



A G E N D A

SPECIAL MEETING

To Be Held

Thursday, 26 July 2018
Commencing at 2.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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NOTICE OF A SPECIAL COUNCIL MEETING

Dear Council Member

A Special Meeting of the Shire of Dardanup will be held on Thursday 23 May 2018 in the Council Chambers, Shire of Dardanup - Administration Centre Eaton, 1 Council Drive, Eaton - commencing at 2.00pm. The meeting is being held to review/amend/adopt the Council Policy Manual.



MR MARK L CHESTER
Chief Executive Officer

Date: 12 July 2018

Note: If interested persons would like to make comment on any items in this agenda, please email records@dardanup.wa.gov.au or hand deliver written comment to the Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton. To be included in the meeting comments are to be delivered no later than 48 hours prior to the meeting.

The Chief Executive Officer will use his discretion as to whether the written comments are relevant and applicable to the meeting before approving their inclusion in the meeting.

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

SHIRE OF DARDANUP

AGENDA FOR THE SHIRE OF DARDANUP SPECIAL MEETING OF COUNCIL TO BE HELD ON THURSDAY 26 JULY 2018, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 2.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member to declare the meeting open, welcome those in attendance and refer to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wandandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

2.2 Apologies

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 18 July 2018

Note: The Minutes of the Ordinary Council meeting held on 18 July 2018 will be brought to the 5.00pm Ordinary Council meeting on 8 August 2018 for confirmation.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

Note: Officers declare a Financial Interest in Item 12.1 as there are a number of Council Policies that provide a direct financial benefit to officers. The following officers declare this interest as they have contributed to the review of the Policies: -

- Mr Mark Chester - Chief Executive Officer
- Mr Luke Botica – Director Engineering & Development Services
- Mr Phil Anastasakis – Director Corporate & Community Services
- Mr Peter Stampoultzis – manager Information Services
- Mr Mick Saunders – Manager Assets
- Mr Steve Potter – Manager Development Services
- Mrs Cathy Lee – Manager Governance & HR
- Mr Nathan Ryder – Manager Assets
- Mrs Lee Holben – Manager Community Services
- Mrs Donna Bullen – Senior HR Coordinator

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: Full Policy Manual Review

Reporting Department: Executive

Reporting Officer: Mrs Cathy Lee – Manager Governance & HR

Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Officers have declared a Financial Interest in this report as contributors to the review of the Council Policies they have a potential financial interest:

Mr Mark Chester - Chief Executive Officer
 Mr Luke Botica – Director Engineering & Development Services
 Mr Phil Anastasakis – Director Corporate & Community Services
 Mr Peter Stampoultzis – manager Information Services
 Mr Mick Saunders – Manager Assets
 Mr Steve Potter – Manager Development Services
 Mrs Cathy Lee – Manager Governance & HR
 Mr Nathan Ryder – Manager Assets
 Mrs Lee Holben – Manager Community Services
 Mrs Donna Bullen – Senior HR Coordinator

Background

Council has been reviewing its policies over the past two years in a piecemeal fashion. In the interests of efficiencies, a Special Meeting has been called to review all policies at one meeting.

All policies have been assessed and it has been established that some Council policies can be deleted and changed to 'Administrative Policies' and/or 'Administrative Procedures'.

Council policies that have a procedure included within the policy are being updated by separating the procedure from the policy itself. A link to the procedure (or the administrative process) will be referenced in the Council policy for ease of reference.

Legal Implications - None.

Strategic Community Plan - None.

Environment - None.

Precedents - The policy manual is reviewed regularly.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The format for Council Policies, Administrative Policies and Procedures has been updated.

There are some policies that are considered as 'no longer being required' as they are covered by other Administrative Policies or legislation. These policies should be deleted. Council has the option of retaining any suggested deletion or administrative policies. This will be agreed at during the review process at the Council meeting.

Officers will continue to update Council policies and amend them as required prior to the next full review. Administrative policies and procedures will be reviewed on a regular basis and will not require a report to Council. These amendments will be undertaken as a part of good governance.

Part of the function of the Chief Executive Officer under Section 5.41 of the Local Government Act 1995 is to manage the day-to-day operations of the local government. The policies that are being moved [and not deleted] from the Council Policy manual will be in place as either an Administrative Policy, Procedure or both. They will be managed by the Chief Executive Officer.

Councillors have been provided with two appendices books:

(Appendix ORD: 12.1A) – Policies that are currently adopted and in use; and
(Appendix ORD: 12.1B) – Policies to be assessed and reviewed by Council.

The two books are cross referenced to assist in comparing policies.

It is suggested that due to the size of the policy manual, that Councillors review the new Policy Manual 2018 and refer back to the previous policies as required.

- *Planning Policies*

Within the policies, a number of Local Planning Policies (LPPs) are identified. Many of these would have been adopted under the Town Planning Scheme No. 3 (TPS3); however the process for adopting, amending or revoking a LPP now comes under the Planning and Development (Local Planning Schemes) Regulations 2015. Some of the more recently adopted ones have also been adopted in accordance with the Regulations (CP028 & CP030).

In terms of amendments, there are those amendments considered minor that do not require advertising and there are more significant changes requiring the LPP to be advertised. As all of the LPPs will be at least subject to minor changes, they have been divided into three separate categories these being:

- LPPs being revoked;
- LPPs subject to minor amendments for which advertising is not required;

- LPPs subject to more significant amendments for which advertising is required.

ACTION	POLICY NUMBER	POLICY NAME	COMMENT	RELEVANT REGULATIONS
LPPs being revoked	<ul style="list-style-type: none"> • CP091 • CP098 • CP108 	<ul style="list-style-type: none"> • Residential Design Guidelines • Second-hand, Relocated and Transportable Dwellings • Application of Cl. 3.4.1 – Grouped Dwelling Requirements of TPS3 	<ul style="list-style-type: none"> • No longer applicable • No longer applicable • No longer applicable 	<ul style="list-style-type: none"> • Schedule 2, Part 2, Clause 6
LPPs subject to minor amendments for which advertising is not required.	<ul style="list-style-type: none"> • CP028 • CP030 • CP096 • CP097 • CP99 • CP102 	<ul style="list-style-type: none"> • Variation to Deemed-To-Comply Requirements of the R-Codes: Medium-Density Single House Development Standards (R-MD Codes) • Construction Of Outbuildings in the ‘Small Holding’ Zone Prior to Construction of a Dwelling • Sea Containers • Eaton Commercial Centre Design Guidelines • Display Homes – Development Standards • ‘R100’ - Southbank Development Guidelines 	<ul style="list-style-type: none"> • Adopted under Scheme Regulations • Adopted under Scheme Regulations • Adopted under TPS3 • Adopted under TPS3 • Adopted under TPS3 • Adopted under TPS3 	<ul style="list-style-type: none"> • Schedule 2, Part 2, Clause 5 (2)
LPPs subject to more significant amendments for which advertising is required.	<ul style="list-style-type: none"> • CP092 • CP100 	<ul style="list-style-type: none"> • Millbridge Estate – Special provisions • Ancillary Dwellings, Grouped Dwellings & Caretaker’s Dwellings – Small Holding and General Farming Zones 	<ul style="list-style-type: none"> • Update to reference current legislation (Scheme Regulations) and other minor modifications. • Significant changes to increase development control 	<ul style="list-style-type: none"> • Schedule 2, Part 2, Clause 4

ACTION	POLICY NUMBER	POLICY NAME	COMMENT	RELEVANT REGULATIONS
	<ul style="list-style-type: none"> • CP101 	<ul style="list-style-type: none"> • Outbuildings, Patios and Carports – Development Standards 	<ul style="list-style-type: none"> • Increased restriction of outbuilding size on smaller lots, no DA required with neighbour consent for reduced setbacks in Residential zone. 	

In terms of the required processes under the Regulations the following are relevant:

Schedule 2, Part 2, Clause 6

Revocation of local planning policy

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

- (i) is prepared in accordance with this Part; and
- (ii) expressly revokes the local planning policy;

or

(b) by a notice of revocation —

- (i) prepared by the local government; and
- (ii) published in a newspaper circulating in the Scheme area.

Schedule 2, Part 2, Clause 5

Procedure for amending local planning policy

- 1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- 2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Schedule 2, Part 2, Clause 4

Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

- (i) the subject and nature of the proposed policy; and
- (ii) the objectives of the proposed policy; and
- (iii) where the proposed policy may be inspected; and

- (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
- (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
- (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

In light of the above, the above noted policies are separated for Council resolutions.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Pursuant to Schedule 2, Part 2, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the following Local Planning Policies and**

places a notification to this effect in a newspaper circulating in the Scheme area:

- a) CP091 – *Residential Design Guidelines*
- b) CP098 – *Second-hand, Re-located and Transportable Dwellings*
- c) CP108 – *Application of Clause 3.4.1 – Grouped Dwelling Requirements of Town Planning Scheme No. 3.*

2. Pursuant to Schedule 2, Part 2, Clause (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* makes amendments to the following local planning policies as contained within the draft Council Policy Manual 2018 (Appendix SP: 12.1B) and determines such amendments are of a minor nature that do not warrant advertising.

- a) CP028 - *Variation to Deemed-To-Comply Requirements of the R-Codes: Medium-Density Single House Development Standards (R-MD Codes)*
- b) CP030 – *Construction Of Outbuildings in the ‘Small Holding’ Zone Prior to Construction of a Dwelling*
- c) CP096 - *Sea Containers*
- d) CP097 - *Eaton Commercial Centre Design Guidelines*
- e) CP99 - *Display Homes – Development Standards*
- f) CP102 - *‘R100’ - Southbank Development Guidelines*

3. Pursuant to Schedule 2:

- a) Part 2, Clauses (4) and (5) of the *Planning and Development (Local Planning Schemes) Regulations 2015* makes amendments to the following local planning policies as contained within the draft Council Policy Manual 2018 (Appendix SP: 12.1B) and advertises such policies as required:
 - i) CP092 – *Millbridge Estate – Special Provisions*
 - ii) CP100 - *Ancillary Dwellings, Grouped Dwellings & Caretaker’s Dwellings – Small Holding and General Farming Zones*
 - iii) CP101 - *Outbuildings, Patios and Carports – Development Standards*

- b) Pursuant to Schedule 2, Part 2, Clause 4(3)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council resolves to proceed with any of the draft local planning policies indicated in 3(a)i-iii without modification, if no submissions are received during the advertising period, without the requirement for the draft local planning policy to be brought back to Council for further consideration.
- c) Pursuant to Schedule 2, Part 2, Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council authorises the Chief Executive Officer to publish a notice of Council's decision to proceed with the local planning policy without modifications, in accordance with Resolution 3(b).
- d) Pursuant to Schedule 2, Part 2, Clause 4(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council instructs the Chief Executive Officer to bring a report back for Council's further consideration if any submissions are received during the advertising period for the advertised draft local planning policies indicated in 3(a)i-iii.

OFFICER RECOMMENDED RESOLUTION

THAT Council deletes all previous policies with the exception of Planning Policies that have been dealt with separately and adopts the following reviewed Council policies:

(Policies to be inserted following amendment/review at the Council meeting).

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15 PUBLIC QUESTION TIME

16 MATTERS BEHIND CLOSED DOORS

None.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday, 8 August 2018, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed.