policy and associated guideline documents.
- Local Planning Scheme No. 7.

#### POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

The Shire will be required to pay the costs of advertising the Scheme Amendment. This has been included for under the draft Council budget.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan.
- Draft Local Planning Strategy 2016.
- 2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

<i>Goal 1: Great Place for Residential and Business Development</i>	
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
<i>Goal 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances

**ATTACHMENTS**

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

- Scheme Amendment No. 37 (Doc Id: 115431)  
**(Marked 9.3.2)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Richardson

That Council:

1. resolve pursuant to section 75 of the Planning and Development Act 2005 to amend Local Planning Scheme No.7 by:
  - a) inserting Clause 4.23 State Planning Policy 2.6 to read as part of Scheme, as follows:
 

***4.23.1 The provisions of State Planning Policy No. 2.6 State Coastal Planning Policy shall apply as if they were part of this scheme. All coastal development is to comply with the provisions of State Planning Policy No. 2.6 State Coastal Planning Policy.***

***4.23.2 The local government –***

    - i. must make a copy of SPP2.6 available for public inspection during business hours at the offices of the local government; and***
    - ii. may publish a copy of SPP2.6 on the website of the local government.***
  - b) inserting Clause 5.1.1 (iii) Special Control Area No.3 – Coastal Hazard Risk Area.
  - c) inserting Clause 5.4 Coastal Hazard Risk Special Control Area, as follows:
 

***5.4.1 The purpose of SCA3 is to provide guidance as to the appropriate scope of land use and development to be permitted within a coastal erosion and inundation hazard risk area.***

***5.4.2 The objectives of SCA3 are:***

    - i. to ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;***

- ii. to ensure public safety and reduce risk associated with coastal erosion and inundation;*
- iii. to avoid inappropriate land use and development of land at risk from coastal erosion and inundation;*
- iv. to ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves; and*
- v. to ensure that development addresses the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with SPP2.6*

**5.4.3 'All proposed development within SCA 3 requires development approval. Development approval will be issued on a temporary or time limited basis'**

**5.4.4 'Applications for development approval may be referred to the Department of Transport, the Western Australian Planning Commission, and any other relevant authority for advice and comment on the coastal risk.'**

**5.4.5 In granting development approval on a lot located within SCA3, the Shire shall apply a condition requiring the proponent to place the following notification on the certificate of title in accordance with Section 70A of the Transfer of Land Act 1987 and SPP2.6:**

**VULNERBALE COASTAL AREA – this lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years.**

**d) amending the Scheme Maps accordingly.**

- 2. resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 37 is standard for the following reason:
 
  - the amendment to the Scheme is to make it consistent with State Planning Policy 2.6 – State Coastal Planning Policy.**
  - the amendment to the scheme map is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan (CHRMAP);**
  - is not a complex or basic amendment.****
- 3. authorise Council officers to prepare the scheme amendment documentation.**
- 4. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 37 to the Environmental Protection Authority.**
- 5. proceed to advertise the amendment to the local planning scheme without modification.**

**CARRIED 9 / 0**

### 9.3.3 JOINT DEVELOPMENT ASSESSMENT PANEL – REQUEST FOR EXTENSION TO PLANNING APPROVAL – INTENSIVE PIGGERY – LOT 3616 AGATON ROAD, DANDARAGAN

Location:	Lot 3616 Agaton Road, Dandaragan
Applicant:	Westpork Pty Ltd
File Ref:	Development Services Apps / Development Application / 2018 / 50
Disclosure of Interest:	None
Date:	9 July 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

#### PROPOSAL

The applicant is seeking a further two (2) year extension of planning approval for the Moora Piggery scheduled to lapse on the 1 May 2020.

#### BACKGROUND

At its meeting on 1 May 2017, the Midwest / Wheatbelt JDAP granted three (3) year conditional planning approval for the Moora Piggery. The conditions of approval are detailed in the attached minutes of the meeting.

Under Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the proponent, Westpork can choose whether the JDAP or the Shire determines a Form 2 Application to amend the previous approval. In this instance, Westpork has chosen the Shire to determine the application for a minor amendment of the previous approval. The completed Form 2 Responsible Authority Report is attached for reference.

#### COMMENT

Westpork has detailed the reason for the requesting the extension of development approval for the approved piggery is due to the recent significant downturn in pork prices due to a number of factors including:

- an oversupply of pork resulting in significant volumes of cheap pork from the eastern States and overseas being imported into the WA market, impacting viability of local producers; and
- the lack of progress in growing overseas export markets, particularly China where Westpork had hoped to have had negotiated import protocols by now.

This has resulted in Westpork being forced to put construction of the piggery on hold until an improvement in pork prices eventuates, which is expected for early 2020. Westpork remain committed to the construction of the piggery as there will be a need for the development in improved market conditions.

On these above grounds, the request for the extension of the current JDAP approval is considered reasonable. With the resolution of market issues expected to be corrected in the near

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

future, the extension to the planning approval would provide for construction to be considerably commenced prior to 1 May 2022.

However, in granting the extension it should be made clear to the proponent that the Shire's decision does not provide an avenue to change any other current conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision merely relates to the period of time, upon which construction work must have substantially commenced.

With it known there are no significant changes to landowners or the proposed development it would be reasonable to approve the minor amendment of approval subject to the other conditions imposed on 1 May 2017.

**CONSULTATION**

Given there has been no change in surrounding landowners and the application is for a single minor amendment, it is not considered necessary for consultation be undertaken in this instance.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Planning and Development (Development Assessment Panels) Regulations 2011

**POLICY IMPLICATIONS**

There are local no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The applicant is required to pay a fee of \$147 to the Shire for the application of a minor amendment to the previous JDAP development approval.

**STRATEGIC IMPLICATIONS**

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement
- Draft Local Planning Strategy 2016
- 2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

ATTACHMENTS

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

- Minutes of the Midwest / Wheatbelt JDAP Panel 1 May 2017 (Doc Id: 114888)
- Request Letter from Westpork (Doc Id: 114877)
- Form 2 Responsible Authority Report (Doc Id: 114876)  
**(Marked 9.3.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Richardson**

**That Council:**

1. Approves the minor amendment to condition 1 of development approval granted on 1 May 2017 for the Intensive Piggery on Lot 3616 Agaton Road, Dandaragan. Condition 1 is to now read the following:  
*This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.*
2. Advise the Midwest/Wheatbelt JDAP of the above approval.

**CARRIED 9 / 0**

**9.3.4 SANDI SMITH - REQUEST TO KEEP THREE (3) DOGS**

Location:	Lot 88 (90) Bashford Street, Jurien Bay
Applicant:	Sandi Smith
Folder Path:	Business Classification Scheme / Laws & Enforcements / Policy / Dogs
Disclosure of Interest:	None
Date:	10 July 2018
Author:	Terry Sims, Senior Ranger
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To consider an application to keep more than two dogs at Lot 88 (90) Bashford Street, Jurien Bay in accordance with the provisions of the Dog Act 1976 and Shire of Dandaragan Local Laws relating to dogs.

BACKGROUND

A written application was submitted by the proponent on 29 June 2018 that sought Council approval to keep the following dogs at Lot 88 (90) Bashford Street Jurien Bay.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

	Breed	Sex	Name	Age	Registration Details
1	Chihuahua	Female	Kbella	6	00321 Lifetime
2	Chihuahua	Female	Keyshe	3	00361 Lifetime
3	Chihuahua	Male	Shredher	3	00401 Lifetime

**COMMENT**

Since receiving this application a property inspection has been carried out by staff. The Shire Ranger confirms that suitable means exist at the property to effectively confine the dogs.

The proponent's premises are (1020m<sup>2</sup>) and meet the size requirement of the Local Law to keep (3) three dogs therefore the application is supported by staff.

The proponent has hand delivered two written consents from adjoining neighbours at 92 & 88 Bashford Street, Jurien Bay.

**CONSULTATION**

Adjoining neighbours 4 Lindsay Street, 31, 35 & 37 Padbury Street Jurien Bay. No comments have been received.

**STATUTORY ENVIRONMENT**

Clause 3.2 of the Local Law relating to Dogs states, in summary that the owner or occupier of premises within the district shall not, unless the premises are licensed as an approved kennel establishment, or has been granted an exemption in accordance with Section 26(3) of the Act and the First Schedule of the local law, keep or permit to be kept on those premises more than two (2) dogs over the age of three (3) months. The following table details the First Schedules requirements –

Premises having a Land Area of:	Maximum Number of Dogs Permitted
Less than 800 square metres	2
800 square metres but less than 2,000 square metres	3
2,000 square metres but less than 10,000 square metres	4
10,000 square metres or greater	6

An exemption may be made subject to any conditions or requirements deemed necessary, including the conditions that –

- The premises comply with the provisions of the Act and the local law;
- All dogs are registered in accordance with the Act; and,
- That the exemption may be revoked or varied at any time.

Council may, at its discretion vary the number of dogs that may be kept in accordance with clause 3.2 and, as described in the First

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

Schedule, but in any case the variation shall not permit more than six (6) dogs to be kept on a premises, unless a kennel establishment license is approved under the Act and 3.2 of the Shire of Dandaragan Local Law relating to Dogs.

Dog Act 1976 Part V (The keeping of dogs S26 (5)) any person who is aggrieved -

- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications relevant to this item as all fees associated with this procedure have been met by the applicant.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan

<i>Goal 5 – Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2 High Performing Administration	c) Compliance in all legislative requirements and functions

**ATTACHMENTS**

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

- Written application from Sandi Smith to keep more than 2 dogs. (Doc Id: 114972)
- Copy of letters from Council to adjoining neighbours. (Doc Id: 114969)
- Correspondence from adjoining neighbours from 88 & 92 Bashford Street. (Doc Id: 114971)

***(Marked 9.3.4)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Shanhun**

**That Council approve the application for an exemption under Section 26 (3) of the Dog Act 1976, for Sandi Smith to keep the following (3) three dogs at Lot 88 (90) Bashford Street, Jurien Bay**

- 1. female chihuahua (Kbella) - Registration 321 (Lifetime)**
- 2. female chihuahua (Keyshe) - Registration 361 (Lifetime)**
- 3. male chihuahua (Shredher) – Registration 401 (Lifetime)**

subject to the following conditions–

- a) the approval only applies to the dogs specified;
- b) that the approved dogs remain registered pursuant to the Dog Act 1976.
- c) the dogs are not to cause a nuisance to neighbours;
- d) in the event of one of the dogs dying or being removed from Lot 88 (90) Bashford Street, Jurien Bay the number of dogs permitted to be kept at the property shall revert to two;
- e) all dogs are effectively confined to the property;
- f) in the event of any breach of the Dog Act 1976 or the Shire of Dandaragan Dogs Local Law, this approval will be revoked or varied at any time; and
- g) in the event that the applicant relocates to another townsite address within the district a new application will be required.

**CARRIED 9 / 0**

### **9.3.5 RETROSPECTIVE PLANNING REFUSAL RECONSIDERATION – UNAUTHORISED DEVELOPMENT – LOT 414 JURIEN BAY VISTA, JURIEN BAY HEIGHTS**

Location:	Lot 414 Jurien Bay Vista, Jurien Bay Heights
Applicant:	DJ Ball
Folder Path:	Development Services Apps/ Development Application / 2018 / 35
Disclosure of Interest:	Nil
Date:	18 July 2018
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

#### PROPOSAL

The applicant is seeking reconsideration of Council's decision to refuse retrospective planning approval for the following unauthorised buildings on Lot 414 Jurien Bay Vista, Jurien Bay Heights based on his intent to construct a dwelling within 12 months and remove the following buildings.

- 1x Donga 7.4m x 2.8m
- 1x Sea Container 6m x 2.4m
- 1x Old Site Office 6m x 4m

Location Plan



## BACKGROUND

Council at its meeting held on 28 June 2018 resolved;

1. That Council refuse the application for retrospective planning approval for development on Lot 414 Jurien Bay Vista, Jurien Bay Heights for the following reasons:
  - A. Approval of the application would set an undesirable precedent for future applications for such development type within the 'Special Use – Rural Development' zone.
  - B. Council considers that this type of development will not satisfactorily blend in with the rural development landscape and will have undue adverse impact on the visual amenity of the adjoining sites and surrounding locality in contravention of Clause 2.1 of the Development Criteria for the Estate as listed under Schedule 9 of the Shire of Dandaragan Local Planning Scheme No.7.
  - C. The proposed development does not comply with orderly and proper planning for the locality.
2. Pursuant to Section 214 of the Planning and Development Act 2005 (the Act), authorise Shire staff serve a written direction to the landowner of Lot 414 Jurien Bay Vista, Jurien Bay Heights to remove the unauthorised development and restore the land to its condition immediately before the unauthorised development started within a period of 60 days to the satisfaction of the Shire's Chief Executive Officer. The landowner is to be advised there is a right of review to the State Administrative Tribunal within 40 days after service of the notice under Section 255 of the Act.



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

Moved Cr Scharf, seconded Cr Eyre

The Manager of Building Services (MBS) and Executive Manager Development Services (EMDS) met with the applicant onsite on the 17 July 2018 to discuss the requirements of the refusal and building order.

The applicant advised that he was intending to build a dwelling on the subject property within 12 months and remove the following buildings at the time the dwelling was constructed.

- 1x Donga 7.4m x 2.8m
- 1x Sea Container 6m x 2.4m
- 1x Old Site Office 6m x 4m

He wished to retain the following structures as they would be ancillary to the new dwelling.

- 1x Pergola 7m x 6.5m
- 1x Patio 5.6m x 5.5m

The MBS examined the structures on the property and was satisfied that a building approval could be obtained by way of a Building Approval Certificate for all of the structures onsite.

In order to address part 1B of Council's resolution "*this type of development will not satisfactorily blend in with the rural development landscape and will have undue adverse impact on the visual amenity of the adjoining sites and surrounding locality*" the applicant will immediately paint the structures a suitable shade of green to blend in with the surrounding vegetation.

#### COMMENT

The applicant has provided additional information that he will be constructing a dwelling on the subject site within 12 months and he will be removing all of the substantial illegal structures on the property (excludes pergola and patio that will be ancillary to the proposed dwelling) once the dwelling is substantially constructed.

It is recommended that if Council grants temporary approval for the existing buildings onsite that it be conditional upon a building permit approval for construction for a permanent new dwelling be obtained within 6 months.

The additional information that the offending structures will be temporary within 12 months or a maximum of 2 years has significant bearing on the consideration by Council and officer recommendation. The lengthy process for any appeal against the Council decision of 28 June 2018 and legal expenses incurred are additional considerations taken into account. The ultimate goal is removal of the offending structures and construction of a

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018

substantive dwelling on the site which can be achieved with the cooperation of the landowner within a reasonable period of time.

### CONSULTATION

As the property is situated on the corner of Canover Road and Jurien Bay Vista, only the neighbouring Lot 413 Jurien Bay Vista is potentially affected. However, notification of unauthorised works was also mailed by the MBS to this landowner, and hence, this landowner was not consulted in regards to this retrospective planning application.

### STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Local Planning Scheme No.7
- Building Code of Australia
- Health Act 1911

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

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

### 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
<i>Goal 2: Healthy, Safe an Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Proactive and Leading Local Government</i>	
5.2 High performing administration	c) Compliance in all legislative requirements and functions
5.6 Implement sound corporate governance and risk management	h) maintain and implement up to date policies and procedures (including delegations)

### ATTACHMENTS

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

- Submitted Plans (Doc Id: 112188)
- Photos provided by the applicant (Doc Id: 112187)

**(Marked 9.3.5)**

### VOTING REQUIREMENT

OFFICER RECOMMENDATION 1 Absolute Majority

OFFICER RECOMMENDATION 2 Simple Majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Slys**

**That Council revoke resolution 9.3.1 of the Council meeting held on 28 June 2018 refusing retrospective planning approval to the development on Lot 414 Jurien Bay Vista, Jurien Bay and issuing a works order to remove the illegal structures.**

**CARRIED BY ABSOLUTE MAJORITY 9 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Richardson**

**That Council grant temporary planning approval to the development on Lot 414 Jurien Bay Vista, Jurien Bay, for a period of 12 months with an option to extend a further 12 months commencing on 26 July 2018 subject to the following conditions:**

- 1. All development shall be in accordance with application and plans dated 28 June 2018 unless required to be amended hereunder.**
- 2. If the Bushfire Attack Level for this application is above 29, a new planning application showing fire hazard mapping for the subject property must be provided and implemented to achieve a BAL of 29.**
- 3. An application is to be submitted and approved to the satisfaction of the Shire's Principle Environmental Health Officer for an effluent disposal system on the property within 6 months.**
- 4. The area around the 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.**
- 5. The building materials of all structures are to be painted a colour consistent with the surrounding vegetation and/or predominant colours of the individual site to the satisfaction of the Chief Executive Officer or delegate forthwith.**
- 6. The existing sea container and other structures areas to be secured to the satisfaction of the Shire's Manager of Building Services forthwith.**
- 7. This is planning approval only and not a building permit. A building approval certificate must be obtained for the current structures onsite forthwith.**
- 8. Approval is obtained for a building permit to construct a permanent new dwelling on the subject lot within 6 months of this approval.**

**CARRIED 9 / 0**



## 9.4 GOVERNANCE & ADMINISTRATION

### 9.4.1 TURQUOISE COAST VISITOR CENTRE WORKING GROUP

Location:	N/A
Applicant:	Turquoise Coast Visitor Centre Working Group
Folder Path:	Business Classification Scheme / Economic Development / Programs / Tourism
Disclosure of Interest:	Nil
Date:	16 July 2018
Author:	Alison Slyns, Economic Development Coordinator
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

For Council to receive the Turquoise Coast Visitor Centre Working Group's meeting minutes dated 9 March 2018, 13 April 2018 and 25 May 2018.

#### BACKGROUND

After being formed in June 2017, the first meeting of the Visitor Centre Working Group was held on Friday 13 October 2017. The Working Group established a terms of reference and has continued meeting regularly to discuss potential implementation of key recommendations in the Turquoise Coast Visitor Centre Business Plan (5 Year Plan) 2016-2021. The previous most recent meeting minutes from the working group were received by Council at the meeting 22 March 2018.

#### COMMENT

The Working Group has finalised its comments on the key recommendations from the 5 Year Plan. As per the terms of reference the working group was tasked with reviewing the business plan and providing feedback to Council on each recommendation, which has now been completed. The recommendations from the Working Group will be discussed at a Council forum to clarify any actions moving forward and any actions requiring endorsement from Council to proceed will be presented as a separate agenda item at a future Council meeting.

#### CONSULTATION

Turquoise Coast Visitor Centre Working Group

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this report.

#### POLICY IMPLICATIONS

There are no policy implications in relation to this item. However, the Plan may suggest a direction that Council may wish to consider in a policy at a future time.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this report. However, the implementation of the plan may incur financial costs, which would be subject to budget consideration in the future.

STRATEGIC IMPLICATIONS

2016 – 2026 Community Strategic Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife c) Expand and improve the visitors' centres network

ATTACHMENTS

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

- 20180315 Visitor Centre Working Group meeting minutes Friday 9 March 2018 (Doc Id: 108229)
- 20180508 Visitor Centre Working Group minutes 13 April 2018 (Doc ID: 115253)
- 20180629 Visitor Centre Working Group minutes 25 May 2018 (Doc ID: 114464)

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Richardson**

**That Council receive the Turquoise Coast Visitor Centre meeting minutes from 9 March 2018, 13 April 2018 and 25 May 2018.**

**CARRIED 9 / 0**

**9.5 COUNCILLOR INFORMATION BULLETIN**

**9.5.1 SHIRE OF DANDARAGAN – JUNE 2018 COUNCIL STATUS REPORT**

Document ID: 114849

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 28 June 2018. **(Marked 9.5.1)**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018</b>
---

**9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2018**

Document ID: 114866

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

**9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2018**

Document ID: 114400

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

**9.5.4 MACHINERY OF GOVERNMENT (MOG) CHANGES**

Document ID: 114065

Attached to the agenda is correspondence in relation to Machinery of Government (MOG) changes. *(Marked 9.5.4)*

**9.5.5 MCLEODS – PROPOSED RECORDING OF MEETINGS**

Document ID: 114197

Attached to the agenda is correspondence from McLeod's in relation to proposed recording and streaming of local government council and committee meetings. *(Marked 9.5.5)*

**9.5.6 MAIN ROADS DEPARTMENT – AGRICULTURE VEHICLE PILOT & PERMIT REQUIREMENTS**

Document ID: 114198

Attached to the agenda is information in relation to Agriculture Vehicle Pilot and Permit Requirements as of November 2017. *(Marked 9.5.6)*

**9.5.7 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR JUNE 2018**

Document ID: 113516

Attached to the agenda is monthly report for Tourism / Library for June 2018. *(Marked 9.5.7)*

**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

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

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 JULY 2018**

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.10pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....